

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
SEPTEMBER 11, 2023
9:00 AM**

Commission Members in attendance: Chair Jim Woll, Sean Weldon, PJ Smith, Gene Hagen, and Pat Hastings, Council Liaison John Terwilliger; City Engineer Joe Dubel; City Zoning Administrator Teri Hastings, and City Clerk Patti McDonald. Absent were Alternates Glen Gustafson, Pam Poston, and Alex Kuhn. A quorum was present, and the Commission was competent to conduct business. There were two people in the audience.

Chair Jim Woll called the meeting to order at 9:00 a.m.

Approval of the August 14, 2023, Regular Meeting Minutes – MOTION BY SEAN WELDON AND SECONDED BY GENE HAGEN TO APPROVE THE MINUTES FOR THE AUGUST 14, 2023, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING – There were no public hearing items.

NEW BUSINESS –

Lot Split-Roger Etzler and Teresa Wagner – Teri’s staff report indicated the following: The applicants are applying for a lot split. Originally, the property was two parcels of land (Lot 4 of Tuomi’s Pine Acres and the remaining which is shown as parcel B). The property owner is not sure when they were combined at the county level, but the county will not allow them to be uncombined without city approval; therefore, a lot split. The applicant is requesting to uncombine them according to their original legal description. The only difference is that Parcel B would have an easement through Lot 4 where previously, Parcel B was landlocked.

The property is zoned Wooded Residential which has a 5-acre minimum lot size. Lot 4 (Parcel A) would not meet the minimum lot size of five acres. The Wooded Residential District has a buildable area of 2.5 acres which both parcels have. Buildable area excludes bluffs and wetlands.

The applicant has submitted a survey by a licensed surveyor. Legal descriptions have been prepared for the property (Parcel A and Parcel B).

The proposed Parcels, meet the minimum width for the zoning district of 300'. Both parcels have access onto a public right of way (Parcel B via an easement of 33' wide).

Parcel B does have some wetland area around Stoney Brook, but they have not been delineated; the Cass County GIS wetland map is attached. The wetland area should not significantly impact the amount of buildable area. The setback from Stoney Brook is 150' and the total width of the wetland area is approximately 165 feet.

Monuments have been placed marking the boundaries of the proposed parcels.

There are no bluffs on the property.

There are improvements located on Lot 4 which are shown on the survey. Parcel B is vacant. It should be noted that a portion of the driveway coming from Niemi Circle is located on the property to the north.

The survey does not provide soils information; however, soils information has been provided on past SSTS certificates of compliance.

There were no concerns from the Commission, City Engineer, or audience.

STAFF RECOMMENDATION

Recommend approval of the lot split as the parcels were lots of record previously.

MOTION BY PAT HASTINGS AND SECONDED BY PJ SMITH TO APPROVE THE LOT SPLIT OF ROGER ETZLER AND TERESA WAGNER AS PRESENTED, THE PROPOSED LOT SPLIT ARE PARCELS THAT HAVE BEEN LOTS OF RECORD PREVIOUSLY. MOTION PASSED.

OLD BUSINESS –

Ordinance Revisions – Teri’s staff report indicated the following: Regarding bluffs: Teri heard back from Jim Kramer of KLD surveying regarding the proposed bluff definitions. His comments are pasted below:

Teri, my “opinion” is the 10-foot segment is the better option on the top of bluff definition, and it matches better to your current and past practice in Lake Shore. Obviously, this does not agree with Cass County which creates some confusion, but Crow Wing County uses the 10-foot segment definition (and also leaves the bluff impact zone at 30’).

My experience working with both definitions for top of bluff (10’ vs 50’ segment) results in the actual top being around 30’-35’ more restrictive. This change obviously creates problems for landowners that have purchased and designed improvements, that have not yet got land use permits. Cass County had this problem for some time after changing definition enforcement resulting in many variance applications.

This definition and enforcement vary everywhere, my personal opinion is that the 10’ definition, holding a 30’ bluff impact zone is best. The DNR option of using the 10’ segment for top but changing the bluff impact zone to 50’ (vs. 30’) is very similar to the 50’ segment with 30’ BIZ, as to the actual location of building envelope. Either of these changes would not agree with previous building envelopes shown on projects that we have done in Lake Shore.

Pretty certain this is coming off like I’m talking in circles, if you want to discuss, feel free to give me a call.

Jim

Teri has a “teams” meeting set up with the new area hydrologist, Danica Derks and Dan Petrik regarding bluffs and water oriented accessory structures on Wednesday, September 6th. Hopefully, it is a good discussion.

In addition, Jim Woll has put together draft on water oriented accessory structure or facility which is attached to the Commission’s packet.

The Planning Commission reviewed the proposed ordinance revision from where they left off last month with the discussion of bluffs. The ordinance revisions have to be reviewed and approved by Dan Petrik and Danica Derks. Teri said that the existing homes on a bluff will be grandfathered in for the old ordinance if they meet the criteria established by the DNR. New homes will have to follow the new requirements for the setback from the top of bluff.

Teri said the DNR agreed to the language presented by the Commission regarding water oriented accessory structures.

Teri will incorporate the Commission's discussion of the ordinance revisions and forward it to the DNR for their approval. When their approval is received, the ordinance will move through the public hearing process.

Teri learned that there is a resident that would like to replace their lakeside lawn with artificial turf. She ran it by the DNR and they haven't had this come before them. There are residents that have a concern regarding the effects of the eco-system. Teri has also received a request to use pea rock spanning across the entire lakeside front of their property. She is researching community's ordinances that have been presented with these requests. With the Commission's discussion, she will put together an option for their approval that would be acceptable to the DNR.

REPORTS

City Engineer – Joe Dubel said some challenges have been determined with the work going on for the boardwalk on the trail; progress may be temporarily delayed.

Chair – Jim Woll had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings had nothing to report.

PUBLIC FORUM – There was no public forum.

MOTION BY PAT HASTINGS AND SECONDED BY SEAN WELDON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 11, 2023, AT 10:00 AM.
MOTION PASSED.

Transcribed by Patti McDonald
Lake Shore City Clerk