

**BOARD OF ADJUSTMENT/PLANNING COMMISSION  
CITY OF LAKE SHORE  
CITY HALL  
MINUTES  
FEBRUARY 9, 2015  
9:00 AM**

Chairman John Ingleman called the meeting to order at 9:00 a.m. Members of the Commission present: John Ingleman, Roger Smeby, Kevin Egan, Tom Diemert and Alternate Pat Hastings; Council Liaison Earl North; City Engineer Dave Reese; City Zoning Administrator Teri Hastings; Mayor John Poston and City Clerk Patti McDonald. There were 2 people in the audience. A quorum was present and the Commission was competent to conduct business.

Election of Officers – Teri said typically nominations are made for the Chair and Vice-Chair positions.

KEVIN EGAN NOMINATED JOHN INGLEMAN FOR THE CHAIR POSITION. ROGER SMEBY SECONDED THE NOMINATION. JOHN INGLEMAN ACCEPTED. MOTION PASSED UNANIMOUSLY.

KEVIN EGAN NOMINATED ROGER SMEBY FOR THE VICE CHAIR OF THE COMMISSION. TOM DIEMERT SECONDED THE NOMINATION. ROGER ACCEPTED. MOTION PASSED UNANIMOUSLY.

Approval of the January 12, 2015 Regular Meeting Minutes - MOTION BY TOM DIEMERT TO APPROVE THE MINUTES FOR JANUARY 12, 2014 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**PUBLIC HEARING**

Variance – Kristi and John Bahnemann requested a variance to demolish an existing nonconforming structure on a nonconforming lot and to rebuild a 2116 square foot home and attached garage at a setback of less than 75' from Gull Lake, construct 296 square foot paver patio at a setback of 53 feet from Gull Lake. The property is legally described as Lot 4, Ozonite Park (site address is 8215 Harold Street) and is zoned Medium Density Residential (R-2).

The following documents became part of the record - Notice of mailing, notice of publication, signed application and attachments and staff report. There was one letter in opposition read into the record from Patrick Kline (8204 Harold Lane). Teri said the two neighbors' that had concerns at the December meeting have no further concerns.

Cindy Hidde from Stonemark Land Surveying was present to represent the Bahnemann's application. Cindy said that the Bahnemann's came before the Commission in December and have now moved the structure back to 63' from the OHW, reduced the size of the cabin, reduced the height of the cabin, reduced the size of the patio, reduced the rear sidewalk to 2-1/2', reduced the size of the garage, made the driveway 4' narrower; gutters will be added to the front, back and garage to route rainwater to 'pooling' areas.

Mark Langer, 1193 Esther Lane, asked if the structure meets the side yard setbacks. The structure does meet the sideyard setbacks. He asked about the lake setback and Teri explained the DNR setback rule and explained if it is less it would require a variance.

Tom Diemert asked if the structure will be set back at the same distance of the two neighbors'. Teri said it will be about the same. He asked if the home would be similar in size. Teri confirmed the homes would be similar in size too.

John Ingleman asked if Mr. Klines property went out to the lake too. Yes, his home is setback approximately 200' from the lake. Is the proposed home about the same height of the neighboring homes? Teri said they are.

Kevin Egan asked if there would be a wastewater inspection. The Engineer said they should work with the wastewater operator to ensure the integrity of the connection to city sewer. Kevin asked what should be considered if the home is allowed to be built closer than 75'? He said the homeowner has agreed to not build a sidewalk in the front of the house. Kevin didn't have any further suggestions.

Tom Diemert asked about the direction of the guttering. Cindy said it will be directed toward the one foot depression area as indicated on the site plan between the lake and the house. Teri said that a depression is easier to maintain, rather than a rain garden.

Kevin Egan asked if the shed will be removed. Yes, it will. He suggested they provide a stormwater plan agreeable to the Zoning Administrator. A water retention area is desirable when the home is allowed closer than 75' from the lake. Cindy Hidde said the stormwater plan is showing a runoff area; she said the runoff area is sized/created for a typical 1" rain event. The well will be located in the proximity of the neighbors well.

Dave Reese said that there was a comment about the driveway ingress and egress; which he referred to it in his report.

The City Engineer's indicated they have reviewed the application and offer the following comments:

- Sanitary Sewer -  
If the new home construction will require any modifications to the existing sanitary service or connection, the City's wastewater operator should inspect it to ensure the integrity of the connection.
- Impervious/Storm Water Runoff -  
The runoff calculations provided are based on 1" of runoff from the impervious surfaces. This is adequate in most instances for retention area design of the "first flush" for sediment control. The requirements of the City Ordinance performance standards for drainage appear to be met with this plan if runoff from the impervious areas is directed to the planned runoff retention area.
- Other Comments -  
Public Roadway Setback: The proposed orientation of the home and driveway provides in excess of 30 feet of driveway length within the lot. Parking area, sight distances, and safety of ingress/egress to and from the public roadway do not appear to be impacted by the roadway setback encroachment. No impact to the public right-of-way is apparent. Therefore, no mitigative measures appear to be necessary in this case.  
Lake Setback: Common and current mitigative measures in the case of lake setback encroachment are to require runoff retention and/or shoreland restoration as conditions

of variance approval. Retention has been proposed by the applicant, and is anticipated to be completed if the variance is approved. Impacts to the shoreline, due to the encroachment, might warrant mitigation if this is a concern of the Commission. Such measures typically include restoration of vegetative buffers, no-mow zones, additional vegetative screening, limitations on shore development (i.e. beach development, rip-rapping, etc.). The Commission should determine if such measures are warranted for this property as a result of the reduced setback and maximized impervious coverage.

Teri's staff report indicated the following: The applicants have resubmitted their variance application which was originally heard in December. The applicants are requesting a variance to demolish the existing nonconforming structure and to rebuild a 30'x50' two story home with a 22'x28' attached garage and a lakeside patio. The proposed home would be at a setback of 63' from Gull Lake. The majority of the existing dwelling is at a setback of 51 feet from the lake. The proposed patio is 53 feet from the lake which is the minimum setback. One corner of the garage will encroach into the right of way setback by approximately 6 feet. The proposed home will meet the sideyard setback of 15'.

The applicants have made some changes to their plans. The size of the home and garage has been reduced in size along with the roof height being decreased. In addition, the proposed home has been moved back 12' further from the lake and the patio has been reduced in size as well. The impervious coverage has been reduced by 10% to meet the ordinance maximum amount of impervious surface.

The lot is a nonconforming lot with a lot area of 12,411 square feet and only 75' of shoreline. The existing amount of impervious surface is 12.1% and the proposed amount of impervious surface is now proposed at 25%. A stormwater plan is required when the amount of impervious surface is between 20-25%. The applicant has reduced the width of the driveway by 4 feet and the sidewalk to help reduce the amount of impervious surface. The applicant indicated they would not have a sidewalk to the lake.

The survey does show a proposed run off area on the lakeside of the home. Runoff calculations are also provided on the survey which the city engineer will comment on as to whether or not it is sufficient. There is also a notation on the survey indicating gutters will be used on the home. Gutters will help with directing the runoff.

The applicant is also proposing a home with a second story. Elevation drawings have been submitted. The home will not have a full second story but rather a story and a half which should fit into the neighborhood better. The roof height has been decreased by 7 inches from their last submission. The home at 8242 Harold Lane is a full two story (Teri shared pictures and elevations for comparison).

The property is served by city sewer. The survey does denote the location of the step station (part of the city sewer system) to the west of the proposed driveway. The proposed home location does not interfere with the step station. The survey does not indicate a well location. Records at city hall do not indicate a well location and based on the age of the structure it is served by a shallow well (this has been verified by the applicant/owner). A new drilled well would be needed. The survey does not indicate a proposed well location. A logical location for the well would be nearby the neighbor's deep well on the east side of the property. A well driller has not been to the site to verify that this is an acceptable location. If the variance is approved; a condition of an acceptable drilled well location documented prior to the issuance of the building/zoning permit.

It should be noted there is a shed located in northeast corner of the property. The survey indicates the shed is to be removed. Any approval given should include removal of the shed.

**STAFF RECOMMENDATION**

Recommend approval of the variance application with noted condition. There are practical difficulties with the property that necessitate a variance due to the lot size which was created prior to current regulations. The applicant has revised the plan to comply with the impervious coverage limits and reduced the size of the home and garage (slightly). By increasing the setback from the lake, it should lessen the impact on the adjacent properties.

**MOTION BY KEVIN EGAN TO APPROVE THE REQUESTED VARIANCE FOR JOHN AND KRISTI BAHNEMANN AT 8215 HAROLD STREET; WITH THE CONDITION THAT THE BAHNEMANN'S SUPPLY AN APPROPRIATE WASTEWATER INSPECTION PLAN, A STORMWATER PLAN AND WELL LOCATION APPROVED BY THE PLANNING AND ZONING ADMINISTRATOR. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

**NEW BUSINESS** – Teri said our newly elected Mayor left a council position open and Earl North was appointed to the open council seat. Earl has submitted his resignation to the Planning Commission board. Glen Gustafson has submitted an application expressing an interest in a position on the Planning Commission. Earl said that Glen is well informed and thoughtful man and would be a good addition to the Planning Commission. Kevin Egan said that he spoke with a few people; they say Glen is a well-regarded attorney and comes to the Commission with good references. Teri said Glen has been before the Commission for a Cartway approval; he has been before the Commission representing the Church and feels he would do a fine job on the Planning Commission. We could leave it up to Glen if he wants to be an alternate or full time member. Pat Hastings would prefer to stay on the Planning Commission as an Alternate.

**MOTION BY KEVIN EGAN TO ACCEPT THE RESIGNATION OF EARL NORTH FROM THE BOARD OF ADJUSTMENT/PLANNING COMMISSION. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY WITH REGRET.**

Earl has been appointed to the position of the Council Liaison to the Planning Commission. He would only vote if there is a tie breaking vote. He will no longer make any motions. He will share with the Commission the concerns that may be directed to them from the City Council.

**MOTION BY KEVIN EGAN TO RECOMMEND TO THE CITY COUNCIL THE APPLICATION OF GLEN GUSTUFSON TO FILL THE OPEN POSITION ON THE BOARD OF ADJUSTMENT/PLANNING COMMISSION. ROGER SMEBY SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

Teri said the Commission members received a letter regarding a light at Sherwood Forest Lodge. She went to view the light and found that the light is a downcast light; she would have to look at the light during the dark hours to determine if the light is causing a problem. John Poston said he does keep the lights off when there isn't an event. He said that most businesses have sodium vapor lights and he chose to purchase downcast LED filtered lighting. Mr. Smith has a cabin more toward Lake Margaret and he has a fire pit between his cabin and garage that he feels as if they have a spotlight shining on them and a tremendous glare throughout his property.

Earl said that this lighting has very sharp cutoff on the sides and is probably the best fixture that could be used for this area. He said a visor could be used; however, lighting at a business is for security and would be less effective.

Pat Hastings asked if the lighting standard is the same for commercial and/or residential. Teri said she hasn't found that it would be. Disregard to city's lighting standard would be more apt on the residential side.

John Poston said the lighting was put in for parking lot safety and they face to the east; with one light facing down at the dumpster area. Teri said there were two coach lights on the bride's cabin that faced Lincoln Green direction. John said that the bride's cabin would most likely be used during the daytime hours. He said that the dumpster light is approximately 300 yards from the Kline's fire pit. John Ingleman asked if the light is shut off after the event. John Poston said they are shut off after the event.

Teri will coordinate an evening where John will have the lights on and the Commission members can drive by so they can make comment.

#### **OLD BUSINESS -**

Apartments/PUD's – Teri said that at the last meeting it was suggested that Kevin Egan and Teri work on an amendment to the zoning ordinance. She and Kevin would like to set up a subcommittee to review this project to see if they feel it would be in the best interest of the city to amend the ordinance to allow apartments in the city. The subcommittee will consist of Teri, Kevin and Tom from the Planning Commission and Earl will represent the Council. John Poston said that the property where the apartments have been requested to be built is down Waseya Woods Road; half the property being in Nisswa. The purchase of the property hasn't been verified. Teri said with current zoning the city of Nisswa wouldn't allow an apartment on this property.

#### **REPORTS**

City Engineer – Dave Reese said that Teri has asked WSN to redo the city's zoning map.

Chairman – John Ingleman had nothing to report.

Council Liaison – Earl North had nothing to report.

Zoning Administrator – Teri Hastings said there is no meeting in March.

**PUBLIC FORUM** – There was no public forum.

**MOTION BY ROGER SMEBY TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF FEBRUARY 9, 2015 @ 9:51 AM. TO DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

Transcribed by Patti McDonald  
Lake Shore City Clerk