



MEMORANDUM - Addendum

TO: Sunfish Lake City Council

FROM: Michelle Barness

DATE: July 1, 2015

RE: Sunfish Lake – Schlehuber – Major Plan Review and Variance;
325 Salem Church Rd.

FILE: 211.01- 15.02 and 15.03

7/7/15 CC Mtg.
**Agenda
Item
6a**

At the June 2, 2015 meeting the City Council considered a request from Tom and Michelle Schlehuber for a variance from the shoreline setback to permit a loop driveway 168 feet from the Ordinary High Water Mark (OHWM) of Sunfish Lake. Two site and building plan options for a renovated garage and driveway were also provided to the City for review, one illustrating the proposed loop driveway and another without the loop driveway. City staff and the Planning Commission recommended approval of the site and building plans with certain conditions, finding that the project, with the exception of the proposed driveway, can adhere to zoning requirements.

The City Council decided to continue consideration of both the variance and site and building plan applications through to the July City Council meeting to be able to conduct a visit to the subject property to view conditions pertaining to the variance, and in order to allow for the provision of the following additional information:

- 1) Details pertaining to the number of existing homes on Sunfish Lake that have driveways positioned on the lakeside of the home.
- 2) An exact measurement of the distance between navigable waters of Sunfish Lake and the proposed loop driveway.

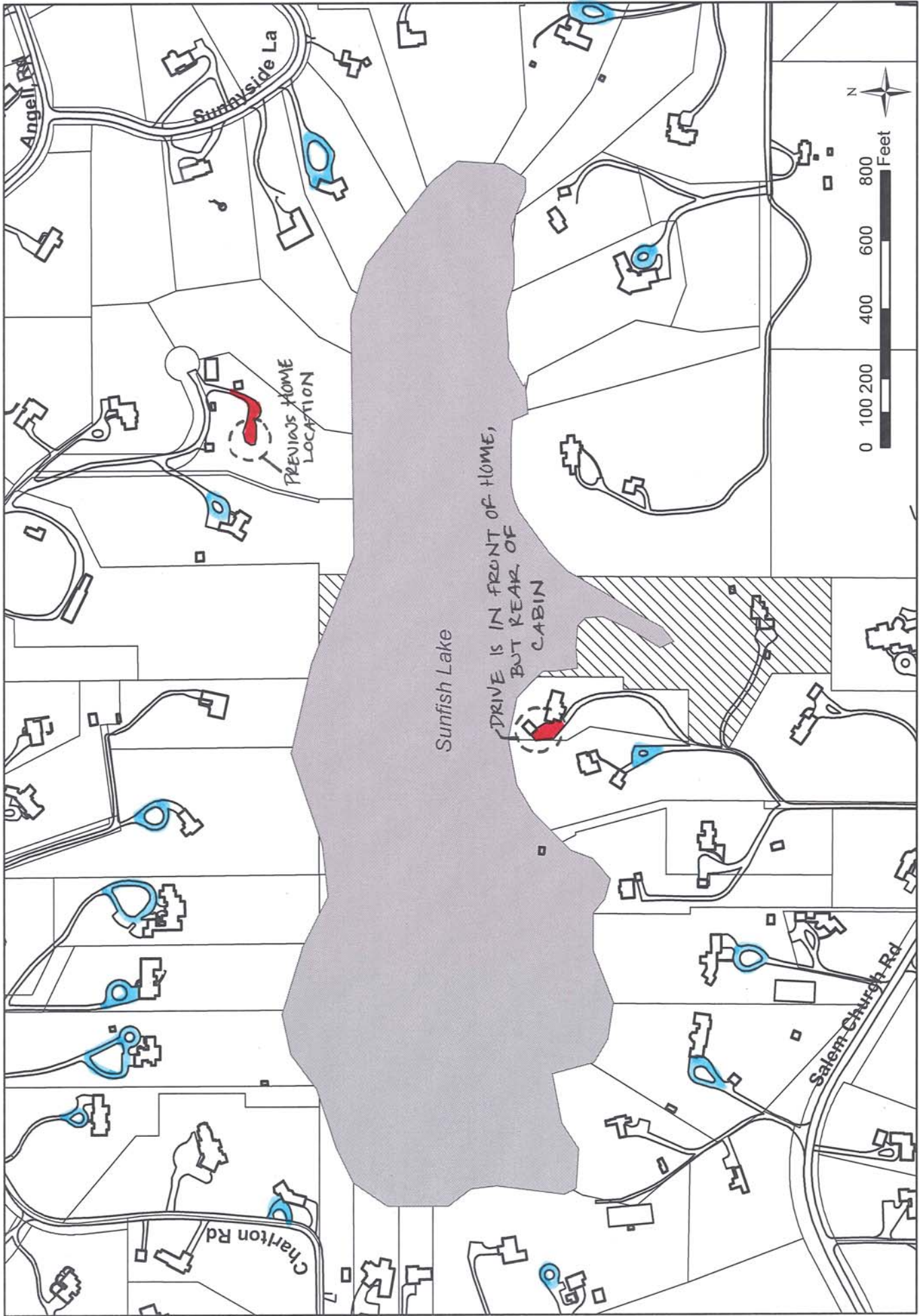
With regards to point one, staff was able to review conditions around the lake in more detail and provides the attached map for consideration. The map illustrates that there are several other circle drives on the lake, which suggests that a circle drive for improved access to lake homes may be considered a reasonable use of property. However, many homes on the lake do not have circle drives, so it is clear that a circle drive is not required to be able to use a lakeshore property in a reasonable manner. No other homes on the lake appear to have a driveway on the lakeside of site structures.

One property immediately north of the subject property has a driveway that extends north of the home but is behind a site cabin. Another vacant property on the north side of the lake has a driveway in front of a site accessory structure; however when a home existed on the site, the driveway was not on the lakeside of the structure.

With regards to point two, staff analyzed the Dakota County mapping website and the project's scaled site plan to determine the distance between the proposed loop driveway and the navigable waters of Sunfish Lake. A set elevation associated with navigable waters of the lake was not easily identified however the main body of the lake is bounded by the 935 foot elevation contour, upon which the requested measurement was based. Approximately 400 feet exists between the 935 foot contour and the north edge of the loop driveway. This is in contrast to the loop driveways setback from the OHWM elevation of 937 feet, which is a 168 foot distance. Currently the City requires a minimum 200 foot setback from the OHWM. The shoreline setback requirement is not in reference to navigable waters. However understanding the distance between navigable waters and the proposed loop driveway does help us understand more about how the project may be perceived from the lake.

Staff requests the City Council discuss the provided information and make a motion on the applicant's two requests for 1) a variance from the shoreland setback for a loop driveway, and 2) site and building plans for a garage/driveway renovation. As detailed in the provided draft resolutions, if a variance is approved, site and building plan approval will relate to the site plan illustrating the requested loop driveway (resolution Exhibit A), and if a variance is denied, site and building plan approval would relate to the site plan excluding the loop driveway (resolution Exhibit B).

c: Sunfish Lake Mayor and City Council
Cathy Iago, City Clerk
Mike Andrejka, City Building Official
Ron Wasmund, City Septic System Inspector
Don Sterna, City Engineer
Jim Naves, City Forester
Tim Kuntz, City Attorney
Tom and Michelle Schlehuber, Applicants
Bob Moser, Builder



CITY OF Sunfish Lake MINNESOTA

■ CIRCLE DRIVES
■ SITES W/DRIVES EXTENDING IN THE DIRECTION OF THE LAKE

Sources: MN DNR, WSB & ASSOC.,
Dakota Co., NAC Inc.
Map Date: June 2015

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING MAJOR SITE AND BUILDING PLANS TO PERMIT
CONSTRUCTION OF A HOME ADDITION FOR THE PROPERTY LOCATED AT 325
SALEM CHURCH ROAD, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Tom and Michelle Schlehuber submitted an application for a major site and building plan review to permit construction of a replacement garage with second story living space at the property located at 325 Salem Church Road, legally described as:

Lot 3, Block 1, Lindeke Addition

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated May 13, 2015 prepared by Northwest Associated Consultants and an engineering report dated April 30, 2015 prepared by WSB Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their May 20, 2015 meeting and reviewed the major site and building plan application, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the major site and building plan with conditions for the home addition on the applicant's home, whereby the following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans Findings:

- a. The subject property and proposed development meet R-1 and Shoreland Overlay District setback, building coverage and impervious surface standards.
- b. The proposed development addresses Ordinance requirements pertaining to drive and parking area design, lighting design, grading, drainage and stormwater management, landscaping, and screening.
- c. The proposed home meets Ordinance requirements pertaining to building size, height, and material use.
- d. The proposed home meets other applicable Zoning Ordinance criteria.

WHEREAS, the Sunfish Lake City Council considered the application for a shoreland setback variance at their meeting on July 7, 2015 and agrees with the findings of the Planning Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the major site plans dated 5/29/15 and building plans dated 4/15/15 (last revision) for 325 Salem Church Road with the following conditions:

1. If the requested setback variance is approved, the major site plan approval shall pertain to related (and attached) Exhibit A. Conversely, if the variance is denied, the major site plan approval shall pertain to related (and attached) Exhibit B.
2. The applicants adhere to the City Engineer's recommendations for construction, as addressed in the report dated May 29, 2015.
3. The City Engineer provide comment related to the well pump identified on the south side of the proposed garage.
4. Issues associated with the proposed secondary septic field are subject to comment and recommendation by the City's Septic Specialist.
5. The applicants obtain a building permit from the City Building Official prior to commencing any construction of the proposed project.
6. Upon installation, any lights which cast light on residential property or over public water shall not exceed one (1) foot candle (meter reading) as measured from said property or edge of water abutting the property in question.
7. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

This resolution is adopted by the City Council of the City of Sunfish Lake this 7th day of July 2015.

Molly Park, Mayor

Attest:

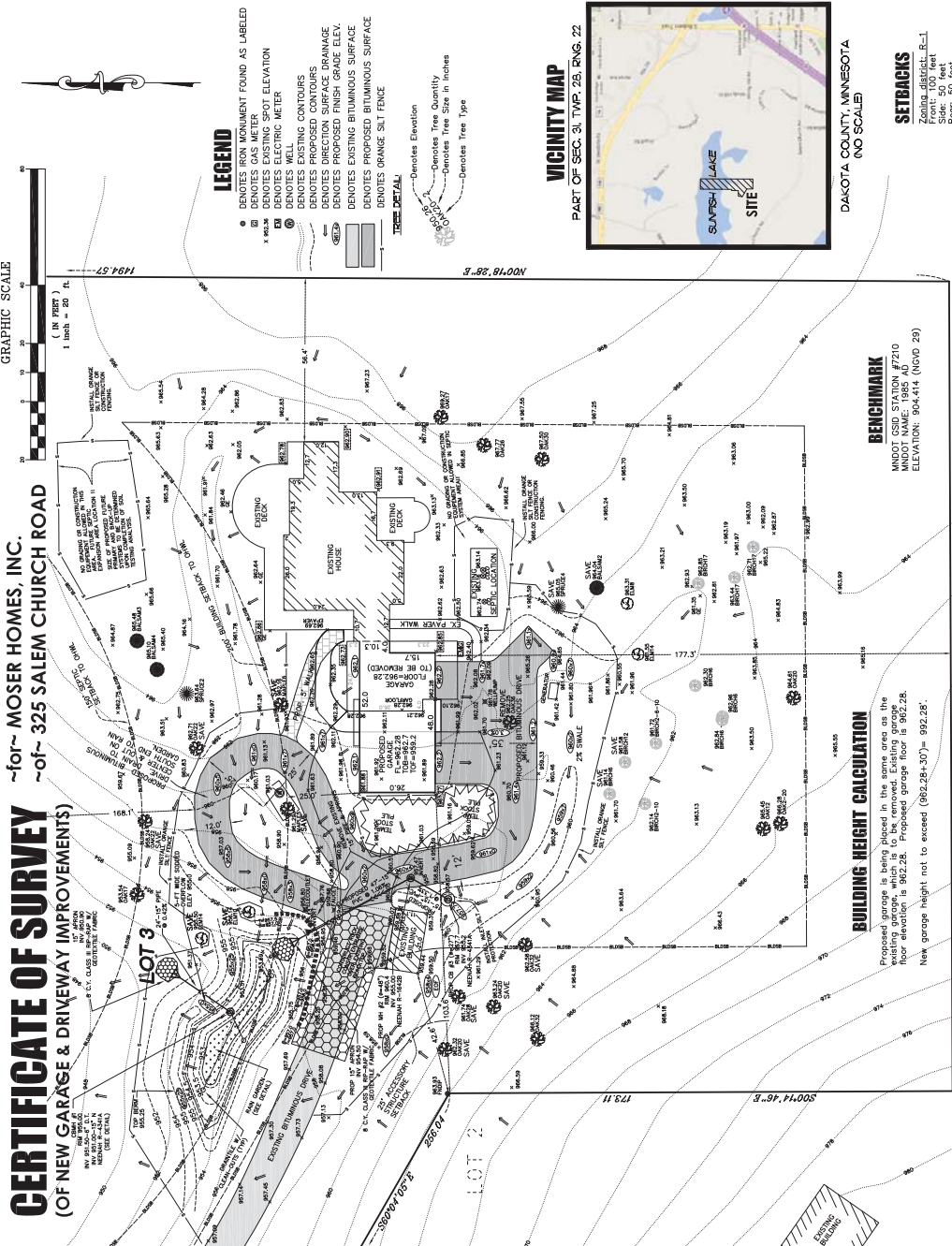
Catherine Iago, City Clerk

CERTIFICATE OF SURVEY

(OF NEW GARAGE & DRIVEWAY IMPROVEMENTS)

~for~ MOSER HOMES, INC.
~of~ 325 SALEM CHURCH ROAD

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft



PROPOSED GARAGE ELEVATIONS:

Garage Block = 992.28
Top of Footing = 992.0
Top of Garage Roof = 992.0

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 4/6/15.
- Boundaries shown are on Dakota County plat.
- Additional easements, restrictions and/or encumbrances may exist other than those upon receipt of a current title commitment or an attorney's title opinion.
- Measurements and Wacoed lidar distribution measurements were used for this survey.
- All storm sewer, rain garden & drainage codes are by Flood Eng dated 5/29/15 for details.

BUILDING HEIGHT CALCULATION

Proposed garage is being placed in the same area as the existing garage, which is to be removed. Existing garage floor elevation is 992.28. Proposed garage floor is 992.28. New garage height not to exceed (992.28+30)= 992.28.

BENCHMARK

MINOT GSD STATION #7210
MINOT NAME: 655 AU
ELEVATION: 994.444 (NOV 29)

SETBACKS

Zoning district: R-1
Front: 30 feet
Side: 50 feet
Rear: 50 feet
OTM: 200 feet

VICINITY MAP

PART OF SEC. 31, TWP. 28, RANG. 22

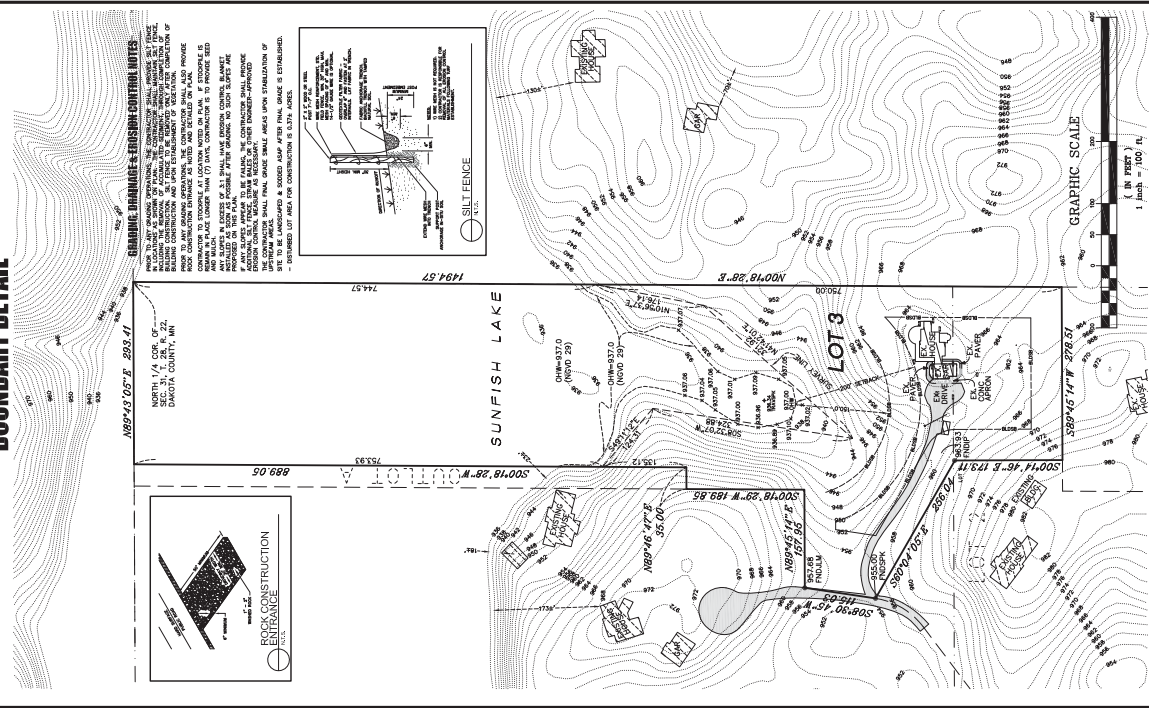


LEGEND

- Denotes Iron Monument Found As Labeled
- Denotes Gas Meter
- Denotes Existing Spot Elevation
- Denotes Electric Meter
- Denotes Proposed Contours
- Denotes Existing Contours
- Denotes Direction Surface Drainage
- Denotes Proposed Finish Grade Elev.
- Denotes Existing Bituminous Surface
- Denotes Proposed Bituminous Surface
- Denotes Orange Silt Fence
- Denotes Elevation
- Denotes Tree Size in Inches
- Denotes Tree Type

BOUNDARY DETAIL

EXHIBIT A



LEGAL DESCRIPTION

Lot 3, Block 1, LINDEKE ADDITION,
Dakota County, Minnesota.

I hereby certify that this survey plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DANIEL W. OBERMILLER
Date: 5/29/15 License No. 25341

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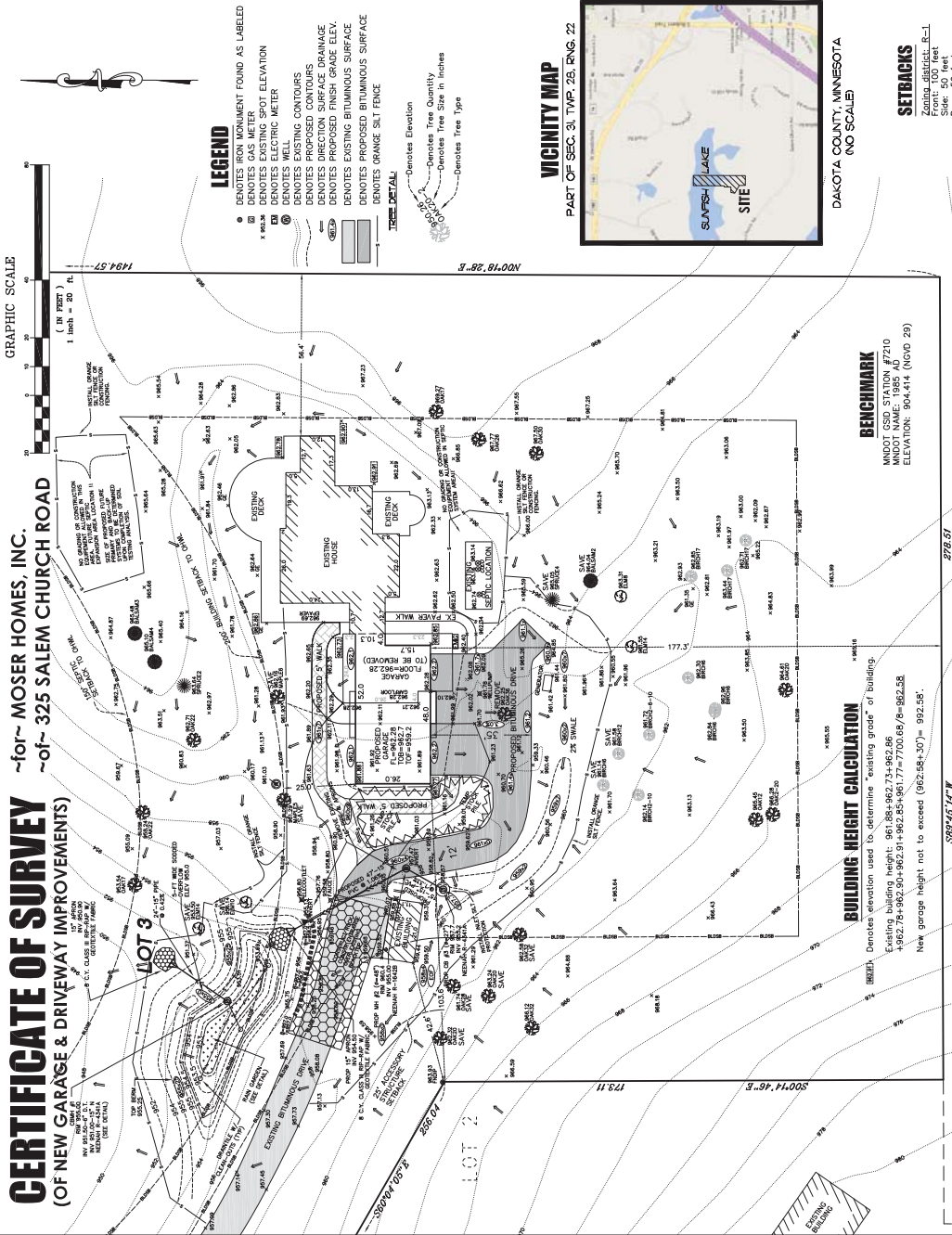
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CERTIFICATE OF SURVEY

(OF NEW GARAGE & DRIVEWAY IMPROVEMENTS)

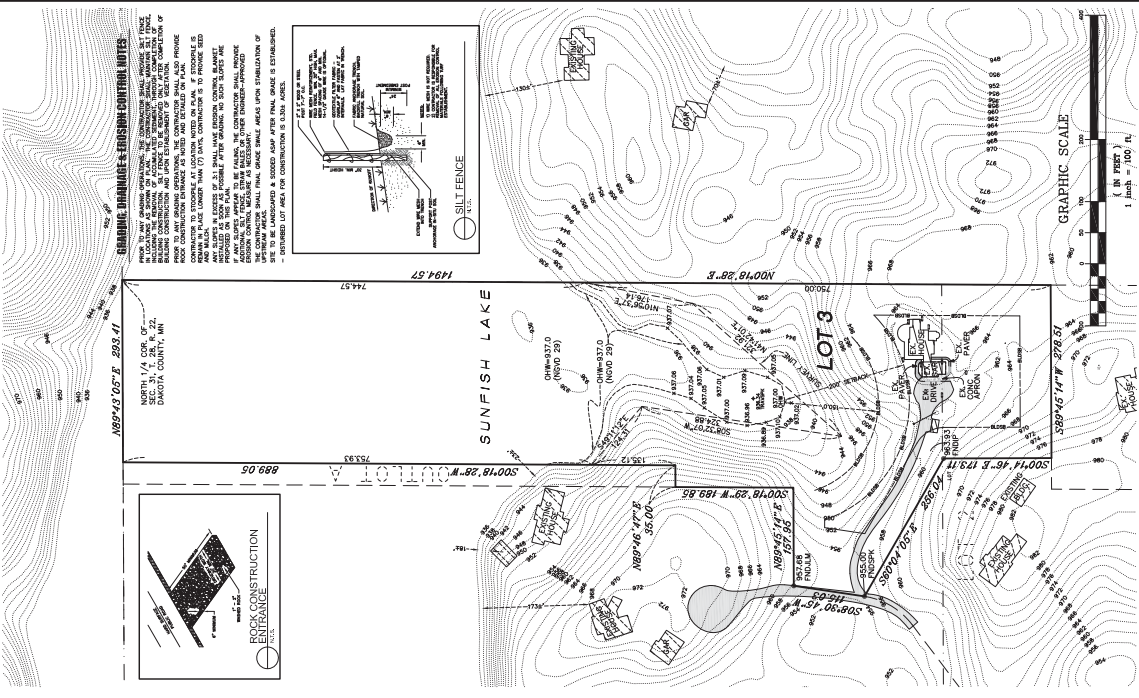
~for~ MOSER HOMES, INC.
~of~ 325 SALEM CHURCH ROAD

GRAPHIC SCALE
1 inch = 20 ft.
(IN FEET)



BOUNDARY DETAIL

EXHIBIT B



- LEGEND**
- DENOTES IRON MONUMENT FOUND AS LABELED
 - DENOTES GAS METER
 - DENOTES EXISTING SPOT ELEVATION
 - DENOTES ELECTRIC METER
 - DENOTES EXISTING CONTOURS
 - DENOTES PROPOSED CONTOURS
 - DENOTES DIRECTION SURFACE DRAINAGE
 - DENOTES PROPOSED FINISH GRADE ELEV.
 - DENOTES EXISTING BITUMINOUS SURFACE
 - DENOTES PROPOSED BITUMINOUS SURFACE
 - DENOTES ORANGE SILT FENCE
- TIME DETAIL**
- Denotes Elevation
 - Denotes Tree Size in Inches
 - Denotes Tree Type

VICINITY MAP
PART OF SEC. 31, TWP. 28, R. 12, S. 22



DAKOTA COUNTY, MINNESOTA
(NO SCALE)

SETBACKS
Front 100 feet
Side 50 feet
Rear 100 feet
Overall 200 feet

REMOVALS
Existing garage: 864 sq. ft.
Existing driveway: 257 sq. ft.
Existing power walks: 257 sq. ft.
Existing concrete apron: 388 sq. ft.
Total impervious area removed: 4,036 sq. ft.

NEW IMPERVIOUS
New garage: 1,000 sq. ft.
New driveway: 250 sq. ft.
New power walks: 671 sq. ft.
Total new impervious area: 4,513 sq. ft.
Total construction impervious area = 12,117 sq. ft. (6.32%)

EXISTING IMPERVIOUS COVERAGE
Total lot area: 10,98 acres/478,174 sq. ft.
Total lot area above OHW: 227,574 sq. ft.
Existing house/garage: 2,713 sq. ft.
Existing building: 6,273 sq. ft.
Existing driveway: 388 sq. ft.
Existing concrete: 388 sq. ft.
Total existing impervious area: 11,640 sq. ft. (5.1%)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 4/8/15.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or shown hereon. Survey subject to revision upon receipt of a current title commitment or an
- Contours shown are a compilation of field measurements and Mired lidar distribution.
- All storm sewer, rain garden & garage cades are from by Flow Eng dated 5/29/15 for details.

PROPOSED GARAGE ELEVATIONS:
GARAGE BLOCK = 952.28
TOP OF FOOTING = 952.0
TOP OF GARAGE ROOF = 992.0

BUILDING HEIGHT CALCULATION
Denote elevation used to determine "existing grade" of building.
Existing building height: 961.88+962.73+962.86
+962.78+962.90+962.91+962.85+961.77= 7700.66/6=962.58
New garage height not to exceed (962.58+3.0)'= 992.58'

LEGAL DESCRIPTION
Lot 3, Block 1, LINDEKE ADDITION,
DAKOTA COUNTY, MINNESOTA.

I hereby certify that this survey plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DANIEL W. OBERMILLER
Date: 5/29/15 License No. 25341

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

DESCRIPTION
NO. DATE DESCRIPTION
1 5/29/15 LOT 3, BLOCK 1, LINDEKE ADDITION, DAKOTA COUNTY, MINNESOTA.
2 5/29/15 LOT 3, BLOCK 1, LINDEKE ADDITION, DAKOTA COUNTY, MINNESOTA.
3 5/29/15 LOT 3, BLOCK 1, LINDEKE ADDITION, DAKOTA COUNTY, MINNESOTA.

15102HS

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING A SHORELAND SETBACK VARIANCE A TO PERMIT
A LOOPED DRIVEWAY TO BE LOCATED 168 FEET FROM THE OHWL OF
SUNFISH LAKE FOR THE PROPERTY LOCATED AT 325 SALEM CHURCH ROAD,
SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Tom and Michelle Schlehuber submitted an application for a shoreland setback variance to permit construction of a looped driveway located 168 feet from the OHWL of Sunfish Lake at the property located at 325 Salem Church Road, legally described as:

Lot 3, Block 1, Lindeke Addition

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated May 13, 2015 prepared by Northwest Associated Consultants and an engineering report dated April 30, 2015 prepared by WSB Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their May 20, 2015 meeting and reviewed the variance application, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the shoreline variance request to allow a looped driveway 168 feet from the OHWL of Sunfish Lake in accordance with plans dated 4/20/15, whereby the following findings support the Planning Commission recommendation for approval:

1. Practical difficulties result from the unique configuration of the subject parcel. The lake inlet and related 200 foot shoreline setback extends across a significant portion of the lot, leaving only a limited area in which to construct the proposed driveway.
2. The lake inlet is not navigable water, having a depth of $\pm$ one foot. The driveway is located more than 200 feet from the navigable waters of Sunfish Lake.
3. The applicant's request to construct a turnaround driveway is reasonable and common to other single family homes in the City of Sunfish Lake. Other lots adjoining this lot have buildings and driveways closer than 200 feet to the OHWL.
4. The applicant's request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance and Comprehensive Plan by proposing a home addition project which, with the exception of the driveway setback, meets all area, material, and aesthetic requirements of the City.
5. Provided screening is installed on the shoreland side of the driveway, its construction within the shoreland setback area is not anticipated to impact the character of the locality.

WHEREAS, the Sunfish Lake City Council considered the application for a shoreland setback variance at their meeting on June 2, 2015 and decided to continue consideration of the application through to the July City Council meeting, to be able to conduct a visit to the subject property to view conditions pertaining to the variance request and in order to allow for the provision of the following additional information:

1. Details pertaining to the number of existing homes on Sunfish Lake that have driveways positioned on the lake side of the home.
2. An exact measurement of the distance between navigable waters of Sunfish Lake and the proposed loop driveway.

WHEREAS, the City Council held a special meeting on July 7, 2015 to discuss the request for a variance at the Schlehuber property at 325 Salem Church Road and to conduct the site inspection of the premises; and

WHEREAS, the applicants submitted the additional requested variance information, which was considered at the July 7, 2015 City Council meeting; and

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the shoreland setback variance for 325 Salem Church Road to allow a looped driveway 168 feet from the OHWL of Sunfish Lake per the application dated April 20, 2015 with the following conditions:

1. City approval of site and building plans (for the replacement garage) and satisfaction of all related conditions of approval.
2. Screen plantings shall be provided on the shoreland side of the driveway to screen potential parked vehicles from the lake.
3. The applicants adhere to the City Engineer's final recommendations for grading and septic systems on the site, and meet construction related engineer requirements once construction begins, according to the engineer report dated May 29, 2015..
4. The applicants install rain garden areas as illustrated in the approved site plans, in order to collect and treat the stormwater from the expanded driveway area.
5. The applicants install evergreen trees to the southwest of the driveway turnaround area to screen neighboring properties from headlight interference.

This resolution is adopted by the City Council of the City of Sunfish Lake this 7th day of July 2015.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION DENYING A SHORELAND SETBACK VARIANCE FOR A LOOPED
DRIVEWAY TO BE LOCATED 168 FEET FROM THE OHWL OF SUNFISH LAKE
FOR THE PROPERTY LOCATED AT 325 SALEM CHURCH ROAD, SUNFISH LAKE,
DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Tom and Michelle Schlehuber submitted an application for a shoreland setback variance to permit construction of a looped driveway located 168 feet from the OHWL of Sunfish Lake at the property located at 325 Salem Church Road, legally described as:

Lot 3, Block 1, Lindeke Addition

WHEREAS, City staff reviewed the application and outlined their review comments in a planning report dated May 13, 2015 prepared by Northwest Associated Consultants and an engineering report dated April 30, 2015 prepared by WSB Associates; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their May 20, 2015 meeting and reviewed the variance application, along with the referenced staff reports; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommended to the City Council approval of the shoreline variance request to allow a looped driveway 168 feet from the OHWL of Sunfish Lake in accordance with plans dated 4/20/15, whereby the following findings support the Planning Commission recommendation for approval:

1. Practical difficulties result from the unique configuration of the subject parcel. The lake inlet and related 200 foot shoreline setback extends across a significant portion of the lot, leaving only a limited area in which to construct the proposed driveway.
2. The lake inlet is not navigable water, having a depth of $\pm$ one foot. The driveway is located more than 200 feet from the navigable waters of Sunfish Lake.
3. The applicant's request to construct a turnaround driveway is reasonable and common to other single family homes in the City of Sunfish Lake. Other lots adjoining this lot have buildings and driveways closer than 200 feet to the OHWL.
4. The applicant's request is consistent with the spirit and intent of the City's Comprehensive Plan and Zoning Ordinance and Comprehensive Plan by proposing a home addition project which, with the exception of the driveway setback, meets all area, material, and aesthetic requirements of the City.
5. Provided screening is installed on the shoreland side of the driveway, its construction within the shoreland setback area is not anticipated to impact the character of the locality.

WHEREAS, the Sunfish Lake City Council considered the application for a shoreland setback variance at their meeting on June 2, 2015 and decided to continue consideration of the application through to the July City Council meeting, to be able to conduct a visit to the subject property to view conditions pertaining to the variance request and in order to allow for the provision of the following additional information:

1. Details pertaining to the number of existing homes on Sunfish Lake that have driveways positioned on the lake side of the home.
2. An exact measurement of the distance between navigable waters of Sunfish Lake and the proposed loop driveway.

WHEREAS, the City Council held a special meeting on July 7, 2015 to discuss the request for a variance at the Schlehuber property at 325 Salem Church Road and to conduct the site inspection of the premises; and

WHEREAS, the applicants submitted the additional requested variance information, which was considered at the July 7, 2015 City Council meeting; and

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby denies the shoreland setback variance for 325 Salem Church Road to allow a looped driveway 168 feet from the OHWL of Sunfish Lake per the application dated April 20, 2015 based on the following findings:

1. Denial of the requested driveway setback variance will not deny the applicants reasonable use of their property.
2. Compliance with applicable setback requirements is possible without the looped driveway.
3. There are potential negative impacts which could result by allowing the requested driveway encroachment into the 200 shoreland setback area. In addition to visual impacts, the resulting allowance of parked vehicles within such setback area would establish an undesirable precedent.

This resolution is adopted by the City Council of the City of Sunfish Lake this 7th day of July 2015.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk