

**CITY OF EAST GULL LAKE, MINNESOTA
RESOLUTION NO. 05:01-23**

**RESOLUTION APPROVING A VARIANCE FOR
STERLING MOLBY**

WHEREAS, Sterling Molby (“Applicant”) at 1133 Gull Lake Dam Rd, East Gull Lake, MN 56401 in the City of East Gull Lake, Minnesota has requested an impervious surface variance from the EGL Land Use, Zoning and Subdivision Ordinance to reconstruct a dwelling at 1133 Gull Lake Dam Road following loss of dwelling in structural fire. A variance is required based upon proposed dwelling footprint, in addition to all other impervious surfaces on the parcel, exceeding the 10% maximum impervious requirements in the R-1 zoning district. The parcel contained approximately 14.6% impervious surfaces prior to the loss of the dwelling. The new dwelling footprint is proposed to be slightly larger in size with the addition of a porch to the original footprint increasing the proposed total impervious surface of parcel to be approximately 15.6%; and

WHEREAS, the property is legally described as follows:

The North 350’ of the East 150’ of the West 942’ of the NW ¼ of the NW ¼, Section 21, Township 134 North, Range 29 West, Cass County, Minnesota

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on May 2, 2023, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of East Gull Lake has considered the Planning Commission’s recommendation at its Tuesday, May 2, 2023 City Council Meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST GULL LAKE, CASS COUNTY, MINNESOTA, that it does hereby approve the request of the Applicant for a Variance, based upon the following findings pursuant to MN Statute and East Gull Lake (EGL) Land Use, Zoning and Subdivision Ordinance (Ordinance). The City Council’s Findings relating to the standards are as follows:

Findings related to practical difficulties in complying with the Ordinance:

a. REASONABLENESS:

- A dwelling with porch is a reasonable use of property. It is common for property owners in the R-1 zoning district to have dwellings of a similar nature. The proposed construction of a dwelling would maintain the character of the surrounding neighborhood.
- The variance will not create a Land Use not permitted in the zone.

b. UNIQUE CIRCUMSTANCE:

- This parcel is an existing non-conforming lot with its size (approximately 1.2 acres) falling below the minimum building lot area of 2.5 acres as specified in the EGL Land Use, Zoning and Subdivision Ordinance. This smaller, non-conforming lot is applied to the same 10% impervious surface maximum as a conforming lot despite being less than half a conforming lot minimum size.

c. ESSENTIAL CHARACTER OF LOCALITY:

- The proposed dwelling remains reasonably consistent with the surrounding properties with special regard to scale and placement of dwelling.
- The proposed construction of a dwelling would maintain the character of the surrounding neighborhood.

The proposal is in harmony with the general purposes and intent of the EGL Land Use, Zoning and Subdivision Ordinance.

- A dwelling with porch is consistent with the residential character of the Low Density, Wooded Residential zoning district (R-1).
- The EGL Land Use, Zoning and Subdivision Ordinance recognizes the construction of dwellings in the R-1 zoning district.

Proposal consistency with EGL Comprehensive Plan:

- The EGL Comprehensive Plan does not specifically call out properties in the R-1 zoning district, however it does refer to the city maintaining rural "Northwoods" character.
- Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposed dwelling would not negatively impact the surrounding existing residential neighborhood.

FURTHER BE IT RESOLVED, that the following conditions of approval of the Variance shall be met:

- Prior to construction, a stormwater plan demonstrating containment of a 25 year, 24 hour precipitation event as specified by the most recently published NOAA Atlas Point Precipitation Frequency Estimates must be approved by the City, and implemented by the landowner in perpetuity (as long as the provisions of the related variance(s) and CUP(s) remain valid/applicable).
- Erosion control measures must be implemented during construction of this project and maintained until vegetation is adequately established as to prevent runoff/sedimentation to adjacent properties and roadways.
- Applicant must complete and submit any other required applications relating to this project and obtain approval (by permit) prior to construction. This includes, but may not be limited to, completion and submission of EGL Land-Use Application and approval of permit.
- Sanitary Sewage Treatment System (SSTS) permits shall be obtained by applicant through Cass County prior to construction.

- Approval of Variance is contingent upon landowners submission/City's receipt of property survey as completed by licensed surveyor.

Adopted by the East Gull Lake City Council this 2nd day of May, 2023.

A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution: Mayor Dave Kavanaugh, Councilors Ruttger, Demgen, Hoffmann, and Bergin.

And the following voted against: None

WHEREUPON said resolution was declared duly approved and adopted and was signed by the Mayor and attested to by the City Administrator.


Dave Kavanaugh, Mayor


Laura Christensen, City Administrator

State of Minnesota)
 ss
County of Cass)

I, the undersigned, being the duly qualified City Administrator of the City of East Gull Lake, Minnesota, hereby certify that I have carefully compared the foregoing Resolution 05:01-23 which is found in the minutes of the City Council of the City of East Gull Lake dated May 2, 2023.
And the same is a full, true, and complete copy of said Resolution 05:01-23 as found in the City records.

Witness my hand officially as such administrator May 2, 2023.



Laura Christensen, City Administrator
East Gull Lake, Minnesota

State of Minnesota)
 ss
County of Cass)

The foregoing instrument was acknowledged before me May 2, 2023 by Laura Christensen, City Administrator of the City of East Gull Lake, Minnesota.



Kathy Schack, Notary Public
My Commission Expires January 31, 2024

