

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, May 29, 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) April 24, 2018 Regular Meeting
6. Public Hearing
 - a) Variance 2018-14; Jack Cooper, 10831 Pine Beach Peninsula Road
7. Open Forum*
8. P&Z Administrator’s Report
 - a) Statistics

New Permits:	4
New Variances:	1
New Conditional Use:	0
Potential Permits:	4
Inspections:	32
Completion Letters:	3
New Violations:	0
Total 2018 Permits to date:	18

- b) 2013, 2014, 2015, 2016 & 2017 Existing Permits Update
 - 1 remaining open 2013 permit: Owen Trout garage
 - 1 remaining open 2014 permits: Thomas Deans shed
 - 3 remaining open 2015 permits
 - 9 remaining open 2016 permits
 - 28 open out of 76 total 2017 permits
9. Old Business
 - Zoning Map update
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, April 24, 2018 – 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, April 24, 2018 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, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Rosemary Susens

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

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

V. Approval of Minutes

Motion by Commissioner Halvorson, second by Commissioner Tuomi to approve the minutes of the Tuesday, March 27, 2018 meeting. All present voted in favor thereof. Motion carried.

VI. Public Hearings

None

VII. Open Forum

None

VIII. Planning and Zoning Administrator's Report

A. Statistics

New Permits:	5
New Variances:	0
New Conditional Use:	0
Potential Permits:	6
Inspections	4
Completion Letters:	0
New Violations	0
Total 2018 Permits to date:	13

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

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permits: Thomas Deans shed
- Four remaining open 2015 permits
- Six remaining open 2016 permits
- 30 open out of 76 total 2017 permits

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

IX. Old Business

A. Zoning Map Discussion

Chair Buxton opened discussion on the zoning map. He noted the topic that needs to be discussed is the commercial and/or recreational zone for the resorts. The discrepancies between the zoning of the resorts need to be addressed. It was noted that the resorts should be represented during the decision-making process. Administrator Mason proceeded by showing the current zoning on the County GIS mapping, reviewing the different zones for particular properties. Chair Buxton noted that he went through the chart included in the City Ordinance that he will send to the Commissioners. It was noted that the resorts should be approached to discuss the zoning of their properties. Following these discussions public meetings will be held for residents to attend. It was noted that the public hearing should be held in June or July for summer residents.

X. New Business

None

IX. Adjournment

Motion by Commissioner Halvorson and seconded by Commissioner Tuomi 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.



City Of East Gull Lake
10790 Squaw Point Road
East Gull Lake, MN 56401
218-828-9279

City of East Gull Lake

Staff Report

To: Planning Commission

Prepared by: Administrative Assistant Schack

Date: May 29, 2018

Agenda Item: 6a

Subject: Variance 2018-14: Jack Cooper,
10831 Pine Beach Peninsula Road

Report:

City Staff is recommending approval of the above referenced variance subject to findings and conditions shown on the variance staff report.

**CITY OF EAST GULL LAKE
PLANNING AND ZONING COMMISSION/BOARD OF APPEALS AND ADJUSTMENTS
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

The following will be subject to a public hearing at East Gull Lake City Hall on Tuesday, May 29, 2018, beginning at 6:30 PM.

Hearing: Variance 2018-14

Applicant: Jack Cooper

Property Address: 10831 Pine Peach Pen Rd, East Gull Lake, MN 56401.

Purpose: An application was submitted to request a variance to tear down an existing 160 sq ft guest cabin and add a 160 sq ft extension to the back of an existing 1,980 sq ft garage.

Property Owners Please Note: Notice relative to the above listed requests is sent to all property owners within 350' of the applicant's property. Please share this information with your neighbors in the event that any property owner has been overlooked or is not contained in our records.

Robert Mason
City Administrator / Planning and Zoning Administrator
City of East Gull Lake



Staff Report

Application #: Variance 2018-14

Parcel number: 87-376-0520

Applicants:

Jack Cooper on property described as that part of Lots E2 and E3, AUDITOR'S PLAT OF PINE BEACH, according to recorded plat thereof on file in the Cass County Recorder's office, Cass County, Minnesota described as follows: Beginning at the Most Southerly corner of said Lot E2; thence North 42 degrees 14 minutes 56 seconds East 143.89 feet along the easterly line of said Lot E2; thence North 3 degrees 38 minutes 12 seconds East 64.63 feet along said easterly line Lot E2; thence North 2 degrees 46 minutes 14 seconds West 63.97 feet along said easterly line Lot E2 and along the easterly line of said Lot E3; thence North 50 degrees 40 minutes 31 seconds West 233 feet, more or less, to the shore of Gull Lake; thence southwesterly, along said shore, to its intersection with the South line of said lot E2; thence South 41 degrees 12 minutes 48 seconds East 289 feet, more or less, along said South line of Lot E2, to the point of beginning. Subject to easements, reservations or restrictions of record if any. (PID# 87-376-0520) Property located at 10831 Pine Peach Pen Rd, East Gull Lake, MN 56401. The property is located in the R-3 zoning district and contains 63,549 square feet, riparian to Gull Lake (General Development)

Directions to property: From Madden's Resort proceed 9/10th of a mile north on the Pine Beach Peninsula Road until you reach blue address sign 10831 Pine Beach Peninsula Road.

A variance is required based upon a 160 square foot addition proposed to be added on to an already built 1,980 square foot garage/guest house that was built with a variance in 2004. The property currently has a 160 square foot guest house that remained on the property and is now being torn down to clean up the property after the storm in 2015. A no-net gain of impervious coverage is the result.

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 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:

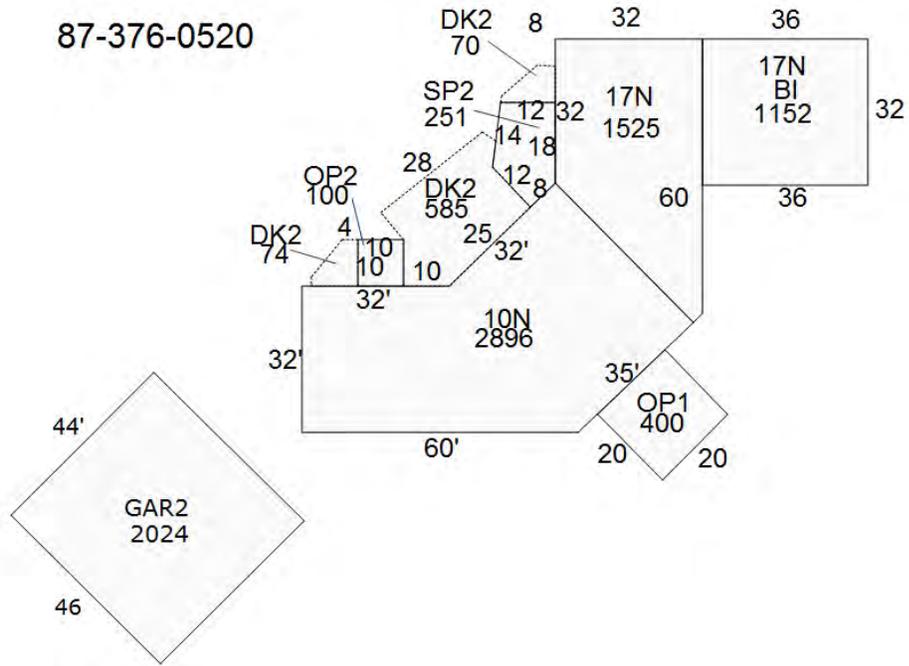
1. Current garage of 1,980 square feet exists based upon a presumed variance granted in 2004 that was not recorded with Cass County.
2. Any addition to a variance requires another variance.
3. Homeowner will remove an existing 160 square feet guest cabin that is situated very close to the Pine Beach Peninsula Road.
4. Homeowner will add 160 square feet addition onto the rear portion of the existing garage.
5. Removal of older cabin will clean up the area that was heavily damaged by the 2015 storm.
6. Impervious coverage based on estimates are approximately 21.8% based upon 13,853 square feet of buildings and driveway on 63,549 square feet of property according to Cass County Tax assessment.

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. Existing 160 square feet small cabin will be removed prior to construction of the new addition onto the large garage.
2. A no-net gain of impervious coverage will be the result of these changes
3. The variance will be recorded with Cass County

87-376-0520



Sketch by Apex Sketch