



February 14, 2024

Douglas D. Schieffer, Trustee
26456 Wyldewood Drive
Webster, MN 55088

Subject: Notice of Violation – 10974 Scenic Drive, East Gull Lake, MN 56401

Mr. Schieffer,

The City of East Gull Lake (“City”) once again received notification of unpermitted activities on your property located at 10974 Scenic Drive, East Gull Lake, MN 56401 (PID 87-020-3127) (“Property”). The activities reported consisted of the landing, storage, and take-off of an aircraft on the Property, which is not designated for airport activity and on which those uses are not permitted. Please be advised of the following background and provisions of the City Code, specifically the Land Use, Zoning and Subdivision Ordinance (“Ordinance”):

- Title VIII, SECTION III – RULES AND DEFINITIONS, Section 8.3-2 DEFINITIONS, 10. defines “Airport” as “Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.”
- The Property is located in the City’s Shoreline Residential- Medium Density Zone (R-3).
- Airports are not a permitted, conditional or accessory use in accordance with Title VIII, SECTION 8.5-1, which includes the City’s Zoning District Use Table. Indeed, airports, either public or private, are only allowed as a conditional use in the City’s Commercial and Public Use zoning districts.
- Title VIII, SECTION V – ZONING DISTRICTS AND DISTRICT REGULATIONS, Section 8.5-1 General, 7. expressly provides that all uses are considered prohibited unless specifically allowed in the City Code, even if they are not listed specifically under excluded uses.

The instances of the above specified nonpermitted activities were reported on the following occasions:

- August 18, 2023 – Multiple reports were received by the City indicating a helicopter landing in on the Property on the lakeside portion of the Property. It was reported that the helicopter was moved into an enclosed storage area on the Property.
- August 25, 2023 – Multiple reports were received by the City indicating a helicopter landing on the Property.

- August 28, 2023 – A report was received by the City notifying that a helicopter took off from the Property.
- September 1, 2023 – Multiple reports were received by the City indicating that a helicopter landed on the roadside of the Property.
- September 4, 2023 – A report was received by the City notifying that a helicopter took off from the Property.
- September 28, 2023 – Multiple reports were received by the City indicating that a helicopter landed on a vessel in front of the Property. The helicopter then became airborne and landed on the Property. The helicopter was observed being transported into an enclosed storage area on the Property.
- October 30, 2023 – Multiple reports were received by the City indicating that a helicopter landed on a vessel in front of the Property and then transported the vessel on the Property.
- November 4, 2023 – Reports were received by the City indicating that a helicopter landed on the Property on the lakeside portion of the Property.
- January 31, 2023 – Reports were received by the City, including self-reporting from you, indicating a helicopter landing on the Property.

On August 18, 2023, your legal representative, Nathan Sellers, received an email from the City's Attorney, Tom Pearson, stating you were in violation of the Ordinance and demanding the activity immediately discontinue. On September 1, 2023, Mr. Sellers received an email from Mr. Pearson stating the violation had since continued from his initial email (on August 18, 2023) and further demanded that the activity discontinue. As is noted above, the violations have continued to take place, and the City has received, and continues to receive, multiple complaints from City residents. Unfortunately, as a result, the City has no choice but to proceed with this notice, and if the activities continue, pursue any and all legal remedies available to enforce the Ordinance.

Please be advised that violations of the Ordinance may be subject to penalties and/or fines as defined in Title VIII, SECTION XI – ENFORCEMENT of the Ordinance and other provisions as adopted by the City Council. Any further violation of the Ordinance/City Code may result in the imposition of fines and/or the commencement of an enforcement action in Cass County District Court.

Please note, it is the City's current understanding that it does not have jurisdiction over aircraft landing and/or taking off from a public water. However, if this aircraft is transported to and stored upon the Property, or other property outside of public water, this is considered a non-permitted activity as specified in the Ordinance.

As outlined in Title VIII, Section 8.10-12 Appeals of the Ordinance, if you wish to appeal the City Planning and Zoning Administrator's interpretation of the Ordinance, written notification must be provided to the City Clerk of the intent to appeal. Written notice of appeal shall state the nature of the appeal, specific decision(s) or action(s) subject to the appeal, and any relevant documentation or material evidence. Appeals shall be received by the City Clerk at least twenty days prior to the date of the next regularly scheduled Board of Adjustment meeting in which the appeal is scheduled for action by the Board. Appeals of actions by the Zoning Administrator shall be made to the City Clerk within 30 days after action

by the Zoning Administrator. All fees for appeals shall be paid at the time of submission of a notice of intent to appeal to the City Clerk.

If you have questions regarding this letter, please contact Laura Christensen, City Administrator and Planning and Zoning Administrator at 218-828-9279 or by email at laura@eastgulllake.us.

Thank you,

A handwritten signature in black ink that reads "Laura Christensen". The signature is written in a cursive, flowing style.

Laura Christensen

City Administrator/Planning and Zoning Administrator

CC

Nathan R. Sellers, Attorney