

Zoning Administrator's Report

A. October Permits: The following permits were issued over the last month by the Zoning Department:

1. Colin Kennedy, 31291 Eastwood Dr, Deck;
2. Pequot Lakes Baptist Church, 30090 Rasmussen Rd, Entry;
3. Trent & Sarah Carr, 3654 Krist Court, Addition;
4. Taffie Goerges, 5363 County Road 11, Accessory Structure;
5. Bill King, 27517 County Road 107, ATF Grading;
6. Bill King, 27517 County Road 107, New Home and Garage;
7. DC Construction of Nisswa LLC, XXXX Josh Court, New Home and Garage.

B. Correspondence: Your Staff sent the following correspondence since the last meeting:

1. Letter to Alan J. Brown regarding Variance Request;
2. Letter to Mr. and Mrs. Jason Forrest regarding Variance Request;
3. Letter to Nathan Walberg regarding MPCA requirements and Plumbing Code;
4. Letter to Louisa Tiegen regarding remedying the violation;
5. Letter to Pequot Lakes ISD 186 regarding Metes and Bounds Subdivision.

C. Council Meeting Notes:

The draft Minutes of the November 5 Council Meeting were not available when this packet was put together.

D. Potential Violations/Enforcement Actions: The City Staff is currently working on the following potential violations/enforcement actions. We will report on each of these each month until they are resolved to the satisfaction of the Planning Commission.

- John and Barbara Derksen – Exterior storage. The City Council, at their August 6, 2019 meeting, unanimously agreed to waive the permit fee of \$50 for the fence permit if there are no verified complaints received in the next 12 months. (5/13)
- Robert Swenson – The City Council declared this property a public nuisance in 2017. Staff has issued 5 Administrative Citations. (6/16)
- Timothy & Kristi Crist – Exterior Storage and Lawn. Staff will continue to monitor and meet with Mr. Crist. (4/17)

- David & Christine Kennedy – Maintenance. Staff has issued 4 Administrative Citations. (5/17)
- Lee Moren – Maintenance, Exterior Storage & Lawn. Staff will monitor next growing season. (8/18)
- Scott Pederson – Exterior Storage. Property owner has removed some items and claims to be compliant. Storage is not visible from public right-of-way. (6/18)
- Nathan Walberg – Staff is monitoring. (3/19)
- Wesley T. Johnson – Maintenance. Staff will continue monitoring his mowing and yard maintenance next growing season. (9/18)



October 23, 2019

Alan J. Brown
1401 Blaine Ranch Street
Henderson, NV 89012

Re: Variance Request to construct a new dwelling within the lake setback in the Shoreline Residential zoning classification

Dear Mr. Brown:

Please be advised that on October 17, 2019 the Board of Adjustment approved your Variance request based on the following Findings of Fact:

1. The subject property is located at 27713 Janco Lane and is in the "Shoreline Residential" zone.
2. The property contains a 673.56 square foot cabin and a 192 square foot shed.
3. The applicant proposes to remove the existing cabin that is 10 feet from the OHW and build a new 950 square foot cabin 39 feet from the OHW.
4. The applicant proposes to increase the height of the new cabin by 7 feet.
5. The applicant proposes to install a depression area south of the proposed new cabin to maintain stormwater. Applicant also proposes to install gutters along the roofline of the new cabin to direct runoff to the depression area.
6. There is a recorded easement across the subject property for access to the lot to the north.
7. There is a wetland behind the shed to the west. The subject property must meet floodplain minimum elevation standards as it is located within the floodplain of East Twin Lake.
8. The existing dwelling (to be replaced) is located within the 100-yr floodplain of East Twin Lake. The Floodplain standards allow pre-existing structures located in the floodplain to be reconstructed in accordance with the standards in Section 6.2, "Standards for Reconstruction of Nonconforming Structures" of the zoning ordinance.
9. The subject property is served by a shallow well and two holding tanks. Applicant proposes to seal the shallow well and have a deep well drilled for the new cabin.

Applicant proposes to move the existing lift tank and utilize the existing holding tanks for the new cabin.

10. The applicant has established that there are practical difficulties in complying with the Code. Applicant is unable to meet the 75-foot setback from the OHW. There is only approximately 69 feet from the OHW to the east edge of the easement road and approximately 32 feet from the west edge of the easement road to the wetland. The area to the west contains the shed and holding tanks for the septic system.
11. The property owner proposes to use the property in a reasonable manner.
12. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
13. The variance will not create a land use not permitted in the Shoreline Residential zone.
14. The variance will not alter the essential character of the locality as the neighboring seasonal cabins have limited buildable area as well.
15. The variance has not been made based on economic considerations.

Please note the Board of Adjustment included the following Conditions in their motion to approve your Variance request:

1. Existing trees and vegetation between the dwelling and the OHW shall remain in a live state to provide screening as viewed from the lake. In the event the existing trees and vegetation dies or is damaged by a natural event, additional trees and vegetation shall be planted to provide screening as viewed from the lake.
2. Pre-assembled hand installed silt fence shall be installed as outlined on the Stormwater Site Management Plan dated October 11, 2019 until vegetation is permanently established.
3. The structure must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation (1,221.6' - NAVD88) *or 3 ft above the Ordinary High Water level (constructed at an elevation 1,222' - NGVD 29) - whichever is higher.*
4. The finished fill elevation for the structure shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 5 feet beyond the outside limits of the structure.
5. Before the foundation for the dwelling is constructed the applicant shall submit certification by a licensed land surveyor verifying the fill meets the minimum elevation requirements of this variance approval.
6. After the dwelling is constructed the applicant shall submit certification from a professional land survey verifying the finished fill and building elevations were accomplished in compliance with the conditions of this variance approval and the standards of the Floodplain Management Overlay District.
7. Gutters shall be installed on the north and south sides of the dwelling. Stormwater shall be directed to the stormwater retention area along the south edge of subject property identified on the Stormwater Site Management Plan dated October 11, 2019 as "proposed grade = 1219.0".
8. Final grading shall meet the elevations outlined on the Stormwater Site Management Plan dated October 11, 2019.

Section 17-11.7 (7) of the Pequot Lakes City Code states *“Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing.”* If you have any questions, please feel free to contact me.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Board of Adjustment



October 23, 2019

Mr. and Mrs. Jason Forrest
18131 – 72nd Avenue N.
Maple Grove, MN 55311

Re: Variance Request to construct a new dwelling within the lake setback in the Shoreline Residential zoning classification

Dear Mr. and Mrs. Forrest:

Please be advised that on October 17, 2019 the Board of Adjustment approved your Variance request based on the following Findings of Fact:

1. The subject property is located at 5577 Wilderness Road and is in the “Shoreline Residential” zone.
2. The property contains a 1,415 square foot dwelling, a 168 square foot shed and a 255 square foot water oriented accessory structure.
3. The applicant proposes to remove the existing dwelling that is 40 feet from the OHW and build a new 2,571 square foot dwelling 54 feet from the OHW.
4. The applicant proposes to re-contour the lot to ensure proper drainage and stormwater management. Stormwater from the gutters on the new dwelling will direct stormwater through underground pipes to a retention area.
5. The subject property will meet floodplain minimum elevation standards as it is located within the floodplain of Lower Cullen Lake.
6. The existing dwelling (to be replaced) is not located within the 100-yr floodplain of Lower Cullen Lake.
7. A portion of the proposed structure will be located in an area which is currently in the floodplain. Said area will be elevated with fill (per conditions of approval) so it is outside the floodplain area.
8. The subject property is served by a shallow well and a Subsurface Sewage Treatment System (SSTS). Applicant proposes to seal the shallow well and have a deep well drilled for the new dwelling. Applicant proposes to install a new SSTS.
9. The applicant has established that there are practical difficulties in complying with the Code. Applicant is unable to meet the 75-foot setback from the OHW.

There is a very small building envelope to meet the 75-foot setback from the OHW and the 30-foot setback from Wilderness Road.

10. The property owner proposes to use the property in a reasonable manner.
11. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
12. The variance will not create a land use not permitted in the Shoreline Residential zone.
13. The variance will not alter the essential character of the locality as the neighboring seasonal cabins have limited buildable area as well.
14. The variance has not been made based on economic considerations.

Please note the Board of Adjustment included the following Conditions in their motion to approve your Variance request:

1. Existing trees and vegetation between the dwelling and the OHW shall remain in a live state to provide screening as viewed from the lake. In the event the existing trees and vegetation dies or is damaged by a natural event, additional trees and vegetation shall be planted to provide screening as viewed from the lake.
2. All disturbed areas shall be stabilized with properly installed erosion control mats, bio-logs and/or silt fence until vegetation is permanently established.
3. The structure must be elevated on fill so that the lowest floor including basement floor is at or above 1,198.8'- NAVD 88 Datum (3 ft above OHW level and also exceeds the regulatory flood plain elevation of 1,198.6').
4. The finished fill elevation for the structure shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure.
5. Before the foundation for the dwelling is constructed the applicant shall submit certification by a licensed land surveyor verifying the fill meets the minimum elevation requirements of this variance approval.
6. After the dwelling is constructed the applicant shall submit certification from a professional land survey verifying the finished fill and building elevations were accomplished in compliance with the conditions of this variance approval and the standards of the Floodplain Management Overlay District.

Section 17-11.7 (7) of the Pequot Lakes City Code states *“Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing.”* If you have any questions, please feel free to contact me.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Board of Adjustment



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October 30, 2019

Nathan Walberg
29349 Patriot Avenue
Pequot Lakes, MN 56472

Dear Mr. Walberg:

You are receiving this letter as a reminder that Chair Hallan asked you to provide the information you have received regarding the EPA and the absorbents you use to the City. The Planning Commission plans to discuss the MPCA requirements and the Plumbing Code regarding the floor drain at their November 21 meeting. Please provide your information to me by **Friday, November 8, 2019 at 3:30 PM.** I will include your information in the Planning Commission Packets.

If you have any questions, please feel free to contact me at 218-568-6699 or at dbittner@pequotlakes-mn.gov.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission



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November 1, 2019

Louisa Tiegen
6504 South Sluetter Road
Pequot Lakes, MN 56472

**RE: City of Pequot Lakes
Potential City Code Violation
PIN: 290273206G00009**

Dear Ms. Tiegen:

The City of Pequot Lakes would like to thank you for your efforts to bring the above-captioned property into compliance regarding completion of the exterior of your dwelling and attached garage. We would like to take this opportunity to thank you for your assistance in remedying this situation.

We consider this matter resolved.

Sincerely,

Dawn Bittner
Zoning Specialist

C: Planning Commission



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November 6, 2019

Pequot Lakes ISD 186
Attn: Chris Lindholm
30805 Olson Street
Pequot Lakes, MN 56472

RE: Metes and Bounds Subdivision
Lot 3, Block 4, Pequot Lakes Industrial Park

Dear Sir:

All of the submittals have been received to subdivide the south 90 feet of the above-captioned lot. Noble Escrow and Title has validated Jacob Tiggelaar as authority to subdivide on behalf of the Kristin Koelewyn Family Trust. Noble Escrow and Title completed the Crow Wing County Consolidation Request which will consolidate the south 90 feet of Lot 3 with Lot 2, owned by ISD 186. The City has signed the deed approving the subdivision.

Please feel free to contact me with any questions at dbittner@pequotlakes-mn.gov or at 218-568-6699.

Sincerely,

Dawn Bittner
Zoning Specialist