

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
JUNE 12, 2023
9:00 AM**

Commission Members in attendance: Chair Jim Woll, PJ Smith, Gene Hagen and Pat Hastings, Council Liaison John Terwilliger; City Zoning Administrator Teri Hastings, and City Clerk Patti McDonald. Absent were Commission member Sean Weldon, City Engineer Joe Dubel and Alternates Glen Gustafson, Pam Poston, and Alex Kuhn. A quorum was present, and the Commission was competent to conduct business. There were 2 people in the audience.

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

Approval of the April 10, 2023, Regular Meeting Minutes – MOTION BY PAT HASTINGS AND SECONDED BY PJ SMITH TO APPROVE THE MINUTES FOR THE MAY 8, 2023, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING –

Variance – Rick and Shari Steer – Deno Construction Inc. on behalf of Rick and Shari Steer request a variance from the Lake Shore Land Use Ordinance relating to the lake and bluff setback for the purpose of constructing a second story addition over the northwesterly portion of the structure (approximately 205 square feet). The proposed addition will meet the sideyard setback requirement of 15 feet. The applicant will not exceed the impervious coverage limits and will meet the setback from the road right of way. The property is legally described as Part of Lot 1, Block 3, Auditor's Plat of Rocky Point (site address is 9296 Interlachen Road) and is zoned medium density residential.

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments and staff report. There were no written comments or inquiries received regarding this application from the public or the DNR.

Shelby Deno and Amanda Kronen, Deno Construction came before the Commission to answer questions regarding the Steer Variance. Amanda summarized the variance request.

Jim Woll asked the representatives if they have any concerns or questions regarding the findings of facts listed. Shelby and Amanda have no concerns and will comply with the findings of fact.

Teri's staff report indicated the following: The applicant has made application for a second story addition over the northwesterly portion of the home (it is the only part of the home with a flat roof). The addition will not meet the bluff or lake setback. The proposed addition is approximately 205 square feet. The proposed addition will meet the 15' sideyard setback and the road right of way setback.

The existing home is nonconforming and was constructed prior to current regulations (the file does not contain the original permit for the dwelling). Records for the property begin in 1982. A variance was granted in 2017 to construct an addition on the opposite side of the home and an attached garage.

The proposed addition will increase the amount of impervious surface by .1% due to the roof overhang for a total of 24.1% as the surveyor has calculated. The maximum amount of impervious surface allowed is 25% with a stormwater plan. A stormwater plan is on file for a 1" rainfall.

The property is well screened from the lake with a good amount of vegetation. There are several large trees and a good amount of low growing ground cover in the bluff area. The ordinance prohibits vegetation removal within the bluff, but a condition of approval could be that the existing vegetation on the bluff be maintained.

The addition will not be impactful nor impede site lines to the adjacent properties. The second story addition will add symmetry to the home from a visual standpoint. The applicant has indicated

The applicant will provide a compliance inspection for the septic system. There are multiple compliance inspections on file. The original system was installed in 1991 and was oversized for the home at that time. It should be noted the system is aging and may need replacement in the future. Teri believes there is adequate area on the property for a secondary site.

STAFF DIRECTION:

The Planning Commission may decide to approve the application, deny the application, or table the application if further information is required. If the decision is for approval or denial the findings of fact should be cited

FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and
- The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the landowner, and
- The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of this Ordinance and the comprehensive plan, and
- The Variance will not create a land use not permitted in the zone, and
- The Variance will not alter the essential character of the locality, and
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

There were no further questions or concerns from the Commission.

MOTION BY GENE HAGEN AND SECONDED BY PAT HASTINGS TO APPROVE THE VARIANCE REQUEST OF RICK AND SHARI STEER AT 9296 INTERLACHEN ROAD TO INCLUDE THE FOLLOWING FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and
- The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the landowner, and
- The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of this Ordinance and the comprehensive plan, and
- The Variance will not create a land use not permitted in the zone, and
- The Variance will not alter the essential character of the locality, and
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

MOTION PASSED.

NEW BUSINESS –

Ordinance Revision – The Planning Commission reviewed the proposed ordinance revision that Teri Hastings and Jim Woll have updated over the past few months. To date, the DNR has not submitted their comments to the proposed ordinance revision. Teri started with the first page allowing questions, comments, or suggested changes throughout the proposed ordinance. Teri will make the changes that were suggested and bring the updated version for review to a future Planning Commission meeting.

Jim Woll shared that the City Council upheld the Planning Commissions decision regarding the appeal of CUP for Zorbaz. During the meeting the recurring conversation was that Lake Shore doesn't address up to date Solar Energy. Solar is the wave of the future, and he and Teri discussed what the Commission should do as it relates to Solar. He has found model zoning ordinances for MN municipalities that was put out by the US Dept. of Energy and feels it's a good starting point for discussion. He suggested that the Commission forms a subcommittee, to be made up of members of the Planning Commission, members of the public, and a representative from the Solar industry (probably someone from TM Electric) to begin the discussion of zoning as it relates to Solar in Lake Shore.

Gene Hagen asked what restrictions or compliances the city has in place for solar. Teri answered that for residential there are no restrictions in place, if a resident wants to put solar panels on their home, its and over the counter permit.

Jim Woll asked Council Member John Terwilliger if he had any comments regarding the council meeting of the appeal. John said he has now been reading about the alternative energy. He has also heard the pros and cons from a lot of people regarding the Zorbaz project. He said the solar project along CSAH 36 has a berm around it, so you really don't see it. He also commented on the troubles that Great Britain is having with their wind energy.

Pat Hastings, PJ Smith, and Jim Woll volunteered from the Commission; Teri will contact Chris Olson from Crow Wing Power and a representative from TM Electric. PJ suggested to contact the power companies for suggestions as well. Pat asked if any surrounding communities have addressed solar energy. Teri said they haven't yet; however, Baxter is also dealing with the same situation.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel was absent.

Chair – Jim Woll had nothing to report.

Council Liaison – John Terwilliger had nothing additional.

Zoning Administrator – Teri Hastings had nothing to report.

PUBLIC FORUM – There was no public forum.

MOTION BY GENE HAGEN AND SECONDED BY PAT HASTINGS TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JUNE 12, 2023, AT 10:36 AM. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk