

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

Tuesday, October 25, 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, October 25, 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: Ron & Shari Kuhn, Mark Severson, Tom & Tammy Malat, David & Sue Mandt

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

Addition of discussion regarding the Pearson property during the Administrator's Report.

**Motion by Commissioner Tuomi 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, September 27, 2016 meeting.**

**VI. Public Hearings**

**A. Variance 2016-44: Kuhn – Remove two older cabins replace with new two-story home**

Chair Buxton opened the public hearing asking Administrator Mason to read the public notice and staff report regarding the Kuhn property application for a variance. Mr. Kuhn addressed the Commission regarding the project. Mark Peterson, attorney for Tom Malat addressed the Commission. Chair Buxton noted that the receipt of the letter from Mr. Severson is acknowledged. Chair Buxton asked Administrator Mason to read letters from East Gull Lake residents regarding the project. Administrator Mason read a response to the letters from the residents.

Chair Buxton closed the public hearing, after no one else indicated an interest in speaking for or against the project. Discussion ensued within the Commission members.

Commissioner Tuomi made the motion for recommendation with the following conditions:

1. 1070 sq ft house, 400 sq ft parking, 100 sq ft for steps and walkways for a total of 1570 sq ft
2. Keeping with the character of neighborhood, keep building at one story
3. Provide a storm water plan by a qualified engineer
4. Bring in fill for a level no higher than highest point of road
5. Meet 10 foot setbacks

**Motion by Commissioner Tuomi and seconded by Commissioner Tollefson for recommendation subject to the above conditions. Ayes Commissioners Tuomi and Tollefson, Nays Chair Buxton, Commissioners Wiebolt and Halvorson.**

Proposal went back to commission for further discussion.

**Staff Findings:**

1. Current cabins are 1950 era seasonal cabins and are located on a smaller non conforming lot measuring 6,397 sq ft of gross area and 5,476 sq. ft.net of roadway.
2. Current square footage of cabins, sidewalks, pump house and parking area are surveyed at 1,657 sq ft of total impervious coverage.
3. Proposed square footage of a 1,170 footprint and proposed parking area of 405 sq ft for a total of 1,575 sq ft, not including porches, steps, sidewalks, etc.
4. Shoreline area has been badly damaged by high water and needs to be restored; similar restoration has been done on neighboring property to the North.
5. Previous remodeled cabins in area have been allowed to be restored with a footprint not to exceed the square footage of what the current units were before the restoration process began.
6. A variance is required due to non conformity of the lot and desire to increase height of structure to accommodate a second floor.
7. The Shoreline for Kuhn's is 92 feet of lakefront frontage and the depth is around 68 feet on the west boundary and 76 foot on the East Boundary for a total of 5,476 sq ft based on the current survey without the road included and 6,397 sq ft based on Cass County estimates including the roadway. Of the 4 lots on the south side of the point the sq footage based on the Cass County Tax Assessor estimates including the roadway varies from 5,236 sq ft for Murphy / Hirth with a 74 foot lakefront frontage, 5,728 sq ft for Don Barker with 75 foot of lakefront frontage, 6,864 sq ft for Dave Willis on 75 foot of lakefront frontage.
8. The conceptual design includes a maximum roof height of 25 ft 9 inches tall to the peak of the roof.
9. Dormer and gable type roof design concepts are planned for the second floor has been submitted to reduce the profile and provide a more attractive design on the lakeside and landside of the cabin.

**Conditions:**

1. The structure shall not exceed 1,080 sq. ft. for a year around cabin in accordance with the size shown on the plans submitted with the application.
2. The structure shall be built with a first floor level no more than 2 feet above the existing natural ground level. Fill to raise the site above existing natural ground is not approved because the additional fill will cause storm water runoff into the street.
3. The height of the building shall be measured off the point the soil meets the foundation and it shall not exceed 25feet 9 inches based on the plan submitted.
4. The distance of the building from the road shall be a minimum of 10 feet and the side yard setbacks shall also be a minimum of 10 foot.
5. An architectural design meeting the above specifications for the structure shall be submitted for review and approved by the Planning and Zoning Commission and the City Council.
6. Inasmuch as no porches, steps or sidewalks were shown on the plan, no more than 82 sq. ft. of porches, steps, and sidewalks shall be constructed at any time into the future.
7. A pervious surface parking area, capable of providing parking space for 2 vehicles, totaling 400 Sq. ft., shall be constructed and shall be considered a part of the storm water management plan. The parking material surface should be constructed in accordance with manufacturer's recommendations, of an approved pervious product such as pervious asphalt, Grass Pave or pervious pavers. The pervious surface shall be maintained in perpetuity so the absorption qualities remain the same from the time of installation.
8. Any additional parking for guests shall be between the building and the side property lines on the grassed surfaces. There shall be no parking between the home and the road in the setback area. Enforceable no parking signs or appropriate landscaping shall be installed to prevent parking in the area.
9. Based on the Pervious product being used for the parking and incorporating into the Storm water management Plan, any garage addition will be prohibited in the future,

10. The homes roof eaves shall have gutters installed with gutters to be directed to the storm water management areas on the property. If underground containers are used, they shall be manufactured for that specific purpose and sized to accommodate the roof runoff.
11. Storm water runoff shall not flow onto Squaw Point Rd and shall be maintained within the storm water management system designed to accommodate a 5 year 24 hour storm event.
12. The Shoreline shall be restored based upon the MN DNR plan submitted by Heather Baird 10-25-2016 and included as part of this variance; the shoreline shall also be maintained in the future to meet the MN DNR specifications if future damage should occur both winter and summer. Upon completion of the restoration, Mr. Kuhn is required to have the MN DNR inspect the restoration to ensure compliance with their requirements.
13. All areas of the property shall be restored to grass or landscaping that is considered pervious and shall be maintained into the future. No portion of the property shall be left as dirt, gravel or other impervious surface.
14. Storm water plan must be prepared by a licensed engineer prior to permitting.

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to recommend approval subject to the findings and conditions on the staff report changing the required footprint from 1170 sq ft to 1080 sq ft. Nays Commissioners Tuomi and Tollefson, Ayes Chair Buxton, Commissioners Wiebolt and Halvorson. Motion passed.**

**B. CUP 2016-49: Carney – Extensive landscaping to alleviate water issues**

Chair Buxton opened the public hearing asking Administrator Mason to read the public notice and staff report regarding the Carney.

Findings:

1. Pictures taken during recent significant storm events clearly show the problem areas that need to be corrected.
2. Recent history of the family contacting the city in regard to the problem resulted in a berm being created by permit in 2013.
3. Property was in the heart of the area that lost thousands of trees that were removed over the last year.
4. Current Impervious coverage for the 140,137 sq ft (3.2Acre) parcel is 6.7%
5. Property has 300 feet of prime low elevation lakeshore.
6. Recent damage to a neighboring lot resulted in a CUP for over 700 Cu Ft of soil being added to make up for lost soil when tree stumps were removed.

Conditions:

1. Property owners and the contractors follow the recommendations of the engineer prepared stormwater plan.
2. Silt fencing is to be installed on all lakeshore and adjoining properties for soil protection.
3. Keep fill and silt fence at least 4 feet from the adjoining property owner's lot lines as surveyed.
4. Keeping the roads clean should be a priority of the contractor and required by the owner in any contracts that they be brushed regularly
5. Maintain the existing ridge that no fill extend the height above the berm to insure no water running into the lake

**Motion by Commissioner Tuomi and seconded by Commissioner Wiebolt to approve the CUP subject to the above findings and conditions. Passed unanimously**

**VII. Open Forum**

None

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

**A. Statistics**

New Permits:	14
New Variances:	0
New Conditional Use:	0
Potential Permits:	3
Inspections	31
Completion Letters:	6
New Violations	0
Total 2016 Permits to date:	80

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

- One remaining open 2013 permit: Owen Trout garage
- Three remaining open 2014 permits
- 18 open out of 51 total 2015 permits

**C. Don & Carrie Pearson**

Administrator Mason addressed the commission regarding the proposed project on the Pearson property.

**IX. Old Business**

None

**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.