

**City of East Gull Lake  
Planning and Zoning  
Regular Meeting**

Tuesday, October 26, 2021 – 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, October 26, 2021 at City Hall.

**II. Pledge of Allegiance**

**III. Roll Call**

Present: Bruce Buxton (Chair), Commission: Marty Halvorson, Paul Tollefson, Eunice Wiebolt, Rocky Waldin

Staff Present: City Administrator Mason, Administrative Assistant Schack

Council Liaison: Carol Demgen

Audience: Kevin Yeager, Jason Theisse, Mollie Villella, Jon Villella, David Ude, Cynthia Janes, Cheryl Funk, John Funk

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

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to approve the agenda as presented. All present voted in favor thereof. Motion carried.**

**V. Approval of Minutes**

**Motion by Commissioner Waldin, second by Commissioner Wiebolt to approve the minutes of the Tuesday, September 28, 2021 meeting. All present voted in favor thereof. Motion carried.**

**VI. Open Forum**

None

**VII. Public Hearings**

**A. CUP 2021-79 – Jon Villella**

Administrator Mason read the CUP Staff Report noting to the survey drawing on the screen. As the findings were read, the drawing on the screen was changed to show the site plan of the proposed building. Mr. Villella addressed the Commissioners to request approval of the proposed CUP. Kevin Yeager addressed the Commissioners noting that the corrected impervious coverage measured from the near side edge of the road to the lake is less than what was presented from the far side edge of the road including the gravel surface. Impervious coverage is actually 24.77% currently and will be proposed to increase to 28.8%.

The Public hearing was opened and Mrs. Funk noted there was pending litigation as a claim for adverse possession. Chair Buxton noted that it was not in the Commissioners purview to make any decision based upon what might happen in the future.

Impervious coverage was discussed noting the lot is over in percentage. It was noted that the property is unique and a compromise needed to be made. Pervious asphalt and pavers were discussed as being used to decrease the impervious surface.

**Findings of Fact:**

1. The neighboring house on the East encroaches within Villella property up to 4.7 feet onto their lot at an angle. The Villella's are aware of this encroachment and are willing to continue allowing this non conformity.
2. The Villella New home design also is angled to match the encroachment and maintain a side yard set back distance of 14 feet 8 Inches from both south and north property boundaries at its closest point and a building distance of 10 feet 1 inch from the neighboring encroachment.

3. The previous home was about 5 feet from the west property line.
4. The new homes lakeside patio is 3 feet farther from the OHW
5. The additional 410.3 Sq. Ft. of impervious surface that is being added on the home is a driveway in front of the garage area to provide parking for two vehicles. All parking previously was off the road only. This 410 Sq. Ft. driveway will also be made of a pervious product to help with the stormwater management plan.
6. The new height of the home will be a maximum of 24 feet 2 ½ inches which is less than the allowed 30 feet to the peak of the roof.
7. A small berm will be added lakeside to prevent direct run off into the lake as part of the stormwater management plan.
8. As stormwater plan will be submitted to control a 5-year 24-hour storm event of 3.27 inches of rain on the lakeside portion of Pike Bay Road.
9. Additional parking for vehicles will be on the south side of Pike Bay Road

**Conditions:**

1. Previously an RV was kept on site all summer for additional housing and with the larger new home on site, RV storage will be prohibited for long term use
2. Previously this home was listed on short term rental sites such as VRBO. As part of this Conditional Use Permit, the owners would agree to not list their home and abide by the City ordinance of any combination of four (4) rentals per year maximum.
3. During construction, great care will be taken to maintain a road right of way for other residents and maintain the road surface quality.
4. Driveway and patio to be constructed of a form of pervious surface
5. Approval of a stormwater management plan with gutters directed to the pervious retention areas away from the lake

**Motion by Commissioner Waldin and seconded by Commissioner Halvorson to recommend approval of CUP 2021-79 subject to the findings and conditions as presented by City Staff with the additional conditions where the driveway and patio to be pervious surface and approval of a stormwater plan. All present voted in favor thereof. Motion carried.**

**B. Variance 2021-80 – Cynthia Janes**

Administrator Mason read the Variance Staff Report noting the survey drawing on the screen. He noted the proximity of Dade and Sylvan Lakes.

**Findings of Fact:**

1. A practical difficulty exists as the home was built years before City Codes existed or Dade Lake was declared a Natural Environmental Lake.
2. More than half the home is within the typical 50 foot set back on a lot with sanitary sewer service. In addition, a 968 Sq. Ft. garage and attached garden shed are also within 6 feet of Dade Lake.
3. The lot contains a portion of the abandoned Cass County 18 bituminous surface that is contributing to impervious on the lot.
4. A pre-existing fuel oil tank that is not being used is located just outside the 50-foot setback.
5. Two existing sanitary sewer systems on site will be relocated with a new grinder service.
6. Current structures meet the 10-foot side yard setbacks.
7. The proposed garage addition with guest quarters above is 26 x 24 = 624 Sq. FT. and will be attached beyond the setback on the NW corner of the existing structure.
8. A new garden shed 18.6 x 16.5 = 306.9 Sq. Ft. will be built beyond the 50-foot OHW setback and 15 feet from the side yard setback.
9. With impervious coverage currently at 20.3%, removal of multiple items proposed will reduce impervious to 14.8% and reduce the non-conformities.

**Conditions:**

1. Removal of the 968 Sq. Ft. garage and garden shed currently 6 feet from Dade Lake
2. Removal of 2,183 SQ. FT. of old County Road 18 bituminous on the site.
3. Removal of heating oil tank and retaining wall

4. Purchase of a \$5,500.00 new grinder and control panel with installation by homeowner of newly relocated City sewer service.

**Motion by Commissioner Wiebolt and seconded by Commissioner Tollefson to recommend approval of Variance 2021-80 subject to the findings and conditions as presented by City Staff. All present voted in favor thereof. Motion carried.**

**VIII. Planning and Zoning Administrator's Report**

**A. Statistics**

|                             |    |
|-----------------------------|----|
| New Permits:                | 8  |
| New Variances:              | 1  |
| New Conditional Use:        | 1  |
| Inspections:                | 76 |
| Completion Letters:         | 14 |
| New Violations:             | 0  |
| Total 2021 Permits to date: | 94 |

**B. Prior Years' Existing Permits Update**

- 19 open out of 96 total 2020 permits

Administrator Mason reviewed the inspections that took place during the last month.

**IX. Old Business**

None

**X. New Business**

None

**IX. Adjournment**

**Motion by Commissioner Halvorson and seconded by Commissioner Wiebolt to adjourn. 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.