

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
SEPTEMBER 8, 2025
9:00 AM**

Commission Members in attendance: Chair Jim Woll, PJ Smith, Sean Weldon, Alex Kuhn, and Dave Riegert; Council Liaison Darcy Peterson; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; and Deputy Clerk Kathy Johansen. The audience included Alternate TJ Graber, Troy Lentner, Nikki Fonkert, Reed Wickstrom, and Chris Dahn. A quorum was present, and the Commission was competent to conduct business.

Chair Jim Woll called the meeting to order at 9:00 AM.

Approval of the August 11, 2025, Regular Meeting Minutes –

Chair Woll referenced the August 11, 2025, Meeting Minutes and noted that page 2 had two paragraphs incorrectly showing Vern Gevik as speaking, when Dave Riegert was the correct speaker. Chair Woll requested a motion of approval for the revised minutes of the August 11th meeting.

MOTION BY PJ SMITH AND SECONDED BY DAVE RIEGERT TO APPROVE THE MINUTES FOR THE AUGUST 11, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS AMENDED. MOTION PASSED.

Additions or Deletions to Agenda - None

PUBLIC HEARING –

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

Variance Application 09-25 (#5a) to construct a new dwelling with attached garage, porch, 4-season porch, and patio not meeting bluff setback. PID 90-417-0150.

The subject property features an existing legal non-conforming structure (628 sq. ft.), which will remain on the property as a guest cottage/game room that has a current septic system that is compliant. The guest cottage/game room meets the size requirements per 17.3.1.6 of the Ordinance. There is a shed that is marked “to be removed” on the certificate of survey.

The impervious surface coverage is currently 3.8%, and with the proposed new impervious surface coverage, it would increase to 23.3%. The property has submitted a new septic system design, which Andy Schwartz has reviewed. A grading plan with Stormwater Management has been developed and submitted with the application.

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

1. The subject property is located at 8060 Pine Point Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Upper Gull Lake - Recreational Development).
2. The subject property is .87 Acres (38,000 sq. ft.)
3. The subject property contains a legal existing non-conforming dwelling which meets the lake, bluff, and road right-of-way setbacks.
4. The subject property has a shed and existing retaining walls denoted on the Certificate of Survey

received 07/18/2025 as “to be removed.”

5. The proposed 4,424 square foot dwelling/garage/porch/4-season porch/patio is within the 50-foot bluff setback.
6. The proposed 4,424 square foot dwelling/garage/porch/4-season porch/patio is 14.3 feet from the bluff at the closest point on the south side of the property.
7. The proposed 4,424 square foot dwelling/garage/porch/4-season porch/patio would meet the lake setback, road right-of-way setback, and side yard setback per Certificate of Survey received 07/18/2025.
8. The existing septic system has been inspected and deemed compliant.
9. The applicant has provided a new septic system design to be installed with the new proposal. This design has been reviewed and approved by Andy Schwartz.
10. The total impervious surface for the lot, including the proposed dwelling/garage/porch/4-season porch/patio, driveway/walkways and existing structures provided on the Certificate of Survey received 07/18/2025, is 23.3% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian RD lake (stormwater management plan required per section 17.3.3).
11. A grading/stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer.
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 comments have been received.
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 property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, the applicant is proposing to continue the use of the property as a residential dwelling with attached garage, porch, 4-season porch, and patio. The property provides limited options because of the existing structure and the location of the septic system.
16. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the property is a non-conforming legal lot of record. There is an existing structure on the property that limits the space for the proposed dwelling/garage/porch/4-season porch/patio, and new septic system. The proposal will meet the lake, road right-of-way, and side yard setbacks according to the Certificate of Survey received 07/18/2025.
17. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the new dwelling/garage/porch/4-season porch/patio will not alter the essential character of the neighborhood. The improvements will be visible from the lake and the road right-of-way; however, the proposed improvements are consistent with other dwellings in the vicinity of the subject property.
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 request, with conditions, 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)
19. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the request has been made on factors other than economic considerations.

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

20. Will granting the variance put property to use in a reasonable manner not permitted by the zoning

ordinance?

- a. No, the plight of the landowner is due to circumstances created by the landowner proposing a new structure that does not meet the bluff setback. The intent of the Ordinance is to enforce setbacks to limit environmental concerns and impacts to Upper Gull Lake.
21. Does the property have unique circumstances that were not created by the landowner?
 - a. No, the plight of the landowner is due to circumstances unique to the property owner, created by the landowner wanting a new dwelling closer to the bluff than allowed by the Ordinance.
22. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the new dwelling/garage/porch/4-season porch/patio will not alter the essential character of the neighborhood.
23. 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. No, the variance is not consistent with the comprehensive plan, as decreasing the bluff setback will not provide adequate environmental considerations.
24. Has the variance request been made based on reasons other than economic considerations alone?
 - a. No, the variance is for economic reasons alone, and reasonable use of the property does exist under the 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.

Staff Recommendation: The property owner appears to have a reasonable use of the property with the proposed new dwelling/garage/porch/4-season porch/patio. Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial.

If the Board of Adjustment wishes to approve the variance request, staff recommends the following conditions of 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. An as-built certificate shall be provided to the City following the construction of the proposed dwelling/garage/porch/4-season porch/patio to demonstrate all variance requirements are being met and that the impervious surface coverage is under 25%.
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. The proposed items marked on the Certificate of Survey as “to be removed” shall be removed within 12 months of the approval of any land use permit related to the proposal in this application and shall be revegetated to adequate standards.
5. Implement an erosion and sediment control plan utilizing best management practices (BMPs) before construction and dirt-moving activities. The city must approve the plan. The BMPs must remain in place until all disturbed soils are stabilized.
6. The proposed stormwater management plan shall be updated per the City Engineers’ comments received 08/26/2025, before any zoning permit is approved.
7. The proposed downspout gutters, grading, and stormwater retention areas, as shown on the stormwater management plan, shall be implemented upon completion of the project if/when a zoning permit is applied for and approved by the City.
8. The guest cottage/game room shall remain accessory to the principal use and shall not be sold or rented as a separate dwelling without further city approval.

Nicole Hausmann reported the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, staff report, and comments received. One written comment from the City engineer was received as well as one written comment from a neighboring property regarding the application. DNR was notified on August 22, and no comment was received from the DNR.

Nicole Hausmann presented Variance Application 09-25 (#5a).

Troy Lentner stated his goal was to keep in line with the neighboring homes and characteristics and make sure it is kind of uniform and sits in line versus having something that is setback differently.

Chris Dahn stated the home will look farther back from the lake due to the topography of the bluff. Chris Dahn mentioned the stormwater advantage for this plan is there is a natural low area through a portion of the property that the neighboring properties drain into. Chris also brought attention to the fact that with the house positioned on the property according to this plan, it would allow for better control of the water and not send it all down the bluff.

Reed Wickstrom shared he owns a neighboring property and is in support of the variance and stated it would look very nice on the property.

Alex Bitter inquired as to the point of not running the overflow over the bluff and whether the overflow will go onto the neighboring properties.

Chris Dahn clarified the water will run down the north property line.

Alex Bitter stated it looks like the extents of the house are beyond the setback line. Alex felt the drainage concerns had been addressed if the water from the gutters is directed through a rain garden and not pointed directly at neighboring properties.

PJ Smith stated concern regarding a legitimate reason to allow the variance within the bluff setback.

Chris Dahn stated he believes the rain garden in the plan meets the intent of the DNR's requirement to create a buffer space to slow the water down and clean it up before it enters the lake.

Sean Weldon inquired into the possibility of moving it back to the 30 foot line and how that would affect the building.

Chris Dahn explained that it could be moved back by filling in the low area between the two houses' side yards and putting swells on the property and when opened, the water would drain over the bluff. But in doing this, the water won't be captured there and then slowly spill out towards the lake.

Nicole Hausmann explained the option of reaching out to the DNR for comments and tabling the application and then request the DNR make comments on this variance.

Dave Riegert stated he liked the rain garden idea reducing the area that water can go and feels the DNR should provide feedback on the setback requirements.

Further discussion continued regarding the DNR and the City of Lake Shore requirements for setback.

Nicole Hausmann clarified that the Minnesota DNR bluff setback requirement is 30 feet. Nicole explained that the DNR, in June 2023, reviewed the Lake Shore City Ordinance and Code and from what the DNR had

seen, the DNR recommended the City of Lake Shore change the setback from 30 feet to 50 feet, and the City adopted that recommendation.

Discussion followed regarding the topography of the property.

Chair Woll stated at first look at the site plan, the house could be built within the building envelope by moving it back. Jim shared that after going out to the lot, however, it was apparent there are drainage issues that have been addressed at this meeting. Chair Woll felt that when reviewing the findings of fact there is justification for both approval and denial in this variance. Chair Woll referenced moving the house in line with the other houses is controlled by the landowner, so this would receive a denial. But when looking at the topography and the water flow on the land, this does create a unique circumstance not created by the landowner and would receive an approval. Chair Woll shared that due to the land topography and the drainage issues, he was leaning toward the decision for approval based on the unique circumstance not created by the landowner.

PJ Smith brought up the question of whether the water retention plan will control the water effectively. Chris Dahn explained the process of putting in place the ScourStop mat which is a UV resistant rubber mat that is anchored into the ground and then plant plugs or grass seed are placed into it and grown through the mat and allows for stabilized soil.

Alex Bitter stated some apprehension in using the rubber mat and the importance in having that established.

MOTION BY PJ SMITH SECONDED BY SEAN WELDON FOR THE APPROVAL OF VARIANCE 09-25 BASED ON THE FINDINGS OF FACT IN FAVOR OF THE VARIANCE, SPECIFICALLY IN THE TOPOGRAPHY OF THE LOT AND INCLUDE ALL THE CONDITIONS IDENTIFIED BY STAFF AS REQUIREMENTS OF THE MOTION. MOTION PASSED.

Chair Woll questioned if grading work had already been done.

Troy Lentner stated that the work was done last year with approval from the City.

Nicole Hausmann explained that a landowner can start removing trees if nothing is being laid out before construction.

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO CLOSE THE PUBLIC HEARING AT 9:53 PM. MOTION PASSED.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Alex Bitter – Nothing to report.

Chair – Jim Woll – Nothing to report.

Council Liaison – Darcy Peterson – Nothing to report.

Sourcewell – Nicole Hausmann- Nicole Hausmann referenced the August Permit Summary and presented the Penalty Fee Report. Nicole explained the worksheet of findings of similar city practices with fees and

administering penalties. Nicole informed the Commission in order to change the ordinance, there would need to be an ordinance amendment and would need to be brought to City Council for final approval.

Discussion followed regarding various scenarios in assessing penalties and fees.

Chair Woll confirmed the consensus of the Commission Members to be revising the fee schedule and addressing penalty provisions. Chair Woll requested direction in how to proceed.

Nicole Hausmann explained that the City can do an amendment this year, or can tie it to the new fee schedule that will more than likely be starting January 2026. The Commission agreed to have Nicole give a recommendation based on her experience and her review of other city ordinances and state codes. Nicole Hausmann will offer the City of Lake Shore a proposal related to permit fees and violation penalties for Commission consideration at the November meeting.

Nicole Hausmann shared that the City will be discussing a Cannabis Ordinance and a subcommittee is being formed consisting of Nicole Hausmann, Laura Fussy, Mike Heldt, one City Council Member and one Planning Commission Member to develop an ordinance in how the city wants to proceed. Nicole asked for volunteers.

Dave Rieger volunteered to be on the Cannabis subcommittee.

PUBLIC FORUM – There was no public forum.

MOTION BY SEAN WELDON AND SECONDED BY ALEX KUHN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 8, 2025, AT 10:15 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk