

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
AUGUST 11, 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 Kevin Egan, Bernie Roberts, Mark Maki, Paul Maki, Sean and Vinci Mills, Kelsey Smith, Travis Miller, Patrick Cline, and three other people. A quorum was present, and the Commission was competent to conduct business.

Chair Jim Woll called the meeting to order at 9:01 a.m.

Approval of the May 12, 2025, Regular Meeting Minutes – MOTION BY PJ SMITH AND SECONDED BY DAVE RIEGERT TO APPROVE THE MINUTES FOR THE MAY 12, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

Approval of the July 14, 2025, Regular Meeting Minutes – MOTION BY ALEX KUHN AND SECONDED BY SEAN WELDON TO APPROVE THE MINUTES FOR THE JULY 14, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

Additions or Deletions to Agenda - None

PUBLIC HEARING –

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO OPEN THE PUBLIC HEARING AT 9:04 AM. MOTION PASSED.

Variance Application 08-25 (#5a) – To construct an addition to the existing non-conforming dwelling not meeting side yard setback, a new deck attached to the existing non-conforming dwelling not meeting side-yard or lake setbacks, rebuilding the existing boathouse, and impervious surface coverage over 25%. PID 90-399-0140.

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 the comments received. Nicole shared there were two comments received. One comment was received from the DNR and a letter from a neighbor was received.

Nicole Hausmann presented Variance Application 08-25 (#5a).

Nicole Hausmann stated the DNR had additional conditions that can be added to the packet. Nicole read aloud the DNR suggestions which included: 1) the boathouse shall be used for storage only and may not include elements designed for human habitation; 2) the planting of native trees, shrubs and grasses to reduce visibility of the boathouse; and 3) a repairing buffer must be implemented to reduce or insulate any additional runoff before it can enter into the lake.

Travis Miller, architect for Sean and Vinci Mills, explained plans to construct an addition, removing a patio and adding a deck, removing a patio by the dock, and rebuild the boathouse in the exact same spot on the property.

PJ Smith referenced the DNR's requests and inquired into the architect's opinion regarding their requests.

Travis Miller responded that the DNR's requests were mostly regarding the boathouse and explained the plans to make the boathouse a little wider on the front and narrower on the back will make it less obtrusive to the neighbors' view and restoring the shoreline in the front will help with erosion.

Kelsey Smith, neighbor two houses away from the Mills, shared his support in approval of the variance. Kelsey asked for consideration of the high property cost in relation to the size of the lot and the difficult nature trying to meet the limitations that are imposed.

Jim Woll mentioned he would be going over the four subset variance requests. He mentioned the first subset of the variance to build an addition on the west side of the property and requested commission comments.

Commission members responded they had no concerns.

Jim Woll referenced the ordinance identifies special circumstances to allow the separation to 5 feet and the commission agreed that there are impractical circumstances relating to the lot size that are not created by the landowner.

Jim Woll referenced the building of the deck.

PJ Smith stated he felt it was a positive trade-off.

Dave Riegert agreed and stated that it gets wider and little bit closer to the lake but getting rid of the impervious is a benefit.

Jim Woll referenced the next item which is related to the deck but that the impervious reduction is still above the specified limit for impervious coverage.

PJ Smith stated it was above but less than what it was previously.

Jim Woll referenced the final subset of building the boathouse.

PJ Smith shared that he felt the location of where the boathouse is currently at makes the most sense and doesn't change things for the neighbors.

Dave Riegert felt it would be a large improvement.

Jim Woll shared he was deviating from the Commission's agreement on building the boathouse for the following reasons: there is adequate footage on the property to construct so there is not an issue with the lot as it relates to the landowner's property; the DNR comment relative to deviation from our ordinance; and due to the history of reworking the Lake Shore ordinance so it was consistent with DNR's ordinance and the Commission came up with the agreement to be that of maximum building of 120 square feet (10' x 12') and a minimum of 10 feet off the property lot line. At the public hearing, the Commission received negative comments relative to the 10 foot separation from the water line. The adoption of this ordinance received a lot of public attention at the public hearing, at the Council meeting and from the regulated public going forward. Jim feels that if the Commission approves this variance, it would be telling the public that it's ok to build

closer to the lake than 10 feet and that it's setting a bad precedent. Jim shared that for these reasons, he is opposed to granting approval of the variance as it relates to the boathouse. Jim explained that the distinction is new vs existing and should the Commission issue variances that are inconsistent with the regulations in our ordinances that we've developed and supported along the way.

PJ Smith referenced the new vs existing aspect and feels this situation falls in the middle and agreed that Jim Woll brought up a legitimate concern. PJ inquired as to the argument of not putting the boathouse at the 10 foot setback.

Travis Miller responded they were just wanting to put it in the same spot and keep it the same distance from the neighbor's property line.

Discussion followed regarding possible considerations for moving the boathouse to meet the setbacks.

Alex Bitter mentioned that he would like to see the decks included in the impervious calculations; confirmation will be needed for the 3 foot separation between water table and bottom of the soil to adhere to state rules; and since the boathouse is a new construction and new foundation, it should follow the City ordinance and the DNR recommendations.

MOTION BY JIM WOLL AND SECONDED BY PJ SMITH TO APPROVE THE SECTIONS OF THE VARIANCE APPLICATION 08-25 (#5a) RELATED TO THE NEW ADDITION CONSTRUCTION, THE DECK CONSTRUCTION, THE REDUCTION OF THE IMPERVIOUS SURFACE COVERAGE, AND DENY THE VARIANCE AS IT RELATES TO CONSTRUCTING A NEW BOATHOUSE CLOSER TO THE ORDINARY HIGH-WATER LINE THAN THE REQUIRED 10 FEET OF THE ORDINANCE.

Further discussion followed.

Sean Weldon requested clarification that the boathouse can be constructed but must be compliant within the 5 foot and 10 foot requirements.

PJ Smith mentioned the conditions brought up from Widseth regarding the impervious as that could change the calculations dramatically.

MOTION PASSED.

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO CLOSE THE PUBLIC HEARING AT 9:34 AM. MOTION PASSED.

NEW BUSINESS – There was no new business.

OLD BUSINESS –

Open Forum Comments from 07/14/2025 – Report from on-site visit completed 07/22/2025 --PID #90-437-1910 – Travis Roberts.

Nicole Hausmann reminded the Commission that this is not a public hearing item, no application was received so no notice was published or distributed to neighboring properties.

Nicole Hausmann referenced the prior month's meeting on July 14, 2025. During the open forum portion of the meeting, a neighbor addressed concerns to the Commission about work completed without a permit. Based on

this, the Planning Commission requested that Sourcewell and City staff conduct an on-site visit to Mr. Robert's property and report the findings to the Commission.

Nicole Hausmann stated the on-site visit to the property was conducted July 22, 2025, and Nicole reported the findings from the visit.

Jim Woll stated that it appears there are two issues. One issue as it relates to permits and variances and the second issue being a civil issue related to the complaint from Mr. Maki.

Nicole Hausmann confirmed Jim Woll's statement that one issue is a civil issue and Nicole explained that anything concerning property lines and storm water management is a civil issue.

Jim Woll commented that the Commission would be discussing the non-civil issue which is the construction of the patio and the absence of a permit and/or variance, if it was required.

Bernie Roberts shared that Travis Roberts (his son) explained to him that when Travis asked Carter Reece about the permit requirements, Travis was told by Carter that when he asked Teri Hastings, the City Planning and Zoning Administrator, he was told by Teri that he didn't need a permit.

Ron Faust, neighbor to Travis Roberts, shared that when Travis Roberts first moved in, he told Ron that he would be bringing in heavy equipment and Ron encouraged Travis to go in to the City and talk with Teri Hastings.

Mark Maki explained that his issue with the work being done is not regarding the patio, but rather the work is causing the diversion of water onto his adjoining property.

Jim Woll responded to Mark Maki that his comments are relative to the issue of the civil matter, and the Commission will take those comments into consideration as the Commission moves into the civil matter. Jim Woll also reminded Mark Maki that one of his letters indicated he believed there was not a permit issued for this project.

Further discussion continued regarding material being removed and whether any material was used to fill in to build up the patio area.

Jim Woll stated that no one is disputing the issue that no permit was issued. Jim stated it's a question of whether a variance was required to do the work that was done on the top of the bluff in and around the patio.

PJ Smith stated he was curious if an application would have been submitted, would the water retention issue have been addressed.

Nicole Hausmann responded that potentially, as it would have required a certificate of survey for a variance request and that would have identified what the impervious is on the property and if they were over 20%, a storm water management plan would have needed to be submitted.

Jim Woll questioned if the installation of a sidewalk 4 foot or less in width on grade needed a permit.

Nicole Hausmann clarified that a sidewalk would be allowed without a permit.

Nicole Hausmann clarified that a patio always needs a permit as it is considered a structure and per the City's definition, a patio is considered a structure which requires an over-the-counter permit. The hindrance here is that's a bluff and bluffs are not allowed to have a patio so it would have needed a variance. Nicole explained

the option to either remove the patio and put grass there or do an after-the-fact variance that the Commission would need to approve to keep the patio.

Jim Woll mentioned if we require the after the fact variance there would need to be a site survey with all materials necessary for a variance application.

Nicole Hausmann agreed and stated there would need to be a Certificate of Survey, septic compliance inspection, impervious surface calculation, Carters stated pervious material would need written documentation showing that's per your ordinance that it is actually pervious material so it would need to be reviewed by an engineer, and we would also need submitted to the city a maintenance plan.

Alex Bitter agreed with Nicole Hausmann with all requirements needed to approve.

Nicole Hausmann referenced the storm water management plan submitted and approved for the Maki property and noted a storm water management plan would be required for the Roberts property.

MOTION BY SEAN WELDON SECONDED BY ALEX KUHN TO REQUIRE MR. ROBERTS TO SUBMIT A COMPLETE AFTER THE FACT VARIANCE APPLICATION INCLUDING STORM WATER MANAGEMENT, INCLUDING A SURVEY, OR REMOVE THE SUBJECT PATIO BY THE NOVEMBER MEETING. MOTION PASSED.

Jim Woll approached the subject of assessing penalties and establishing a penalty system for activity not compliant with the provisions in the City ordinances.

Discussion followed between the Commission members regarding Jim's concern of establishing a penalty system.

Jim Woll suggested having Nicole Hausmann and her associates at Sourcewell contact the Municipal League and communities to get some examples of what other communities are doing and bring them to us for consideration.

Nicole Hausmann agreed to this suggestion.

Jim Woll asked Nicole Hausmann for guidance on the civil aspect of this issue.

Nicole Hausmann responded that property lines are civil issues as are storm water runoff and are not City issues. Nicole Hausmann highly recommended that the Commission does not discuss in depth anything that involves property line disputes as they are a civil matter, and an attorney should get involved.

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 recapped the Permit Summary.

PUBLIC FORUM – There was no public forum.

MOTION BY ALEX KUHN AND SECONDED BY SEAN WELDON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF AUGUST 11, 2025, AT 10:10 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk