

SUNFISH LAKE PLANNING COMMISSION MEETING
APRIL 18, 2024
7:00 P.M.

Attendants

Chair: Tom Hendrickson
Commissioners: Present: Dominick Driano, Jeannine Naves and Kevin Wu
City Planner: Lori Johnson
City Clerk: Christy Wilcox
Members of the General Public.

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Chair Hendrickson moved to adopt the agenda as presented, seconded by Commissioner Naves. Motion carried (4-0)

3. APPROVE MINUTES, OCTOBER 19, 2023, PLANNING COMMISSION MEETING: Chair Hendrickson asked if there were any additions or corrections to the October 19, 2023, Planning Commission meeting minutes.

Commissioner Driano moved to approve the October 19, 2023, Planning Commission minutes seconded by Chair Hendrickson. Motion carried. (4-0)

4. PUBLIC HEARING: A. MAJOR SITE PLAN REVIEW AND VARIANCE REQUEST AT 5960 ZEHNDER ROAD. Applicant is Bryan Sommerland. Chair Hendrickson opened the meeting for the purpose of a public hearing on the application for a Variance request and Major Site Plan Review at 5960 Zehnder Road. He reviewed the procedures for conducting a public hearing and asked the Planner to present her report.

Planner Johnson referred to her report dated April 11, 2024, as well as the presentation packet that was distributed this evening. The property is zoned R-1 Single Family Residential, and the land use is Rural Residential. The acreage of the site is .88 acres. The variance request is for septic system location in Shoreland Overlay District and Major Site Plan approval.

- The current septic system on site is failing which was determined during an inspection for the sale of the property.
- Inspectron, the city's septic inspector has been involved in this process.
- Existing home is considered nonconforming and does not meet the OHWL setback, and front yard set back.
- The existing system is located in the front yard.
- To sell the property and use the existing home, a new system is required.

- The required setback for septic systems from OHWL is 150 feet. It is impossible to meet this setback on the lake side of the lot. House is currently only setback 60 feet.
- The septic system cannot be located in the front yard due to the size of system required (larger system), soils conditions and driveway location.
- Limited options for locating a required and necessary system.
- NOTE: A mound system must be installed for this project. This will create a 4.5 difference between the top of the mound and the bottom of the mound.
- Could impact lake views from the existing home.
- DNR has been notified and applicant was instructed to obtain a variance from the city and there were no other comments.

VARIANCES/PRACTICAL DIFFICULTIES FOR 131 FOOT VARIANCE TO THE REQUIRED 150-FOOT SETBACK TO THE OHWL

- a. The practical difficulty in this situation is that the existing buildings are nonconforming, and the lot size cannot accommodate a required and necessary septic system for the continued operation of the home site.
- b. The existing house pre-dates the City zoning code and is closer to the property lines and the OHWL than the current required setbacks. It is not possible to place the septic system in the front yard of the site due to driveway location, soil conditions, setback requirements and lack of space.
- c. This property cannot be reasonably used without a septic system and there are no alternative locations for such a system.
- d. This parcel is not vacant, and the applicant is trying to work within the existing ordinances to the greatest extent possible
- e. Compliance with the ordinance would deprive the owner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, and the property cannot be put to a reasonable use without a variance.
- f. The property owner was not responsible for the original construction and is now dealing with a situation that is essentially beyond his control with a failing septic system.
- g. No special privilege would be gained by replacing a required septic system.
- h. This is not a use variance.
- i. There are essentially no other options for the location of the septic system. The applicant has explored all other options. The proposal that has been submitted is the minimum variance necessary to construct a septic system.
- j. This request will not create an inconvenience to neighboring properties. All proposed improvements are located on this property in the only location possible.
- k. The variance is in harmony with the purpose and intent of the ordinance, is consistent with the comprehensive plan, and will not alter the essential character of the locality.

Major Site and Building Plans:

- a. The proposed improvements, with the exception of the required setback, meet R-1 and Shoreland Overlay District requirements and standards.
- b. The proposed development addresses Ordinance requirements pertaining to grading, drainage and stormwater management, landscaping, and screening.

- c. The proposed home meets Ordinance requirements pertaining to building size, and material use.
- d. The development meets other applicable Zoning Ordinance criteria.

The Planner stated that staff is recommending approval of the Major Site Plan Review and Variance request.

Chair Hendrickson asked if there were any further comments from the applicant or public at this time.

Public Comments:

- Steve Kleist, City Septic Inspector said that the city is going to be dealing with this type of request more and more because the lots and homes are older in Sunfish Lake due to the septic system code being changed in 1996.. With that being said, septic systems will have to be constructed in places you normally would not. With the requirements of a point of sale, this is when the septic system will be inspected and must be corrected prior to the sale occurring.
- John Oakman asked about whether or not the property is in any immediate health threat. The inspector said that there are no concerns and the owner has been working very hard to get this issue resolved as fast as possible.

Commissioner Naves noted that the owner has done a lot of work trying to figure out any other alternatives to make this work and it is a unique lot and there is so much that can be done and supports the plan.

Chair Hendrickson asked if the Commissioners had any questions or comments. Chair Hendrickson closed the public hearing.

Commissioner Naves moved to recommend approval of the Major Site Plan Review and Setback Variance for a septic system subject to the conditions as listed in the Planner's report dated April 11, 2024, seconded by Commissioner Wu. Motion carried (4-0).

OTHER/NEW BUSINESS:

5. ADJOURN

Chair Hendrickson moved to adjourn the meeting at 7:25 p.m., seconded by Commissioner Naves. Motion carried. (4-0)

Respectfully submitted,

Christy Wilcox, City Clerk