

CITY OF EAST GULL LAKE
AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, September 24, 2019 – 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) August 27, 2019 Regular Meeting
6. Public Hearing
 - a) Variance 2019-50 – Scott Johnson; exceeding sq footage and building height
7. Open Forum*
8. P&Z Administrator’s Report
 - a) Statistics

New Permits:	6
New Variances:	1
New Conditional Use:	0
Potential Permits:	2
Inspections:	
Completion Letters:	0
New Violations:	0
Total 2019 Permits to date:	57

- b) 2013 through 2018 Existing Permits Update
 - One remaining open 2013 permit: Owen Trout garage
 - One remaining open 2014 permit: Thomas Deans shed
 - Two remaining open 2016 permits
 - One remaining open 2017 permits
 - 11 open out of 84 total 2018 permits
9. Old Business
None
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 03, 2019 – 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, September 03, 2019 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: Jesse Hopkins, Dion Lybeck, Patience Barnes, Abbey Pieper, Ben Thuringer, Chris Otto

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

Motion by Commissioner Halvorson 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 Wiebolt, second by Commissioner Halvorson to approve the minutes of the Tuesday, July 30, 2019 meeting. All present voted in favor thereof. Motion carried.

VI. Public Hearings

A. CUP 2019-40 – Gregory landscaping moving over 50 cubic yards ground

Chair Buxton requested Administrator Mason to read the Staff Report. Photos of the property were shown. It was noted that a CUP is required due to the amount of fill being moved onto the property and the fact that a gazebo is being requested to be built on the property. It was noted that this is the third parcel Mr. Gregory has purchased and he has a total of 400 feet of shoreline with the combined lots. It was noted that the area was devastated by the 2015 storm and Mr. Gregory is making a great effort to improve the property.

Motion by Commissioner Tuomi and seconded by Commissioner Wiebolt to recommend approval of CUP 2019-40 subject to the findings and conditions as presented by City Staff. All present voted in favor thereof. Motion carried.

B. Variance 2019-42A – Madden’s remove and reconstruct building and pavilion; move tennis courts

Chair Buxton requested Administrator Mason to read the Staff Reports for both the CUP and the Variance. Discussion ensued regarding impervious surface. Staging of construction was discussed. It was noted that Madden’s will be closed during most of the construction. Storm water runoff concern was discussed. The height of the building was discussed noting that it will match the existing structures on the property.

Motion by Commissioner Wiebolt and seconded by Commissioner Halvorson to recommend approval of Variance 2019-42A subject to the findings and conditions as presented by City Staff. All present voted in favor thereof. Motion carried.

C. CUP 2019-42B – Madden’s remove and reconstruct building and pavilion; move tennis courts

Discussion ensued during the CUP presentation. Commissioner Tuomi added a condition of the requirement for the impervious surface to not exceed 25% in tier one and tier two.

Motion by Commissioner Tuomi and seconded by Commissioner Halvorson to recommend approval of CUP 2019-42B subject to the findings and conditions as presented by City Staff with an additional condition that the impervious coverage does not exceed 25% in tier one and tier two. All present voted in favor thereof. Motion carried.

VII. Open Forum

None

VIII. Planning and Zoning Administrator’s Report

A. Statistics

New Permits:	5
New Variances:	2
New Conditional Use:	1
Potential Permits:	5
Inspections	49
Completion Letters:	16
New Violations	1
Total 2019 Permits to date:	50

B. 2013 – 2018 Existing Permits Update

- One remaining open 2013 permit: Owen Trout garage
- One remaining open 2014 permit: Thomas Deans shed
- Three (3) remaining open 2016 permits
- One remaining open 2017 permit: Leonard new home with garage
- 20 open out of 84 total 2018 permits

Administrator Mason reviewed the inspections that took place during the last month, showing photos of progress.

IX. Old Business

A. Continuing discussion on Zoning update

Discussion ensued regarding the Public Use and Open zoning districts. It was decided to recommend omitting Public Use. Off-Water Resort Overlay and Recreational zonings were discussed. Discussion ensued regarding a change the resorts for an underlying zoning of the property and using a Resort Overlay to provide the resorts to continue the use of the property as it is currently being used.

X. New Business

None

IX. Adjournment

Motion by Commissioner Tuomi and seconded by Commissioner Halvorson to adjourn the meeting to continue on September 10, 2019 for a work session to discuss the updates in the zoning portion of the City Ordinance. 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

Staff Report

To: Planning Commission

Prepared by: Administrative Assistant Schack

Date: September 24, 2019

Agenda Item: 6a

Subject: Variance 2019-50 – Scott Johnson

Report:

A variance is required based upon our ordinance only allows two buildings with sleeping units and a limited amount of square footage of accessory structures based on the acreage. This property was developed many years ago and used to be a very large parcel with many small buildings in a family compound. Over the years they have separated the parcels due to rules that required variances. This 4.1-acre parcel with 191 foot of frontage could be separated to allow a conforming structure, but the family prefers not to. Each of the three structures on the property are small in size at 1188 SF for the main house, 490SF for a small guest quarter and 384SF for a boat house with no guest quarters.

Staff Findings of Fact:

1. Based on the 4.1 acres and the 191 foot of frontage they are allowed a total of 2,389.6 SF of accessory structures. This includes 1,280 for 2.5 acres, 409.6 for extra 1.6 acres, 700 SF for guest quarters based on frontage. They are asking for 3,098 SF for total of buildings and that is 708 SF more than allowed.
2. They wish to claim a practical difficulty of applying for a variance rather than doing a lot split and creating a separate lot that could be built on with a regular permit.
3. The historical nature of the original parcel was very large and has been split numerous times to avoid variances as the Simon and Johnson families have gotten larger in each generation.
4. They could tear down a building and add on to the original home, but they don't wish to make it bigger and they want to preserve the historical look as the original cabin is in very good shape since it was repaired after the 2015 storm.
5. The height requested for this building is 26 feet based on the design submitted. All other buildings on the property are less than 24 feet and are one story.
6. The site they intend to build the garage/guest quarter on is around 230 feet from the OHW

Conditions:

1. The building site should be moved to 20 feet from the property line to comply with twice the normal setback rule in the ordinance for a CUP.



Staff Report

Application #: Variance 2019-50

Parcel number: 87-029-3402

Applicants:

Scott Johnson on property described as: The East 175.00 feet of the West 375.00 feet of Government Lot 5, Section 29, Township 134 North, Range 29 West, Cass County, Minnesota. Along with a 33.00-foot easement for ingress and egress over part of said Government Lot 5, the centerline of said easement is described as follows: Commencing at the South Quarter corner of said Section 29; thence North 89 degrees 58 minutes 46 seconds West, bearings are based on the Cass County coordinate system, along the south line of said Section 29 a distance of 568.70 feet to the point of beginning of the line to be described; thence North 29 degrees 01 minutes 26 seconds West, a distance of 254.85 feet; thence North 36 degrees 26 minutes 34 seconds West, a distance of 165.34 feet; thence North 27 degrees 11 minutes 23 seconds West, a distance of 89.17 feet; thence North 18 degrees 34 minutes 45 seconds West, a distance of 117.05 feet; thence North 00 degrees 27 minutes 03 seconds East, a distance of 59.59 feet; thence North 48 degrees 07 minutes 24 seconds West, a distance of 111.36 feet to the east line of the West 375.00 feet of said Government Lot 5, and said centerline there terminating. The side lines of said easement are prolonged or shortened to terminate on said south line of said Section 29, and said east line of the West 375.00 feet of said Government Lot 5. Said parcel contains 4.13 acres, more or less, and is subject to all easements, restrictions, or reservations of record, if any; PID# 87-029-3402, located at 11519 Lower Gull Lake Ln, East Gull Lake, MN 56401. An application was submitted to request a Variance to construct a detached garage/guest house adding to footprint to 1,344 SF with a height of 26 F. The property is located in the R-3 zoning district and contains 4.13 Acres and 180,164 square feet.

Directions to property: From the intersection of Cass County Highway 77 and Cass County Highway 18 near Cragun's Resort proceed East 230 feet and then take a left on Lower Gull Lake Circle, proceed west 650 feet to Lower Gull Lake Lane and take a right, proceed to first left hand turn and you will be at 11519 Lower Gull Lake Lane.

A variance is required based upon our ordinance only allows two buildings with sleeping units and a limited amount of square footage of accessory structures based on the acreage. This property was developed many years ago and used to be a very large parcel with many small buildings in a family compound. Over the years they have separated the parcels due to rules that required variances. This 4.1 acre parcel with 191 foot of frontage could be separated to allow a conforming structure, but the family prefers not to. Each of the three structures on the property are small in size at 1188 SF for the main house, 490SF for a small guest quarter and 384SF for a boat house with no guest quarters.

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 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. Based on the 4.1 acres and the 191 foot of frontage they are allowed a total of 2,389.6 SF of accessory structures. This includes 1,280 for 2.5 acres, 409.6 for extra 1.6 acres, 700 SF for guest quarters based on frontage. They are asking for 3,098 SF for total of buildings and that is 708 SF more than allowed.
2. They wish to claim a practical difficulty of applying for a variance rather than doing a lot split and creating a separate lot that could be built on with a regular permit.
3. The historical nature of the original parcel was very large and has been split numerous times to avoid variances as the Simon and Johnson families have gotten larger in each generation.
4. They could tear down a building and add on to the original home, but they don't wish to make it bigger and they want to preserve the historical look as the original cabin is in very good shape since it was repaired after the 2015 storm.
5. The height requested for this building is 26 feet based on the design submitted. All other buildings on the property are less than 24 feet and are one story.
6. The site they intend to build the garage/guest quarter on is around 230 feet from the OHW

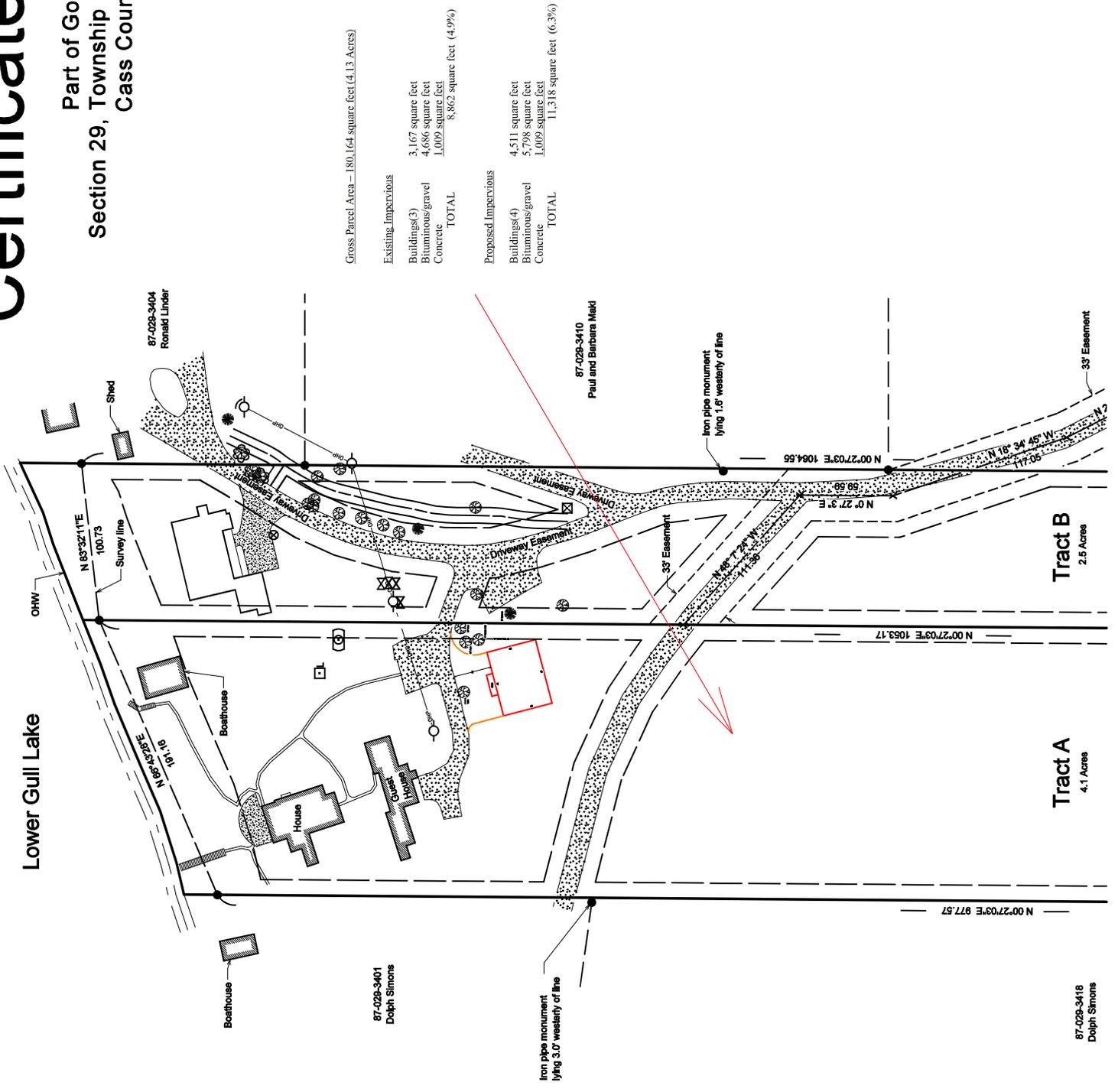
Planning Commission Direction: The commission can recommend approval of the variance, recommend denial of the variance, or table the request if additional information is needed. If the recommendation is for approval or denial, findings of fact should be cited.

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

1. The building site should be moved to 20 feet from the property line to comply with twice the normal setback rule in the ordinance for a CUP.

Certificate of Survey

Part of Government Lot 5
 Section 29, Township 134 North, Range 29 West,
 Cass County, Minnesota.



Gross Parcel Area — 180,164 square feet (4.13 Acres)

Existing Impervious

Buildings(3)	3,167 square feet
Bituminous/gravel	4,686 square feet
Concrete	1,009 square feet
TOTAL	8,862 square feet (4.9%)

Proposed Impervious

Buildings(4)	4,511 square feet
Bituminous/gravel	5,798 square feet
Concrete	1,009 square feet
TOTAL	11,318 square feet (6.3%)



Tract B
2.6 Acres

Tract A
4.1 Acres

87-028-3418
Dolph Simons

87-028-3401
Dolph Simons

87-028-3410
Paul and Barbara Mehl

87-028-3404
Ronald Linder



Dimensions
 42'-0" Wide
 32'-0" Deep

Garage: 1902 Sq. Ft.
 Apartment: 879 Sq. Ft.
Total: 2781 Sq. Ft.
*3 Car Garage | Cottage Style
 1 Bed 1 Bath Apartment*

Plan 29633 | Price Code D

Barristan

