

**BOARD OF ADJUSTMENT/PLANNING COMMISSION  
CITY OF LAKE SHORE  
CITY HALL  
MINUTES  
SEPTEMBER 13, 2010  
7:00 PM**

Commission Chair Earl North called the meeting to order at 7:00 p.m. Members of the commission present: Earl North, Dave Baldwin, Dick Miles, Lee Martin; Mark Nelson; Council Liaison Susan Amacher; City Engineer Mark Hallan; Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Alternate Tom Diemert was available in the audience. There were 3 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY LEE MARTIN TO APPROVE THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MINUTES FOR JUNE 14, 2010 AS PRESENTED. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

**PUBLIC HEARING**

Conditional Use Permit - Dan Miller of Miller Construction of Crosslake requests a conditional use permit to construct an eight-foot high fence one foot onto his property along the northerly side of the property. The fence will be approximately 200 feet in length and be constructed out of cedar. The property is described as Lot 1, Block 1, Paul Bunyan Acres (site address is 8521 Birchwood Hills Road). The property is zoned Medium Density Residential.

The following documents became part of the record – Notice of mailing, notice of publication, notice of public hearing, signed application and attachments and staff reports. There were no written comments received. Teri had one phone call from Chuck Grillo; he asked about the appearance of the fence and didn't have any complaints at all.

Dan Miller of Miller Construction came before the commission to explain his application. He is the current owner and will sell the home soon. The fence is constructed with 1" X 8" vertical cedar and will be constructed at one-foot minimum on the Miller property. The utility meters will be moved to the Miller side of the fence. The fence will not be painted, but will turn grey from weathering.

Teri Hastings staff report indicated the following: The applicant is proposing to construct an eight foot high fence approximately 200 feet in length along the northerly property line. The applicant is proposing to construct the fence out of cedar materials. A drawing and survey of the property are attached.

A conditional use permit is required since the proposed fence will be overt the normal height limit of six feet. The proposed fence would be behind the top of the defined bluff and more than 10' from the edge of the roadway. Teri doesn't believe the fence would pose a safety hazard for drivers or adjacent property owners. The fence would not be easily visible from the lake.

The ordinance requires the "good" side of the fence to face the abutting property owner and if the fence is within two feet of the property line, the abutting property owner may finish the side of the fence.

The applicant has stated the adjacent property owner is in agreement with the fence. Notification has been sent to all property owners within 500 feet of the Miller property.

Mark Nelson thanked Dan for bringing something in front of the commission as there hasn't been a meeting for three months. The commission had no concerns with the application.

MOTION BY MARK NELSON TO APPROVE THE CONDITIONAL USE PERMIT FOR DAN MILLER TO CONSTRUCT AN 8-FOOT HIGH FENCE PER SITE PLAN PROVIDED AS IT IS AN APPROPRIATE USE WITHIN THE R-2 DISTRICT, WOULD BE COMPATIBLE WITH THE AREA AND WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, DECENCY, ORDER AND COMFORT. THE FENCE SHALL BE A MINIMUM OF 10-FEET FROM THE EDGE OF THE ROADWAY AND NOT CONTINUE INTO THE TOP OF THE BLUFF; AND MEET THE 75-FOOT SETBACK. THE FENCE SHALL NOT CONTAIN BARBED WIRE OR BE ELECTRIFIED. THE FENCE SHALL BE KEPT IN GOOD REPAIR. LEE MARTIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Chris Bush said that there are more of kids in the neighborhood and he would like to see a sign put up stating there are children at play. Teri said she would talk to Jim Thomes about putting up a sign.

**NEW BUSINESS** – There was no new business.

**OLD BUSINESS** – There is no old business.

#### **REPORTS**

City Engineer – Mark Hallan had nothing to report.

Chairman – Earl North had nothing to report.

Council Liaison – Susan Amacher had nothing to report.

Zoning Administrator – Teri Hastings said that the commission had previously talked about stormwater standards and she suggested to wait until the Micropolitan commission is complete with theirs.

**PUBLIC FORUM** – Dick Miles asked about the noise complaints that were discussed at the last meeting. Teri said there have been complaints throughout the summer by a resident and it is not resolved yet. The Police Chief and an Officer went over to the property on Labor Day weekend and found that the car traffic going by was louder than the bass of the music from Zorbaz.

MOTION BY LEE MARTIN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 13, 2010 @ 7:17 PM. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald  
Lake Shore City Clerk