

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
AUGUST 10, 2026
9:00 AM**

Commission Members in attendance: Commission Chair PJ Smith, Dave Riegert, Sean Weldon, TJ Graber, and Alternate Steve Hensel; Council Liaison Darcy Peterson; City Engineer Alex Bitter; Clerk/Administrator Laura Fussy; and Deputy Clerk Kathy Johansen. Absent was Member Alex Kuhn. A quorum was present, and the Commission was competent to conduct business. There were eight people in the audience, including Alternate Kevin Eagan, Amy Bonfig and Dwight Pfannenstien, Tim Stockness, Kelsey and Patti Smith, David Hochmayr and Troy Magnuson.

Commission Chair Smith called the meeting to order at 9:00 AM.

Approval of the July 13, 2026, Regular Meeting Minutes – MOTION BY DAVE RIEGERT AND SECONDED BY TJ GRABER TO APPROVE THE MINUTES FOR THE JULY 13, 2026, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING –

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO OPEN THE PUBLIC HEARING AT 9:02 AM. MOTION PASSED.

Conditional Use Permit Application 08-26 – (5a): Magnuson, Troy & Robin request a Conditional Use Permit for a detached accessory structure. PID# 90-454-0230.

The applicant is requesting the following Conditional Use Permit:

1. To construct a 224 square foot detached structure (cook shack/outdoor bar).

*Per site plans provided on 7/6/2026 with application.

The subject property is +/- 1.08 Acres (47,016 sq. ft.) and is zoned Residential, Low Density (R-1) (Includes Off Lake Shoreland).

The subject property features an existing dwelling, detached garage (1080 sq. ft.), and shed (96 sq. ft.). The property has a current septic compliance inspection on file with the city.

The impervious surface coverage is approximately 12.8% and will increase to approximately 13.5% with this request. No stormwater management plan is required with this proposal.

Staff Findings: Staff provides the following findings of fact for discussion and consideration:

1. The subject property is located at 8943 Interlachen Road and is zoned Residential, Low Density (R-1) (Includes Off Lake Shoreland).
2. The subject property is +/- 1.08 Acres (47,016 sq. ft.).
3. The subject property contains an existing 1,080 square foot detached garage and a 96 square foot shed.
4. The proposed detached accessory structure (cook shack/outdoor bar) would be over the allowed

- 1,200 square foot cumulative accessory structure size allowed by city ordinance unless approved by the Planning Commission with a Conditional Use Permit.
5. All setback requirements will be met with this proposal.
 6. The subject property has a current compliance septic system.
 7. The total impervious surface will be increasing slightly with this proposal.
 8. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
 9. No stormwater management plan is required with this proposal as the impervious surface coverage is under 20%.
 10. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
 11. The City Engineer has been notified of the request, and no comment has been received as of the time this staff report was drafted.
 12. Notice of this Conditional Use Permit application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

Potential Findings for approval, for discussion with the Planning Commission:

13. The Conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 - a. The proposed detached accessory structure (cook shack/outdoor bar area) is accessory to the existing residential use of the property and is compatible with the surrounding neighborhood. When operated in compliance with City Ordinance requirements and any conditions of approval, the proposed use will not be injurious to the use and enjoyment of nearby properties nor substantially diminish or impair property values in the immediate vicinity.
14. The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - a. The proposed detached accessory structure (cook shack/outdoor bar area) is an accessory use to the existing residential property and will be located on a developed lot. The proposed use will not impede the normal and orderly development or improvement of surrounding properties for uses that are predominant in the area.
15. The Conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.
 - a. The proposed detached accessory structure (cook shack/outdoor bar area) will utilize existing public facilities and services and is not expected to require additional public expenditures. The proposed conditional use will not be detrimental to the economic welfare of the community.
16. The Conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or indifference with traffic on surrounding public thoroughfares.
 - a. The proposed detached accessory structure (cook shack/outdoor bar area) will utilize the existing access to the property and is not expected to generate traffic volumes beyond those typically associated with residential use. The proposed conditional use will not create traffic congestion or interfere with the safe and orderly movement of traffic on surrounding public roadways.
17. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.

- a. Yes, the proposed detached accessory structure (cook shack/outdoor bar area) will utilize the existing residential site and driveway, which provides adequate parking to accommodate the intended use.
18. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance, and to control lights and signs in such a manner that no disturbance to neighboring properties will result.
 - a. Yes, adequate measures have been taken or will be taken to prevent offensive odors, fumes, dust, noise, vibration, and other nuisance impacts associated with the proposed detached accessory structure (cook shack/outside bar area). The proposed use is accessory to the existing residential use, and any exterior lighting or signage will be installed and operated in compliance with the City of Lake Shore Zoning Ordinance so as not to create disturbances for neighboring properties.
19. The Conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major significance.
 - a. The proposed detached accessory structure (cook shack/outside bar area) is located on a developed residential property and will not result in the destruction, loss, or damage of any known natural, scenic, or historic feature of major significance. The conditional use is consistent with the character of the property and surrounding area and is not expected to adversely impact the natural or scenic resources that the City of Lake Shore Zoning Ordinance is intended to protect.
20. The Conditional use will promote the prevention and control of pollution of the ground and surface waters, including sedimentation and control of nutrients.
 - a. The proposed detached accessory structure (cook shack/outside bar area) is located on an existing developed property and, with compliance to applicable erosion control and shoreland regulations, will not negatively impact ground or surface water quality.

Planning Commission Direction: The Planning Commission may approve, deny, or table the request if additional information is required. If the motion is for approval or denial, findings of fact should be cited to support the motion.

Recommendation: The Planning Commission should discuss and provide input on the proposed findings for approval and/or denial.

If the Planning Commission wishes to approve the Conditional Use Permit request, the following conditions are recommended with approval:

1. Plans: The detached accessory structure shall be constructed substantially in accordance with the site plan, building plans, and materials submitted with the CUP application.
2. Residential Accessory Use: The structure shall remain accessory and subordinate to the principal residential use of the property and shall not be used as a rental unit or commercial establishment.
3. No Commercial Activity: No commercial events, food service operations, catering business, retail sales, or other commercial activities shall be conducted from the structure.
4. Setbacks and Ordinance Compliance: The structure shall comply with all applicable setback, height, lot coverage, and building permit requirements of the City of Lake Shore.
5. Outdoor Lighting: Exterior lighting associated with the structure shall be downward-directed and shielded to prevent glare onto neighboring properties.
6. Noise: The structure and outdoor bar area shall comply with applicable city noise regulations, and activities shall not create a nuisance for neighboring properties.
7. Parking: All parking associated with the use shall be accommodated on-site. No parking

shall occur within public road rights-of-way.

8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within two (2) years, unless extended by the Planning Commission, shall void the permit per Section 68.8 of the Ordinance.

Nicole Hausmann stated the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, the staff report, and comments received. The DNR and city engineer were notified on July 22, 2026. No public comments were received on the application.

Nicole Hausmann presented Conditional Use Application 08-26 – (5a).

MOTION BY DAVE RIEGERT AND SECONDED BY SEAN WELDON TO APPROVE CONDITIONAL USE PERMIT APPLICATION 08-26 (5a) BASED ON THE YES FINDINGS OF FACT AND THE EIGHT CONDITIONS LISTED IN THE STAFF REPORT. MOTION PASSED.

Variance Application 08-26 – (5b): Stockness, Timothy J & Laura J request a variance to construct an addition (garage) to an existing dwelling and a covered porch that do not meet the lake setback. PID# 90-349-0070.

The applicant is requesting the following variances:

1. To construct a 2,200 square foot addition (garage) and covered porch to an existing legal non-conforming dwelling.
 - a. The addition will be located 69.1 feet from the Ordinary High-Water Mark (OHW), where 75 feet is required.
 - b. The covered porch will be located 61.3 feet from the Ordinary High-Water Mark (OHW), where 75 feet is required.

*All per the Certificate of Survey and drawings provided with the application on 7/9/2026.

The subject property is +/- .86 Acres (37,623 sq. ft.) and is zoned Residential, Medium Density R-2 (Shoreland) – Upper Gull Lake (Recreational Development).

The subject property features an existing legal non-conforming dwelling with an attached deck (2,434 sq. ft. & 517 sq. ft.). The existing detached garages (1,008 sq. ft.) will be removed. The property is on the city's sanitary system.

The impervious surface coverage is currently 14.47% and will increase to 18.97% with this request. A stormwater management plan is not required with this request.

Staff Findings: Staff provides the following findings of fact for discussion and consideration:

1. The subject property is located at 1117 Wienzel Point Road and is zoned Residential, Medium Density R-2 (Shoreland); (Upper Gull Lake - Recreational Development).
2. The subject property is +/- .86 Acres (37,623 sq. ft.).
3. The subject property contains a legal existing non-conforming dwelling (2,434 square feet) with a deck (517 square feet).
4. The existing detached garage would be removed.
5. The proposed 2,200 square foot addition and covered porch would be attached to the existing legal non-conforming dwelling.
6. The proposed 2,200 square foot addition and covered porch would meet the road right-of-way

setback.

7. The proposed 2,200 square foot addition and covered porch would meet the side yard setback as Lot 7, and Outlot A have been consolidated.
8. The property is on the city sewer sanitary system.
9. The total impervious surface for the property, including the proposed new addition, is 18.97%, where 20% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian RD lake.
10. A stormwater management plan is not required as the impervious surface coverage is under 20%.
11. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
12. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
13. The City Engineer has been notified of the request, and no comment has been received as of the time this staff report was drafted.
14. Notice of this variance application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

Potential Findings for approval, for discussion with the Board of Adjustment:

15. Will granting the variance put the property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, granting the variance will allow the property to be used in a reasonable manner by permitting an addition consisting of a garage and covered porch to an existing lakefront residence, while maintaining the property's residential use. Due to the dwelling's existing location and the site's dimensional constraints, strict application of the 75-foot lake setback would limit the owners' ability to make reasonable improvements commonly associated with residential properties in the R-2 District. The variance facilitates reasonable use of the property without changing its fundamental residential character.
16. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the property possesses unique circumstances that were not created by the current landowners, including the existing placement of the dwelling and the property's proximity to Upper Gull Lake, which limits opportunities for expansion while meeting current setback requirements.
17. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, the proposed addition will remain consistent with the established residential character of the surrounding neighborhood and will not alter the property's use as a single-family residential parcel. The variance request is limited in scope and, if granted, is not expected to adversely impact the character of the lakeshore area or surrounding properties.
18. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. Yes, the requested variance is consistent with the Comprehensive Plan's goal of supporting established residential development while balancing protection of the City's natural resources. With the appropriate conditions, this request is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "Support growth patterns that reinforce our lake-oriented and rural development brand." (pg. 5) and "Protect the quality of the lakes and

environmental resources within and around the City.” (pg. 4)

19. Has the variance request been made based on reasons other than economic considerations alone?

- a. Yes, the variance request is based on reasons other than economic considerations alone. The applicant has identified site-specific circumstances related to the property's existing development pattern and physical characteristics that create practical difficulties in meeting the strict application of the ordinance. Granting the variance would allow reasonable use of the property while remaining consistent with the intent and purpose of the Lake Shore Zoning Ordinance.

Board of Adjustment Direction: The Board of Adjustment may approve, deny, or table the request if additional information is required. If the motion is for approval or denial, findings of fact should be cited to support the motion.

Recommendation: The Board of Adjustment should discuss and provide input on the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulties encountered in submitting the application to the city.

If the Board of Adjustment wishes to approve the variance request, the following conditions are recommended with approval:

1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
2. The property owner shall be responsible for implementing and maintaining an erosion and sediment control plan during all phases of construction, including site preparation, grading, excavation, building construction, and final site stabilization. All BMPs shall be installed prior to land disturbance, inspected regularly, and repaired or replaced as necessary to prevent sediment from leaving the site. Failure to maintain the approved plan may result in a stop-work order, permit suspension, or other enforcement action by the City until compliance is achieved.
3. The variance expires 12 months after approval by the Planning Commission, if the project is not commenced, unless extended per section 70.7 of the Ordinance.
4. Approval of this variance does not eliminate the requirement to obtain all applicable land use permits. All construction shall comply with applicable City and State codes and regulations.

Nicole Hausmann stated the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, the staff report, and comments received. The DNR and city engineer were notified on July 22, 2026. No public comments on the application were received.

Nicole Hausmann presented Variance Application 08-26 – (5b)

Alex Bitter verified there would be no clearing on the outlot and mentioned the sewer and well look adequate.

MOTION BY TJ GRABER AND SECONDED BY SEAN WELDON TO APPROVE VARIANCE APPLICATION 08-26 – (5b)-STOCKNESS FOR THE CONSTRUCTION OF A GARAGE TO AN EXISTING DWELLING PID #90-349-0070 BASED ON THE FINDINGS OF FACT AND THE FOUR CONDITIONS IN THE STAFF REPORT. MOTION PASSED.

Variance Application 08-26 – (5c): Pfannenstein, Dwight & Bonfig, Amy request variances to construct additions to the existing structure that do not meet the lake setback or the road right-of-way setbacks, to install a patio over the allowed 250 square feet, and that does not meet the lake or side yard setback, and to exceed the allowed 25% impervious surface coverage. PID# 90-400-0020.

The applicant is requesting the following variances:

1. To construct a 558 square foot addition (west side) of the existing garage (with an additional 76 square feet to the front of the garage) and an upper-level addition (A-frame with livable space) connecting the dwelling and garage to an existing legal non-conforming dwelling.
 - a. The garage addition will be located 70 feet from the Ordinary High-Water Mark (OHW), where 75 feet is required.
 - b. The upper (A-frame) addition will be located 64.8 feet from the Ordinary High-Water Mark (OHW), where 75 feet is required.
 - c. The addition will be located 28.3 feet from the road right-of-way setback, where 30 feet is required.
2. To construct a 300 square foot addition (South side) to an existing legal non-conforming dwelling.
 - a. The addition will be located 26.2 feet from the road right-of-way setback, where 30 feet is required.
3. To install an additional 150 square feet of patio (currently have 155 square feet), where 250 square feet is allowed by Ordinance.
 - a. The patio would be 61 feet from the Ordinary High-Water Mark (OHW).
 - b. The patio would be 11.5 feet from the side yard setback, where 15 feet is required.
4. To allow impervious surface coverage of 28.66%, where 25% is allowed by Ordinance.

*All per the updated Certificate of Survey and drawings provided with the application on 7/10/2026.

The subject property is +/- .36 Acres (15,700 sq. ft.) and is zoned Residential, Medium Density R-2 (Shoreland) – Upper Gull Lake (Recreational Development).

The subject property features an existing legal nonconforming dwelling with an attached garage (1,108 sq. ft. & 528 sq. ft.) and an elevated patio. The existing shed will be removed. The property is on the city's sanitary system.

This property applied for an after-the-fact variance for a patio and impervious surface coverage over the allowed 25% on December 12, 2022. The application was partially approved for a patio set back 37 ½ feet from the OHW; a portion of the patio will need to be removed to bring it into compliance. In addition, the variance for impervious surface coverage was denied, and a July 1, 2023, deadline was set to bring the impervious surface into compliance. Based on the information provided in this variance application, it does not appear that this condition was completed.

The impervious surface coverage is currently 28.66% and will not be changing with this request. A stormwater management plan has been developed and provided to the City Engineer for review and approval.

Nicole Hausmann stated the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, the staff report, and comments received. The DNR and city engineer were notified on July 22nd. No public comments have been received.

Nicole Hausmann presented Variance 08-26 – (5c) and also referenced some out-of-compliance items that were never completed.

Dwight Pfannenstien shared that their family had grown since purchasing the property, and they decided to look into expanding. Dwight commented that the patio was never brought into compliance because the impervious percentage needed to be reduced. Conversations to reduce the impervious percentage included removing the driveway and using pervious materials to replace it. Dwight commented that adding on is mostly for uniformity. The storage shed is falling apart and looks unpleasant.

Nicole Hausmann explained that the property owners would need to reduce impervious surface coverage to meet the 25 percent requirement if directed by the Planning Commission.

PJ Smith expressed concern that the property owner is seeking a new variance when a prior one was not brought into compliance.

Further discussion regarding the variance application continued.

Dave Riegert mentioned concern about the multiple moving parts of this variance and asked if additional information could be provided to assist in making decisions on the variance application.

Further discussion continued regarding the property owner reducing impervious area by an additional 3 percent to meet the 25 percent requirement, and regarding the patio location with regard to the high-water mark.

Dave Riegert stated he would like to see as many points of compliance as possible with this variance to develop a package that hits more of the marks.

Alex Bitter commented that the property would need to follow the 5-year, 24-hour retention rule, which would bring them up to 25 percent impervious. It would be difficult to build a basin to hold that and meet the MPCA requirements. Alex also stated that a design and maintenance plan for the impervious pavers would need to be provided.

Alex Bitter mentioned that the well location will need to meet setbacks.

Dave Riegert suggested that the property owner meet with the designer to address as many compliance requirements as possible, and then the commission will review the proposal again.

Nicole Hausmann questioned the Commission's thoughts on compliance with impervious surface coverage and how the Commission would like it addressed.

Dave Riegert said he would like to see an earnest effort to reach the 25 percent mark.

Kelsey Smith spoke in favor of the Pfannenstien project in improving the appearance of the community.

TJ Graber reminded the Commission Members that, back in December 2022, the board at the time made a sound decision regarding the 25 percent limit. The reason for the decision is unknown to the current members, but whatever the reason, they should take it into consideration when making this type of decision. TJ shared that he feels there are items that should be included in the application and then tabled for further assessment.

Steve Hensel commented that he agreed with TJ's remarks.

MOTION BY TJ GRABER AND SECONDED BY DAVE RIEGERT TO TABLE VARIANCE APPLICATION 08-26 – (5c) PID 90-400-0020 FOR RECONSIDERATION BASED ON THE REQUEST FOR PROPERTY OWNER TO PROVIDE ADDITIONAL INFORMATION. MOTION PASSED.

MOTION BY DAVE RIEGERT AND SECONDED BY TJ GRABER TO CLOSE THE PUBLIC HEARING AT 9:52 AM. MOTION PASSED.

NEW BUSINESS –

Hochmayr – Metes & Bounds (Lot Line Adjustment) – PIDs #90-437-1205 & 90-437-1240 & 90-437-1250

The applicant is proposing to complete a metes-and-bounds lot-line adjustment. “Hochmayr parcel” would be 7.43 acres, which meets all lot size and width requirements for Residential, Low Density, R-1 District. “Starry Pines parcel” would be 54,694 square feet, which also meets all the lot size requirements for Residential, Low Density, R-1 District. Both lots are non-riparian but within 1,000 feet of Margaret Lake and Gull Lake. The full legal descriptions of the proposed tracts are located on the Certificate of Survey, dated 07/19/2026, provided with the application by Paul Herkenhoff of 218 Surveying. The Planning Commission approved a Metes & Bounds Subdivision back on June 25, 2024.

Staff Findings: Staff provides the following findings of fact for consideration:

1. The metes and bounds subdivision request is to adjust lot lines for subject parcels, PIDs 90-437-1240 & 90-437-1250.
2. The subject parcels 90-437-1240 & 90-437-1250 are owned by David P Hochmayr Trustee, who is the applicant for this Metes & Bounds subdivision (lot line adjustment).
3. The subject parcel 90-437-1205 is owned by Starry Pines, LLC, for this Metes & Bounds subdivision (lot line adjustment).
4. The subject properties are both zoned Residential, Low-Density R-1 District (Includes Off Lake Shoreland). The full legal descriptions of these subject properties are detailed on the Certificate of Survey submitted with the application.
5. Proposed “Hochmayr parcel” as shown on the Certificate of Survey is 7.43 acres.
6. Proposed “Starry Pines parcel” as shown on the Certificate of Survey is 54,694 square feet.
7. The subject parcels are accessed via Balsam Lane.
8. Both lot widths of the parcels will meet all size requirements per Section 15.2.
9. The proposed lot configurations meet the minimum buildable area requirements of the Residential, Low-Density, R-1 District.
10. The properties are suitable in their natural state for the intended purpose, and this lot line adjustment would not be harmful to the health, safety, or welfare of future residents or of the community.
 - a. Starry Pines lots would have a 576 detached accessory structure, a 640 square foot dwelling, and a 640 square foot guest cabin. No additional dwellings would be allowed until the existing structure is removed (per Sections 15 & 16 of the Zoning Ordinance).
11. The Certificate of Survey provided with the Metes and Bounds subdivision (lot line adjustment) application was prepared by Paul Herkenhoff, LS #45875 of 218 Surveying, and was submitted to the city on 07/22/2026.
12. This lot line adjustment request is consistent with the Comprehensive Plan for the City of Lake Shore, specifically on page 5, which outlines the “Goals” objectives of the Comprehensive Plan with consideration to “Ensure new residential development/redevelopment is efficient, environmentally sensitive, and offset any increased demand for services through valuation.”

Planning Commission Direction: The Planning Commission may approve, deny, or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

Recommendation: The planning commission should discuss and provide input regarding the metes & bounds subdivision (lot line adjustment) request.

If the Planning Commission wishes to approve the metes & bounds subdivision (lot line adjustment) request, the following conditions of approval are recommended:

1. The New legal descriptions for Mr. Hochmayr and Starry Pines must be recorded with Cass County within 12 months of this approval.

Nicole Hausmann presented the Hochmayr – Metes & Bounds (Lot Line Adjustment).

PJ Smith verified that three parcels are currently being combined into two.

Nicole Hausmann added that non-conformities are not being created, as there are two existing dwellings on the lots. Nicole emphasized that when the property owner is prepared to build a home, one structure will need to be removed, and one structure must remain within 700 feet for a guest cabin.

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO APPROVE THE METES & BOUNDS (LOT LINE ADJUSTMENT) FOR PID#’S 90-437-1205, 90-437-1240 & 90-437-1250 WITH THE FINDINGS OF FACT IN THE STAFF REPORT. MOTION PASSED.

Ryan – Vegetation Removal – PID# 90-349-0140

- An on-site inspection was conducted on July 6, 2026, at the request of the new property owner to determine which trees could be removed.

4.256 Vegetation Removal, Select Cutting: Removal of dead, diseased or damaged trees or shrubs, or removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to twenty-five (25%) of the trees and brush prior to development. Up to fifty (50%) of the under-story and brush may be removed outside of the shore impact or bluff impact zone. Removal of understory and brush within the bluff or Shore Impact Zone is prohibited except to accommodate stairways, lifts, landings, and footpaths for access to the lake or stream.

Planning Commission Direction: The Planning Commission will need to determine whether these trees can be removed from the property.

Nicole Hausmann presented Ryan – Vegetation Removal – PID #90-349-0140, referencing photographs taken on a site visit to the property.

Commission Members discussed their opinions on the property based on their site visits, focusing on brush removal and two leaning trees.

MOTION BY SEAN WELDON AND SECONDED BY TJ GRABER TO APPROVE REMOVAL OF TWO LEANING TREES ON PROPERTY IDENTIFIED IN THE SITE-VISIT REPORT PID #90-349-0140. MOTION PASSED.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Alex Bitter had nothing to report but commented that trail progress is a little slow, waiting on a change order to swap out the design and on the archaeologist for the removal of a few trees, which has created some delay.

Chair – Chair Smith had nothing to report.

Council Liaison – Darcy Peterson shared that the City Council asked Nicole Hausmann to assist in compiling information on how to begin hiring a zoning inspector.

Zoning Administrator – Nicole Hausmann

Discussion on Zoning Inspector for the City – Nicole Hausmann shared that she is looking into similarly sized communities to find out what they are doing. Nisswa, East Gull Lake, and Pequot have full-time zoning inspectors. They handle after-the-fact enforcement. Nicole advised that the Planning Commission should first discuss the City's desired outcomes, including the inspector's responsibilities and how zoning violations would be addressed.

Nicole Hausmann reviewed the role of the previous inspector hired by Lake Shore.

Darcy Peterson shared that the hiring of an inspector will need to be added to the budget for the upcoming year.

PJ Smith mentioned there is a need to educate residents on what the City requires when doing work on their properties.

Further discussion continued regarding the problem with work being done on properties without getting the appropriate permits prior to the work.

Nicole Hausmann encouraged the Commission to carefully define the inspector's role, including whether inspections would be complaint-based, permit-related, or proactive, and how the City would address violations when identified.

PJ Smith commented that not obtaining permits seems to be a larger problem and feels that hiring someone to police approved permits for violations is a good idea, but the expense will outweigh the benefits.

Nicole Hausmann highlighted another important consideration for the Commission Members through a hypothetical scenario in which someone is building a three-million-dollar home and they aren't meeting the setback requirements. With an inspector finding this violation, how is the City going to respond? Nicole explained that the City's options are an after-the-fact variance or having the owners remove the home. Nicole mentioned adjusting the fee schedule to better fit the violation.

Further discussion focused on several aspects to consider when hiring an inspector.

Nicole Hausmann recommended that the Commission consider the issues discussed and continue the discussion at its September meeting before presenting recommendations to the City Council.

Darcy Peterson mentioned that the City Council had reversed the Planning Commission's denial of the Roth Variance.

Nicole Hausmann shared the Roth Variance denial for the shed, which was appealed by the property owner to the City Council. The appeal was reversed, and the City Council approved the water-oriented accessory structure at 12 feet instead of 15 feet.

Nicole Hausmann shared that, due to a neighbor's letter, Zorbaz is appealing the Planning Commission/Board of Adjustment's decision on the Conditional Use Permit and Variance to the Council meeting in two weeks.

Laura Fussy addressed the idea of moving away from printing the packets to electronic delivery only.

Discussion continued, and it was decided to try electronic delivery only at the next Planning and Zoning meeting.

PUBLIC FORUM – There was no public forum.

MOTION BY DAVE RIEGERT AND SECONDED BY TJ GRABER TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF AUGUST 10, 2026, AT 10:44 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk