



MEMORANDUM

TO: Sunfish Lake Mayor and City Council

FROM: Alan Brixius

DATE: August 2, 2012

RE: Sunfish Lake – Planning Update for August City Council Meeting

NAC FILE: 211.02 - General

8/7/12 CC Mtg.
Agenda Item

6b

June 2012 Planning Commission Meeting

The Sunfish Lake Planning Commission met on June 20, 2012 to consider the development application of a major site plan review and a variance from the 200 foot shoreland setback. The property owners, John Prange and Karin Klarer, are proposing to remove a water damaged sunroom and replace it with a home addition.

The Planning Commission findings are attached to this report. The Planning Commission recommended that the applicant submit full house construction drawings for City review prior to Council action on this application. To meet this condition, the applicant submitted a letter requesting the Council postpone Council action on this item until August 7, 2012 to allow time for the construction plan preparation. Upon receipt of the letter, staff sent a 15.99 letter extending the City's 60 day review period.

The applicant has sent in construction drawings for the proposed house addition for Council review. The plans illustrate the proposed basement and first floor plans (A-0 and A-1). The elevations (A-20) illustrate that the building will not increase in height, the new addition will match the existing home exterior materials, and new window arrangements. Plan sheet A-30 provides a building cross section. Sheets S10 and S11 provide the building framing details.

With the submission of these construction drawings, we request Council action of the development application for 2144 Charlton Road per the findings of the Planning Commission.

July 2012 Planning Commission Meeting

This meeting was cancelled due to the lack of development applications.

Development Applications

2400 Delaware. We have received development applications for 2400 Delaware that entails the following site improvements:

1. New pool terrace including:
 - a. 20' x 48' pool
 - b. Spa
 - c. 22' x 14' screened cabana with fireplace
 - d. Four 4' x 4' screened cabana with fireplace
 - e. One 4' x 8' toilet room (separate from cabana)
 - f. Outdoor shower – cold water only
 - g. Outdoor grill area
 - h. Landscaping and screening
 - i. Fencing and gates
 - j. Rain garden(s) for filtration and stormwater control
2. Driveway gate and masonry gate posts.
3. Driveway pavement expansion (approximately 13' x 36') and other pavement modifications.

The aforementioned project will require the following applications:

- Major site and building plan review
- Conditional use permit for security gates
- Conditional use for accessory buildings
- Variance for fence height and construction.

This application will proceed to the August Planning Commission meeting.

345 Salem Church Road. We have received an application for the teardown of the existing home on this site and the construction of a new home. The applicant wants to maintain the current non-conforming 80± foot building setback from the shoreline from Sunfish Lake. We discussed this property with both the Planning Commission and City Council previously before directing the applicant on the necessary applications which include:

- Major site and building plan review
- Variance from the 200 foot shoreland setback

In directing the applicant, we outlined that the new home, with the exception of the shoreland setback variance, would need to demonstrate full compliance with City Code. We directed the project architect to the City Engineer to address grading and drainage issues and the City Septic Inspector for on-site sewer inspection and standards. These applications and plans will proceed to the August Planning Commission meeting.

Other Inquiries

2250 Delaware. We have been in touch with a real estate agent and prospective buyer related to the 2250 Delaware site. This property consists of three lots in the Angell Acres subdivision. They inquired if the three lots could be combined and whether the existing home on the site could be torn down and a new home rebuilt at the same location. The current home does not meet the 200 foot shoreland setback. We informed them that the following applications would be applicable:

- Subdivision to combine the three lots eliminating the interior lot lines.
- Vacation of easements along the interior lot lines.
- Major site and building plan review for the new home.
- Variance from the shoreland setback.

Angell Acres was platted in 2008. As such, we questioned the property owners' wishes to combine the properties. They wish to have the parcels combined for a larger property and for tax purposes.

393 Salem Church Road. The property owners wish to add on to the existing non-conforming attached garage. The building fails to meet the 100 foot front yard setback. The property owner also asked if a detached garage could be added to the property. We responded to the property owner indicating the expansion of the attached garage could not occur without a variance. They could pursue a detached garage through a site plan review if they meet all setbacks, building size, and screening requirements.

Zoning Confirmations. We have also had numerous calls from real estate agents and mortgage companies verifying zoning, shoreland requirements, and land setbacks for various lots in the community.

Sunfish Lake Water Quality

A property owner contacted us to raise concern over clear cutting in the shoreland impact area of the lakeshore and its impact on the lake water quality. We are following up on a lot that may have been altered and preparing an article on shoreline preservation for the City newsletter.

City Council Inquiries

At the July Council meeting, the Mayor noted two items of concern:

Sunfish Lake Triplex. In his review of the 2010 Census, the Mayor noted that the Census identified a triplex within the City of Sunfish Lake. We were asked to research and locate if a triplex did exist within the City limits. We checked parcel data from the County and eliminated all parcels denoted as single family dwellings. We then cross-checked all other parcels with the County parcel search and it was confirmed that no duplexes or triplexes exist within the City limits.

Back Up Generators. The Mayor raised the issue as to how back up generators are regulated within the Sunfish Lake City Code. The Zoning Ordinance is not specific to generators, however, the following sections would apply:

Zoning Ordinance – Fencing and Screening, Section 1218.04, Screening of Mechanical Equipment:

Mechanical equipment located on roofs and visible from street level or neighboring properties must be screened with a material designed to blend with buildings facing materials; or completely screened if there is exposure from buildings with higher elevations.

Zoning Ordinance – General Building Requirements, Section 1216.12, Exterior Storage:

In all zoning districts, all materials and equipment (unless otherwise noted, which is not the case for mechanical equipment) shall be stored within a building or fully screened so as not to be visible from adjoining properties and local street rights-of-way.

cc: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna, City Engineer
David Neameyer, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector

- DRAFT -
SUNFISH LAKE PLANNING COMMISSION MEETING – JUNE 20, 2012
7:00 P.M. - ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Commissioners: Andrea McCue, Gordon Peters, and Arnulf Svendsen

City Planner: Alan Brixius

City Clerk: Cathy Iago

Commissioner Tom Schlehuber arrived at 7:05 p.m.

Chair Wahlstrom was appointed to serve an unexpired City Council term and therefore will no longer serve as a Planning Commissioner.

1. CALL TO ORDER: Acting Chair McCue called the meeting to order at 7:00 p.m. The Acting Chair explained that Councilmember Burke had submitted his resignation because he sold his home and moved out of the City. She stated that Chair Wahlstrom was appointed to serve the unexpired term of Councilmember Burke and would no longer serve as Chair of the Planning Commission.

2. ADOPT AGENDA: Acting Chair McCue asked if there were any additions to the agenda and there was no response.

Commissioner Svendsen moved to adopt the agenda, seconded by Commissioner Peters and carried. (3-0)

3. APPROVE MINUTES MARCH 21, 2012: Acting Chair McCue asked if there were any additions or corrections to the March 21, 2012 Planning Commission minutes and there was no response.

Commissioner Svendsen moved to approve the March 21, 2015 Planning Commission minutes as presented, seconded by Commissioner Peters and carried. (3-0)

Commissioner Schlehuber arrived at 7:05 p.m.

4. PUBLIC HEARING: Variance and Major Site/Building Plan Review, Prange/Klarer, 2144 Charlton Road:

Acting Chair McCue opened the public hearing at 7:10 p.m. and asked the Planner to review the application.

Planner Brixius explained the request for approval of a variance and major site/ building plan review to accommodate an addition to the home at 2144 Charlton Road. He stated that the applicants wish to replace an existing, water-damaged sun room with a two-story addition in the same location. He advised that the existing sunroom was constructed in 1994 and replaced an enclosed porch which exhibited structural and water leakage problems.

The Planner explained that in 2003 the City approved the building addition as shown on the survey attached to his report. He advised that the home exists as a legal non-conformity in regard to the setback from the lake shoreline; the City Code requires a 200 ft. shoreline setback from the ordinary high water line and the home presently exhibits a 160 ft. setback from the shoreline. He stated the proposed addition would not increase the degree of setback non-conformity, even though both the footprint and vertical dimensions of the space are proposed to be slightly expanded. He noted that the proposed dormer does not exceed the height requirements of the City Code. He further stated that there are no plans for expansion below the deck.

Planner Brixius stated that the variance is required because applicants propose to slight increase the footprint of the addition by 28 sq. ft.; technically this is considered an increase in the degree of non-conformity and the Zoning Ordinance only allows the increase through a variance. He pointed out that the City recently changed the variance evaluation criterion to reflect State statutory requirements. The new criteria adopts the County planning language related to “practical difficulties” rather than “hardship” and alters the level of necessity by allowing the City to decide whether or not a proposal constitutes using the property in “a reasonable manner”, versus finding that the variance is necessary to allow “any reasonable use”.

The Planner referred to pages 7 and 8 of his report that outlined the criteria the Commission could use to show that the applicants propose to use the property in a reasonable manner that would not be allowed without the approval of the variance and that they have shown practical difficulties in meeting the requirements of the Zoning Ordinance. He noted that the following items to consider in support of the requests: 1) the proposed addition would be constructed with the existing building lines of the property and will not increase the setback encroachment to the shoreline; 2) no building expansion to the east or west is proposed and therefore, the expansion would not encroach on neighboring residential uses., 3) the second story construction will take place well below the roofline peak and the visual profile of the home from the lake would not change; 4) the proposed building addition meets all other Zoning Ordinance criteria. He stated that if the Commission can make these findings for the variance, staff would recommend approval of the shoreline setback variance as being in keeping with the intent of the Zoning Ordinance and with the character of the neighborhood. He further noted that the proposed reconstruction of the existing sunroom would correct an existing structural deficiency

Planner Brixius referred to the application for the site and building plan review and explained that he had sent the materials to staff for their review and comments. He explained the criteria for review of the application. He referred to the staff comments on page 7 of his report and noted the following: the roof and siding materials proposed would match those used on the existing home, the building height would not exceed City requirements; no trees are being removed for the project; no new landscaping has been proposed; no grading is proposed, no additional lighting or other accessory structures, such as fences, have been identified as part of the application; the proposed addition is well within the maximum percentage of lot coverage and other hard surface area allowed by the ordinance. He noted that the Engineer recommended a silt sock be placed in the construction area and removed after construction is completed. He also noted that the City Code requires staff to forward the major site plan application to the Department of Natural Resources (DNR) for their review and comments; to date no comments from the DNR have been received.

The Planner stated that if the Commission recommends approval of the variance, staff would also recommend approval of the major site and building plan, based on findings that the proposal would have little or no impact on site conditions related to vegetation, land alternation or neighboring property and subject to the conditions as listed on page 8 of the planner's report. He advised that John Prange and Karen Klarer were present, along with their architect, Pat Mackey.

Acting Chair McCue asked if there were any questions from the Commissioners.

Commissioner Peters pointed out that the septic drainfield appears to encroach into the side yard setback and asked if a previous variance was approved to allow this to occur.

Mr. Prange explained that he was not aware of a variance related to the septic system. Mr. Mackey explained that the drawings are not based on an actual survey and may be misleading.

Planner Brixius stated that the only variance he found in his records were for the original sunroom addition in 1994 and commented that this may have been a pre-existing condition prior to the current ordinance regulations. He advised that there is a 150 ft. setback for the drainfield from the lakeshore as long as it is below grade and that it would be allowed in this area.

Commissioner Peters recalled that the drainfield cannot be located within the side yard setback without agreement from the adjacent property owner.

There was discussion relating to when the home was constructed and when the ordinance regulations were adopted. The Planner advised that the Commission could attach a condition requiring this matter to be researched as part of the approval.

Commissioner Peters noted that the Planning report discusses eight columns to support the structure, while the drawings show four existing and two new columns proposed; he questioned how many columns would be used and the depth of the existing footings for the columns. He commented that full frost footings are required

Mr. Mackey explained that the applicants are unsure of the depth of the existing footings and assume they are at 42-inches. He noted that full frost footings are not required if the structural constructions has been reviewed and approved

by an engineer. He advised that the applicants proposed to have six footings if they can reuse the existing ones and if the engineer approves that number to support the structure. He indicated that the goal is to lessen the points of bearing for the structure. He stated that the applicants propose to construct the new footings at full frost depth.

Commissioner Peters referred to the roofline of the drawings and questioned how the roof would be ventilated. Mr. Mackey referred to the ventilation on the existing dormer and stated that ventilation of the new space would be dependent upon the design of the new roofline; he indicated that soffit vents may be used as they proven to be less prone to leakage. He indicated that the applicant hopes to pursue soffit venting throughout the addition, however; at this time all options are still under discussion.

Acting Chair McCue asked if the applicants are proposing any additional patio area below the addition. Mr. Prange responded that no additional hard-surface is proposed; he commented that he is unsure if the existing plantings will remain after construction.

Acting Chair McCue commented that the applicants may want to consider plantings under the additional due to the roof overhang and runoff from the roof. She asked if new windows would be installed.

Mr. Mackey explained that the applicants are proposing to use Marvin clad windows with the emphasis on insulation of the glass.

Commissioner Svendsen asked if heating and air conditioning would be installed in the addition and Mr. Prange responded yes.

Commissioner Peters asked if the current windows were operable. Mr. Prange explained that most of the windows were inoperable and showed the windows that would be operable and those that would remain fixed.

Commissioner Peters asked which windows on the master bedroom would be operable and Mr. Prange responded all.

Acting Chair McCue asked if there were any further questions.

Commissioner Peters asked if it is the intent of the applicants to provide formal construction drawings prior to submitting their request to Council. Mr. Mackey responded yes.

Commissioner Peters commented that in the past the Planning Commission had asked for and reviewed formal drawings prior to taking action.

Commissioner Svendsen recalled that on occasion applicants were allowed to proceed through the Commission without submitting formal drawings. Commissioner Schlehuber agreed.

Commissioner Peters asked when the matter would be reviewed by Council if approved this evening. Clerk Iago explained that the next regular Council meeting would be on July 10; she noted that due to the July 4th holiday the meeting was rescheduled one week later than normal.

Mr. Prange indicated that it may be a push to get the formal drawings completed in that time-frame since they have to have an engineer review the structural aspects of the construction.

The Clerk noted that the applicants may formally request an extension if it is deemed necessary.

Acting Chair McCue asked if there was anyone present who wished to speak and there was no response. She closed the public hearing.

Commissioner Svendsen asked if staff had received any questions from the general public.

Planner Brixius advised that he received a call from a resident relating to the building elevation and he sent the plans to that person for review. The Clerk stated she had not received any calls or comments.

Commissioner Schlehuber commented that he is curious as to why the structure was allowed to be constructed within the setback.

Planner Brixius indicated that he could attempt to do further research on the matter; however, he commented that most likely the home was constructed prior to adoption of the current ordinance regulations.

Acting Chair McCue indicated that the Commission could include a recommendation for plantings where the roofline runoff will fall under the structure.

Commission Svendsen questioned if the variance only relates to shoreline setback and not to the structure itself. He commented that it may be inappropriate to include requirements for plantings.

Planner Brixius agreed that the variance only relates to the shoreline setback. He asked that if the Commission recommends approval of the requests to Council, they include the four conditions for the building and site plan review that are listed in his report and also reference the findings of fact to support the variance as requested. He explained that he could amend the language to include a condition requiring the applicant to submit formal construction plans prior to Council action on the requested site and building plan application. He also noted that the applicant or the City may request an extension if deemed necessary to complete the formal drawings.

The Commission concurred that it would be appropriate to include the amended language as recommended by the Planner.

Commissioner Schlehuber moved to recommend to Council approval of the Variance for encroachment into the shoreline setback for property located at 2144 Charlton Road, based on the fact that the shoreline setback variance would be in keeping with the intent of the City Zoning Ordinance and with the character of the neighborhood, based on the four findings of fact as listed in the Planner's report dated July 13, 2012 and further recommend Council approval of the Site and Building Plan review based on the four conditions as listed in the Planners report dated July 13, 2012 and with amended language to require that the applicant submit formal construction plans prior to Council review of this matter, seconded by Commissioner Svendsen.

In discussion, Commissioner Peters stated it is his opinion that the plans submitted are not detailed enough to make a decision on this matter.

Planner Brixius explained that under the application procedures, the plans submitted meet all the requirements for submission prior to Council approval. He commented that in his experience with other communities he works for, formal drawings would not be required at this time as the applicants would be spending a substantial amount of money if the request was denied. He apologized to the Commission and explained that the applicants should not be penalized as he told them formal drawings would not be necessary at this time. He noted that he has only been working in Sunfish Lake for a short period of time and he was not aware of the fact that formal drawings were required. He stated that in the future he would be more aware of this fact.

Clerk Iago indicated that there have been other instances during her tenure with the City where formal plans were not required at the Commission level for variance applications; however, she pointed out that the Planner determines this on a case-by-case basis and some applications would require more formal drawings.

Acting Chair McCue asked if there was any further discussion and there was no response. She called for a vote on the motion.

Motion carried. (4-0)

5. OTHER BUSINESS: Planner Brixius explained that no applications were received prior to the submission deadline and therefore, the July Planning meeting would be cancelled. He indicated that there may be an application submitted for the August meeting for a pool and sports court addition to a property on Delaware Avenue.

Acting Chair McCue stated she would contact the Mayor to discuss appointment of a person to fill the unexpired term of former Chair Wahlstrom. She asked if there was any further business and there was no response.

6. ADJOURN: Commissioner Peters moved to adjourn the meeting at 7:40 p.m., seconded by Commissioner Schlehuber and carried. (4-0)

Respectfully submitted,

Catherine Iago, City Clerk