

**CITY OF EAST GULL LAKE, MINNESOTA
RESOLUTION NO. 12:03-23**

**RESOLUTION APPROVING VARIANCE INCLUDING CONDITIONAL USE
CHARLES SKAUGSTAD AND LAWRENCE KAZAN**

WHEREAS, Charles Skaugstad and Lawrence Kazan (“Applicant”) have submitted an application for Variance to the City of East Gull Lake (EGL) Land Use, Zoning, and Subdivision Ordinance (Ordinance) in request to build a bunkroom with bathroom above an existing detached garage at the property of 10306 Gull Point Road which, in granting, allows for Conditional Use to establish guest quarters (dwelling). Currently, this accessory structure does not contain a bathroom or kitchen. A Variance is required based upon the addition occurring above a preexisting structural encroachment to the Ordinary High Water Level (OHWL) while creating guest quarters (dwelling) on a substandard parcel as specified in the EGL Ordinance for parcels located in the 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 subject parcel is approximately 16,225 square feet excluding the road Right of Way (ROW). The minimum required lot width of a parcel with guest quarters is 180 feet and the subject lot width at the midpoint of the building line is approximately 49 feet. Both the north and south boundaries of the property are defined by Gull Lake with widths at the OHWL being approximately 75 and 45 feet. The existing accessory structure encroaches approximately 10 feet into the OHWL and approximately 2 feet into the ROW setback. The proposed height of the structure is approximately 22.5 feet. In the R-3 zone, the maximum accessory structure height is 24 feet while the maximum guest quarters dwelling height is 15 feet. The applicants have proposed to reduce this non-conformity by eliminating the encroachment into ROW. The applicant has requested to connect to municipal sewer; and

WHEREAS, the property is legally described as follows:

Lot 5 Block 1, SQUAW POINT, Section 17, Township 134, Range 29, Cass County, Minnesota

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on November 28, 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 December 5, 2023 and January 2, 2024 City Council Meetings;

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 allowing Conditional Use, based upon the following findings pursuant to MN Statute and EGL Ordinance. The City Council’s Findings relating to the standards are as follows:

FINDINGS.

Findings related to guest quarters, dwelling:

- *The proposal is to install a bunkroom including bathroom above a preexisting accessory structure (garage). 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 16,225 square feet and the minimum buildable lot area with guest quarters is 40,000 square feet. The minimum required lot width of a parcel with guest quarters is 180 feet while the lot width of the parcel is approximately 49 feet at the midpoint of the building line and 75 and 45 feet at the OHWLs.*
- *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 accessory structure is located on the same parcel as the principal structure. The accessory structure currently serves as a one-story garage. Applicant has requested to add second story to the structure, keeping the garage function below and creating a bunkhouse with bathroom above. The proposed height of the structure is approximately 22.5 feet. In the R-3 zone, the maximum accessory structure height is 24 feet while the maximum guest quarters dwelling height is 15 feet. The total proposed coverage meets the allowed 700 square feet maximum covering approximately 617 square feet which includes approximately 88 square feet of exterior staircase and landing. The structure is visible from public waters, but has screening from adjacent shorelands by trees and the neighboring property to the east's principal structure.*

Findings related to practical difficulties in complying with the Ordinance:

a. REASONABLENESS:

- *An accessory structure with bunkroom and bathroom is a reasonable use of property. It is common for property owners adjacent to water to build accessory structures with these amenities for year-round and seasonal use. The proposed implementation of a bathroom inside an accessory structure would not affect the character of the surrounding neighborhood or 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:

- *The accessory structure is located on a substandard parcel being approximately 16,225 square feet in size with a minimum required buildable lot size of 20,000 square feet in the R-3 zone for General Development Lakes.*

c. ESSENTIAL CHARACTER OF LOCALITY:

- *The proposal remains reasonably consistent with the surrounding properties. Various parcels located on Gull Lake throughout the City contain structures of a similar nature.*
- *The proposal would not affect the character of the surrounding neighborhood or 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 bunkroom and 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 proposal 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:

1. Applicant must connect to municipal wastewater per the Public Works Directors requirements and standards which may include engineered design. All costs associated with this connection, including, but not limited to fees, engineering costs and equipment will be burdened by the applicant/landowner.
2. Applicant shall provide a stormwater retention/filtration and screening plan for the property to be approved by the City Administrator.
3. Site plan to be revised to eliminate all setback encroachments, with exception to OHWL which may remain at the same proximity to the OHWL.

Adopted by the East Gull Lake City Council this 2nd day of January 2024.

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 12:03-23 which is found in the minutes of the City Council of the City of East Gull Lake dated December 5, 2023.

And the same is a full, true, and complete copy of said Resolution 12:03-23 as found in the City records.

Witness my hand officially as such administrator December 5, 2023.



Laura Christensen, City Administrator
East Gull Lake, Minnesota

State of Minnesota)
 ss
County of Cass)

The foregoing instrument was acknowledged before me December 5, 2023 by Laura Christensen, City Administrator of the City of East Gull Lake, Minnesota.



Kathy Schack, Notary Public
My Commission Expires January 31, 2029

This instrument was drafted by
The City of East Gull Lake
10790 Gull Point Rd
East Gull Lake, MN 56401

