

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, October 30, 2018 – 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Additions or Deletions to the Agenda /Adoption of Agenda
5. Approval of Minutes
 - a) September 25, 2018 Regular Meeting
6. Public Hearing
 - a) Variance 2018-62: Herm and Carolyn Schley
7. Open Forum*
8. P&Z Administrator’s Report
 - a) Statistics

New Permits:	13
New Variances:	1
New Conditional Use:	0
Potential Permits:	5
Inspections:	41
Completion Letters:	13
New Violations:	0
Total 2018 Permits to date:	76

- b) 2013, 2014, 2015, 2016 & 2017 Existing Permits Update
 - One remaining open 2013 permit: Owen Trout garage
 - One remaining open 2014 permit: Thomas Deans shed
 - One remaining open 2015 permit: Gerald Lind addition and garage
 - Three remaining open 2016 permits
 - Five open out of 76 2017 permits
9. Old Business
 - Zoning Updates
10. New Business
 - None
11. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

***OPEN FORUM** allows the public to speak to the Committee regarding issues that are not on the agenda.

Prepared by East Gull Lake Administrative Assistant
Kathy Schack

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

Tuesday, September 25, 2018 – 6:30 PM

I. Call to order

Vice-Chair Paul Tollefson called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, September 25, 2018 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Vice-Chair Paul Tollefson, Commissioners Marty Halvorson, Nate Tuomi, Eunice Wiebolt, Rocky Waldin

Absent: Bruce Buxton

Staff Present: City Administrator Mason, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Rosemary Susens, Glen Kraemer

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

Motion by Commissioner Wiebolt and seconded by Commissioner Tuomi to approve the agenda as presented.. All present voted in favor thereof. Motion carried.

V. Approval of Minutes

Motion by Commissioner Tuomi, second by Commissioner Wiebolt to approve the minutes of the Tuesday, August 28, 2018 meeting. All present voted in favor thereof. Motion carried.

VI. Public Hearings

None

VII. Open Forum

Glen Kraemer, 11270 Leewood Lane, addressed the Commission regarding the ability to build a garage on his property. He noted that he already has a detached garage and the pole shed he would like to build would exceed the allowable square footage. The commission noted that they could not allow the size that he was asking even in a variance, but would consider a smaller alternative. It was noted that he could add an attached garage to his home and increase the size of the detached garage without a variance. He noted that the private septic system is in the area where he would add a garage to the house. There were no decisions made and he will think about what he wants to do.

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	13
New Variances:	0
New Conditional Use:	0
Potential Permits:	6
Inspections	41
Completion Letters:	10
New Violations	1
Total 2018 Permits to date:	63

B. 2013, 2014, 2015 & 2017 Existing Permits Update

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permit: Thomas Deans shed
- One remaining open 2015 permit: Gerald Lind addition
- Five remaining open 2016 permits
- 19 open out of 76 total 2017 permits

Administrator Mason reviewed the inspections that took place during the last month, noting the number of completions and number of total permits in comparison to previous years.

IX. Old Business

A. Permit Application Fee Schedule Review

The Commissioners reviewed the changes that were previously approved. It was noted that the fee schedule will be sent to the Council for approval.

X. New Business

None

IX. Adjournment

Motion by Commissioner Tuomi and seconded by Commissioner Halvorson to adjourn. All present voted in favor thereof. Motion carried.

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

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



Staff Report

Application #: Variance 2018-62

Parcel number: 87-020-4302

Applicants: Herm and Carolyn Schley on property described as that part of Lot 6, Section 20, Township 134, Range 29 described as: Beginning at a point on the shore of Gull Lake where East line of said Lot 6 intersects said lake shore line; thence westerly along said lake shore line 1000 feet in chords of 100 feet each to a point; thence due north in a straight line to the south line of said NWSE, thence East along said south line to SE corner of said NWSE; thence South along east line of said Lot 6 to point of beginning.

Directions to property: From City Hall proceed south across the Gull Dam Bridge to Cass County 70, continue south for approximately ½ mile to Sun Valley Drive, take a right turn and proceed ¼ mile to end of the road at 1349 Sun Valley Dr.

A variance is required based upon the Schley's request to remove, replace and add on to two different accessory structures to have a total of 4 separate accessory structures totaling 4,245 sq. ft. which would exceed our City Code limit for accessory buildings on one PID currently at 2,048 sq. ft. for 5.49 acres. This is an old resort built in the 1940's which has been in the family for many years. The commercial operation of the resort was discontinued in 1993 but they would like to keep the resort atmosphere for their family. They currently have 535 feet of lakeshore with their home, one small shed of 52 sq. ft., two small cabins of 550 sq. ft. each and the old lodge for the resort of 1,744 sq. ft. for a total of 2,896 sq. ft. in accessory structures. They would like to change two things:

1. Remove one of the older small cabins of 550 sq. ft. replacing it with a larger cabin of 1,396 sq. ft.
2. Remove 314 sq. ft. of additions to the old lodge building and replace with a new workshop addition of 503 sq. ft.

This would increase the total square footage of accessory space on the property to 4,245 sq. ft. They have done extensive research on property tax implications of splitting their property and would prefer not to split for the loss of homestead tax credit purposes. They need one larger cabin to accommodate the growing extended family as the smaller cabins are not adequate.

Proposed Findings/Conditions based on MN Statute and East Gull Lake (EGL) Land Use, Zoning and Subdivision Ordinance Section 8.2-1

MS 462.357 Subdivision 6 - Appeals and Adjustments – Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
2. To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the

comprehensive plan. Variances may be granted when the applicant for the variance establishes that There are practical difficulties in complying with the current zoning ordinances. “Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06 subdivision 14, when in harmony with the ordinance. The board of appeals and adjustment or the governing body as the case may be, may not permit a variance as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located. The board or governing body as the case may be, may permit a variance the temporary use of a one family as a two-family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

East Gull Lake Land Use, Zoning and Subdivision Section 8.2-1 – This ordinance is adopted for the purpose of:

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Inaugurating and effectuating the goals of the Comprehensive Plan.
3. Promoting order in development by dividing the area of the City into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and the land.
4. Conserving the natural and scenic beauty and attractiveness of the City, for health and welfare of the public.
5. Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
6. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment and City Council under this ordinance.

Practical Difficulty:

- * Practical is defined by Webster as: 1) pertaining to actual use and experience rather than theory, 2) trained by practice or experience, 3) useful and 4) manifested in practice.
- * Difficulty is defined by Webster as: 1) onerous, irksome, laborious, 2) troublesome, complicated and 3) trying, perverse.
- * Reasonable is defined by Merriam Webster as: 1) being in accordance with reason, 2) not extreme or excessive and 3) moderate, fair.
- * Reasonable is also defined by the Free Online Dictionary as: 1) capable of reasoning; rational, 2) governed by or being in accordance with reason or sound thinking, 3) being within the bounds of common sense and 4) not excessive or extreme; fair.

EGL Comprehensive Plan Policies:

1. Protect the area’s lakes from damage and degradation.
2. Maintain and support the resort community in the City.
3. Preserve and enhance the scenic beauty and natural plant communities of the area.
4. Work to improve recreation opportunities for residents and visitors throughout the City.
5. Strengthen the bond that make the people who live in, work in, and visit East Gull Lake identify with the community.

Staff Findings of Fact:

1. Current property was an old resort called Sun Valley Lodge and has 5 buildings that consist of the owners home, garage and decks of 3,506 sq ft, two smaller original resort cabins of 550 sq.ft. each, one larger old lodge building of 1,744 sq.ft and a small storage building of 52 sq. ft. A Current survey shows existing impervious coverage of 3.9% on 5.49 acres of property
2. A variance is required to accommodate larger than allowed accessory square footage on a 5.49 acre parcel, current allowed Square footage is 2,048 sq. ft.
3. Homeowners do not wish to split property for future property tax reasons related to homestead credit on this large parcel.They also wish to preserve the old resort structure for family use only and historic preservation.
4. Impervious coverage currently is 3.9% and in the future after additional construction it will be 4.46%

Planning Commission Direction: The commission can recommend approval of the variance, recommend denial of the variance, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

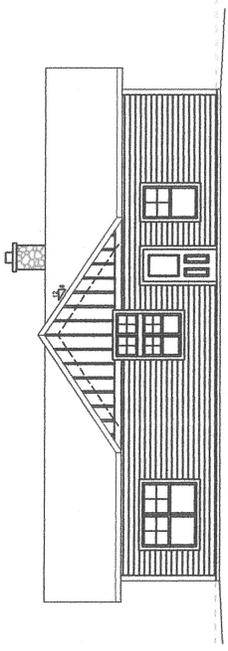
Staff Recommendation: Staff recommends that the variance be approved based on the findings of this report. We also recommend the following conditions:

1. Remove one older 550 sq. ft. cabin on North end replacing with new cabin of 1,396 sq. ft.
2. Require the new structure and its decks and entryways are placed behind the 50-foot setback from the OHW, current survey is 61 feet behind the OHW.
3. Within three years of completion of the new cabin and shop addition on the old lodge, the second smaller 550 sq. ft. cabin will be moved from the lakeshore to the rear portion of the property reducing the impervious along the lake.
4. Require proper setbacks from each building to allow for possible future lot splits.

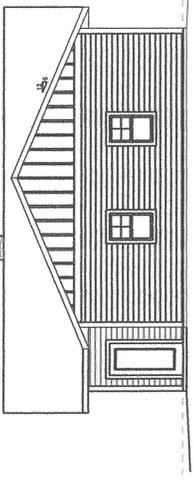
10-2-1-B
 TRAVIS MILLER DATE: L.I.C. # 45743
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

BROOK SCHLEY
 NEW CABIN
 EAST GULL LAKE, MN

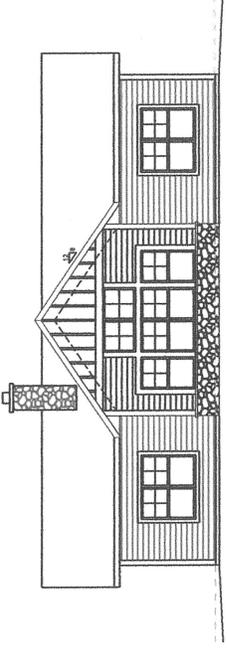
A1



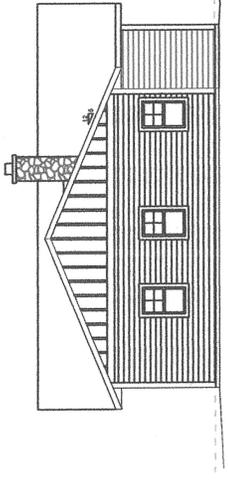
4 PROPOSED NORTH ELEVATION
 3/16" = 1'-0" ON 24 X 36 PAPER



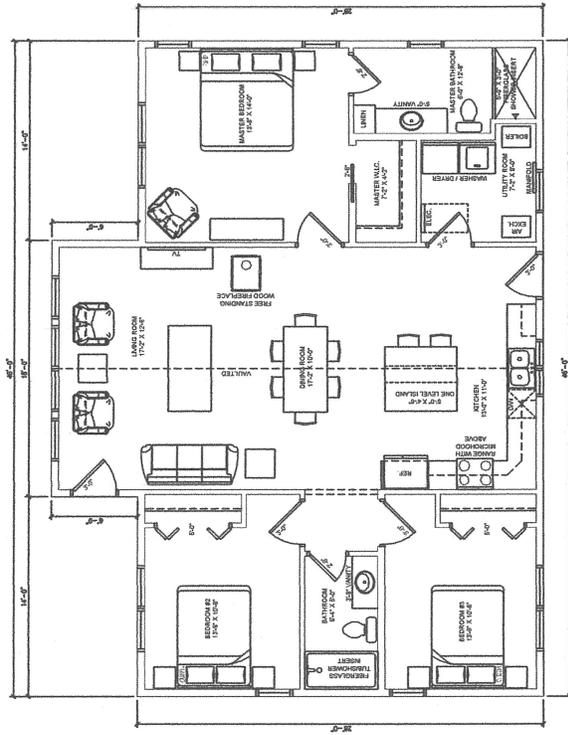
5 PROPOSED EAST ELEVATION
 3/16" = 1'-0" ON 24 X 36 PAPER



6 PROPOSED SOUTH ELEVATION
 3/16" = 1'-0" ON 24 X 36 PAPER

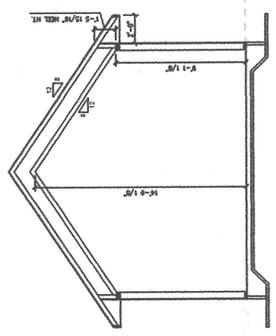


7 PROPOSED WEST ELEVATION
 3/16" = 1'-0" ON 24 X 36 PAPER

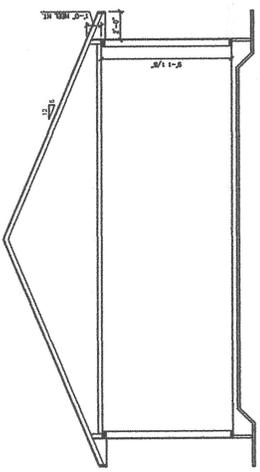


1 PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0" ON 24 X 36 PAPER (1,396 S.F.)

NOTE:
 1. SHOWN WITH 4" UNFINISHED WINDOWS
 2. USE BOLLER FOR WATER HEATER



3 PROPOSED SECTION
 1/4" = 1'-0" ON 24 X 36 PAPER



2 PROPOSED SECTION
 1/4" = 1'-0" ON 24 X 36 PAPER



Administrator's Report

New Permits:

PERMIT #	PARCEL ID	LAST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE	PERMIT FEE
1 2018-59	87-341-0110	Seilstad	959 Green Gables Rd	remove and replace 100' retaining wall along shoreline - after-the-fact permit	LUA	\$450.00
2 2018-60	87-387-0010	Gould	11241 Birch Island Rd	construct permanent garden shed	LUA	\$150.00
3 2018-61	87-367-0132	Biebighauser	1243 Harbor Pl	construction of a new residence	LUA	\$300.00
4 2018-62	87-020-4302	Schley	1349 Sun Valley Dr	Construct a year-round additional cabin adding more accesspry structure than allowed	Variance	\$446.00
5 2018-63	87-376-0112	Glenn	1732 Yellow Moc Trl	Shoreline, establishment of beach area	LUA	\$150.00
6 2018-64	87-387-0070	Schwendeman	11279 Birch Isl Rd	construct a detached garage	LUA	\$300.00
7 2018-65	87-020-4401	Bauernfeind	1339 Sun Valley Dr	install flush mount solar array on roof of residence	LUA	\$150.00
8 2018-66	Multiple	Reece	101927 Heritage Ln	lot split	LUA	\$300.00
9 2018-67	87-343-0020	Brusven	895 Green Gables Rd	construct a 17'-diameter firepit with concrete pavers	LUA	\$150.00
10 2018-68	87-031-4412	Sundby	11995 PB Drive	remove fireplace, extend deck and replace old deck with 4-season porch	LUA	\$150.00
11 2018-69	87-030-1403	Cragun's	11000 Cragun Dr	remodel cabin #111 adding to the deck	LUA	\$175.00
12 2018-70	87-030-1403	Cragun's	11000 Cragun Dr	tear down existing cabin #112 rebuild adding 2 bedrooms, from 3 to 5	LUA	\$500.00
13 2018-71	87-379-0040	Funk	1388 Pike Bay Rd	remove outdated 10x13; place cabin on foundation; build 2-story addition	CUP	\$446.00
						\$3,667.00

Potential Permits:

PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE
1 87-017-2408	Villela	Denis	10408 Squaw Pt Rd	Rip-Rap; shoreline restoration	LUA
2 87-372-0151	Doerr	William	TBD Pine Beach Pen Rd	New Home Construction	LUA
3 87-357-0138	Sheer	Wally	10372 SP Rd	Add on or tear down and rebuild	LUA
4 87-379-0120	Amberg	Jean	1352 Pike Bay Rd	construct 10x12 shed	LUA
5 87-387-0250	Swanson	Jeffrey	11346 Birch Is Rd	tear down existing home & rebuild further from OHW	LUA
6					

2013 -2016 Permits Update:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	STATUS	PERMIT TYPE
1 2013-32	87-410-0400	Trout	Owen	Siding all up,waiting on electrical and steps	LUA
2 2014-38	87-376-0238	Deans	Thomas	10 x 10 shed yet to be built, no hurry	LUA
3 2015-43	87-016-1302	Lind	Gerald & Nanci	ready to finish deck top, frame is done	LUA
4 2016-12	87-425-0115	Wavereck	Mark & Charlene	cement slab is 1 foot to close to Line, cut it, not removed	LUA
5 2016-21	87-376-0120	Gregory	Richard	90% done with lots of landscaping, still working on it	CUP/LUA
6 2016-22	87-343-0050	Ruttger	Jim	Not started	LUA

Completion Letters:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	DESCRIPTION:	DATE:
1 2017-04	87-376-0110	McGough	Tim	construct new residence	09/27/18
2 2017-05	87-395-0110	McKinney	Peter	a extension to landing of upper stairway	09/27/18
3 2017-11	87-376-0224	Fehr	Eric	construct new residence	09/27/18
4 2017-55	87-340-0030	Loschko	Mark	construct new garage	09/27/18
5 2017-60	87-376-0224	Fehr	Eric	shoreline restoration	09/27/18
6 2018-02	87-376-0224	Fehr	Eric	construct a sauna next to main structure	09/27/18
7 2018-18	87-016-1405	Tollefson	Paul	addition to garage	10/22/18
8 2018-58	87-347-0220	Mansfield	Doug & Beth	shoreline restoration	10/22/18
9 2018-59	87-357-0110	Seilstad	Vivian	shoreline restoration	10/22/18

Inspections/Site Visits:							
	PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	COMMENTS/STATUS	DATE INSPECTED	PERMIT #
1	87-020-4401	Bauernfeind	Randy	1339 Sun Valley Dr	Project is complete send letter	10/02/18	2017-48
2	87-357-0255	Leonard	Bob	1248 Gr Gab Rd	beach project done for some time now	10/02/18	2018-07
3	87-028-2300, 2301, 2302, 2304, 3202	Craguns		11393 Suomi Dr, 11402 + 11454 EGL Dr	took pics of site prep	10/1&2/18	2018-34C
4	87-367-0208	Lakes Area Homes, LLC (Harstad Hills)	Dave Mernin	1214 Harbor Pl	frame nearly finished	10/02/18	2018-39
5	87-367-0144	JBAD, Inc (Harstad Hills)	Barratto Bros.	1219 Harbor Pl	trusses delivered, discussed with Jason dirt in wetland	10/02/18	2018-38
6	87-357-0128	Anderson	Wallace & Joanne	10346 Squaw Pt Rd	siding nearly finished, roof yet to do	10/02/18	2018-47
7	87-357-0255	Leonard	Bob	1248 Green Gables Rd	Close to putting roof on and being weather tight	10/02/18	2017-59
8	87-347-0100	Spalj	JR & Jane	1100 Green Gables Rd	driveway ready for cement, hauling dirt for yard, Beach done rocks refreshed	10/02/18	2017-19A
9	87-347-0140	Thome	Scott & Maxine	1080 Green Gables Rd	ready for roofing	10/02/18	2018-37
10	87-016-2113	Echternacht	Jean	10436 Shady Ln	foundation ready for move	10/02/18	2018-50
11	87-016-2129	Fonseth	Keith & Nikki	10455 Shady Ln	building nearly enclosed	10/02/18	2018-19
12	87-341-0110	Seilstad	Vivian	959 Green Gables Rd	patio is all finished	10/02/18	2018-43
13	87-341-0120	Mansfield	Doug & Beth	953 Green Gables Rd	wall is nearly finished	10/02/18	2018-58
14	87-341-0110	Seilstad	Vivian	959 Green Gables Rd	wall is nearly finished , needs blackdirt and seed	10/02/18	2018-59
15	87-016-1105	Velasco	Jeremy & Maggie	TBD Green Gables Rd	ready for roof trusses, Jeremy will wait till spring for wetland wall, silt fence to go in soon	10/02/18	2018-42
16	87-009-3401	Watland	Scott	968 Green Gables Rd	spoke to Terri Watland, Beach looks great for now	10/02/18	2018-44
17	87-363-0190	Gull Sands Assn		1389 Hillview Rd	not started yet	10/02/18	2018-48
18	87-347-0050	Theilen	Kent	1142 Green Gables Rd	not started yet	10/02/18	2018-53
19	87-357-0285	Pietrafitta	Joseph	1272 Green Gables	not started yet beach permit	10/02/18	2018-52
20	87-021-2211	Lipski	Jake	10815 Heritage Ln	garage is completed	10/02/18	2018-10
21	87-021-4401	Vobejda	Edward	10987 Gull River Rd	house enclosed, lots of work inside	10/02/18	2017-50
22	87-383-0130	PELPHREY	MATTHEW	985 Gull Meadow Lane	garage enclosed , hose foundation in and framing begins	10/02/18	2018-36
23	87-413-0270	Wagner	Mark & Marlene	11699 Pine Beach Dr	took pics of finished garage acknowledge deck railing that does not follow MN State Building code in Completion ltr.	10/05/18	2017-34
24	87-387-0010	Gould	Kris	11241 Birch Island Rd	took pics of site for new shed at least 15 feet away from Road	10/08/18	2018-60
25	87-393-0120	Boerjan	Jim	1317 East Pointe Dr	Deck added for grill	10/08/18	2018-12
26	87-391-0135	Polcek	Doug & Pam	1383 E Pointe Dr	Deck rebuilt and enlarged	10/08/18	2018-51
27	87-393-0106	Casey	Fred & Mary	1337 E Point Rd	Deck rebuilt and enlarged	10/08/18	2018-46
28	87-429-0110	Delaney	Matt	11879 Mplwd Dr	Deck rebuilt and enlarged	10/08/18	2018-26
29	87-419-0030	Siering	Tom & Jill	1802 Sylvan Birch Ln	outdoor kitchen built	10/08/18	2018-16
30	87-376-0302	Taylor	Laura	11097 PBP Rd	Shed and Garden enclosure constructed	10/08/18	2018-41
31	87-376-0108	Cisneros	Dan	10879 PBP Rd	framing continues	10/08/18	2018-21
32	87-376-0112	Glenn	Joe	1732 Yel Moc Trl	Siding is being added and landscaping begun	10/08/18	2018-01
33	87-030-2402	Church Pines		11395 PBP Rd	Project for addition is complete send letter	10/08/18	2018-15
34	87-028-2301	Craguns		Legacy Village	took site pics of progress	10/17/18	2018-34
35	87-031-4412	Sundby	John	11995 PB Drive	new project, deck, porch addition and remodel	10/17/18	2018-68
36	87-030-1403	Cragun's Resort		11000 Cragun Dr	remodel cabin and add larger deck, impervioius removed	10/17/18	2018-69
37	87-030-1403	Cragun's Resort		11000 Cragun Dr	remove cabin and replace with larger, impervious removed to accommodate	10/17/18	2018-70
38	87-383-0130	PELPHREY	MATTHEW	985 Gull Meadow Lane	frame is going up on house	10/18/18	2018-36
39	87-367-0208	Lakes Area Homes, LLC (Harstad Hills)	Dave Mernin	1214 Harbor Pl	roof is nearly finished	10/18/18	2018-39
40	87-367-0144	JBAD, Inc (Harstad Hills)	Barratto Bros.	1219 Harbor Pl	roof enclosed, discussed with excavator about dirt in wetland and corrected on Friday	10/18/18	2018-40
41	87-367-0132	Biebighauser	Justin & Nikki	1243 Harbor Pl	dirt in wetland , Corrected Friday and understanding created to stake back lot survey points in future	10/18/18	2018-61
42		Harstad	Marty	The Harbor	Pics of the dock area	10/19/18	
39	87-016-1105	Velasco	Jeremy	TBD Green Gables Rd	Silt fence up, grinder pump being installed & connected	10/19/18	2018-42
40	87-347-0140	Thome	Scott	1080 Green Gables Rd	shingles are on roof and nearly enclosed for winter	10/19/18	2018-37
41	87-016-1405	Tollefson	Paul	871 Birch Ln	Garage addition completed and painted	10/19/18	2018-18