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**OFFICE OF THE COUNTY RECORDER  
CASS COUNTY, MINNESOTA  
CERTIFIED, FILED, AND/OR  
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**KATHRYN M. NORBY  
CASS COUNTY RECORDER**

**BY SF \_\_\_\_\_ Dep TX#: 192769**

**CITY OF EAST GULL LAKE, MINNESOTA  
RESOLUTION NO. 10:02-23**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR  
Blair & Carol Wilson**

**WHEREAS**, Blair & Carol Wilson (“Applicant”) has submitted an application for a Conditional Use Permit [describe request] at [property address] in the City of East Gull Lake, Minnesota; and

**WHEREAS**, the property is legally described as follows:

Lot 4, 1st Addition to the City of East Gull Lake, Cass County, Minnesota

**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on October 3, 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 October 3, 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 Conditional Use Permit, 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 NARRATIVE.**

**PART 1  
CONDITIONAL USE PERMIT; ACCESSORY STRUCUTRE**

As described in Section 8.5-5, 3 and Section 8.5-5, 6 of the EGL Land Use, Zoning and Subdivision Ordinance:

Accessory structures. Accessory structures greater than 1,280 square feet may be constructed through a Conditional Use Permit if the following is provided:

1. The structure shall be screened with vegetation sufficient to prevent the structure from view on public waters.

*Findings:*

- *Naturalized wooded vegetation exists between the proposed structure and Gull Lake, providing adequate screening measures.*

2. The structure shall be setback twice the normal setback distance.

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Findings:

- *The proposed structure meets the requirement of twice the normal setback distances in the R-3 Shoreline Residential zoning district. The proposed setback from the Ordinary High Water Level is approximately 200 feet and the normal setback is 75 feet for unsewered properties. The proposed side setback is 20 feet, and the normal setback is 10 feet. The proposed local road right of way setback is 39 feet and the normal setback is 10 feet.*
  3. The exterior of the accessory structure shall generally match the exterior color of the principal structure which exists, or proposed to be constructed, upon the property the accessory structure is proposed to be located.

Findings:

- *The applicant has indicated the color of the siding will generally match that of the principal structure that currently exists on the property.*

PART 2  
CONDITIONAL USE PERMIT STANDARDS

As described in Section 8.10-5, 4 of the EGL Land Use, Zoning and Subdivision Ordinance:

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
  - A. The following must be met:
    1. The use or development is an appropriate conditional use in the Land Use zone.

Findings:

- *An accessory structure used for storage of vehicles, etc. is a reasonable use of property. It is common for property owners in the R-3 zoning district to have structures of a similar nature.*
- *The proposal will not create a Land Use not permitted in the zone.*
  2. The use or development, with conditions, conforms to the comprehensive Land Use plan.

Findings:

- *Pages 6, 10 and 11 of the EGL Comprehensive Plan recognize the increase in reconstruction of lakeshore properties and indicate the city has implemented requirements concerning impervious surface coverage, stormwater run-off and maintenance of natural vegetative shoreline to prevent erosion.*
- 3. The use with condition is compatible with the existing neighborhood.

Findings:

- *The proposed project with condition(s) would be compatible with the residential use of the existing neighborhood.*
  4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance, or prosperity of the City.

Findings:

- *Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal with condition(s) would not negatively impact the surrounding existing residential neighborhood or City.*

B. The following must be considered:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.

Findings:

- *The accessory structure will be set back twice the standard setback, reducing potential impact to adjoining lots.*



- *Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal would not negatively impact the surrounding existing residential neighborhood or City.*
  2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

*Findings:*

- *The conditional use proposal is contained to parcel 87-369-0040. The proposal should not impede the orderly development of adjoining vacant property so long as the development meets conditions of approval.*
  3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

*Findings:*

- *N/A*
  4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.

*Findings:*

- *The proposal contains plans for a 33'x64' driveway approach to the accessory structure. The property is located toward the end of the new Gull Lake Lane, which is a dead-end road. No issues to traffic congestion are projected as result of this proposal.*
  5. Adequate measures have been taken to provide sufficient off[-]street parking and loading space to serve the proposed use.

*Findings:*

- *The proposal contains plans for a 33'x64' driveway in addition to the 1,680 square feet of interior storage space.*
  6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.

*Findings:*

- *Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal would not negatively impact the surrounding existing residential neighborhood or City.*
  7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

*Findings:*

- *The City is unaware of any natural, scenic or historical features of major significance at this site.*
  8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

*Findings:*

- *Pending adequate planning, construction and implementation of stormwater retention and erosion control measures, the proposal would promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.*



**FURTHER BE IT RESOLVED**, that the following conditions of approval of the Conditional Use Permit shall be met:

**Conditions:**

- A. 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, waterbodies/waterways and roadways.
- B. Impacts to the shore impact zone must be avoided outside of the direct area of construction and minimized within the area of construction. Best management practices shall be used to ensure the integrity of the shore area be maintained.
- C. The existing accessory structure designated as "HOUSE" on the Certificate of Survey dated 6/25/19 is to be removed and existing driveway off of (the old) Gull Lake Lane is to be turned to permeable vegetated area/lawn per city approval/standards by 6/30/2025.
- D. Adequate vegetative screening of the proposed accessory structure from Gull Lake shall remain as long as the provisions of the related CUP remain valid/applicable.
- E. The exterior of the accessory structure shall generally match the exterior color of the principal structure which currently exists on the property.
- F. The proposed accessory structure shall be guttered, and stormwater directed away from adjacent properties and road to open lawn areas.
- G. Applicant/Landowner must complete and submit any other required applications relating to this project, remit associated fees 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.

Adopted by the East Gull Lake City Council this 3rd day of October 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

