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# CITY OF LONG BEACH

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## ZONING MEETING PACKET FOR September 12, 2018



CITY OF LONG BEACH  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
September 12, 2018

6:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. Conditional use permit and variances related to the creation of a 35-unit recreational vehicle campsite commercial planned unit development. Variances required include the creation of 35 RV campsites (max. allowed is 25), allowance for a 35-slip common docking area on Lake Minnewaska (max allowed is 8 slips), and exceeding of the maximum allowed impervious coverage.
    - i. Applicant: Dave Schroeder.
    - ii. Property Owner: DMZ Properties LLC.
    - iii. Partial Legal Description: Subd of Govt Lot 6, Part of Government Lots 1 and 6 as recorded on Doc#248145 and Doc#235791. Sections 10 and 11, Township 125, Range 38.
    - iv. Property Address: 23948 North Lakeshore Drive.
    - v. Parcel number(s): 24-0113-000, 24-0113-003 and 24-0069-000.
  - b. Variance to construct a 24'x54' covered patio, addition to structure approx. 30 ft from Lake Minnewaska (min. 75 ft required).
    - i. Applicant: Kenneth Moe
    - ii. Property Owner: Moe & Gerdes Properties
    - iii. Legal Description: Lot 1, Block One, Torguson Addition
    - iv. Property Address: 23583 North Lakeshore Drive
    - v. Parcel number(s): 24-0280-000
  - c. Various amendments to the City of Long Beach Zoning Ordinance. The purpose of the amendments are to clarify and remove inconsistencies in regulations relating to the setbacks applicable to shoreland properties, allowable RV usage and other updates relating to the ordinance and to update the City's zoning map. Applicant: City of Long Beach Planning Commission
5. Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
  - c. Enforcement Actions
6. Other Business
  - a. Recap meeting with DNR (8-23-18)
  - b. Upcoming meetings with campground resort property owners.

- c. Discuss usage, dock requirements for city hall property.
- d. Home vacation rental ordinance (examples)

## 7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

## STAFF REPORT

**Application:** Conditional use permit and variances related to the creation of a 35-unit recreational vehicle campsite commercial planned unit development. Variances required include the creation of 35 RV campsites (max. allowed is 25), allowance for a 35-slip common docking area on Lake Minnewaska (max allowed is 8 slips), and exceeding of the maximum allowed impervious coverage.

**Applicant:** Dave Schroeder

**Property Owner:** DMZ Properties LLC.

**Agenda Item:** 4(a)

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### Background Information:

- **Proposal:** The applicants are proposing to create a new RV Resort Commercial Planned Unit Development (PUD) to include 35 recreational campsites. A proposal for campsite development from Mr. Schroeder was previously brought to the City of Long Beach in March 2018. At that time, a decision was tabled by the City Council with a requirement that the applicant also complete a PUD application which would allow for review of all aspects of the proposed development.

The current PUD application is in response to this request.

Some modifications were made to the original request as shown in the revised PUD site plan and related documentation attached. Primarily, this was to reduce the number of proposed RV sites from 45 to 35. Further, they provided more detailed survey, impervious and PUD calculation information.

Standards for the Shoreland Management Overlay District apply as the property proposed for development is both within 1000 feet of Shallow Pond to the north and Lake Minnewaska to the south. Required elevations for the RV sites are met. Standard setback requirements from both lakes are also met, but not the increased setbacks required for a PUD "density bonus" (see discussion below).

Several variances are to be considered with the current proposal. The total number of campsites proposed is 35 which is fewer than 45 sites initially proposed but still beyond the maximum allowed by ordinance (25 campsites). Among the requirements imposed by the City Council in March was that the number of marina slips not exceed what would be allowed for the number of RV units proposed which is 8 slips. The applicant has requested a docking area on Lake Minnewaska with 35 slips. While the current proposal would reduce the amount of impervious coverage from 38 percent to 31 percent, this still exceeds the maximum required by ordinance of 25 percent. Additionally, in order to be eligible for the "density bonus" that would allow an increase from 25 to 32 allowable units, the setback required from Shallow Pond and Lake Minnewaska needs to increase to either 125% or 150% of the normal required setback (depending on whether other measures are taken to reduce the impact to the lake). While these increased setbacks would occur from Lake Minnewaska, they would not from Shallow Pond.

- **Location:**
  - Property address: 23948 North Lakeshore Drive
  - Sec/Twp/Range: 11-125-38
  - Parcel number(s): 24-0113-000, 24-0113-000, 24-0069-000
- **Zoning:** RC - Residential/Commerical, Shallow Pond (Recreational Development lake) and Lake Minnewaska (General Development lake)
- **Lot size:** Approx. 8 acres according to Pope County parcel data (9 acres when including parts of Shallow Pond that are within the parcel boundaries).
- **Septic System Status:** The campsites would need to be served by public sewer. The City of Glenwood would need to approve accepting the additional sewage. There is no city water service, so private wells would be necessary to provide water.
- **Natural Features:**
  - Floodplain: The proposed RV sites are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does contain steep slopes near the shorelines. The area of the proposed campsites is relatively flat.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal. There are wetlands near the shoreline of both Shallow Pond and Lake Minnewaska.
  - Current Shoreline Conditions: The parcels to be developed abut the shoreland of Shallow Pond to the north and Lake Minnewaska to the south. The Shallow Pond shoreline has a heavy band of bulrushes/cattails. The Lake Minnewaska shoreline is a narrow strip of land between the road and the lake and has some aquatic vegetation.

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#### **Applicable Statutes/Ordinances:**

##### **Minnesota Statutes**

#### **462.357 (2016) OFFICIAL CONTROLS: ZONING ORDINANCE.**

##### **Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that

there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

#### **City of Long Beach - Zoning Ordinance**

**9.03: CONDITIONAL USES.** Subject to applicable provisions of this Ordinance, the following are conditional uses in the RC District and are governed by Section 19 of this Ordinance:

- L. Campground facilities and incidental commercial services in connection with and incidental to the operation of a campground activity. New campground facilities and expansions shall be processed as commercial Planned Unit Developments and adhere to applicable Shoreland District requirements provided that:
  - 10. Campground facilities shall be licensed by and meet the standards prescribed by the Minnesota Department of Health except where the provisions of this Ordinance are more restrictive, upon which the most restrictive provisions shall prevail.
  - 11. Each campsite shall have at least 2,000 square feet in area for primitive or dependent campsites and shall have at least 3,000 square feet in area for independent campsites.
  - 12. Campsites designed to provide water hook-up shall also provide hook-up to a central sewage disposal system which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and of this Ordinance.
  - 13. A Campground which allows camping units with self contained sewage systems shall provide some acceptable form of on-site sewage disposal for these units.

14. Vegetative screening is installed to screening any residential uses adjacent to the campground.

15. Adequate and safe ingress and egress access shall be provided

to a public road.

M. Marinas

## **28.08: PLANNED UNIT DEVELOPMENTS (PUD'S).**

A. Types of PUD's Permissible. Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 28.04 Letter B of this Chapter and the Zoning Map of Long Beach.

B. Processing of PUD's. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this section was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 28.08 Letter E of this Chapter. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

D. Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 28.08 Letter E of this Chapter.

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

### **Shoreland Tier Dimensions**

	Unsewered (feet)	Sewered (feet)
General development lakes – first tier	200	200
General development lakes – second & additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development

density evaluation steps to arrive at an allowable number of dwelling units or sites.

- E. Residential and Commercial PUD Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

2. Commercial PUD “Base” Density Evaluation:

- a. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space. b. Select the appropriate floor area ratio from the following table.

*Average environment unit floor transition and lakes area (sq. ft.)	Commercial Planned Unit Development Floor Area Ratios* Public waters classes		
	Sewered general Second and additional tiers lakes; first on unsewered tier on general unsewered development general lakes; development recreational lakes; urban, agricultural, tributary	development lakes; development Natural lakes; and forested river segments	development lakes; development Natural lakes; and forested river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027



1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- d. Divide the total floor area by tier computed in subsection c above by the average inside living area size determined in subsection a above. This yields a base number of dwelling units and sites for each tier.
- e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 28.08 Letter F of this Chapter.

### 3. Density Increase Multipliers:

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 28.05 of this Chapter are met or exceeded and the design criteria in Section 28.08 Letter F of this Chapter are satisfied.
- b. The allowable density increases in Item b. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five percent (25%) greater than the minimum setback.

#### b. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments.

Density evaluation tiers	Maximum density increase within each tier (percent)
First	25

Second	50
Third	100
Fourth	100
Fifth	100

F. Maintenance and Design Criteria.

1. Maintenance and Administration Requirements.

- a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- b. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - (1) Commercial uses prohibited (for residential PUD's).
  - (2) Vegetation and topographic alterations other than routine maintenance prohibited.
  - (3) Construction of additional buildings or storage of vehicles and other materials prohibited.
  - (4) Uncontrolled beaching of watercraft prohibited.
- c. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features.
  - (1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
  - (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
  - (3) Assessments must be adjustable to accommodate changing conditions.
  - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

- a. At least fifty percent (50%) of the total project area must be preserved as open space.
  - b. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
  - c. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
  - d. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
  - e. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  - f. Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities.
  - g. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
  - h. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least fifty percent (50%) of the shore impact zone must be preserved in its natural state.
3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must include the following.
- a. Be designed and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

- b. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five percent (25%) of the tier area, except that for commercial PUD's thirty-five percent (35%) impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 28.05 Letter C of this Chapter.
4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards.
- a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 28.05 Letter B and Letter H of this Chapter. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
  - b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 28.08 Letter E Number 3 of this Chapter for developments with density increases.
  - c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing commercially used harbor. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
  - d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on

conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- e. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- f. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 28.05 Letter B of this Chapter and are centralized.

## 28.05: ZONING, WATER SUPPLY AND SANITARY SEWER PROVISIONS.

- A. Lot Area and Width Standards. The lot area and lot width standards for single, duplex, triplex and quad residential lots created after the date of enactment of this section for the lake and river/stream classifications are the following:

### 2. Sewered Lakes.

#### b. Recreational Development.

	Riparian Lots		Nonriparian
	Lots Area Width	Width	Area
Single Family Dwelling 75	20,000	75	15,000
Two Family Dwelling 135	35,000	135	26,000
Multiple Family or Townhouse (3 dwelling units) 190	50,000	195	38,000
Multiple Family or Townhouse (4 dwelling units) 245	65,000	255	49,000

#### c. General Development.

	Riparian Lots		Nonriparian
	Lots Area Width	Width	Area
Single Family Dwelling 75	15,000	75	10,000
Two Family Dwelling 135	26,000	135	17,500
Multiple Family or Townhouse			

(3 dwelling units) 190	38,000	195	25,000
Multiple Family or Townhouse (4 dwelling units) 245	49,000	255	32,500

4. Additional Special Provisions.

- a. Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 28.05 Letter A Number 2-3 of this Chapter can only be allowed if designed and approved as residential planned unit developments under Section 28.08 of this Chapter. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 28.05 Letter A Number 2 of this Chapter can only be used if publicly owned sewer system service is available to the property.

B. Placement, Design, and Height of Structures.

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

- a. Structure and On-site Sewage System Setbacks from Ordinary High Water Level\*.

Classes of Public Treatment Waters System  Lakes	Setbacks (in feet)*		
	Structures		Sewage
	Unsewered	Sewered	
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50

- b. Additional Structure and On-site Sewage System Setbacks. The following additional setbacks apply, regardless of the classification of the waterbody:

Setback From: System	Structure Setback	On-site Sewage
(1) Top of bluff.	30 feet	50 feet

- c. Bluff Impact Zones. Structures, impervious surfaces and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

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**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

**1. Will the granting of the variances be in harmony with the general purposes and intent of the City of Long Beach Land Use (Zoning) and/or Subdivision Ordinance?**

The zoning ordinance would allow for a RV campground through an appropriate PUD design, however the spirit and intent of the ordinance (maximum development density) is to create uniformity in the number of RV units or sites on a lot (in a ratio to its lot size). Staff reviewed the site plan to determine whether conditions for a "density bonus" were met. The applicant does not meet the requirements for a density bonus (increased setbacks from Shallow Pond beyond what is normally required) and as such the applicant is only allowed 25 units total. The applicant's request is to increase the number of units by an additional 10 to a total of 35 units. As there is no provision in the ordinance to go this high, they are requesting a variance.

What has been proposed would violate the intent of the ordinance to impose limits on the development of shoreland areas. The applicant has noted that they are intentionally limiting any RV sites from being located in Tier 1 or part of Tier 2 as measured from Lake Minnewaska as a "trade off" for the increased number of RV units beyond what is allowed and the lack of increased setback from Shallow Pond.

**2. Will the granting of the variances be consistent with the City of Long Beach Comprehensive Plan?**

The Comprehensive Plan states that within the Recreational Commercial Land Use and Zoning the City will allow space for resort areas and commercial properties including new or expanded commercial activities. In this respect, the proposal is consistent with the Plan. However, the Land Use Plan also states that the minimum standards from overlay districts are appropriate and applicable. Shoreland development standards are exceeded with the proposal provided and in this respect it would be inconsistent with the Plan.

**3. Is the proposed use of the property reasonable?**

An RV resort is an allowable use for a PUD in this area provided it is within the maximum allowable development density. The design proposed does not meet the density requirement for a PUD without a variance. It would appear the site could be put to reasonable use and meet the ordinance requirements with fewer camping units. The applicant indicates that it would not be financially feasible to have an RV campground, given the costs of installing utilities, etc., without the additional units allowed.

**4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The need for the variance appears to be due to the applicants desire to more fully develop the site with additional camping units, many more than are allowable.

They also indicate the cost of providing sewer and other utilities to the site. The owner proposes a trade-off, that in exchange for allowing for the variance as proposed with this PUD, he would give up all building rights in Tier 1 of Lake Minnewaska.

**5. Will the variances, if granted, alter the essential character of the locality?**

The essential character of the area is residential while allowing for resorts and other transitional uses as appropriate through the conditional use/PUD process. This proposed use providing RV campsites seems consistent with nearby land uses and the overall plan for this transitional lake area. The high number of units, however, compared to what is allowed could be considered out of character with the area.

**6. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

The applicant has indicated that the costs of providing sewer and other utilities necessitate the additional revenue that 45 sites would provide. They also indicate that the site would be a better use than what has been there in the past and an overall benefit to the City.

**7. Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

The development could proceed without exceeding the maximum allowable units. The practical difficulty for the applicant in presenting a proposal that would include fewer units is unclear, but relates to the cost of providing sewer and other utilities and indicating they feel the use would be of a benefit to the City.

**8. Will the granting of the variance adversely affect the environmental quality of the area?**

A stormwater management plan with drainage areas, a plan to protect the wetland area with a double silt fence and erosion control details were submitted with the preliminary PUD proposal. If the site is managed properly, environmental impacts should be minimal. This depends largely on how the site is used by people leasing sites and the overall management of the site. While the applicant does not anticipate further erosion and runoff, the proposal would place more camping sites with potential for full seasonal usage in close proximity to the lake. Exceeding the density standard would arguably result in more risk of environmental impacts to sensitive shorelands and lakes.

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**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

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**Staff Recommendation:** Based on the findings of fact noted above, **Staff cannot recommend approval of the requested variances as presente.** The applicant has the



option of creating an RV campground that does not go beyond the maximum allowable units for the area defined. Increasing the campsite density beyond what is allowed does not appear reasonable or in keeping with the spirit of the ordinance and would set a precedent for applicants in other similar situations that would be difficult to step back from.

If the Council is to approve any one or more of these variances, it would need to establish findings of fact that support a practical difficulty justifying a variance.

If a variance is approved, Staff would recommend consideration of the following conditions of approval:

1. That the variance will not be valid unless the City of Glenwood accepts the sewage generated by the development, or another plan for sewage treatment acceptable to the City Council is approved (this shall be addressed prior to any approval of the planned unit development).
2. That the applicant provides a stormwater management plan, prepared by a qualified professional or professional engineer, to show that the stormwater from the site will be adequately treated prior to entering either Shallow Pond or Lake Minnewaska, consistent with best management practices and related state or local regulations.
3. That the applicant submits a screening plan acceptable to the City Council to ensure that the development does not create an unusual negative visual impact as viewed from the lake or neighboring properties.
4. That the applicant provides a wetland delineation of all wetlands on the site that may be impacted by the proposed RV sites or other improvements on the lot. No filling of wetlands shall be permitted without approval of the appropriate regulatory agency.
5. That the number of slips allowed at any marina shall not be increased beyond what would be allowed for the number of allowable RV units within the planned unit development.
6. That no RV units shall be allowed, now or in the future, within the 1<sup>st</sup> Tier of Lake Minnewaska.

# Schroeder PUD site & area





CIVIL ENGINEERING CONSTRUCTION DOCUMENTS  
SECTIONS 10 & 11, TOWNSHIP 125 NORTH, RANGE 38 WEST  
CITY OF LONG BEACH, COUNTY OF POPE, STATE OF MINNESOTA

OWNER - SCHROEDER CAMPGROUND  
725 HIGHWAY 55 N.  
GLENWOOD, MN 56334  
320-491-2361  
CONTACT: DAVE SCHROEDER

**CIVIL ENGINEER**  
HAGSTROM ENGINEERING  
219 6TH AVE E  
ALEXANDRIA, MN 56308  
320-759-0764  
CONTACT: MATT HAGSTROM

C1.0	COVER SHEET
C2.0	EXISTING SITE AND DEMOLITION PLAN
C2.1	CONCEPTUAL SITE PLAN
C3.0	CONCEPTUAL GRADING AND UTILITY PLAN
C4.0	CONCEPTUAL EROSION CONTROL PLAN
C4.1	EROSION CONTROL DETAILS



324 BROADWAY STREET  
SUITE 208  
ALEXANDRIA, MN 56308  
P.320.759.0764  
WWW.HAGSTROMENG.COM

FOR AND ON BEHALF OF  
STROM ENGINEERING PLLC

BENCHMARK:

R SPIKE SET IN N. FACE  
OF LIGHT POLE ON SOUTH  
SIDE OF NORTH  
LAKE SHORE DRIVE  
ELEVATION = 1145.80  
GV029

CALL GOPHER STATE ONE CALL  
**811**  
2 BUSINESS DAYS IN ADVANCE BEFORE  
YOU DIG, GRADE OR EXCAVATE FOR THE  
MARKING OF UNDERGROUND MEMBER  
UTILITIES.

[illegible]

**SCHROEDER CAMPGROUND  
PRELIMINARY DESIGN  
LONG BEACH, MINNESOTA  
COVER SHEET**

Date: 08/10/2018  
 Lab No.: 18014

# C1.0

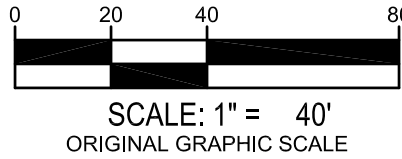
et C1.0 of C4.1

NOT FOR CONSTRUCTION









A diagram of a T-junction. A horizontal road with a dashed center line and a solid edge line on the left approaches a vertical road from the left. A vehicle is positioned at the intersection of the two roads, facing the vertical road.

PROPOSED STORM SEWER,  
MANHOLE, F.E.S. AND INLET

EXISTING STORM SEWER

PROPOSED SANITARY SEWER W/ MH

EXISTING SANITARY SEWER W/ MH

PROPOSED UNDERDRAIN AND CLEANOUT

PROPOSED WATER LINE, VALVE AND  
FIRE HYDRANT (BY OTHERS)

EXISTING WATER LINE AND VALVE

DRAINAGE EASEMENT

UTILITY EASEMENT

PEDESTRIAN EASEMENT

TRAFFIC CONTROL DEVICE EASEMENT

THRUST BLOCK

BLOW OFF

PROPOSED CONCRETE WALK  
PROPOSED WATER SERVICE W/ METER  
PROPOSED SANITARY SERVICE  
PROPOSED UNDERDRAIN SERVICE

CAUTION! UTILITY CROSSING  
LOWERING MAY BE REQUIRED

EXISTING LIGHT POLE

EXISTING POWER POLE

EXISTING GAS LINE

EXISTING COMMUNICATION LINE

EXISTING ELECTRIC LINE AND BOX

EXISTING R.O.W.

EXISTING LOT LINE

PROPERTY LINE

1. CONTRACTOR SHALL FIELD VERIFY SIZE AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER WITH ANY DISCREPANCIES.
2. INSTALL PERIMETER BMP'S PRIOR TO ANY CONSTRUCTION.

[illegible]

**SCHROEDER CAMPGROUND**  
**PRELIMINARY DESIGN**  
**LONG BEACH, MINNESOTA**

**CONCEPTUAL SITE PLAN**

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Date: 08/10/2018

Job No.: 18014

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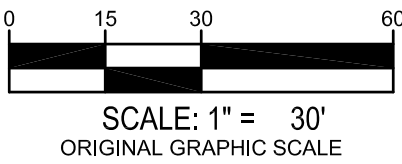
C2.1

Sheet C2.1 of C4.1







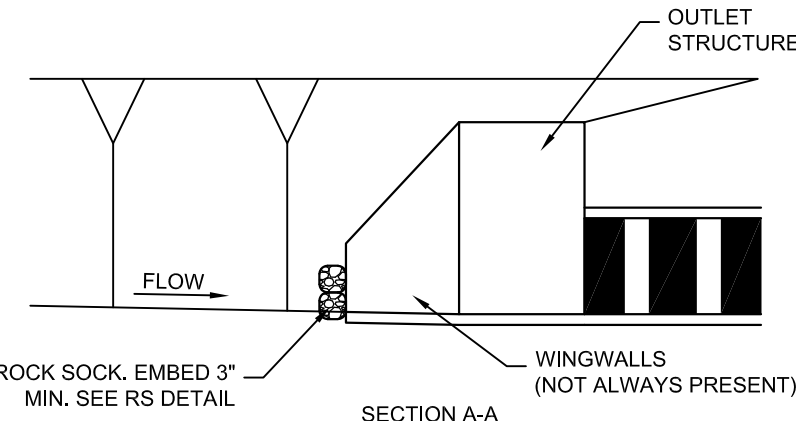
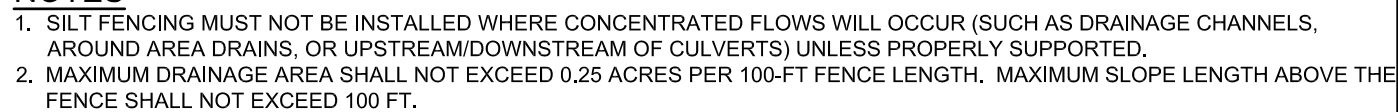


NOT FOR CONSTRUCTION





TO REDUCE SEDIMENT FROM ENTERING STORM DRAINAGE SYSTEMS PRIOR TO PERMANENT STABILIZATION OF DISTURBED AREAS.



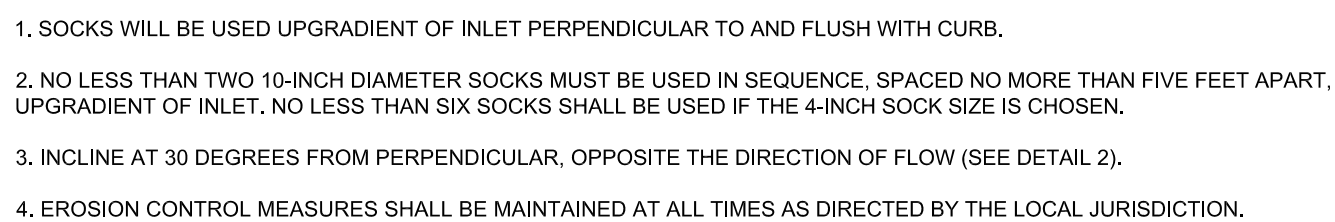
RR SPIKE SET IN N. FACE  
OF LIGHT POLE ON SOUTH  
SIDE OF NORTH  
LAKESHORE DRIVE  
ELEVATION = 1145.80  
NGV029

CALL 2 BUSINESS DAYS IN ADVANCE BEFORE  
YOU DIG, GRADE OR EXCAVATE FOR THE  
MARKING OF UNDERGROUND MEMBER  
UTILITIES.

[illegible]

Sheet C4.1 of C4.1

NOT FOR CONSTRUCTION



All erosion and sediment control practices and other protective measures identified in the SWMP must be maintained in effective operating condition. Proper selection and installation of BMPs and implementation of comprehensive Inspection and Maintenance procedures should be adequate to meet this condition. BMPs that are not adequately maintained in accordance with good engineering, hydrologic and pollution control practices, including removal of collected sediment outside the acceptable tolerances of the BMPs, are considered to be no longer operating effectively and must be addressed.



VARIANCE SKETCH  
PRELIMINARY PLANNED UNIT DEVELOPMENT,  
IMPERVIOUS SURFACE STUDY, DENSITY STUDY &  
OPEN-SPACE CALCULATIONS OF  
SCHROEDER CAMPGROUND

STOECKEL-JAHNER SURVEYING FILE NO. 6632

DEVELOPMENT DATA:

OWNER:  
Loren Schroeder  
23948 North Lakeshore Drive  
Glenwood MN 56334

DEVELOPER:  
Dave Schroeder  
725 Hwy 55 N.  
Glenwood MN 56334  
(320) 491-2361

SURVEYOR:  
Stoeckel-Jahner Surveying Inc  
1206 3rd Avenue East  
Alexandria MN 56308  
(320) 763-6855

DENSITY CALCULATIONS

Shallow Pond Drainage

Tier One Base Density

Suitable area in Tier One equals 159,046 Sq.Ft.

$159,046 (.028) = 4,451 / 400 = 11.13$  or

11 units allowed in Tier One

MULTIPLIER: 1.25 (11.13) = 13.91 or

14 units allowed with multiplier

Tier Two Base Density

Suitable area in Tier Two equals 51,133 Sq.Ft.

$51,133 (.028) = 1,432 / 400 = 3.58$  or

4 units allowed in Tier Two

MULTIPLIER: 1.5 (3.58) = 5.37 or

5 units allowed with multiplier

Lake Minnewaska Drainage

Tier One Base Density

Suitable area in Tier One equals 49,215 Sq.Ft.

$49,215 (.056) = 2,756 / 400 = 6.89$  or

7 units allowed in Tier One

MULTIPLIER: 1.25 (6.89) = 8.61 or

9 units allowed with multiplier

Tier Two Base Density

Suitable area in Tier Two equals 21,323 Sq.Ft.

$21,323 (.056) = 1,194 / 400 = 2.99$  or

3 units allowed in Tier Two

MULTIPLIER: 1.5 (2.99) = 4.48 or

4 units allowed with multiplier

25 total units allowed

32 total units allowed with multiplier

EXISTING IMPERVIOUS  
CALCULATIONS

TOTAL PARCEL AREA ABOVE OHW 280,720± Sq.Ft.

IMPERVIOUS AREAS

GRAVEL	63,402 Sq.Ft.
BITUMINOUS	22,124 Sq.Ft.
CONCRETE	13,540 Sq.Ft.
BUILDINGS	5,886 Sq.Ft.
inc. DECKS, STEPS, ETC.	
CURB	1,227 Sq.Ft.
LANDSCAPING	1,017 Sq.Ft.
OVERHANGS	358 Sq.Ft.
RETAINING WALL	106 Sq.Ft.

TOTAL IMPERVIOUS AREA 107,660 Sq.Ft.±

$107,660 / 280,720 = 0.383$  OR

38% ± IMPERVIOUS

PROPOSED IMPERVIOUS  
CALCULATIONS

TOTAL PARCEL AREA ABOVE OHW 280,720± Sq.Ft.

IMPERVIOUS AREAS

GRAVEL	858 Sq.Ft.
BITUMINOUS	14,736 Sq.Ft.
CONCRETE	843 Sq.Ft.
BUILDINGS	5,886 Sq.Ft.
inc. DECKS, STEPS, ETC.	
CURB	1,227 Sq.Ft.
LANDSCAPING	764 Sq.Ft.
OVERHANGS	966 Sq.Ft.
RETAINING WALL	32 Sq.Ft.
PROPOSED ROADS	18,863 Sq.Ft.
PROPOSED LOTS	43,750 Sq.Ft.

TOTAL IMPERVIOUS AREA 87,925 Sq.Ft.

$87,925 / 280,720 = 0.313$  OR

31% ± IMPERVIOUS

PROPOSED OPEN SPACE

Total Open Space 192,795 Sq.Ft.

Total area 280,720 Sq.Ft.

$192,795 / 280,720 = 0.6868$  or

69% Total Open Space

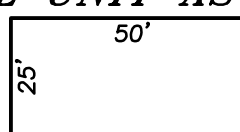
LEGEND

● IRON MONUMENT FOUND

- GAS VALVE
- POLE GUY
- SIGN
- UTILITY MANHOLE
- MAILBOX
- TELECOMMUNICATIONS RISER
- ELECTRIC METER
- LIGHT POLE
- AIR CONDITIONER
- POWER POLE
- SANITARY MANHOLE
- SEPTIC RISER
- WELL
- CHAIN-LINK FENCE
- WIRE FENCE
- OVERHEAD ELECTRIC
- SANITARY SEWER
- SANITARY FORCEMAIN

- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- WETLAND
- BITUMINOUS SURFACE BARRIER CURB (TYP.)
- CONCRETE SURFACE
- LANDSCAPING
- GRAVEL SURFACE
- RIP-RAP
- TO BE REMOVED
- CULVERT

TYPICAL UNIT AS SHOWN



PROPOSED ROAD 20' WIDE

ZONING INFORMATION:

EXISTING ZONING: Within 1000' of Lakes Shoreland District Boundary

EXISTING LAKE ZONING: Lake Minnewaska - General Development

OHW (Ordinary High Water Level) of Lake Minnewaska = 1138.1 (NGVD 29)

EXISTING LAKE ZONING: Shallow Pond - Recreational Development

SEC. TWP. RING: 11-12S-38  
DATE: 05-16-18  
DRAWN BY: JN  
CHECKED BY: MFI  
FILE NUMBER: 6632

PREPARED FOR: DAVE SCHROEDER

MARK F. JAHNER - LICENSE NO. 44493  
1206 3rd Avenue East P.O. Box 366 Alexandria, MN 56308  
Phone 320-763-6855 Fax 320-763-6341  
Website: mnsurveying.com Email: mark@msurveying.com

STOECKEL  
JAHNER  
SURVEYING INC.

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

44493  
08-08-18  
Date  
License No.

## STAFF REPORT

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**Application:** Variance to construct a 24'x54' covered patio, addition to structure approx. 30 ft from Lake Minnewaska (min. 75 ft required).

**Applicant:** Kenneth Moe

**Property Owner:** Moe & Gerdes Properties

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### Background Information:

- **Proposal:** The applicant is proposing to extend the south facing roofline of Captain's Resort to provide a 24' x 54' cover for a concrete deck that has existed on the parcel for some time.

This is separate from the patio addition which was submitted as a variance request from a 50 foot setback and was approved by the City Council in November 2017. The details and conditions of that variance approval were:

#### Variance(s) approved:

Variance to construct an approx. 16' x 20' storage building approx. 16 ft from Lake Minnewaska (min. 75 ft required) and a patio addition (~~for future conversion to an enclosed structure~~) with associated grading/fill approx. 18 ft from Lake Minnewaska (min. 75 ft required) on a lot that exceeds impervious coverage limits.

\*Note: Some documentation of the above variance included "for future conversion to an enclosed structure" after the phrase "patio addition". That was an error, as while it was the applicant's original request to eventually enclose the structure, it is not what was approved – see condition #2 below.

#### Conditions of approval:

1. That a stormwater management plan be implemented on the property, as designed by a professional, to manage at least a 1" rain from impervious surfaces on the lot equal to at least 2 times the square footage being added.
2. That the lakeside addition to the building be limited to an open patio or deck, and not be allowed to be roofed (except for the use of temporary awnings or pergola-type structures).
3. That the storage building be located no closer than 37.5 feet from the lake (i.e. out of the "shore impact zone" as defined by DNR regulations).
4. That the applicant provide an agreement with the electric power utility regarding the location of the proposed shed. Should the utility company not agree to the location of the shed as proposed, the applicant may still proceed with the patio construction.

The current requested roof addition to the structure for the existing patio would be approximately 30 feet from Lake Minnewaska. There are differing descriptions in the current zoning ordinance as to the setback from the OHW mark of the Minnewaska lakeshore. Either 50 feet or 75 feet is required, depending on the applicable provision of the ordinance. Typically, if there are conflicting standards in the ordinance, the more restrictive provision

prevails. The City Council will determine the applicable standard. With either provision, the covered patio proposal requires a variance.

The site is already over its impervious limit of 25% with the current coverage at about 55-60% (not including the pervious paver patio). The proposed roof that is over the existing patio would not create any additional impervious beyond what already exists, however it will have a two-foot overhang that extends beyond the concrete patio area. The City's ordinance does not clearly indicate whether overhangs count toward impervious coverage. Staff knows of some communities that do not count overhangs provided they are 2 ft or less in width while others do count overhangs.

- **Location:**
  - Applicant: Kenneth Moe
  - Property Owner: Moe & Gerdes Properties
  - Legal Description: Lot 1, Block One, Torguson Addition
  - Property Address: 23583 North Lakeshore Drive
  - Parcel number(s): 24-0280-000
- **Zoning:** RC – Residential/Commercial
- **Lake Designation:** General Development (Lake Minnewaska)
- **Parcel size:** Approximately 1.8 acres (from survey) – approx. 1.2 acres is located outside of the County Road right of way.

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#### **Applicable Statutes/Ordinances:**

##### **Minnesota Statutes**

##### **462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.**

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###### **Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not

limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Subd. 1e. Nonconformities.**

(f) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

**City of Long Beach Zoning Ordinance**

**2.02: DEFINITIONS.**

1. **Impervious Surface:** *A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces. (Ordinance approved for Section 2.02 Definitions June 8, 2016.)*

**SECTION 9 - RC RESIDENTIAL & COMMERCIAL TRANSITION DISTRICT**

- 9.06: LOT AREA AND SETBACK REQUIREMENTS.** The following minimum requirements shall be observed in the RC District **subject to additional requirements, exceptions and modifications set forth in this Ordinance.**

**B. Principal Structure Setbacks:**

7. **Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-five (75) feet.**

- 9.07: LOT COVERAGE AND HEIGHT.** The following requirements shall be observed in the RC District:

- A. The ground area of single family detached dwellings, including detached garages, and single-family attached dwellings not exceeding four housing units shall not exceed twenty-five (25) percent lot coverage.



- B. The total ground area of all other permitted residential buildings excluding single family detached dwellings and single-family attached dwellings not exceeding four housing units shall not exceed forty-five (45) percent lot coverage.
- C. The total ground area of a commercial structure, including accessory buildings, shall not exceed seventy-five (75) percent lot coverage.

## SECTION 28 – SHORELAND MANAGEMENT OVERLAY DISTRICT

### 28.05: ZONING, WATER SUPPLY AND SANITARY SEWER PROVISIONS.

- B. Placement, Design, and Height of Structures.
1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.
    - a. Structure and On-site Sewage System Setbacks from Ordinary High Water Level\*.

Classes of	Setbacks (in feet)*		
	Structures		Sewage Treatment
Public Waters	Unsewered	Sewered	System
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50

\*One water-oriented accessory structure designed in accordance with Section 28.05 Letter B Number 2 of this Chapter may be set back a minimum distance of ten (10) feet from the ordinary high water level.

- d. Uses Without Water Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. Design Criteria For Structures.
    - a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows.
      - (1) For lakes, by placing the lowest floor at a level at least three feet (3') above the highest known water level, or three feet (3') above the ordinary high water level, whichever is higher.

- (3) Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
  - b. Water Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 28.05 Letter B Number 1 of this Chapter if this water-oriented accessory structure complies with the following provisions.
    - (1) The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails, and cannot occupy an area greater than two hundred and fifty (250) square feet. Detached decks must not exceed eight feet (8') above grade at any point.
    - (2) The setback of the structure or facility from the ordinary high water level must be at least ten feet (10') and not in the bluff impact zone.
    - (3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
    - (4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
    - (5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
    - (6) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty feet (20') as measured parallel to the configuration of the shoreline.
  3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five feet (35') in height.
- E. Stormwater Management. The following general and specific standards shall apply.
  2. Specific Standards:
    - a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.

---

**Findings of Fact:** The following findings of fact are presented by Staff for consideration by the Planning Commission:

**1) Current Zoning:**

- Subject Property: RC – Residential/Commercial
- Surrounding Properties:
  - North: RC – Residential/Commercial
  - South: LD – Low-Density Residential
  - West: CD – Conservation, Parks and Open Space
  - East: None (Lake Minnewaska)

**2) Current Land Use:**

- Subject Property: Bar/Restaurant
- Surrounding Properties:
  - North: Resort
  - South: Residential PUD
  - West: Lake (Shallow Pond)
  - East: Lake (Lake Minnewaska)

**3) Lot size:** Approx. 1.8 acres total (approx. 1.2 acres not including the County Road)

- Existing impervious surface: Approx. 55-60% (estimated from aerial photo)
- Proposed impervious surface: Approx. 55-60% (more than existing)

**4) Sewer/Water:** The property is served with City sewer and private water.

**5) Natural Features:**

- Floodplain: There are no mapped floodplains in the City of Long Beach. DNR regulations indicate that the lowest floor of structures be at least three (3) feet above the highest known water level of the lake. In this case, the lowest floor would need to be at an elevation of 1142.68 (1139.68 + 3 ft).
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.
- Wetlands: There do not appear to be any wetlands on the property except those associated with the shoreline or lake itself.

**6) Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

The general intent of the 75 ft lake setback is to preserve more natural views from the lake, to allow for management of stormwater running off buildings and to protect buildings from damage to near-shore areas from ice pushes or wave action. The intent of the 25% impervious surface limit is to protect water quality by allowing space for water to infiltrate into the ground or be filtered through vegetation before it enters the lake.<sup>1</sup>

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<sup>1</sup> The City's ordinance identifies a 75 ft minimum setback from the ordinary high water level of the lake in the RC district and a 75% limit for impervious coverage for commercial uses. Section 28.05, however, relates to the shoreland districts and allows for a 50 ft lake setback when the lake is sewered and a maximum 25% impervious coverage

The proposed setback of 30 feet from the lake for the covered patio would not seem to meet the intent of the ordinance in that it would place structures very close to the lake. However, the existing bar/restaurant structure is also very close and has been grandfathered in. There is also very limited space on the property that would meet the setback requirement and serve the desired function. As such, the proposed uses would not have much additional impact on the view of the buildings/property from the lake. However, stormwater management would need to be implemented to achieve the intent of the ordinance for larger setbacks.

The proposed increase in impervious coverage with the roof overhang is inconsistent with the ordinance in that the existing coverage already greatly exceeds the maximum allowed. While the recently installed patio has been considered existing impervious coverage and a legal nonconformity in that it pre-existed the ordinance requirements, it may be possible to argue that adding additional impervious would be consistent with the ordinance provided that an equal amount of impervious that is being added is reduced elsewhere on the lot. The applicant has not proposed this "trading" of impervious coverage however. Still, it may be possible to find some reductions.

**7) Will the granting of the variance be consistent with the City of Long Beach's Comprehensive Plan?**

The Comprehensive Plan does not directly address applications such as these.

**8) Is the proposed use of the property reasonable?**

The requested variance is reasonable in that it is not unusual for a owner of a lakeshore-oriented restaurant/bar to seek additional outdoor seating areas related to the business. However, the site already greatly exceeds the impervious limits allowed as well as the minimum setback requirements and any worsening of these situations could be deemed unreasonable. Any mitigation efforts he can make in terms of stormwater management may help make the application more reasonable.

**9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The need for the variance would appear to primarily be related to the shape of the lot, and the pre-existing nature of the business and buildings on the property. However, the applicant is also asking for more roof coverage and closer setbacks to the lake than has historically existed.

**10) Will the variance, if granted, alter the essential character of the locality?**

The use of the property would remain very similar in character to what already exists. It would place more structure within the lake setback and further increase impervious coverage, however, which could be deemed a change in character to some degree.

---

regardless of the use being commercial or residential. Staff has adhered to the more restrictive of the standards in each case (75 ft lake setback, 25% impervious limit) in the writing of this staff report. Generally, when there is conflict, the more restrictive of the standards applies (Section 1.02.A of the Ordinance states "Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the Ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail."). Arguably however, the 50 ft lake setback could be what applies, but regardless, the proposal does not meet either a 50 or 75 ft lake setback.



**11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

Economic considerations do not appear to play a significant factor in the requested variance, except in relation to the potential for increased business if the bar/restaurant addition is allowed. They have more to do with the location of the existing building, the size/shape of the lot and the historical use of the property prior to zoning requirements.

**12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

In order to avoid the need for the variance, the applicant would need, at a minimum, to have no net increase in impervious coverage. The lake setback variance appears to be unavoidable if it is to achieve its intended purposes.

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**Planning Commission/City Council Direction:** The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

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**Staff Recommendation:** Based on the findings noted above, Staff would generally recommend denial of the request given that it is making an already nonconforming situation even more nonconforming.

Staff would also recommend that the ordinance be revised (as has been suggested under another agenda item) to remove the ambiguity from the setback standards.

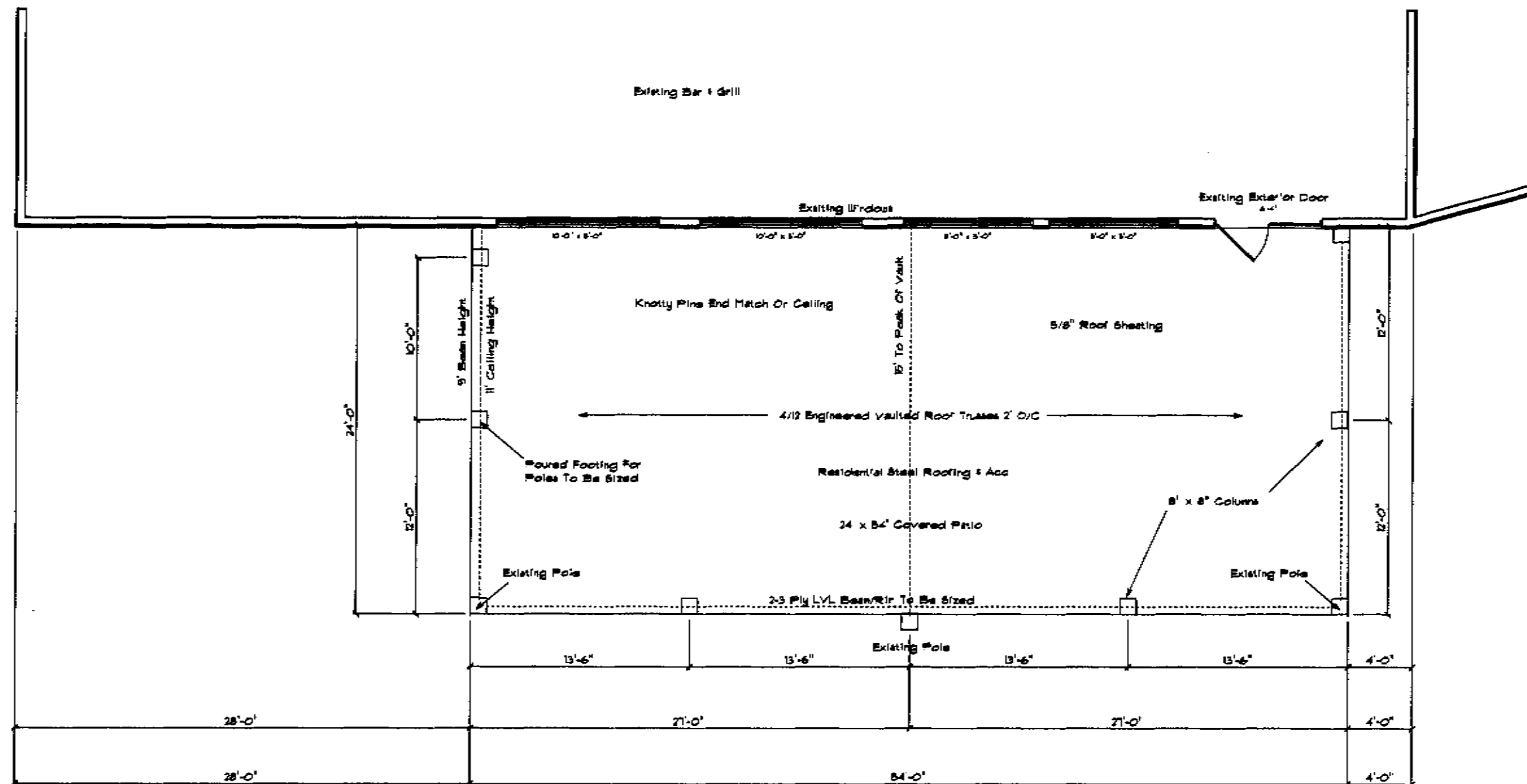
If the application is approved, Staff would recommend the following conditions of approval:

1. That the rainwater running off the proposed roof be directed to an area that will allow for infiltration before it enters Lake Minnewaska. This may include directing of the water to the pervious paver patio approved in 2017 by variance, provided that evidence from the applicant's engineer is provided that it can accommodate the additional water consistent with the conditions of the 2017 variance approval, or directing to another area that would contain a rainwater garden or other best management practice designed to accommodate a 1" rainfall from the area of the roof.

# Captain's Bar & Grill



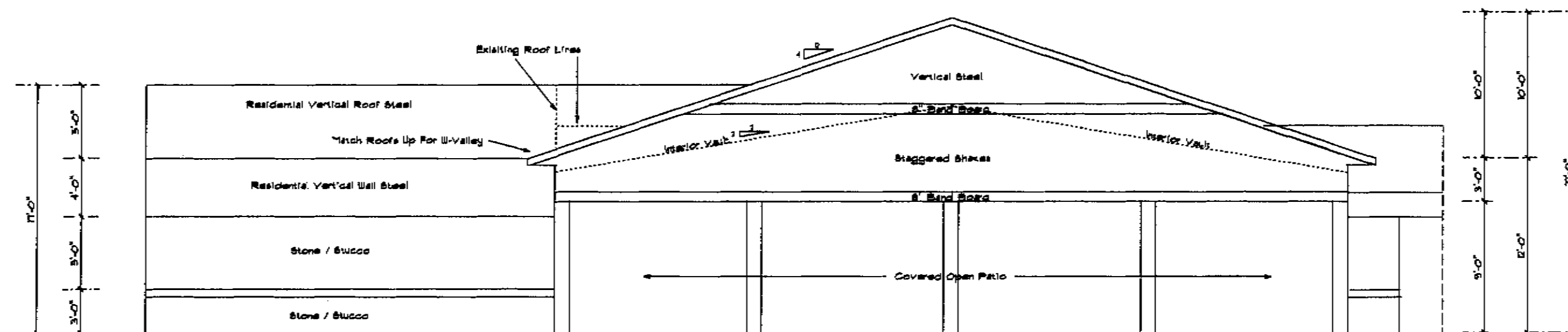




**MAIN FLOOR PLAN**

Captians : Ken Moe : Covered Patio  
 Scale 1/8" = 1' : Main Floor Plan  
 Date 8 - 20 - 18 : Phone 320-346-2291  
 Drawn By Pat Illies : Fax 320-346-2433  
 Bonanza Valley Lumber, Inc. Broomfield

IN PREPARATION OF THIS PLAN, EVERY ATTEMPT HAS BEEN MADE TO AVOID MISTAKES. DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS OF PROJECT. THESE DESIGNS AND SPECS ARE A SERVICE AND REMAIN THE PROPERTY OF BONANZA VALLEY LUMBER, INC. AND ARE NOT TO BE COPIED OR DISTRIBUTED WITHOUT CONSENT OF BV, INC.



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Captians : Ken Moe : Covered Patio  
 Scale 1/8" = 1' : Lake Elevation  
 Date 8 - 20 - 18 : Phone 320-346-2291  
 Drawn By Pat Illies : Fax 320-346-2433  
 Bonanza Valley Lumber, Inc. Bröoten