

PUBLIC HEARING
CITY OF CROSSLAKE
THURSDAY, AUGUST 19, 2004
5:15 P.M – CITY HALL

Pursuant to due notice and call, the Crosslake City Council held a public hearing at 5:15 P.M. on August 19, 2004 for the purpose of taking public input regarding an Ordinance Amendment relating to Nonconforming Uses and Structures. The following Council Members were present at the hearing: Mayor Darrell Swanson, Dean Eggena, Bettie Miller, Dick Phillips and Irene Schultz. Also present was City Administrator Tom Swenson, Community Development Director Ken Anderson, City Attorney Paul Sandelin and Clerk/Treasurer Darlene Roach. There were four individuals in the audience. (Sign in sheet attached as a permanent part of the record.)

Mayor Swanson called the hearing to order and stated that Community Development Director Ken Anderson would give a presentation, followed by a review of an Ordinance Amendment prepared by City Attorney Paul Sandelin, comments by the Council and input from the public.

Community Development Director Ken Anderson stated that the proposed Ordinance Amendment would allow lots to remain at the current setback and be considered conforming. This would also allow for expansion provided they build no closer to the lake than the original structure. Currently an addition to a non-conforming structure requires a variance. Anderson presented an example of a non-conforming structure where the structure is currently at a setback of 60' from the lake and within 8' of the side yard setback. The example shown would normally require a setback of 75' from the lake and a 10' side yard setback. With the proposed ordinance change, the property owner would be allowed to build out providing they get no closer to the lake without a variance. This change would not apply however, to properties situated within the shore impact zone. There was some discussion regarding the bluff impact zone versus the bluff setback and what setbacks would be required in these situations. Community Development Director Anderson stated a concern with the bluff zone and also provided an example of this scenario. Anderson stated that Dan Steffan was allowed to build 4' into the bluff zone, but only after getting a geo-technical report. This report requires soil borings to a point at least 25' below the ground. Is this something the City should require? Councilmember Miller asked if the City should always require that the geo-technical report be submitted. Anderson stated that it may not be necessary in some cases where the City Engineer and Zoning Administrator could review the site and make a determination. There was some discussion regarding the 25% rule, which was deleted from the Ordinance a couple of months ago. On a non-conforming lot, the Ordinance allowed for an 80' minimum width with 15,000 square feet provided you do not own the adjacent lot or 50' minimum width and 10,000 square feet with a conditional use permit. However 25% impervious would always apply.

Councilmember Phillips asked how many homes in Crosslake are in the floodplain. This resulted in a discussion of FEMA requirements and the 100 year flood elevations. It is the opinion of Councilmember Phillips that if the property owner wishes to rebuild in the same spot with the same size structure it should be allowed. It was noted that the

Ordinance Amendment approved in May relating to use of pre-existing lots would allow for additions to a non-conforming structure.

The hearing was open to the public for comments.

Andy Holm addressed the Council and expressed his opinion that the replacement is a great idea but that is a rare event, but almost daily the Planning and Zoning Department receives requests for repair to old structures. Would these owners be allowed to repair damaged areas. Mr. Holm stated that his concern as a builder is to put the best possible building on the lot and being able to expand laterally would create more encroachment on the lake and cause neighbor problems. Holm recommended angling the addition at a 45% angle.

Mayor Swanson stated that a warranty deed does not guarantee view and the 45% angle recommendation would not be a solution that he would endorse.

The public hearing was recessed at 6:00 P.M. to call the Final Road Assessment hearing for ABC Drive to order.

At 6:27 P.M., the ABC Road Assessment Hearing was adjourned and the public hearing resumed.

Andy Holm stated that he would be concerned about legal exposures where the neighbor has had to conform to the City's Ordinance and now you let someone else be closer to the lake. City Attorney Sandelin stated that ordinances change and property owners comply with what ordinance is in effect at the time.

Nancy Addington addressed the Council to express two points. She stated that she is in favor of the ordinance amendment because there are very few variance requests heard that are rejected anyway. Also, in her situation her home is in need of repair due to deterioration and what she is proposing is 1,088 square feet versus the current structure which contains 1,060 square feet. Under the current ordinance she is required to situate the new dwelling 75' back from the lake, or obtain a variance, yet will not be increasing the footprint of the current structure. If she situated the new home at the required 75' setback, she could build a much larger two-story structure without a variance. Another objection is being able to install her septic system 50' from the lake yet a new home is required to be 75' from the lake. Ms. Addington stated that she would support the ordinance amendment since it would allow a new home at the current site.

Terry Pederson of Shores & More Realty addressed the Council. She had questions regarding the zero lot line and the number of square feet required on a lot. She asked if a lot less than 15,000 square feet would still require a variance. City Engineer Dave Reese stated that 60' lots require conditional use permits and the property owner needs to demonstrate that they have adequate space for a septic system and alternate system.

The Public Hearing was recessed at 7:00 P.M. in order to open the Final Road Assessment Hearing for Greer Lake Road.

At 7:02 P.M., the final assessment hearing was adjourned and the public hearing resumed.

There was some discussion regarding whether a property owner would be allowed to re-build in the original footprint if they were encroaching on their neighbor's property. Community Development Director Ken Anderson suggested that the Council consider a 5' minimum setback to accommodate over-hangs. This would eliminate any further encroachment.

Terry Curtis addressed the Council and asked which ordinance amendment was the basis for the public hearing, the pre-existing lot ordinance or the non-conforming structure ordinance. Anderson informed Curtis that the ordinance dealing with pre-existing lots was previously adopted by the Council. Curtis stated that, as a member of the Planning and Zoning Commission, the members were in agreement that should a natural disaster occur, the property owner should be allowed to re-build. He asked what intent led to the ordinance amendment. He stated that property owners, like himself, who live in the commercial district want to get to conforming and thought this issue should be addressed in the same way.


At 7:40 P.M., the public hearing was recessed in order to call the Final Assessment Hearing for Wildwood Drive to order.

At 7:55 P.M., the public hearing on non-conforming structures was resumed.

Councilmember Phillips asked if the revised ordinance will include verbage for re-building in the event of a natural disaster. Community Development Director Anderson asked if the Council wishes to restrict the re-building to the original footprint or allow for expansion of the building. City Attorney Sandelin asked if the side yard setback needed to be brought into conformance or if zero lot lines would be allowed. Councilmember Miller asked if a basement would be allowed if the house previously was on a slab. City Attorney Sandelin asked if the same rules would be applied to non-buildable lots as are being applied to non-conforming uses and structures. Councilmember Eggena asked why we would want these property owners to go through the CUP process when they still need to meet the performance standards. After some discussion, the Council agreed that they would like to review the proposed ordinance amendment again prior to taking any action. The issue will be heard at the Regular Council Meeting on September 13th.

MOTION PH01-01-04 WAS MADE BY BETTIE MILLER AND SECONDED BY DICK PHILLIPS TO ADJOURN THIS PUBLIC HEARING AT 8:38 P.M. MOTION CARRIED WITH ALL AYES.

Recorded and transcribed by,


Darlene J. Roach
Clerk/Treasurer

PUBLIC HEARING
NON-CONFORMING USES
AUGUST 19, 2004
5:15 P.M. – CITY HALL
SIGN-IN SHEET

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