



**A000698149**

**OFFICE OF THE COUNTY RECORDER  
CASS COUNTY, MINNESOTA  
CERTIFIED, FILED, AND/OR  
RECORDED ON**

**10/20/2023 11:30:29 AM**

**AS DOC #: A000698149**

**PAGES: 4**

**REC FEES: 46.00**

**KATHRYN M. NORBY  
CASS COUNTY RECORDER**

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

**CITY OF EAST GULL LAKE, MINNESOTA  
RESOLUTION NO. 10:04-23**

**RESOLUTION APPROVING A VARIANCE FOR  
Rodney & Rebecca Scherping**

**WHEREAS**, Rodney & Rebecca Scherping ("Applicant") has submitted an application for a Variance from the East Gull Lake (EGL) Land Use, Zoning and Subdivision Ordinance to install a bathroom in an existing accessory structure, which currently does not contain a bathroom or kitchen at 1072 Green Gables Road. A variance is required based upon the creation of guest quarters (dwelling) on a substandard parcel as specified in the EGL Land Use, Zoning and Subdivision Ordinance for parcels located in Shoreline Residential, Medium Density (R-3) zoning district. The minimum required lot size of a parcel with guest quarters is 40,000 square feet and the parcel is approximately 36,000 square feet. The applicant has requested to hook into municipal sewer at 1072 Green Gables Road, East Gull Lake, MN 56401 in the City of East Gull Lake, Minnesota; and

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

Lot 15, H. R. White First Subdivision of Gull Lake Shores, Cass County, Minnesota.

AND

That portion of Government Lot 1, Section 9, and of Government Lot 4, Section 16, Township 134, Range 29, described as follows: Beginning at the Southeast Corner of Lot 15, H. R. White's Subdivision of Gull Lake Shores; thence Southeasterly 165 feet on the extension of the Easterly line of said Lot 15; thence Southwesterly parallel with the Southerly line of said Lot 15 101.25 feet to a point; intersected by the extension of the Westerly line of said Lot 15; thence Northerly along the extension of said Westerly line of said Lot 15 to the Southwest Corner of said Lot 15; thence Easterly along the Southerly line of said Lot 15, 101.25 feet, more or less to point of beginning, 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 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:

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**FINDINGS.**

Findings related to guest quarters, dwelling:

- *The proposal is to install a bathroom in a preexisting accessory structure. No bathroom or kitchen currently exists in the structure.*
- *Section 8.3-2, 70 of the EGL Land Use, Zoning and Subdivision Ordinance defines a Dwelling, Guest Quarters as any accessory structure with kitchen or bathroom facilities. Therefore, the installation of a bathroom would create a guest quarter dwelling.*

Findings related to lot and use requirements:

- *The parcel size is approximately 36,000 square feet and the minimum buildable lot area with guest quarters is 40,000 square feet. The lot width of the parcel is approximately 100 feet and the [minimum] lot width with guest quarters is 180 feet.*
- *Although the addition of a bathroom classifies the structure as a guest quarters dwelling as defined by EGL Land Use Ordinance, the primary use of the structure remains a garage.*

Findings related to performance standards:

- *The structure is located on the same parcel as the principal structure. The existing structure exceeds 700 square feet of coverage with a footprint of 1,290 square feet and exceeds 15 feet in height measuring approximately 23 feet. The structure is located in an area of reduced visibility to public waters and adjacent shorelands. The structure is screened from public waters by increased setback and the principal dwelling. Characteristics on parcel do not provide screening of structure from most adjacent properties. Currently, wooded vegetative conditions exist on adjoining properties to the south and east which provide screening of structure.*

Findings related to practical difficulties in complying with the Ordinance:

a. REASONABLENESS:

- *An accessory structure with bathroom is a reasonable use of property. It is common for property owners adjacent to water to build accessory structures with bathrooms for year-round and seasonal use. The proposed implementation of a bathroom inside an accessory structure would not affect the character of both the surrounding neighborhood and shoreline areas on Gull Lake which is classified as a General Development Lake.*
- *The variance will not create a Land Use not permitted in the zone.*

b. UNIQUE CIRCUMSTANCE:

- *N/A*

c. ESSENTIAL CHARACTER OF LOCALITY:

- *The proposal remains reasonably consistent with the surrounding properties. Neighboring parcel to the west contains a structure of a similar nature.*
- *The proposal would not affect the character of both the surrounding neighborhood and shoreline areas on Gull Lake which is classified as a General Development Lake.*

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

- *An accessory structure with bathroom is consistent with the residential character of the Medium Density, Shoreline Residential zoning district (R-3) on a General Development Lake.*
- *The EGL Land Use, Zoning and Subdivision Ordinance recognizes the construction and existence of accessory structures and guest quarters the R-3 zoning district.*

The proposed variance is consistent with the comprehensive plan.



- *Page 9 and 12 of the comprehensive plan recognizes developed lakeshore in the City in relation to being serviced by the City’s wastewater system. Page 5 alludes to City regulations to manage redevelopment of shoreline property to protect water quality.*
- *Pending the proposal connects to municipal wastewater and provides adequate planning, construction and implementation, the proposal would not negatively impact the surrounding existing residential neighborhood. Rather, it would be consistent with the comprehensive plan in connecting lakeshore properties to municipal wastewater.*

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

**Conditions:**

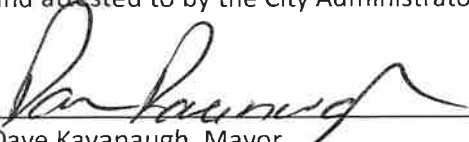
- Applicant must connect to municipal wastewater per the Public Works Directors requirements and standards which may include engineered design and approval and MPCA approval. All costs associated with this connection, including, but not limited to fees, engineering costs and equipment will be burdened by the applicant/landowner.
- Provide proposed adequate screening to the property to be approved by the City Administrator.

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



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 10:04-23 which is found in the minutes of the City Council of the City of East Gull Lake dated October 3, 2023.

And the same is a full, true, and complete copy of said Resolution 10:04-23 as found in the City records.

Witness my hand officially as such administrator October 3, 2023.

*Laura Christensen*  
Laura Christensen, City Administrator  
East Gull Lake, Minnesota

State of Minnesota      )  
  SS  
County of Cass         )

The foregoing instrument was acknowledged before me October 3, 2023 by Laura Christensen, City Administrator of the City of East Gull Lake, Minnesota.

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

