

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
CITY HALL
MINUTES
JANUARY 10, 2011
7:00 PM**

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

MOTION BY DICK MILES TO APPROVE THE MINUTES FOR NOVEMBER 8, 2010 BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MARK NELSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING – There were no public hearing agenda items.

NEW BUSINESS

Lot Split - Tom Spicola requested a lot split to create two lots. The property is zoned R-2 and R-1 (Medium density residential and low density residential). The lot size for the R-2 district is 30,000 square feet and 100 feet of shoreline. Within the R-2 district 15,000 square feet of the proposed lot needs to be buildable land. The lot area needed for the R-1 district is 40,000 square feet with 20,000 square feet of buildable area. Tract A and B exceed these requirements.

Tract A has a small cabin, two smaller outbuildings along with a pole shed. Tract B contains a home, garage, shed and boathouse. There are currently two septic systems serving the cabin (tract A) and the house (tract B). The septic systems are not shown on the survey but drawings are on file with the last compliance inspection dated November 2007 along with the original installation information. In December 2010 a septic system was installed for the pole barn since it will have wash basin. A new home is planned for Tract A in the spring. I have been in contact with the septic installer and preliminary site evaluation work has been done for the site. There is plenty of area and good soil. Soils are sand with some sandy loam for 84 inches.

The property does not contain any bluffs. It is heavily wooded with pine.

All lot corners have been monumented; a licensed surveyor has prepared the survey. Legal descriptions for the tracts have been prepared.

Structures located within 50 feet of the property have been located.

The survey shows the building envelope for each tract along with the exception of the 30 setback from the identified wetlands. Wetlands are shown on the survey but do not need to be delineated if the proposed lot is 10 acres or more in size.

Lee Martin asked the difference in the residential zoning districts. Teri explained the difference for Lee. He asked about the land use matrix regarding accessory structure size. He said it's stated that they can be 1% larger of a lot of certain size; he thinks it should be clearer as to what is allowed. Teri said that it is lot area and will mark it down for further review. He asked about the

outhouse on the property. Teri said they are still an allowable use and recognized by the state in Chapter 7080. There is a shed on tract B within the sideyard setback. Teri said that there is one on tract A also. Lee doesn't think the committee should approve with a non-conforming condition.

Mark Nelson asked about the land to west. Sandy Beach Resort owns it. He agrees with Lee about the sheds on the lot line being brought into compliance. Teri said it could be a condition of approval to move the sheds. Earl stated that the site plan is a graphic representation and asked if the shed actually encroaches on the lot line. Teri said at the site visit it was obvious that it was close to the lot line. Mark asked if there was anything in the way that wouldn't allow the shed to be moved 5 feet. Teri didn't think there was. Mark asked about an alternate site for a septic system. It will have to be sited when a permit is pulled for a dwelling. There was a septic permit for the pole storage shed.

Tom Diemert asked where the primary structure would be located. Teri explained the position of the proposed structure being approximately 150 feet back from the lake. Tom asked if both lots have enough lakeshore. Teri said they did.

MOTION BY LEE MARTIN TO APPROVE THE TOM SPICOLA LOT SPLIT AT 9536 INTERLACHEN ROAD PER SITE SURVEY DATED 12/14/2010 AS THE LOT SPLIT IS IN COMPLIANCE WITH THE CITY'S ORDINANCE. TOM DIEMERT SECONDED THE MOTION. MOTION PASSED UNANIMOUS.

Micropolitan planning effort – The first phase of the micropolitan planning project has recently concluded with Earl North commenting on the planning portion of the project at a ceremony that was held December 20th in Nisswa. Teri included the stormwater model standards, planning definitions and the residential development model standards that are an outcome of this project. She asked the commission to review these documents and to discuss them in relation to our ordinances in the coming months. She pointed out how the little differences in the area ordinances can instigate a change. Lee asked if they were looking at things that could possibly replace our standards. Teri answered that it possibly could. Earl explained that this has been going on for approximately three years and has been a cohesive process between all entities involved.

Teri said there is a stormwater standard session on March 30th and Planning Commission members are encouraged to attend. Earl wanted to recognize Tim Ramereth's efforts in managing the technical engineering side of the stormwater management process. He said that Teri has had some concerns about the city's particular take on stormwater management and perhaps the commission is reacting in the wrong way and using the wrong application to fix it. Teri said in the past the Planning Commission knows that stormwater is important, but the ordinance isn't direct in how the standard should be applied. She explained that the normal rainfall is approximately one inch and the ordinances talks about a hundred year rainfall; and for a residential property that is a lot to deal with. She said maybe the commission might be better off using an everyday event approach. She also stated that there is concern as to when to get and engineer involved. Mark Hallan said that they do stormwater plans for all of their projects as required by the state. He also said that for 75% to 90% of the lots a good landscaper can put together a plan that meets the intent of protecting the waters in Minnesota.

OLD BUSINESS

Exterior storage standards – At our last meeting we discussed possibly amending the exterior storage standards, however, upon further review of the ordinance the visual standards screening may alleviate the need for amendment. Teri included the portion of our ordinance dealing with visual standards; which may address Lake Shore's concerns. There is additional language

concerning exterior storage from the City of Rochester if the commission wishes to make some changes. Earl said that a starting point could be to notify the businesses or landowners where this concern could potentially happen.

Tom Diemert asked if someone had a complaint about wrecked cars in their yard. Teri said they are required to be licensed or be stored inside. Mark Hallan said that ordinance enforcement is mainly driven by complaints.

Mark Nelson asked if Dave Loch is still the zoning inspector. Yes, he is and Teri did issue a home permit in December to give him something to check on. There was some activity this fall for Dave to check. Teri explained the process that Dave follows after a permit has been issued.

7.6 Visual Standards – Screening

- 1. General. No use shall create, maintain or continue any activity or structure, which has a strong negative visual impact or offends the morals or violates the standards of the City.*
- 2. Where any business or industry is adjacent to property zoned residential or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.*
- 3. Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing and screening the activity on the commercial or offending use property, assuming off-leaf conditions.*
- 4. Screening may consist of dense evergreen plantings 8 feet or more in height with 100% visual obstruction, wood walls with 100% obstruction, a building wall consisting of esthetically pleasing materials (with no signing) or similar structures. All structural elements shall meet required setbacks.*

Term expirations – First order of business to elect a chairperson for the Board of Adjustment/Planning Commission.

MOTION BY MARK NELSON TO NOMINATE EARL NORTH AS THE CHAIR PERSON OF THE BOARD OF ADJUSTMENT/PLANNING COMMISSION. LEE MARTIN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

MOTION BY DICK MILES TO NOMINATE LEE MARTIN AS THE VICE CHAIR PERSON OF THE BOARD OF ADJUSTMENT/PLANNING COMMISSION. MARK NELSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

There are four committee members that expire in 2012. Dick Miles was asked to extend his term to expire in 2014 rather than 2013. The suggested correction for this could be two terms that expire in 2012 and two expire in 2013. The alternate position would move up to one of the 2012 open positions.

2012 – Earl North and Lee Martin
2013 – Dave Baldwin and Mark Nelson

REPORTS

City Engineer – Mark Hallan has nothing to report.

Chairman – Earl North has nothing to report.

Council Liaison – Susan Amacher has nothing to report.

Zoning Administrator – Teri Hastings said that in the old ordinance the animal units allowed were 1 per acre and now it is .5 per acre; she has been approached by a person that would like to establish a horse arena. He is working with a neighboring property to secure enough land by lease to be in compliance with the city or reduce his proposed animal total. The arena will be 60' X 150'. Earl would like an opinion from the city attorney as to consequences of issuing a Conditional Use Permit that has an unenforceable contingency on it. Tom Diemert said that the leased land would have to be pastured land and not wooded. Mark Hallan said that the land would have to be adjacent and the intent of the ordinance would be to lease the same zoning classification.

Bar Harbor Restaurant is looking at putting in gas pumps and additional dockage. Teri isn't sure where the gas would be located, but assumes that it would be with the additional docks. She suggested that an amended conditional use to allow more docks. The MPCA is involved with the gas pumps.

PUBLIC FORUM – Ryan Amacher wanted to know if white porcelain toilets are more offensive than junk cars.

MOTION BY LEE MARTIN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JANUARY 10, 2011 @ 8:10 PM. DICK MILES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk