

**CITY OF CROSSLAKE
CITY COUNCIL PUBLIC HEARING
APPEAL OF VARIANCE 2004-010A, J. AND T. GALATOWITSCH
MONDAY, SEPTEMBER 13, 2004
6:00 P.M. – CITY HALL**

COUNCIL MEMBERS PRESENT: Mayor Darrell Swanson, Dick Phillips, Irene Schultz, Dean Eggena, Bettie Miller.

ALSO PRESENT: Tom Swenson, City Administrator; Paul Sandelin, City Attorney; Ken Anderson, Community Development Director; Carie Fuhrman, Planner-Zoning Coordinator.

CALL TO ORDER – Mayor Darrell Swanson called the meeting to order at 6:00 p.m.

PUBLIC HEARING –

APPEAL 2004-001 OF VARIANCE 2004-010A, GALATOWITSCH.

Ken Anderson introduced the issue. The Galatowitsch's were appealing the decision made by the Planning and Zoning Commission to deny Variance 2004-010A. The request is for a 24 ft. by 30 ft. detached garage to be built 4.7 ft. from Tamarack Lane and 62 ft. from O'Brien Lake. A variance was approved in 1996 to build a house and a garage, but the garage was never built. It was noted that there was a significant amount of opposition from the neighbors received by the Planning and Zoning Commission/Board of Adjustments. The staff report includes: the survey, letters, application, elevations, and minutes from the Planning and Zoning Commission meeting.

The hardships stated are the unusual lot shape; the fact that the road terminates adjacent to the property; and that a garage is needed to have a reasonable use of the site. Discussion followed regarding the lot dimensions and Ken explained that the applicants own Lots 21 and 22. Joe Galatowitsch was present and he went through the main points of the letter that he previously submitted to the Council members. When they originally were granted a variance in 1996 for a house and garage, they did not have the finances to build the garage and now they do have the money to build a garage. He addressed the issues that the neighbors have with the proposed garage and stated that the garage would not impede upon their views of the lake. He passed around a few photographs.

Public comment was taken. Marvin Souba, 36262 Tamarack Lane, spoke and passed around pictures showing the current view and the view after the proposed garage will be built. He has major concerns over the variance request, including the proposed garage would be larger than one of the neighbors' house and the applicants use the property for rental property most of the year.

Phil Hansen, 36282 Tamarack Lane, raised his concerns over the request and stated that when they constructed a new home they kept within the ordinances of the City. He stated that the ordinances are established for a reason, and they should be followed. Someone

should not purchase a property with the intent of receiving a variance. The applicants' property is also very visible, and they should keep it natural.

Bob Nuffer, 36310 Tamarack Road, raised his concerns and stated that he strongly agrees with Phil Hanson. He stated that this has been a pristine area for years and he is concerned that it is deteriorating. He does not want to see large garages obstructing the area views. Phil Hansen added that the Fowlers are nearby residents, and they are also opposed to the variance request.

Joe Galatowitsch explained that both neighbors would require variances if they were to build today; they have improved the property immensely from when they purchased it; and the proposed garage is aesthetically attractive. Mayor Swanson brought up his concern of the property being rented. Joe G. replied that they do rent it out and they were not initially aware of the limit on the number of times their property could be rented. They now limit rental to no more than four times per year. Discussion followed regarding the original variance granted and the number of times the property is rented out during the course of the year. Dick Phillips raised his concern over the fact that this variance request is for a larger building than the request approved in 1996.

MOTION MADE BY DICK PHILLIPS, SECONDED BY DEAN EGGENA, TO DENY THE VARIANCE REQUEST.

Dean Eggena stated that he did believe that the applicants should have a garage, but they should consider the nature of the neighborhood and the size of the proposed garage. He suggested that they reapply and the City could possibly waive the fees already paid for. He stated that residents are entitled to what they purchase and not entitled to a view across their neighbors' properties. Discussion followed regarding the size of the proposed garage and existing house.

FOUR MEMBERS VOTED "AYE" IN FAVOR OF THE MOTION TO DENY THE VARIANCE REQUEST, AND BETTIE MILLER VOTED "NAY." MOTION CARRIED TO DENY THE VARIANCE.

Discussion followed regarding an alternate location for the proposed garage. Mayor Swanson stated that the applicant could go back to the Planning and Zoning Commission with a different proposal.

MOTION MADE BY DEAN EGGENA, SECONDED BY DICK PHILLIPS, TO REFER THE APPLICANT BACK TO THE PLANNING AND ZONING COMMISSION WITH A REVISED GARAGE THAT IS SMALLER IN SIZE, SIMILAR TO THE ORIGINAL VARIANCE APPROVED, AND ALSO WAIVE THE RE-APPLICATION FEE.

Public comment was taken. Marvin Souba asked how many times an applicant can appeal a decision. Mayor Swanson replied that as long as the application is different from the original, they can come back infinite times. Discussion followed regarding the

recommendation to the applicants. It was determined that a mailed notice would be sent to the same property owners that were sent the previous notices. Joe G. stated that he appreciated the comments, and they will change the size of the proposed garage. Mayor Swanson commented that we all have neighbors and we should try and work with our neighbors.

ALL MEMBERS VOTED "AYE," MOTION CARRIED.

MOTION MADE BY DICK PHILLIPS, SECONDED BY IRENE SCHULTZ, TO
ADJOURN THE MEETING. ALL MEMBERS VOTED "AYE," MOTION CARRIED.
MEETING ADJOURNED AT 6:46 P.M.

Minutes Prepared By:



Carie A. Fuhrman
Planner-Zoning Coordinator