

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
JULY 11, 2022
9:00 AM**

Commission Members in attendance: Chair Jim Woll, Bob Toborg, Arla Johnson, and Gene Hagen; Alternate Glen Gustafson; Council Liaison John Terwilliger; City Engineer Joe Dubel; City Zoning Administrator Teri Hastings and City Clerk Patti McDonald. Absent were Pat Hastings, and Alternate Pam Poston. A quorum was present, and the Commission was competent to conduct business. There was one person in the audience.

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

Approval of the April 11, 2022, Regular Meeting Minutes – MOTION BY ARLA JOHNSON TO APPROVE THE MINUTES FOR THE APRIL 11, 2022, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. GENE HAGEN SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING –

Variance/Conditional Use Permit – Chris Olson – The applicant requested a variance/conditional use permit for moving more than 50 cubic yards earth within the shoreland area and for the placement of a 1,361 square foot principal dwelling/garage at a 10’ sideyard setback. The structure will meet all other ordinance requirements. The property is described as Lot 11, Part of Lot 10, Block 2, and Part of Outlot F, Stonybrook (site address is 7658 Ridge 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 or verbal comments received regarding this application. No comments were received from the DNR.

Chris Olson was present to answer any questions or concerns raised by the Planning Commission. He commented that Dave Holz, which is the adjoining Luther Crest lot, told Chris that he has no objections to the Olson request.

Teri’s staff report indicated the following: The applicant requested a Variance/Conditional Use Permit to move more than 50 cubic yards of earth within the shoreland zone (within 1000 feet of the lake) and to construct a single-family dwelling and attached garage at a 10’ sideyard setback. The applicant is proposing to haul in approximately 700 cubic yards of pit-run soil (from the Whitney Pit) to elevate the building pad. The building envelope for the proposed home is quite small (approximately 2000 square feet) and the southeast corner of the building envelope has a significant elevation difference from the northwest corner of the site. To complicate matters the natural drainage way runs through the property. The excavator has proposed a method of construction that would allow the natural subsurface drainage to remain (going through the 18’’ of 1 ½ inch sewer rock with filter fabric). The proposed fill would then be placed upon the rock layer. A retaining wall will be constructed on the lakeside of the property.

The lot size of the property is 87,583 square feet (approximately 2 acres). There are two building envelopes for the property; the first is towards the road where there is currently a detached garage with living space above. This structure complies with city ordinances and the applicant was able to acquire an additional 10’ of land to help create a better building envelope in the rear of the property unfortunately, he was unable to secure the additional 10 feet all the way to the lake. The applicant is proposing to construct a modest size home with a footprint of 1,121 square feet and attached garage of 240 square feet. The variance request of a 10’ sideyard

setback allows the home to shift to the north to avoid the need for even more fill for the home pad and allows for the drainage.

The property to the north is owned by Luther Crest and the property should not be adversely impacted by the conditional use permit or variance request. The Luther Crest property does have some wetland and the drainage does flow into the wetland area. The building envelope for the Luther Crest property is adequate for a decent sized home. Maintaining as many trees as possible within the setback area will help insure privacy for both properties.

A sewer site evaluation and design has been submitted by Martin Joyce for the property. A deep well will serve the property and has been drilled.

The applicant has supplied a plan indicating the drainage for the property. There is a drainage way that runs from the west side of Ridge Road towards the wetlands and lake. Ben Meister has professionally delineated the wetlands. Evidence of the drainage is visible when visiting the site with the recent rain events.

The impervious surface with the proposed home and improvements is less than 20% so a stormwater plan will not be required. The projected impervious surface is 10.6%. The maximum amount of impervious surface allowed is 25%.

The applicant is proposing to utilize best management practices with silt fence on the lake side of the property and other erosion control measures as needed such as bio-log rolls.

Listed below is a portion of the city ordinance as it pertains to grading within the shoreland area:

- Grading within the Shore Impact Zone, including the placement of fill material along the shoreline, shall not be authorized if the grading creates or expands a shoreline recreation area, such as a beach. Beach Sand blankets are prohibited except for resorts.
- The smallest amount of bare ground is exposed for as short a time as feasible.
- Four inches of topsoil is placed, temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
- Methods to prevent erosion and trap sediment are employed.
- Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
- Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.
- Fill or excavated material must not be placed in bluff impact zones.
- Fill placed in public water below the ordinary high-water line requires a Department of Natural Resources Waters Permit and a Corps of Engineers Permit.
- Excavation in the bed of public waters requires a Department of Natural Resources Waters Permit and a Corps of Engineers Permit.
- Only clean fill consisting of sand, gravel or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
- Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties

A number of trees will need to be removed that are located in the building envelope. This would occur without the cup and variance. Overall, the property is well screened from the water with heavy vegetation. A majority of the property particularly, the southern portion of the property is well vegetated, and the applicant plans to leave that portion undisturbed.

The proposed use is an appropriate use within R-2 zoning district and is compatible with surrounding properties. The proposed use if done properly will not be injurious to the public health, safety, decency comfort, appearance, or prosperity of the city.

The proposed use will not substantially diminish or impair property values but rather enhance them nor will it impede normal and orderly development of the surrounding property.

STAFF RECOMMENDATION:

Recommend approval of the conditional use permit and variance based upon the facts stated above. The variance will not alter the essential character of the area and there are unique circumstances to the property not created by the landowner. The applicant is proposing to utilize the property in a reasonable manner while recognizing the characteristics of the property. Approval of the conditional use permit is recommended with the following conditions: that erosion control measures are employed during construction activity which includes silt fence/bio-logs to protect the lakeside and wetland areas. No fill material should be placed within any wetland or below the ordinary high-water mark. All fill areas should be stabilized to prevent any unstable slopes. Areas of disturbance should be seeded, or a temporary ground cover should be used to prevent any erosion and trap sediment.

There were no concerns from the Commission. The city engineer had no concerns with the application, although there was discussion regarding the diversion of water run-off. Chris said there is a gentle slope all the way down the property.

MOTION BY GLEN GUSTAFSON TO APPROVE THE VARIANCE/CUP REQUEST OF CHRIS OLSON AT 7658 RIDGE ROAD AS PRESENTED. ARLA JOHNSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Joe Dubel had nothing to report.

Chair – Jim Woll had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings commented that it has been a steady summer with quite a bit of activity.

PUBLIC FORUM – There was no public forum.

MOTION BY GENE HAGEN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JULY 11, 2022 @ 9:11AM. GLEN GUSTAFSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

Transcribed by Patti McDonald
Lake Shore City Clerk