

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

Tuesday, June 28, 2016 – 6:30 PM

I. Call to order

Chairman Bruce Buxton called to order the regular meeting of the City of East Gull Lake Planning and Zoning Commission at 6:30 PM on Tuesday, June 28, 2016 at City Hall.

II. Pledge of Allegiance

III. Roll Call

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

Staff Present: City Administrator Mason, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Mike Germain and Jason Brogle (Cass County Sheriff's Dept.), Kurt Porter, Aaron Bostrom, Elaine Engel, Tim Engel, Robert Muller, Kevin DeVore

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

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

V. Approval of Minutes

Motion by Commissioner Halvorson, second by Commissioner Tuomi to approve the minutes of the Tuesday, May 31, 2016 meeting.

VI. Public Hearings

A. 2016-20 Variance – Muller, 11333 E Steamboat Bay

Administrator Mason read the hearing notice regarding the variance application for Mr. & Mrs. Muller, referencing the findings and conditions. He also read the various correspondence received by the City regarding the variance application.

The following findings and conditions were included in the staff report:

Findings of Fact:

1. The proposed use is consistent with the Comprehensive Plan and a permitted use in accordance with Section 8.5.5 of the zoning ordinance of the City.
2. Granting of the variance will not be adverse to the general purpose and intent of Section 8.5.5 of the zoning ordinance.
 - a. Single family residences with appropriate accessory structures.
3. There is a practical difficulty in conforming to the ordinance due to the steep slopes, existing construction done by others, and the need for reasonable access for normal use of the property for the use intended.
 - a. The access drive is a shared drive with adjoining properties to the north with no other reasonable access.
 - b. The existing structures were constructed initially by others prior to acquisition by the current owner with the property divisions created to conform to the construction at the time.
 - c. Implementation of statewide shoreland management and several City ordinances since initial construction has created the nonconformities that exist through no fault of the current owner.
 - d. Relocating the garage would provide insufficient space in which to turn a vehicle around, would create steeper slopes already in existence and would create more impervious surfaces.

4. Approval of the variance will not change the essential character of the neighborhood.
 - a. The neighborhood is and remains single family residences.
 - b. The height proposed is similar to heights of adjacent structures.
5. The proposal conforms to the height requirements contained in the City Ordinance. In fact, should the owner wish, he could completely remove the existing structures and rebuild with a regular permit to a height that is higher than that which is proposed but still in conformance to height requirements of the ordinance, while meeting all setbacks.
6. The existing use does not harm the public health, safety, welfare and comfort of the City.
7. The proposed changes will provide some additional protections of the environment and the lake through the implementation of a storm water management plan.
8. Inasmuch as all work is being done behind the existing home outside the shoreland setback, there will be no changes to the visibility from the lake.
9. Reconstruction will maintain the setbacks established many years ago and reduce the nonconformities present.
10. The second story is designed with a setback to conform with the walls of the new space so the view of the adjoining property will not be affected any more than it would be should a full two story house be built conforming to all setbacks.
11. The proposed changes conform to the impervious requirements of Section 8.5.5.6B upon implementation of the stormwater plan.

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

1. Construction shall conform to plans provided to the Commission as amended by the approved conditions.
2. Silt fence shall be installed to control erosion prior to any disturbance of the property.
3. As part of the storm water management plan, driveway improvements in the area of the house and the expanded garage shall be constructed of porous pavement, designed for a 25 year storm and to accept all runoff from the roof slopes facing the drive and that portion of the driveway from the wood storage shelter to the house due to the steep slopes on the property.
4. The current asphalt will be removed and new asphalt and pervious asphalt will be installed with the proper angles to direct stormwater to the intended catch basin area within the new porous pavement so as to minimize runoff from running around the north side of the house.
5. Gutters shall be placed on the back side of the garage with the discharge directed to a storm management area.
6. All landscaping shall be completed before winter of 2016 with cooperation of contractors and their schedules.
7. All areas shown as grass shall be sodded where needed after construction to prevent erosion due to the steep slopes.
8. Rear deck of the home shall be removed and changed to pavers and pervious asphalt to reduce impervious coverage and provide new entryway.
9. Maintain the 10 foot setback to property lines on all new construction of the garage addition and entryway.
10. New water well will be drilled and located in accordance with all Department of Health requirements and the existing well shall be sealed in accordance with all codes.
11. No outside storage between the Engel property and Muller property.

Mr. Muller addressed the Commission regarding his desire to construct the proposed garage. Kurt Porter addressed the Commission regarding Mr. Engel's objection to the variance in summary.

Chair Buxton closed the public hearing and opened discussion to the Commission and Administrator Mason.

Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to approve Variance 2016-20 subject to the findings of fact and conditions as presented by City Staff and the addition of the condition by Commissioner Tuomi for no open storage. Passed unanimously.

VII. Open Forum

None

VIII. Planning and Zoning Administrator’s Report

A. Statistics

New Permits:	4
New Variances:	1
New Conditional Use:	0
Potential Permits:	14
Inspections:	20
Completion Letters:	4
New Violations	0
Total 2016 Permits	

B. 2013, 2014 & 2015 Existing Permits Update

- One remaining open 2013 permits – Owen Trout garage
- Three remaining open 2014 permits – Deans shed; Vliet home; Clifford Anderson storm water plan
- Twenty-two open 2015 permits

Administrator Mason reviewed his report regarding open and potential permits, discussing the site visits and associated photos.

IX. Old Business

A. Comprehensive Plan

It was noted that the plan has been completed to the point of reviewing it in its entirety. Chair Buxton stated that he would like the members of the board to review and suggest any changes to City staff within the next month. He noted that at the next meeting we could review changes and move on to the public hearing to adopt the plan with the changes made.

X. New Business

None

IX. Adjournment

Motion by Commissioner Wiebolt and seconded by Commissioner Halvorson to adjourn. Passed unanimously.

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

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