

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, October 31, 2017 – 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 26, 2017 Regular Meeting
6. Public Hearing
 - a) 2017-56 – Variance, Paul Tollefson
7. Open Forum
 - a) Jim English
8. P&Z Administrator’s Report
 - a) Statistics

New Permits:	6
New Variances:	1
New Conditional Use:	0
Potential Permits:	4
Inspections:	16
Completion Letters:	3
New Violations:	0
Total 2017 Permits to date:	71

- b) 2013, 2014, 2015 & 2016 Existing Permits Update
 - One remaining open 2013 permit: Owen Trout garage
 - One remaining open 2014 permits: Thomas Deans
 - Five (5) remaining open 2015 permits
 - 14 open out of 87 total 2016 permits
9. Old Business
 - 9a. Comprehensive Plan discussion
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 26, 2017 – 6:30 PM

I. Call to order

Acting Chairman 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 26, 2017 at City Hall.

II. Pledge of Allegiance

III. Roll Call

Present: Commission: Paul Tollefson (Acting Chair), Nate Tuomi, Eunice Wiebolt, Rocky Waldin

Staff Present: City Administrator Mason, Administrative Assistant Schack

Absent: Chair Buxton, Marty Halvorson

Council Liaison: Carol Demgen

Audience: Steve Arhart, Barry Frieler, Nancy Tatge, Gary Tatge, Eric Peterson, Matt McKinnon,
and Todd Wayne

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

Motion by Commissioner Waldin and seconded by Commissioner Tuomi to approve the agenda as amended. Passed unanimously

V. Approval of Minutes

Motion by Commissioner Wiebolt, second by Commissioner Waldin to approve the minutes of the Tuesday, August 29, 2017 meeting.

VI. Public Hearings

A. 2017-44 Variance – Gary & Nancy Tatge, 1498 Floan Pt

Administrator Mason read the staff report concerning the Variance application for the Tatge property. Discussion ensued regarding the stormwater issue along the driveway and road. The stormwater plan was discussed.

Barry Frieler addressed the Commission regarding the proposed changes to the property. He noted that the goal is to improve drainage on the roadside and to diminish the impervious coverage to below 25%. Discussion ensued regarding the survey submitted to the City. It was noted that it was a previous survey and the driveway was a proposed position which has changed since that survey. It was noted that how the stormwater is handled will determine the placement of the driveway. It was noted that the stormwater/landscape plan shows the correct placement. Notes from Chair Buxton were read in lieu of his attendance. Discussion ensued regarding the moving of the City Wastewater tank during the excavation. Discussion ensued regarding the white pine trees staying.

Public hearing was closed and discussion ensued regarding the stormwater management and guttering of the buildings, as well as the following issues:

- Place the driveway 5 foot to the east as shown on the stormwater/landscape drawing
- Work with the City to remove rocks along the road
- East and West side gutters direct stormwater to the South
- Shrubs kept to a minimum 10-foot setback
- Widen drainage swale to the east to meet the driveway

Findings of Fact:

1. Home was built before 1995 possibly 1988 according to neighbors
2. City Code Section 8.4-4 item 10 a one-time addition of up to 50% by CUP cannot be considered as total square footage after addition exceeds 2,500 sq. ft. Thus, a variance is being applied for.

3. Proposed addition including a new attached garage and bedrooms is 1,248 Sq Ft
4. Total plan will be 24.9% impervious coverage or less than the 25% maximum impervious coverage allowed.
5. Additional construction will begin at 71 feet from the OHW
6. Side yard setbacks will exceed the 10-foot required
7. Property is currently served by City Sewer
8. Existing sidewalks both lakeside and landside along with existing double garage will be removed
9. Current catch basin for the road run off will be expanded to improve stormwater runoff of Floan Point Road.
10. Impervious coverage, stormwater worksheet and stormwater plan have been submitted with impervious projected at 24.9%
11. A large amount of Bituminous surface will be removed near Floan Point Road and the existing catch basin will be improved and enlarged to better drain the street and retain stormwater on lot before it gets to the street.
12. Existing garage too close to ROW being eliminated

Conditions

1. Stormwater management plan will be installed as presented in plan with new catch basins to control water on property and improve run off from Floan Point Road for neighborhood as water sometimes collects at the base of the hill after heavy rainfall.
2. All sidewalks on property will be removed to reduce impervious below 25%
3. Existing bituminous will be removed along the Floan Point Road and replaced with a driveway to the new garage.
4. Place the driveway 5 foot to the east as shown on the stormwater/landscape drawing
5. Work with the City to remove rocks along the road
6. East and West side gutters direct stormwater to the South
7. Shrubs kept to a minimum 10-foot setback
8. Widen drainage swale to the east to meet the driveway

Motion by Commissioner Wiebolt and seconded by Commissioner Waldin to recommend approval of Variance 2017-44 subject to the findings and conditions as presented by City Staff. Passed unanimously

B. 2017 -46 CUP – Expansion of Cragun’s Legacy Golf Course

Administrator Mason read the staff report concerning the CUP for the expansion of Cragun’s Legacy Golf Course.

Eric Peterson addressed the Commission regarding the expansion of the Legacy golf course. He noted the Crow Wing County is taking the lead on following guidelines for wetlands. East Gull Lake is only involved in a small portion of the development. It was noted that, ideally, completion is projected for next summer. It was also noted that the DNR has no issues with the project. There were no public concerns regarding the project.

Public hearing was closed and discussion ensued regarding the project. It was noted that Crow Wing County has approved the project based on the wetland impact approval, which is still being determined.

Findings of Fact:

1. 45 holes are already located adjacent to these holes being proposed
2. Legacy Courses have a responsible maintenance and preservation record since creation.
3. Additional golf holes are a permitted use within the zone.
4. Minimal hole additions of one (1) complete hole and three (3) partial holes to be added in East Gull Lake.

Conditions:

1. Applicant must abide by all conditions identified in the approved wetland replacement plan, Notice of Decision for the Cragun’s Golf Course Expansion
2. Install and maintain Proper Silt fences to protect the wetland areas during construction.

3. Erosion Control blankets to put in place where needed.
4. Must follow all state and Federal Guidelines for maintaining the Golf Course
5. No Fueling station, wash pad for equipment, chemical or fertilizer storage on the proposed gold course expansion.
6. Must follow phosphorous turf fertilizer restrictions under the 2016 MN Statutes, 18C.60
7. Must follow the Stormwater Pollution Prevention Plan dated 8-28-2017 and on file with Crow Wing County Land services department
8. Any restricted use pesticides must be applied by a certified applicator through the State of Minnesota

Motion by Commissioner Tuomi and seconded by Commissioner Waldin to recommend approval of CUP 2017-46 subject to the findings and conditions as presented by City Staff. Passed unanimously

VII. Open Forum

None

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	14
New Variances:	0
New Conditional Use:	3
Potential Permits:	6
Inspections:	35
Completion Letters:	8
New Violations:	0
Total 2017 Permits to date:	64

B. 2013, 2014 & 2015 Existing Permits Update

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permits: Thomas Deans
- Four (4) remaining open 2015 permits
- 21 open out of 87 total 2016 permits

Administrator Mason reviewed the inspections that took place during the last month.

IX. Old Business

None

X. New Business

Discussion ensued regarding accessory structure size limitations. It was noted that the City allows considerable less square footage on properties larger than 2.5 acres than Cass County. Discussion continued with no decisions made.

IX. Adjournment

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

Transcribed by East Gull Lake Administrative Assistant
Kathy Schack

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



City of East Gull Lake

Staff Report

To: Planning Commission
Prepared by: Administrative Assistant Schack
Date: October 31, 2017
Agenda Item: 6a
Subject: Variance 2017-56

Report:

An application was submitted by Paul Tollefson to request a variance to construct 8' x 28' addition to existing garage that is currently 60' x 28'. Variance is required based upon the request for a total of 1,904 sq. ft. or 224 sq. ft. over maximum size by ordinance of 1,680 sq. ft. The property is located in the R-2 zoning district and contains 4.88 square feet.

- *City Staff is recommending approval of Variance 2017-56 – Paul Tollefson, subject to the findings of fact and conditions stated on the Variance Staff Report.*



Staff Report

Application #: 2017-56, Variance

Parcel number: 87-016-1405

Applicants:

Paul and Deanna Tollefson on property described as: That part of the Southeast Quarter of the Northeast Quarter, Section 16, Township 134 North, Range 29 West, Cass County Minnesota described as follows: Beginning at the iron monument on the west line of said Southeast Quarter of the Northeast Quarter which is the Northeast corner of Lot Two, Block Two, Oakwood Shores, according to the recorded plat thereof on file in the Cass County Recorder's Office, and assuming said west line of the Southeast Quarter of the Northeast Quarter bears South 1 degree, 9 minutes, 41 seconds East; thence North 56 degrees, 18 minutes, 53 seconds East along the southeasterly line of Birch Drive, a distance of 100 feet; thence South 47 degrees, 47 minutes, 30 seconds East a distance of 401.25 feet; thence South 1 degree, 9 minutes, 41 seconds East distance of 309.55 feet to the north line of the South 380.00 feet of Southeast Quarter of the Northeast Quarter; thence North 1 degree, 9 minutes, 41 seconds West along said west line of the Southeast Quarter of the Northeast Quarter a distance of 530.95 feet to the point of beginning., PID# 87-016-1405, located at 871 Birch Ln, East Gull Lake, MN 56401.

An application was submitted to request a Variance to construct 8' x 28' addition to existing garage that is currently 60' x 28'. Variance is required based upon the request for a total of 1,904 sq. ft. or 224 sq. ft. over maximum size by ordinance of 1,680 sq. ft. The property is located in the R-2 zoning district and contains 4.88 square feet.

Directions to property: From City Hall proceed east on Gull Dam Road to Poplar Drive, proceed north on Poplar Drive to Birch Lane, turn right on Birch Lane to 871 Birch Lane, private driveway on right.

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

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 zoning ordinance. "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 a 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 garage is 1,680 sq. ft. - Requesting additional 224 sq. ft. for total of 1,904 sq. ft.
2. Current garage design was to include an overhanging roof and a cement slab on the east side for a dog kennel per verbal agreement with P & Z Administrator due to low impervious coverage on lot.
3. Owner will agree to not build overhanging roof if addition is approved reducing profile of building
4. Owner has a current Certificate of Compliance valid till 5/13/2018 for private septic system
5. Garage building currently has no landscaping
6. Administrator checked with other area cities: Lakeshore, Pequot, Nisswa, and Cass County, where ordinances allow a structure under 2000 sq. ft. or 2500 sq. ft. for a lot of comparable size. Most cities go off impervious coverage on non-riparian lots. City Staff notes this is a reasonable request to meet practical difficulty requirement.

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:

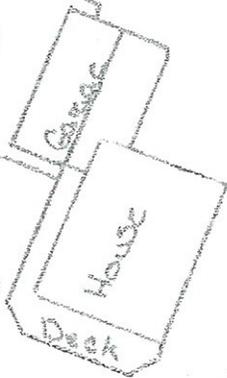
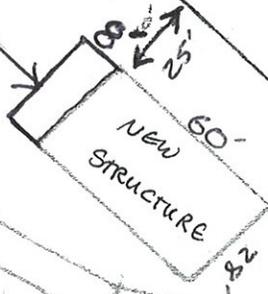
1. Owner agrees to not build additional overhang on building for dog kennel area as per verbal agreement with administrator. Did not appear on plan but cement was poured for dog area
2. Owner agrees to install trees per agreement with adjoining property owner between rear of garage and adjoining lot.
3. Addition will consist of same siding and color and will blend in seamlessly.

↑ N

B ct. LN

Drive

new addition

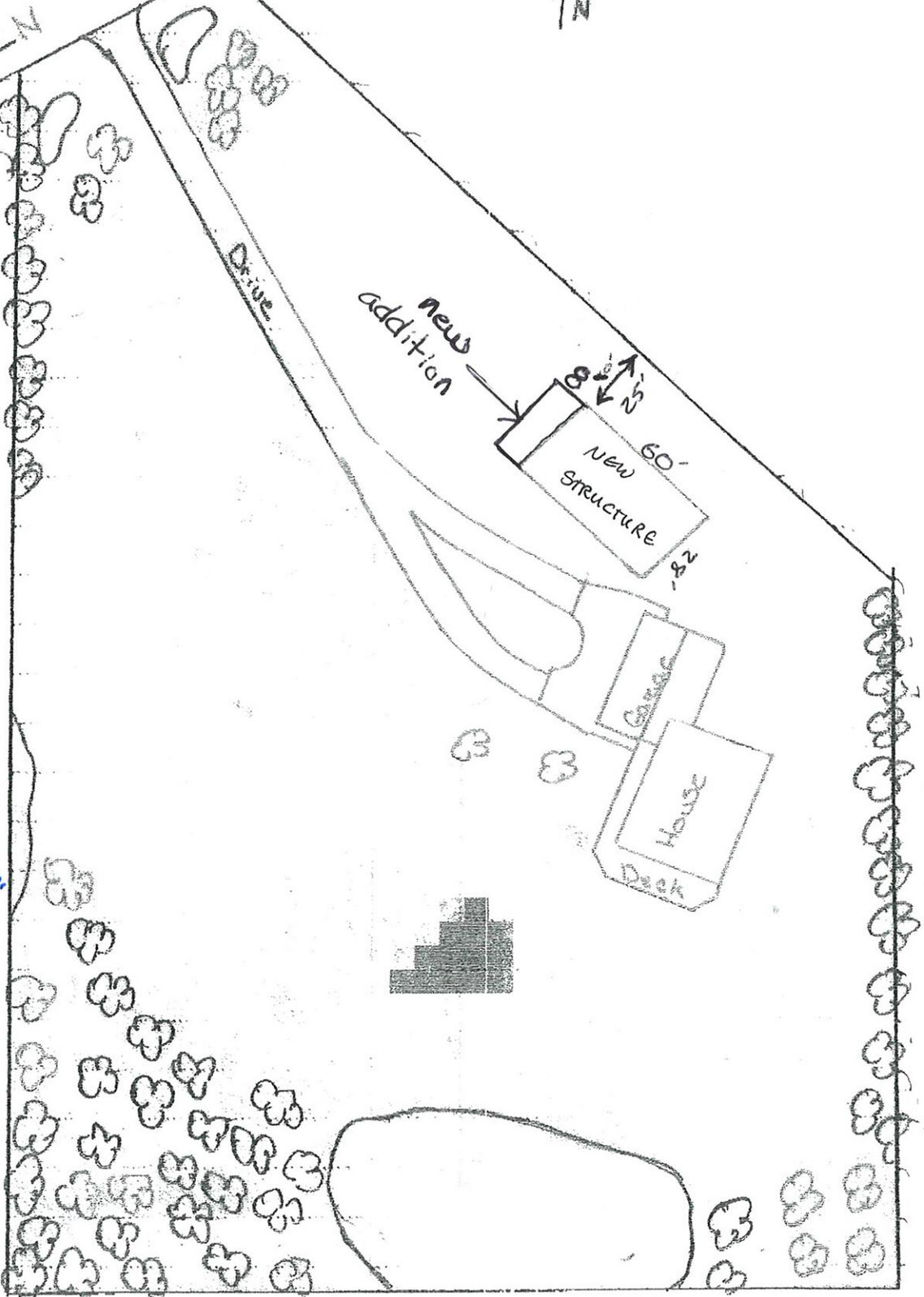


480 acres

177,158 sq

11,115

6.27% Impervious





PERMIT #	PARCEL ID	LAST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE	PERMIT FEE
1 2017-55	87-340-0030	Loschko	10052 Birch Grove Rd	to construct a new garage	LUA	\$150.00
2 2017-56	87-016-1405	Tollefson	871 Birch Ln	addition to detached existing garage	Variance	\$446.00
3 2017-57	87-376-0144	Carr	1862 Yellow Moc Trl	adding 9x50 deck on lakeside of existing house	LUA	\$150.00
4 2017-58	87-028-2200	Evans	11220 East Gull Lake Dr	construct new septic system	ISTS	N/C
5 2017-59	87-357-0255	Leonard	1248 Green Gables Rd	remove existing structure; construct new home and detached garage with living quarters	LUA	\$500.00
6 2017-60	87-376-0224	Fehr	10998 PBP Rd	Shoreline restoration	LUA	\$150.00
						\$1,396.00

Potential Permits:

PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	DESCRIPTION	PERMIT TYPE
1 87-009-4308	Meyer	Joel	954 Green Gables Rd	rebuild	Variance
2 87-021-2101	Kittleson	Kurt	10913 Heritage Ln	Lot Split	Lot Split
3 87-379-0120	Amberg	Jean	1352 Pike Bay Rd	construct 10x12 shed	LUA
4 87-387-0250	Swanson	Jeffrey	11346 Birch Is Rd	tear down existing home and rebuild further from OHW	LUA

2013 Permits Update:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	STATUS	PERMIT TYPE
2013-32	87-410-0400	Trout	Owen	Still needs siding; sent letter for completion requirement	LUA

2014 Permits Update:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	STATUS	PERMIT TYPE
2014-38	87-376-0238	Deans	Thomas	landscape work done 2-23-16, still intends to build shed	LUA

Completion Letters:

PERMIT NUMBER	PARCEL ID	LAST NAME	FIRST NAME	DESCRIPTION:	DATE:
1 2017-39	87-413-0160	Narlock	Randy	Construct new shed on property	10/24/17
2 2017-42	87-410-0801	Buckhouse	Truit	construct new garage	10/24/17
3 2017-49	87-410-0440	Ferry	Nicolas	addition to detached existing garage	10/24/17

Inspections/Site Visits:

PARCEL ID	LAST NAME	FIRST NAME	PROPERTY ADDRESS	COMMENTS/STATUS	DATE INSPECTED	PERMIT #
1 87-029-1413	Urbanski	Joseph	11437 E Steam Bay Rd	Viewed the lot area for location vs lot line	09/20/17	2017-54
2 87-381-0225	Tanner	John	1569 Floan Pt Rd	landscape wall being replaced	09/20/17	2017-47
3 87-413-0160	Narlock	Randy	11616 Pine Beach Dr	looked at shed installed	09/27/17	2017-39
4 87-410-0440	Ferry	Nicolas	11651 Oak Lane	another shed installed	09/27/17	2017-49
5 87-410-0801	Buckhouse	Truit	1746 Northstar Ln	Garage installed by permit	09/27/17	2017-42
6 87-413-0270	Wagner	Mark	11699 Pine Beach Dr	pics of new deck, landscaping lacking	09/27/17	2017-34A
7 87-017-4101	Harstad	Marty	The Harbor	stop signs, Road sign, trees installed	09/28/17	2016-37
8 87-347-0100	Spalj	JR & Jane	1100 Green Gables Rd	reviewed drainage in road with Bruce and Jeff	09/29/17	2017-19
9 87-029-4302	Albrecht	Deanna	1400 Pine Beach Road	took pics of high water complaint	09/29/17	NA
10 87-350-0110	Jordan	Shane	944 Birch Lane	flooding on Ruth Lake, Mutiple visits for a week	10/03/17	NA
11 87-376-0224	Fehr	Eric	10998 PBP Rd	review progress	10/04/17	2017-11
12 87-376-0110	McGough	Tim	1726 Y Moc Trl	review progress	10/04/17	2017-04
13 87-340-0030	Loschko	Mark	10052 Birch Grove Rd	foundation installed for shed	10/06/17	2017-55
14 87-357-0255	Leonard	Bob	1248 Green Gables Rd	review lot and placement of home and sewer	10/11/17	2017-59
15 87-376-0224	Fehr	Eric	10998 PBP Rd	review shoreline with landscaper	10/17/17	2017-60
16 87-357-0132	Kittleson	Kurt	10354 Squaw Pt Rd	review setback from lot line confirmed same as old building	10/18/17	2017-51
17 87-337-0111	Phillips	Nancy	10158 Green Gables Rd	review landsburg plan for snowmobile ramp	10/03/17	NA