

CITY OF FIFTY LAKES  
MINUTES OF THE PLANNING COMMISSION/BOARD OF ADJUSTMENT  
August 4, 2009

The City of Fifty Lakes Planning Commission/Board of Adjustments monthly meeting was held on Tuesday, August 4, 2009 in the City Hall at 7:00 p.m. The following officers were present: Judy Hansen, Chairperson, Duey Bendt, Nancy Brooks, Jack Riordan, Jerry Olson, Members and Tim Anick, Alternate. Gordy Reller, Planning & Zoning Administrator and Ann Raph, Deputy Clerk. Also present: Dan Miller, James & Linda Dollimer, and 3 residents. Meeting was called to order at 7:00 p.m.

MOTION MADE BY MR. RIORDAN AND SECONDED BY MS. BROOKS TO CHANGE THE AGENDA TO PLACE NEW BUSINESS AFTER UNFINISHED BUSINESS. When polled: All members voted aye. Motion carried.

MOTION MADE BY MS. BROOKS AND SECONDED BY MR. RIORDAN TO APPROVE THE JULY 7TH, 2009 REGULAR MEETING MINUTES. When polled: All members voted aye. Motion carried. Chairperson Hansen called the public hearing to order.

**Consideration of Variance V-03-09 for Scott & Barbara Drew. Re: 220-130-050-070-009** James & Linda Dollimer are requesting a variance to construct a three season porch and part of two structures at less than the required setbacks from side lot line and/or setback from Mitchell Lake, a General Development Lake. SSTS as submitted would also be at less than required setback from lot line. Legal description is: Lot 7, Block 5 Northland Beach Addition. Subject property location is 16981 Northland Drive in Fifty Lakes, MN. Gordy presented a power point of the proposed 4 requests for V1-03-09 and staff report. Gordy received 2 public comments, 1 with no objections and 1 with concerns. Mr. Miller was present to represent the property owners and addressed questions from Board of Adjustment. Discussion followed. This variance consists of four parts:

Part 1. Proposed 12' x 18' three season porch on south side would be less than the required 10' from side lot line and less than 75' from Mitchell Lake.

Part 2. Addition on the Southwest corner of existing house would be partially within the 75' setback from Mitchell Lake.

Part 3. Shed addition (8' x 8') near road would be within 10' from side lot line and possibly closer than 20' to road Right of Way.

Part 4. SSTS system less than the required 10' from ROW.

Discussion followed.

MOTION MADE BY MR. RIORDAN AND SECONDED BY MR. BENDT TO CLOSE THE PUBLIC HEARING AT 7:44 P.M. When polled: All members voted aye. Motion carried.

MOTION MADE BY MS. BROOKS AND SECONDED BY MR. OLSON TO ACCEPT THE REQUEST FOR V1-03-09 PART 2 THE PROPOSED ADDITION TO THE SW CORNER OF THE HOME WITH FINDINGS OF FACTS AND TWO CONDITIONS:

1. ABANDON AND SEAL SHALLOW WELL-SEND DOCUMENTATION OF SAME TO CITY OF FIFTY LAKES.
2. PLAN FOR ANY STORM WATER (FOR ENTIRE LOT) TO BE APPROVED BY CITY OF FIFTY LAKES PRIOR TO ANY CONSTRUCTION ON SUBJECT LOT.

When polled: All members voted aye. Motion carried.

MOTION MADE BY MS. BROOKS AND SECONDED BY MR. RIORDAN TO ACCEPT THE REQUEST FOR V1-03-9 PART 4 SSTS SYSTEM LESS THAN THE REQUIRED 10' FROM ROW WITH FINDINGS OF FACTS AND 1 CONDITION:

1. SPLIT RAIL FENCE OR OTHER SIMILAR (AS OPPOSED TO A SOLID FENCE) TO BE PLACED AROUND SEPTIC TREATMENT AREA (ROADSIDE & BY DRIVEWAY) SO VEHICLES CANNOT PARK ON SEPTIC TREATMENT AREA.

When polled: All members voted aye. Motion carried.

MOTION MADE BY MR. RIORDAN AND SECONDED BY MS. BROOKS TO ACCEPT THE REQUEST FOR V1-03-9 PART 3. SHED ADDITION (8' X 8') NEAR ROAD WOULD BE WITHIN 10' FROM SIDE LOT LINE AND POSSIBLY CLOSER THAN 20' TO ROAD RIGHT OF WAY WITH FINDINGS OF FACTS AND 1 CONDITION:

1. WINDOWS (IF USED) NOT TO BE PLACED ON THE SOUTH SIDE OF STRUCTURE.

When polled: All members voted aye. Motion carried.

MOTION MADE BY MR. OLSON AND SECONDED BY MR. BENDT TO ACCEPT THE REQUEST FOR V1-03-09 PART 1. PROPOSED 12' X 18' FROM SUBMITTED PLAN THREE SEASON PORCH ON SOUTH SIDE WOULD BE LESS THAN THE REQUIRED 10' FROM SIDE LOT LINE AND LESS THAN 75' FROM MITCHELL LAKE, WITH A CHANGE ON THE SE CORNER FROM 2.3" TO 3.0" FROM THE PROPERTY LINE, WITH FINDINGS OF FACTS AND 4 CONDITIONS:

1. NO PLUMBING OR HVAC ON ATTACHED 12' X 18' PORCH. SAID PORCH TO BE USED FOR SEASONAL USE AND NOT BE USED AS A BEDROOM.
2. NO DOOR ON THE SOUTH SIDE OF SAID PORCH.
3. DOOR FOR INGRESS/EGRESS FROM PORCH TO MAIN STRUCTURE TO REMAIN A LOCKING DOOR, NOT AN ARCH WAY.
4. GUTTERING ON HOUSE. WATER TO BE DIRECTED AWAY FROM THE LAKE AND DIRECTED TO A "RAIN GARDEN" OR OTHER SIMILAR WATER RETENTION DEVICE.

When polled: Mr. Bendt, Mr. Riordan and Mr. Olson voted aye, Ms. Brooks voted nay. Ms. Hansen abstained. Motion carried.

MOTION MADE BY MR. BENDT AND SECONDED BY MR. RIORDAN TO ADJOURN THE PUBLIC HEARING. When polled: All members voted aye. Motion carried.

Unfinished Business: Discussion held in regards to the Drew appeal. Concerns were discussed about making sure the Council is hearing what the Commission is recommending at public hearings.

Temporary structures will be discussed at the September meeting.

The current Findings of Facts need to be revised and the process reviewed.

Gordy updated commission on pending violations involving a deck built with no permit, a property needing cleanup, and a wetland filled in with sand.

New Business:

Gordy presented information he obtained at the CWC Geological Atlas class.

Gordy reviewed his proposed changes to Ordinance 3.07 Variances. The proposed changes will be brought back to the commission for discussion in September.

Citizens Forum: None

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

When polled: All members voted aye. Motion passed.

Meeting adjourned at 9:16 p.m.

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Ann Raph, Deputy Clerk