

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
NOVEMBER 8, 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 and Dick Miles; Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Commission Members Mark Nelson and Lee Martin; Council Liaison Susan Amacher; City Engineer Mark Hallan and Alternate Tom Diemert were absent. There were 2 people in the audience. A quorum was present and the Commission was competent to conduct business.

MOTION BY DAVE BALDWIN TO APPROVE THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MINUTES FOR SEPTEMBER 13, 2010 AS PRESENTED. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

Variance - Barbara Huso requested a variance to construct a 12'x26' addition onto the existing detached garage at a setback of 11-feet (closest point) from the easterly side lot line. The applicant also plans to add additional living space above the garage. The garage does meet the setback from the lake and the road right of way. The property is described as Lot 12, Block 3, Auditor's Plat of Rocky Point (site address is 1448 Rocky Point Trail). 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.

Jim Rardin and Jay Rardin, Rardin Construction, 10990 County 77 SW, Nisswa came before the commission to represent Barbara Huso's application for variance. Jay said the existing trusses would be removed and second story trusses would be added. A stairway would be added that would have a deck at the top with a roof covering it and it wouldn't be screened in.

Teri said that the survey doesn't show the covered deck on the proposed garage, but it appears not to encroach into the setback.

Dick Miles was concerned about the septic system and that was answered. Dave Baldwin and Earl North didn't have any concerns.

The City Engineer's staff report indicated the following: Well and ISTS system (septic tank drain field) information is not shown on the Certificate of Survey. Location of these items should be shown on site survey for documentation that excavation required for the addition foundation will not impact these items. This addition includes a living area with a full bathroom and kitchen area. Is the current ISTS system sized properly to handle the additional peak daily flows? Peak daily flows will likely be in the 80 to 100 gpd range (no laundry facilities) for this new addition. Confirmation that the existing ISTS system is properly designed and constructed to handle the additional flow should be provided from a licensed ISTS designer. If the certificate of compliance on file addresses the additional flows then everything is in place. *Teri said the*

existing drainfield is rock and is to the west of the garage. The additional capacity has been addressed. A tank was added at the site that would service the garage.

While the impervious surface percentage is well below the allowable 20% there is likely some compacted surfaces between the garage doors and Rocky Point Road. The surveyor should have shown the area compacted by vehicles on the certificate of survey and allowed for some impervious surface. *Teri said that even with this calculation added, the impervious surface would not exceed the 20% allowed.* Area of the roof overhang covering the outside landing and stairs shown in the drawings is not included in the impervious coverage amounts. This roof area is over 100 square feet and the floor plan shows a permanent foundation under this outside stair and landing area.

Teri's staff report indicated the following: The applicant is requesting a variance to construct a 12'x26' addition onto the northerly part of the existing detached garage. The existing garage currently encroaches into the sideyard setback (setback of 11 feet). The existing garage is 26'x26'. The proposed addition to the garage will have a setback of 13 feet. The applicant is also proposing to construct a second story over the existing garage. The addition to the garage will meet the lake setback and the setback from the road right of way, which is 30 and not 35 as labeled on the survey.

The lot is 120 feet in width and has an area of 30,000 square feet. Two dwellings currently exist on the property both are used for residential purposes although the log dwelling is only seasonal (no heating). Both dwellings encroach into the 75-foot lake setback and one encroaches into the sideyard setback.

The property will not exceed the amount of impervious surface allowed by ordinance (20%). The property with the proposed garage addition will have 14.2% of impervious surface.

The garage was constructed in 1986 and the dwelling labeled house on the survey was reconstructed with a variance in 1987 (first home destroyed by fire).

A certificate of compliance has been completed and is on file.

The proposed second story will not exceed the height limit. Elevation drawings have been submitted.

MOTION BY DICK MILES TO APPROVE THE VARIANCE REQUEST FOR BARBARA HUSO AT 1448 ROCKY POINT ROAD TO BUILD A 12' X 26' ADDITION ONTO THE NORTHERLY PART OF THE EXISTING DETACHED GARAGE; THE VARIANCE IS RELEVANT TO A SETBACK OF 13-FEET FROM THE SIDEYARD. THE ADDITION SHOULD BE BUILT TO THE SPECIFICATIONS ON THE CERTIFICATE OF SURVEY DATED 10/4/10 AND THE DRAWINGS INCLUDED WITH THE APPLICATION. STRICT ENFORCEMENT OF THE ORDINANCE WOULD CREATE UNDUE HARDSHIP. THE DEVIATION FROM THE ORDINANCE WOULD STILL BE IN KEEPING WITH SPIRIT AND INTENT OF THE ORDINANCE. DAVE BALDWIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Outdoor boat storage – The property in question with outdoor storage is zoned Rural Residential/Agricultural property. Teri read from the ordinance that outside storage is allowed in this zoning classification. As the language exists the outdoor storage conforms to the zoning ordinance; the zoning ordinance could be looked at for clarification. Dave Baldwin asked if you have land could you just put up a structure and start a business. Teri said that a convenience store

would not be acceptable, but the zoning ordinance does allow for storage and/or storage buildings without a conditional use permit within the Rural Residential/Agricultural District.

Planning Commission Terms – There are four commission members that have their terms expiring in 2012. Teri suggested staggering the expiration dates to have two expire in 2012; two expire in 2013 and one in 2014. Dick is the lone 2013 expiration so he could be moved to 2014. Dick agreed to extend his term one year. The members that were present agreed to wait until all the members are present to determine the expiration dates.

OLD BUSINESS – There is no old business.

REPORTS

City Engineer – Mark Hallan was absent.

Chairman – Earl North had nothing to report.

Council Liaison – Susan Amacher was absent.

Zoning Administrator – Teri Hastings said that Dave had a concern with the Lake Margaret results of the TMDL. She explained that the results came from the secchi disc readings from last year; the current readings are recorded at city hall and turned into the state at the end of the season. Earl said it is a long process to remove the lake from the impaired list. The TMDL has received approval from the EPA.

PUBLIC FORUM – There was no public forum.

MOTION BY DAVE BALDWIN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF NOVEMBER 8, 2010 @ 7:30 PM. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk