

CITY OF EAST GULL LAKE  
APPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
September 25, 2007 – 6:30 PM

---

1. Meeting called to order at 6:30 p.m. by Chairperson Mason.
2. Members present: Chairperson Mason, Commissioner Anakkala, Commissioner Lee, Commissioner Dunphy, Commissioner Lee.
3. Public Hearings

\*\*\*\*\*  
Variance for Deviation from 100' Lot Width Requirement of R-3 District  
Stewart C. and Henry C. Mills, Property Owners  
Application 2007-71

Zoning Administrator Schmidt reads the public hearing notice. He notes that the applicant has submitted this application concurrently with an application for a metes and bounds subdivision. He further notes that the applicant proposes to split a large lot into two, with both lots abutting shoreline on both Gull Lake and Ruth Lake. He explains that each remaining lot will have 235 feet of shoreline on Gull Lake and Tract A will have 29 feet of shoreline on Ruth Lake and Tract B will have 100 feet of shoreline on Ruth Lake.

Mr. Chad Conner, WSN, is present on behalf of the applicant. Mr. Conner presents the proposed lot split and the need for a variance from the 100' lot width requirement of the OHW for the R-3 District.

Chairperson Mason opens the meeting for public comment. He then closes the meeting after receiving no comments.

Chairperson Mason asks for comments by member of the Commission.

Commissioner Duphy asks Mr. Conner if there are any structures planned for the east side of Green Gables Road on the Ruth Lake side of the property.

Mr. Conner notes that there are no structures proposed.

Commissioner Dunphy states that he would like to see a condition which would eliminate any structures on the east portion of the road as well as any docks or mooring facilities.

**Motion by Commissioner Dunphy to approve Application 2007-71 for a Variance from the 100' lot width requirement of the R-3 District is based upon the following findings:**

1. **The applicants would not have the ability to subdivide the property as proposed, however this is a circumstance created by the property owners.**

2. **The limited width of the property at the OHW of Ruth Lake, 190 feet, would restrict the ability of the property owners to split the property.**
3. **The Ordinance requires a 100' lot width at the OHW for lots within the R-3 District. The subject property is unique in that the property spans two lakes, Gull Lake and Ruth Lake with proposed lot widths of roughly 235' lot width at the OHW on Gull Lake and roughly 29' lot width at the OHW on Ruth Lake. There are no docks or structures on the south portion of the property between Green Gables Road and Ruth Lake.**
4. **The subject property is zoned R-3 Shoreline Residential and the variance, if approved, would not create a use which is not permitted within this District.**
5. **The variance would not alter the essential character of the neighborhood or locality as the applicant is proposing no additional uses or structures.**
6. **The variance is not for economic reasons alone as the request is in relation to a deviation of the lot width requirement of the R-3 District.**

**The motion is made with the following condition:**

1. **There shall be no structures, including docks and mooring facilities on the shoreline of Ruth Lake upon Tract A of the subject property.**

**Motion seconded by Commissioner Lang.**

**Motion passed unanimously.**

\*\*\*\*\*

Chairperson Mason notes that the Commission should also consider the metes and bounds subdivision request as this matter is related to Variance Application 2007-71. He asks if there are any further comments by the Commission or if a member would like to make a motion.

**Motion by Commissioner Anakkala to approve Application 2007-2007-72 for a Metes and Bounds Subdivision as proposed by the Certificate of Survey.**

1. **The buildable lot area of Tract A is roughly 127,349 sq. ft., the buildable area of Tract B is roughly 127,349 sq. ft, both of which meet the minimum lot area requirements of the R-3 District.**
2. **The applicant has submitted a Certificate of Survey indicating all proposed property lines. The common property line of Tracts A and B contain a jog, however the Commission determines this to not be unnecessary.**
3. **The proposed impervious surface coverage for Tract A is 21.3% and 14.4% for Tract B. The total impervious surface coverage for Tract A exceeds the maximum 20% total impervious surface coverage of the R-3 District by 1.3%. This will be brought into conformance with the Ordinance by reducing the overall impervious surface coverage to 20% or less.**
4. **The survey does not indicate vegetation cover, however Tracts A and B contain trees and vegetation consistent with adjacent properties within the general vicinity of the subject properties.**
5. **The applicant has not submitted soil surveys, however Tracts A and B are**

served by municipal sewer service.

6. The survey indicates the location of adjoining lot lines and existing structures on the accompanying Certificate of Survey.
7. There are no known significant historical or ecological sites on the property.
8. There are no indications that the subdivision would be injurious to the public healthy, safety, or welfare.
9. Both proposed lots conform to the Zoning Ordinance and this subdivision will not result in the creation of non-conforming lots beyond what is addressed by variance application #2007-71.
10. Tracts A and B are similar in total area are larger than most adjacent lots.
11. Tracts A and B meet the minimum requirement of 33 feet of frontage on a designated right-of-way.

The motion is made with the following conditions:

1. The applicant shall present a copy of the Certificate of Survey to receive a City Seal and signature of the City Administrator/Clerk prior to recording with Cass County.
2. The applicant shall record the lot split with Cass County within one year from approval by the Planning Commission.

Motion seconded by Commissioner Dunphy.

Motion passed unanimously.

\*\*\*\*\*

Ordinance Amendment to Exclude Certain Type III and IV Home Occupation Uses from Residential Zoning Districts  
City of East Gull Lake

Zoning Administrator Schmidt reads the public hearing notice.

Commissioners note that this is an amendment that the Commission has been working on for some time.

Chairperson Mason opens the public hearing. He closes the hearing after receiving no comment.

**Motion by Commissioner Lang to approve the following Ordinance Amendment:**

1. **Redefine and consolidate Type III and Type IV Home Occupation uses in one single Type III category under the Definitions Section of the Ordinance; remove Type IV Home Occupation use from the Definitions Section of the Ordinance.**

Home Occupation, Type III. A home occupation, the commercial nature of which involves providing a service or product to people or organizations on site and includes two or more of the following:

CITY OF EAST GULL LAKE  
APPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
September 25, 2007 – 6:30 PM

---

1. Generates over twenty five, but less than sixty auto trips per week, including deliveries, or
  2. Employs more than two employees working on-site in addition to the owner working on site, or
  3. Includes on-site retail sales of items manufactured on-site, or
  4. On-site storage or warehousing of work related materials and products, or
  5. Is identified by on-site signage.
- Or any one of the following:
1. Generates over sixty auto trips per week, or
  2. Generates noise, odor, dust, fumes, vibrations, glare, or similar effects beyond the property in which the use is conducted.
2. **Exclude Type III Home Occupation use from all residential Districts. The uses, however, would still be allowed within Commercial Districts provided all other performance standards, lot requirements, etc., could be met.**
3. **Designate Home Occupation, Type III use as an excluded use within the R-1 (Section 5.3, subdivision 5), R-2 (Section 5.4, subdivision 5), and R-3 (Section 5.5, subdivision 5) Zoning Districts.**

**Motion seconded by Commissioner Anakkala.**

**Motion passed unanimously.**

\*\*\*\*\*

Ordinance Amendment to Require Conditional Use Permit for Structures 6,000 Sq. Ft. or Larger within R-1, R-2, & R-3 Districts  
City of East Gull Lake

Zoning Administrator Schmidt reads that public hearing notice and provides an overview of the proposed amendment.

Chairperson Mason asks for public comment. He closes the public hearing after receiving no further comments.

Chairperson Mason asks members of the Commission if they have any comments, questions or if they would like to make a motion.

**Motion by Commissioner Dunphy to approve the following Ordinance Amendment:**

**Make the following revisions requiring a CUP for structures 6,000 sq. ft. in total building footprint area by adding such structures as a Conditional Use under the following sections of residential Districts:**

**Section 5.3, Subdivision 3. Conditional Uses. (R-1)**

**Section 5.4, Subdivision 3. Conditional Uses. (R-2)**  
**Section 5.5, Subdivision 3. Conditional Uses. (R-3)**

**Motion seconded by Commissioner Lee.  
The motion passed unanimously.**

\*\*\*\*\*

Ordinance Amendment to Clarify and Consolidate Appeals Process and Prescribe Fees  
for Appeals  
City of East Gull Lake

Zoning Administrator Schmidt reads the public hearing notice and provides an overview of the current appeals process and the process proposed under this amendment. He notes that the proposed amendment does not significantly change the appeals process; however the amendment clarifies the process and allows a fee to be charged by the City for appeals.

Chairperson Mason opens the hearing for public comment. He then closes the hearing after receiving no comments.

**Motion by Commissioner Dunphy to approve the following amendment to the Ordinance:**

**10.12 Appeals.**

1. **Appeal of Decision or Action of Zoning Administrator to the Board of Adjustment. Appeals of a decision or action of the Zoning Administrator may be made to the Board of Adjustment as specified in subsection 10.2(2)(A) by notifying the City Clerk, in writing, of the intent to appeal. Written notice of appeal shall state the nature of the appeal, specific decision(s) or action(s) subject to the appeal, and any relevant documentation or material evidence. Appeals of actions of the Zoning Administrator shall be received by the City Clerk at least twenty days prior to the date of the next regularly scheduled Board of Adjustment meeting in which the appeal is scheduled for action by the Board. Appeals of actions by the Zoning Administrator shall be made to the City Clerk within 30 days after action by the Zoning Administrator.**
  
2. **Appeal of Decision or Action of Board of Adjustment or Planning Commission to the City Council. Appeals of an action of the Board of Adjustment or Planning Commission may be made to the City Council as specified in subsection 10.4(1)(D) by notifying the City Clerk, in writing, of the intent to appeal. Written notice of appeal shall state the nature of the appeal, specific decision(s) or action(s) subject to the appeal, and any**

---

**relevant documentation or material evidence. Appeals of actions of the Board of Adjustment or Planning Commission shall be received by the City Clerk at least twenty days prior to the date of the next regularly scheduled City Council meeting in which the appeal is scheduled for action by the Council. Appeals of actions by the Board of Adjustment or Planning Commission shall be made to the City Clerk within 30 days after action by the Board of Adjustment or Planning Commission.**

3. **Appeal of Decision of City Council to the District Court. Appeals of an action by the City Council shall be made to the District Court by filing a complaint with the Court within 30 days of the date of action or decision by the City Council.**
  
4. **Fees. All fees for appeals of decisions of the Zoning Administrator, Board of Adjustment or Planning Commission shall be paid at the time of submission of a notice of intent to appeal to the City Clerk. All fees for appeals of decisions of the Zoning Administrator, Board of Adjustment or Planning Commission shall be set according to the schedule of fees approved by the City Council.**

**Motion seconded by Commissioner Anakkala.**

**Motion passed unanimously.**

\*\*\*\*\*

Ordinance Amendment to Clarify and Define Section 4.3(4), “Sylvan Shores Development Area”  
City of East Gull Lake

Zoning Administrator Schmidt reads the public hearing notice.

Chairperson Mason notes that he feels section 4.3(4) is not clear and that this is an opportunity for the Commission to amend it before the Ordinance creates any additional issues.

Chairperson Mason notes that the proposed amendment would make more sense if it stated “and” rather than “but” after the first comma in the second sentence.

Commissioner Anakkala agrees.

**Motion by Commissioner Anakkala to amend Section 4.3(4) of the Ordinance as follows:**

**Section 4.3 Use of Pre-Existing Lots.**

4. **Non-riparian lots, or lots which do not abut shoreline within the Sylvan**

CITY OF EAST GULL LAKE  
APPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
September 25, 2007 – 6:30 PM

---

**Shores development area shall be considered buildable, without a variance, if they contain at least 20,000 square feet of area. The Sylvan Shores development area shall include, and is limited to, property within the Plat of Sylvan Shores as recorded with the County Recorder of Deeds.**

**Motion seconded by Commissioner Lee.  
Motion passed unanimously.**

\*\*\*\*\*

4. Additions or Deletions to the Agenda

Chairperson Mason asks if there are any additions or deletions to the agenda.

Zoning Administrator Schmidt notes that he would like to add discussion on a request from Mr. John Koupal for a Variance to add a deck to a nonconforming structure.

5. Approval of Minutes  
a. August 28, 2007 Regular Meeting

Commissioner Lang notes that the motion provided on page 16 of the Staff Report should not be him as he was not present at the meeting.

Commissioner Lee notes that he seconded the motion.

Zoning Administrator Schmidt notes that the correction would be made.

**Motion to approve the minutes of the August 28, 2007 Planning Commission meeting as corrected made by Commissioner Lang.  
Motion seconded by Commissioner Lee.  
Motion passed unanimously.**

6. P&Z Administrator's Report  
a. Permits  
b. Correspondence  
c. Potential Violations/Enforcement Action  
    1. Guesthouse/Boathouse Violation at 10859 Mallard Lane  
d. Council Action  
e. Applicant Feedback Survey  
f. Variance/CUP Follow-up

7. Open Forum

CITY OF EAST GULL LAKE  
APPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
September 25, 2007 – 6:30 PM

---

Dave Maccabee. Green Gables Road explains that he would like to add a small addition to his house. He explains that he owns back lot which is separate from his lot.

Zoning Administrator Schmidt offers to assist Mr. Macabee outside of the meeting.

Mr. Macabee thanked Staff for the offer.

Zoning Administrator Schmidt notes that he has received a telephone call from a John Koupal asking if a Variance could be approved on a property located off of Greenhill Road. He notes that a permit was issued in 2003 on the property, which was approved with a site plan drawn in such a way as to show the structure to be conforming; however the builder had built the home within public right of way which causes the structure to be nonconforming.

Commissioner Anakkala notes that it is not the responsibility of the City if a structure is constructed improperly.

After discussion by the Commission, Chairperson Mason notes that the Commission would unlikely approve any Variance to build a deck onto the nonconforming structure.

8. Old Business

Zoning Administrator Schmidt notes the following discussion which should take place on the remaining ordinance amendments or policies at upcoming meetings. This includes the following:

- a. Ordinance Amendments
  1. Review and revise Section 3.0 Definitions.
  2. Review and revise Section 4.7 related to existing water oriented accessory structures.
  3. Review and revise Section 4.10 related to additions to principal structures.
  4. Review and revise Section 10.7 related to Zoning Permits.
  5. Review and revise Section 8.4(6) related to 33' ROW requirement for Metes and Bounds Subdivisions.
  6. Review and revise Section 5.7 Commercial District provisions to ensure consistency with comp plan.
  7. Review and revise accessory structure size maximum of 1,280 sq. ft.
  8. Review and revise accessory structure height maximum to R-1 zoning district.
  9. Review and revise permitted, conditional, accessory and excluded uses of Section 5.5.

9. New Business

- a. Metes and Bounds Subdivision, Stuart Mills, Jr. and Henry Mills

CITY OF EAST GULL LAKE  
APPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
September 25, 2007 – 6:30 PM

---

Chairperson Mason notes that this matter was addressed after Variance application 2007-71 was considered for approval.

b. Policy on Site Inspections for Land Use Permits

Zoning Administrator Schmidt provides an overview of Policy 07-01 Policy on Site Inspections for Land Use Permits. He notes that the date on the policy should be changed to January 1, 2007 to allow for sufficient time for approval. He further notes that the policy creates an internal policy to address site inspections for permits issued and is not a change or alteration to the Ordinance.

**Motion by Commissioner Dunphy to approve Policy 07-01 Policy on Site Inspections for Land Use Permits.**

**Motion seconded by Commissioner Lang.**

**The motion passed unanimously.**

c. Policy on Violations and Enforcement

Zoning Administrator Schmidt provides an overview of Policy 07-02. He explains that the policy is intended to provide a framework for how violations are addressed and enforcement action is taken by the City.

**Motion by Commissioner Lang to approve Policy 07-02 Policy on Violations and Enforcement.**

**Motion seconded by Commissioner Anakkala.**

**The motion passed unanimously.**

10. Adjourn – This agenda is not exclusive. Other business may be discussed as deemed necessary.

Zoning Administrator Schmidt notes that the next meeting of the Commission will be October 30, 2007.

**Motion by Commissioner Anakkala to adjourn.**

**Motion seconded by Commissioner Dunphy.**

**The motion passed unanimously.**

Respectfully submitted by:

Timothy J. Schmidt  
COMMUNITY GROWTH INSTITUTE  
Zoning Administrator