

CITY OF FIFTY LAKES
MINUTES OF THE PLANNING COMMISSION/BOARD OF ADJUSTMENT
April 7, 2009

The City of Fifty Lakes Planning Commission/Board of Adjustments monthly meeting was held on Tuesday, April 7, 2009 in the City Hall at 7:00 p.m. The following officers were present: Judy Hansen, Chairperson, Duey Bendt, Nancy Brooks, Jack Riordan, and Jerry Olson Members. Tim Anick, Alternate Member. Gordy Reller, Planning & Zoning Administrator, Ann Raph, Deputy Clerk and 11 residents. Meeting was called to order at 7:00 p.m.

Chairperson Hansen called the public hearing to order.

Consideration of Variance V1-01-09 for Andrew & Jane Mellas. Re: 221-390-010-08A-009. Request is to change use and change pitch to roof an existing nonconforming structure. Pre-altered structure was a non conforming structure of record on an existing nonconforming lot of record. Change in pitch of roof is for a Water Oriented Structure (WOS). Change to roof would be at less than the required setback from Trout Lake, a General Development Lake. Also said structure is less than the required setback from side lot line. Application from property owner states reasons for application: "Pitch roof on existing flat roofed boathouse." On application, property owner also states hardship alleviated to be: "1. Shoreline erosion. 2. Water damage to structure. 3. Safety of structure." Legal description is: That part of Lot 8, Block 1 of Manhattan Beach (A replat of Twin Beach) sitting in the City of Fifty Lakes, Section 31, Township 138, Range 27, Fifty Lakes, MN. Subject property location is 12662 Manhattan Point Boulevard in Crosslake & Fifty Lakes, MN. Gordy Reller presented staff comments. Four neighboring property owners responded, 1 with no objections, 2 with concerns and a request to remove plumbing and concerns regarding change of use, 1 objection. Discussion followed. Andrew Mellas addressed the Board of Adjustment. Mr. Mellas gave reasons why the improvements were made to his boathouse, and stated he did not know he needed a permit to make these improvements.

Chairperson Hansen closed the public hearing at 8:00 p.m.

MOTION MADE BY MR. OLSON AND SECONDED BY MR. RIORDAN TO DENY VARIANCE V-01-09 FOR ANDREW AND JANE MELLAS RE: 221-390-010-08A-009 WITH THE FOLLOWING FINDINGS OF FACTS:

1. DOES THE VARIANCE HAVE SPECIAL CONDITIONS AND CIRCUMSTANCES PRESENT THAT ARE PECULIAR TO THE PROPERTY INVOLVED? **NO** *There are no special conditions shown or described on application.*
2. IS VARIANCE NECESSARY IN ORDER TO SECURE FOR APPLICANT A RIGHT OR RIGHTS THAT ARE ENJOYED BY OTHER PROPERTY OWNERS IN THE SAME DISTRICT? **NO** *Other WOS exist in area owner had a WOS. Pre-existing & non-conforming to be used for storage only.*
3. ARE THERE SPECIAL CONDITIONS OR CIRCUMSTANCES THAT EXIST THAT DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT? **NO**
The lot is a nonconforming lot of record as are many in this area.
4. IS VARIANCE (IF GRANTED) IN HARMONY WITH THE PUBLIC INTEREST OR TO MANAGEMENT POLICIES OF THE DISTRICT AND WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGES THAT ARE DENIED BY THIS ORDINANCE OR TO OTHER PROPERTY OWNERS IN THE SAME DISTRICT? **NO**
A change of use is not permitted Reconstruction not permitted unless it is an exact copy of existing structure.
5. DOES STRICT ENFORCEMENT OF THE LITERAL PROVISIONS OF THE ORDINANCES CAUSE UNDUE HARDSHIP BECAUSE OF CIRCUMSTANCES UNIQUE TO THIS PROPERTY? **NO** *There are no uses unique to this property when compared to neighboring properties. .*
6. WILL THE VARIANCE (IF GRANTED) BE THE MINIMUM VARIANCE THAT WOULD ALLEVIATE THE HARDSHIP? **NO** *There is no hardship shown.*
7. WILL THE VARIANCE (IF DENIED) DENY PROPERTY OWNER "REASONABLE USE" OF PROPERTY? **NO** *The owner had a WOS in need of some repair. There are other WOS in the area.*
8. DOES ALLEGED HARDSHIP INVOLVE MORE THAN ECONOMIC CONSIDERATIONS? **NO** *No economic hardships stated.*
9. "NO VARIANCE MAY BE GRANTED THAT WOULD ALLOW ANY USE THAT IS NOT PERMITTED IN THE ZONING DISTRICT IN WHICH TH SUBJECT PROPERTY IS LOCATED." DOES VARIANCE (IF GRANTED) ALLOW A USE THAT IS PERMITTED IN THE ZONING DISTRICT IN WHICH THE SUBJECT PROPERTY IS LOCATED? **NO** *Change of use.*

When polled: All members voted aye. Motion carried.

Consideration of rezoning application RZ-01-09 of a rezoning request from Eagle Property LLC. Re: 220-144-202-A00-009. Eagle Property LLC is requesting approval to rezone a parcel of land from Special Protection to

Rural Residential. RZ-01-09. Applicant has requested to rezone subject parcel. Rezoning applications are considered as stated in Fifty Lakes ordinance (3.025, b, 1). Applicant has stated as their reason for rezoning “To be consistent with surrounding zoning of property. The lots within the plat to the east (Eagle Point) and to the west (Golden Eagle) are zoned Rural Residential. Proposed zoning would fit lake classification of Recreational Development and would be considered as potential future development.” The property is located in the NW ¼ of the SW ¼, Section 14; Fifty Lakes, MN Parcel is in Section, 14, Township 138, Range 27, Fifty Lakes, MN. Property address is near 16497 West Eagle Lake Road on Eagle Lake, a recreational development Lake. Gordy Reller presented staff comments. 1 response was received from neighboring property owner. Several people in the audience had questions and concerns in regards to this rezoning. Discussion held. Chairperson Hansen closed the public hearing at 9:00 p.m.

MOTION MADE BY MR. OLSON AND SECONDED BY MR. BENDT TO APPROVE THE REZONING REQUEST RZ-01-09 FROM EAGLE PROPERTY LLC, RE: 220-144-202-A00-009. When polled: All members voted aye. Motion carried.

MOTION MADE BY MR. RIORDAN AND SECONDED BY MS. BROOKS TO ADJOURN THE PUBLIC HEARING AT 9:21 P.M. When polled: All members voted aye. Motion carried.

MOTION MADE BY MS. BROOKS AND SECONDED BY MR. BENDT TO APPROVE THE MINUTES OF THE MARCH 3RD, 2009 REGULAR MEETING. When polled: All members voted aye. Motion carried.

New Business: Ordinance 9.07 Parking, Storage and Usage of Recreational Vehicles was discussed. Commission is recommending under 9.07.02 a) the elimination of sentence “Any use of recreational vehicle greater than three (3) years will require an interim use permit.” Commission recommends once the three (3) years is up to obtain a permit for the temporary placement of a recreational vehicle no further permits can be issued.

Gordy presented an email from Janis Dubois in regards to the city consulting a city planner. Gordy would like to recommend a joint meeting with the planning commission and the council to discuss this matter.

A committee was formed to discuss a new zoning district and includes Duey, Tim and Gordy. Gordy presented information on a meeting the MPCA will conduct on April 20th addressing new SSTS system rules and Shoreland Rules update.

Unfinished Business: Discussion held on temporary use structures, PCBOA duties and education classes.

Citizens Forum: None

Adjournment: MOTION MADE BY MS. BROOKS AND SECONDED BY MR. RIORDAN TO ADJOURN.

When polled: All Commission Members present voted aye. Motion passed.

Meeting adjourned at 10:00 p.m.

Ann Raph, Deputy Clerk