

**City of East Gull Lake  
Planning and Zoning  
Regular Meeting**

March 31, 2015 – 6:30 PM

**I. Call to order**

Bruce Buxton called to order the regular meeting of the City of East Gull Lake Planning and Zoning meeting at 6:30 PM on March 31, 2015 at City Hall.

**II. Pledge of Allegiance**

**III. Roll Call**

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Paul Tollefson, Nate Tuomi, Eunice Wiebolt

Staff Present: City Administrator Mason

Audience: Jeff Hanson/HyTEC, Carol Demgen, Rocky Waldin

**IV. Adoption of Agenda/Additions or Deletions to the Agenda**

**8g SSTS 7080 Ordinance 2015-01 Amendment**

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to approve the agenda as amended. Passed unanimously**

**V. Public Hearings**

**A. 87-408-0140, John and Joann Hillen Variance request**

Administrator Mason read the notice public hearing for a variance request for the **John and Joann Hillen** property described as Lot 14 Sylvan Shores Development, PID# 87-408-0140, located at 1787 Sylvan View Drive. An application was submitted to request a variance to add second floor guest accommodations on to the pre existing garage on property, along with a small stairway and small entry deck. A variance is required based upon a pre-existing variance being in place and enhancing the non-conforming structure that is approximately 14 feet from the Ordinary High Water (OHW) of Sylvan Lake. The property is located in the R-3 zoning district and contains 36,771 square feet, riparian to Sylvan Lake (General Development (GD)).

*Findings and Conditions/Approve*

**Findings:**

1. A variance is required to enhance and enlarge the existing garage for guest quarters. It was originally constructed with a Variance in 2002 because it was closer than 50 feet from the lake (as a result of a man made harbor that was created sometime in the 1960's).
2. The plans for the garage include removing the current roof and adding a second story for guest quarters. In addition, an outside stairway will be added as well as a small 8' x 14'8" entry deck for access to the second floor. Proposed additional impervious coverage is 145 sq. feet with a new total impervious coverage of 21.82%
3. A stormwater plan was required with the first variance.
4. Trees and other natural screening are already in place to obscure the view from neighboring properties.
5. The size of the proposed structure is not excessive and does not contradict the purpose of the comprehensive plan of which the relevant portions are to protect the area's lakes from damage and degradation and preserve and enhance the scenic beauty and natural plant communities of the area.
6. The configuration and size of the lot limits placement options at the required setbacks.
7. There is nothing to indicate that the proposed structure will not be compatible with the existing neighborhood.

8. There is no evidence or information that the proposed structure will harm or be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City of East Gull Lake.
9. There is no reason, evidence or information to conclude that the proposed structure will be injurious to the use or enjoyment of other property in the immediate vicinity or that it will in any way substantially diminish or impair values in the immediate vicinity.
10. There is no reason, evidence or information to conclude that the proposed structure will impede or in any way effect the normal and orderly development and improvement of vacant property in the neighboring area.

**Conditions:**

1. The size of a second floor of 26 x 32 along with a stairway 3'8" x 12'8" and a entry deck of 8 x 14' 8", height to peak of 24 feet and configuration of the structure as submitted on plans dated 02/19/15 and 2/24/15 are adopted and shall be implemented without significant variation.
2. Any material resulting from construction or demolition not reused or recycled must be disposed of in a permitted facility.
3. During construction a sediment retention fence shall be erected between the garage and the lake prior to the commencement of construction to prevent run off into Sylvan Lake.
4. No run-off to the lake or adjoining properties is permitted. It has been determined by EGL staff, run-off shall be directed by gutters from the garage to a water retention structure such as a rain garden to retain and prevent run-off to the lake and adjoining properties. All new gutters and stormwater from the garage shall be directed to the rear of the northwest corner of the garage and a small depression or rain garden shall be created to retain rainwater from running to the lake.
5. The property owners shall maintain the stormwater retention areas in perpetuity so that they maintain their design capacity.
6. Require a realistic, acceptable Stormwater Plan prior to Council passing the variance.
7. Require connection of the new living quarters in the garage to City Wastewater System

Administrator Mason discussed the staff recommendations. Discussion ensued regarding the original variance when the residence was constructed. It was noted that the original stormwater plan was not completed, causing run-off to go directly into the lake. It was noted that the design was completed but physical application was not.

Jeff Hanson addressed the Commission in behalf of the John and Joann Hillen. He noted that the only addition to impervious would be the stairs and landing. He stated that the stormwater issue from the previous variance would need to be addressed, knowing what he knows now.

Chair Buxton asked that the Commission review the actual house plans.

It was noted that the impervious coverage is within the limitations as long as there is a stormwater plan in place.

Commissioner Wiebolt asked about the gutters. It was noted that they will be satisfactory as long as a acceptable stormwater plan is in place. Chair Buxton stated that the plan presented as a stormwater plan is not really a viable plan due to the nature of the lay of the land. He also stated that the stormwater plan should have the water directing into a rain garden that will keep the water from running into the lake. Discussion ensued regarding the photos of the property and how a stormwater plan should be implemented. Chair Buxton noted that since the original stormwater plan was not implemented, and because it would not work anyway, the Commission should require a realistic, acceptable stormwater plan. It was also noted that the verification of the property lines would be beneficial.

It was noted that the stormwater plan will be emailed to the Commissioners before the Council meeting on April 7, 2015 as one of the Conditions. It was noted that the garage would be required to connect to City Wastewater as another condition.

**Motion by Commissioner Tuomi and seconded by Commissioner Halvorson to approve the variance for the Hillen property with the additional recommendations of the updated stormwater plan and the requirement of connection of the garage living quarters to City wastewater. Passed unanimously**

**VI. Approval of Minutes**

**Motion by Commissioner Wiebolt, second by Commissioner Halvorson to approve the minutes of the February 24, 2015 meeting.**

**VII. Open Forum**

None

**VIII. Planning and Zoning Administrator's Report**

**A. Permits**

Five (5) new permits since last meeting; one Variance  
Administrator Mason addressed the Commission regarding the new permits, showing photos of the properties from the original site visits. The Giza, Gylling and Dore properties were discussed.

**B. Inspections/Site Visits**

18 completed site visits  
Administrator Mason discussed the site visits that were completed during the last month, showing photos that were relevant.

**C. Potential Permits**

11 potential permits  
Administrator Mason addressed the Commission regarding the potential permits. The Tollefson project was discussed and the situation with connection to City Sewer. The Harstad development was discussed. It was noted that the issue was going to be marina, whether the DNR is going to allow it or not.

**D. Correspondence**

350 ft. buffer residents for Hillen Variance; Seven (7) Completion letters

**E. Violations/Complaints/Enforcement Actions**

Administrator Mason noted that it appeared that the Benson property has a storage building on the property with no main structure, which is against City Code. He gave the history of the property and when the building was built. It was noted it was discovered that there is actually a sewer system on the property. Since the City does not complete building inspections, the fact that the building does or does not have living quarters in it is not known. Chair Buxton noted that it is not something the Commission needs to deal with at this time.

**F. 2013 – 2014 Permit Updates**

No significant changes for 2013  
Several completions for 2014

**G. Ordinance 2015-01 – SSTS 7080 Amendment**

Administrator Mason went over the SSTS Ordinance change. He noted that he thought he needed to take this issue to the Council, but Superintendent Jasmer advised him to bring it to the Planning Commission first. Because of that, it was not included in the packet sent to the Commissioners. Chair Buxton noted that he was not comfortable adopting something without being able to take the time read it first. He noted that he would like to table the issue until next meeting to allow the Commission to review the amendment.

**Motion by Commissioner Halvorson to table the approval to Ordinance 2015-01 – SSTS 7080 amendment until the April 28, 2015 meeting.**

**IX. Old Business**

**A. Progress on the City Comprehensive Plan**

Discussion ensued regarding Section I. Commissioner Wiebolt summarized the changes she made. She noted that the original was quite redundant. She asked the Commissioners to read the changes she made and give their feedback. It was noted that Section II was handed out for review. Commissioner Buxton noted that the changes that are made should be sent out via email to the Commissioners before the meeting for review.

**X. New Business**

Note

**IX. Adjournment**

**Motion by Commissioner Tollefson and seconded by Commissioner Halvorson to adjourn. Passed unanimously.**

Respectfully Submitted,

Robert Mason  
City Planning & Zoning Administrator  
RM/kas

These minutes are paraphrased and are not written word for word.