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**CITY OF LAKE SHORE**  
**PLANNING COMMISSION/BOARD OF ADJUSTMENT**  
**AGENDA**

January 12, 2026, 9:00 am

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*The meeting is being recorded. Anyone wishing to speak, please raise your hand until recognized by the chairperson, then state your name and residence.*

- 1. Call to Order**
- 2. Roll Call**
- 3. Election of Officers**
  - a. Chair and Vice Chair for 2026
- 4. Approval of Minutes** (*Motion to approve, amend, or table*)
  - a. December 08, 2025
- 5. Additions or Deletions to Agenda**
- 6. Public Hearings** (*Motion to open the hearing. Motion to approve, deny, or table each individual public hearing noted. Motion to close the hearing.*)
  - a. **Variance Application 01-26 (Michael Smith)** to construct a new dwelling with an attached garage, an entry, a porch, and a deck not meeting the side yard setback. PID 90-437-1650.
- 7. New Business**
- 8. Old Business**
- 9. Reports**
  - a. City Engineer
  - b. Chairman
  - c. Council Liaison
  - d. Planning & Zoning
    - Ordinance Amendments for 2026
    - December Permit Report
- 10. Public Forum**
- 11. Adjournment** (*Motion to adjourn*)

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

**Commission Members in attendance:** Chair Jim Woll, PJ Smith, Alex Kuhn, Dave Riegert, Alternate TJ Graber; Mayor Andy Stewart; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; and Deputy Clerk Kathy Johansen. Absent were Commission Member Sean Weldon and Council Liaison Darcy Peterson. A quorum was present, and the Commission was competent to conduct business. The audience consisted of Alternate Kevin Egan, Travis Miller, and Sally Anderson.

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

Approval of the October 13, 2025, Regular Meeting Minutes – MOTION BY ALEX KUHN AND SECONDED BY PJ SMITH TO APPROVE THE MINUTES FOR THE OCTOBER 13, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS AMENDED. MOTION PASSED.

Approval of the November 10, 2025, Regular Meeting Minutes – MOTION BY DAVE RIEGERT AND SECONDED BY TJ GRABER TO APPROVE THE MINUTES FOR THE NOVEMBER 10, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

**PUBLIC HEARING –**

MOTION BY PJ SMITH AND SECONDED BY ALEX KUHN TO OPEN THE PUBLIC HEARING AT 9:04 AM. MOTION PASSED.

Variance Application 12-25 (#5a) – to construct a 2,052 square foot new dwelling with an attached garage, a 72 square foot covered entry, and a 60 square foot covered patio not meeting the OHW setback. PID #90-469-0358.

Nicole Hausmann presented Variance Application 12-25 (#5a).

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments, staff report and any comments received. One written comment was received from the City Engineer which is included in packet and DNR was notified on November 18<sup>th</sup> and no additional comments were received from DNR or the public.

The subject property features an existing legal non-conforming structure (927 sq. ft.) with an attached patio (65 sq. ft.). The existing dwelling and patio will be removed.

The current impervious surface coverage is 18.5%, and with the proposed new coverage, it would increase to 23.8%. A Stormwater Management Plan has been developed and submitted with the application.

The applicant has submitted a new septic system that Andy Schwartz has reviewed and approved.

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

1. The subject property is located at 9386 Rocky Point Trail and is zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).

2. The subject properties is +/- .28 Acres (12,566 sq. ft.)
3. The subject property contains a legal existing non-conforming dwelling that will be removed.
4. The proposed new dwelling with attached garage, totaling 2,052 square feet, a 72 square foot entry, and a 60 square foot covered patio is 29.5 feet from the OHW setback on the south side and 29.8 feet from the OHW setback on the north side, where 75 feet is required.
5. The proposed additions would meet the side yard setback and the road right-of-way setback, per Certificate of Survey received 11/12/2025.
6. The total impervious surface for the lot, according to the Certificate of Survey received 11/12/2025, is 23.8% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian GD lake (stormwater management plan required per section 17.3.3).
7. The applicant has provided a new septic system design to be installed with the proposed additions. This design has been reviewed and approved by Andy Schwartz.
8. The property is proposing a pervious driveway with this request. Section 17.3.14 of the City of Lake Shore ordinance allows for an artificial pervious surface. The owner must comply with all regulations in Section 17.3.14 when installing and using pervious material.
9. 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.
10. An updated stormwater management plan has been submitted to the city engineer based on the comments received from the city engineer.
11. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
12. The City Engineer has been notified of the request, with a comment received on November 21<sup>st</sup>.
13. 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:**

14. 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 home with an attached garage. The proposal does not come closer to the lake than the existing dwelling. This is also an existing lot of record established before zoning regulations.
15. 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 with a small building envelope. The proposal will meet the side-yard and road right-of-way setbacks as shown in the Certificate of Survey received on 11/12/2025. There is a limited area that allows a septic system and a principal dwelling to be located.
16. If the variance is granted, will the essential character of the locality remain consistent?
  - a. Yes, constructing the new dwelling will not alter the essential character of the neighborhood. The proposed improvements are consistent with other dwellings in the vicinity of the subject property.
17. 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) and "Protect the quality of the lakes and environmental resources within and around the City." (pg. 4)

18. 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. Implementing a stormwater management plan that is reviewed and approved by the City Engineer will help protect the water quality of Gull Lake.

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

19. 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 new landowner proposing a new, bigger dwelling that does not meet the lake setback. The intent of the Ordinance is to enforce setbacks to limit environmental impacts on Gull Lake.
20. 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, bigger dwelling in this specific location, which is closer to the lake than allowed by the Ordinance.
21. If the variance is granted, will the essential character of the locality remain consistent?
  - a. Yes, constructing the new dwelling will not alter the essential character of the neighborhood.
22. 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 lake setback will not provide adequate environmental considerations. This is a scrape-and-rebuild; the new dwelling is expected to meet current city code requirements.
23. 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:** Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty with the application submitted to the city.

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. 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.
3. 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.
4. The stormwater management plan that the City Engineer has reviewed shall be implemented upon completion of the project if/when a zoning permit is applied for and



approved by the City.

5. A maintenance plan with a schedule shall be submitted to the city if/when a zoning permit is applied for and approved by the city for all pervious material being used for the driveway/walkways.

Travis Miller referenced the small size of the lot and stated there were conversations of feasibility in remodeling the existing home, but it was decided not to rework the structure. The proposed build is modest with an attached garage and will be in line with the existing structure. There will be a proposed berm and two retention ponds to help with runoff.

Alex Bitter shared that all comments had been addressed, including the stormwater retention areas, details on the berm, gutters, and septic design.

Discussion continued regarding the proposed berm's ability to stop direct runoff into the lake with a 5-year, 24-hour event stormwater plan.

Jim Woll inquired into the comfort level of the City Engineer in understanding pervious driveways.

Alex Bitter explained that pervious driveways take maintenance and need to have a maintenance program, and make sure the equipment is clean and functioning properly. Details in the plan are crucial for how the driveway will be maintained.

Sally Anderson shared that she owns a property adjacent to this property and is concerned about runoff on the property, and requested that additional details be shared about the stormwater management plan.

Travis Miller explained the proposed plan to handle the runoff by having stormwater retention on both sides of the home, and gutters are directed to the pond areas.

Nicole Hausmann stated that typically, the city does not go out to each property after construction has been completed to see if the stormwater management plan has been implemented. Stormwater is to be contained to each person's property and not directed to neighboring properties, the lake, wetlands, or road rights-of-way. If there are stormwater management issues between neighbors, this is typically a civil issue, and the city does not get involved.

Sally Anderson asked what the roof height is for the proposed structure?

Discussion continued regarding the size of the house being modest, the setbacks improved slightly, and the comprehensive stormwater plan appears to be viable, and houses meet life expectancies.

Travis Miller responded to questions from the Board of Adjustment and Sally Anderson.

Chair Woll asked Travis Miller several questions as the property owners were not present—additional discussion between Board Members on how to proceed with this request. Mayor Stewart asked Nicole Hausmann if the DNR had been notified of this request. Nicole confirmed they had been notified and no comment was received.

MOTION BY ALEX KUHN AND SECONDED BY DAVE RIEGERT TO APPROVE VARIANCE 12-25 WITH THE FIVE CONDITIONS AND FINDINGS OF FACT AS SET FORTH IN THE REPORT. MOTION BY CHAIR WOLL AND SECONDED BY DAVE RIEGERT TO AMEND THE MOTION BY ADDING A CONDITION INDICATING THE LANDOWNER WILL BE REQUIRED TO MAINTAIN THE BERM AND SHOULD NOT DO ANYTHING TO AFFECT THE FLOW OF STORMWATER FROM THE PROPERTY

THAT IS IMPEDED BY THE BERM. AMENDED MOTION PASSED TO ADD SIXTH CONDITION. MOTION PASSED FOR APPROVED VARIANCE WITH CONDITIONS AS SHOWN IN STAFF REPORT.

MOTION BY PJ SMITH AND SECONDED BY DAVE RIEGERT TO CLOSE THE PUBLIC HEARING AT 9:39 AM. MOTION PASSED.

#### **NEW BUSINESS –**

##### Recommendation of new Planning Commission/Board of Adjustment Member

Nicole Hausmann shared it was her understanding that TJ Graber is up next in joining the board.

MOTION BY PJ SMITH AND SECONDED BY ALEX KUHN TO RECOMMEND TO CITY COUNCIL TO APPROVE THE APPOINTMENT OF TJ GRABER TO THE POSITION OF PLANNING COMMISSION/BOARD OF ADJUSTMENT MEMBER. MOTION PASSED.

##### Recommendation of new Alternate Planning Commission/Board of Adjustment Member

Nicole Hausmann stated Steve Hensel applied to the City of Lake Shore for the position of Alternate for the Planning Commission.

MOTION BY DAVE RIEGERT AND SECONDED BY TJ GRABER TO RECOMMEND TO CITY COUNCIL TO APPROVE THE APPOINTMENT OF STEVE HENSEL TO THE POSITION OF PLANNING COMMISSION/BOARD OF ADJUSTMENT ALTERNATE MEMBER. MOTION PASSED.

Chair Woll shared his thoughts on a recommendation of hiring a Compliance Officer for the Planning Commission/Board of Adjustment. Chair Woll feels that individuals are going to continue doing work without permits, and after-the-fact variances will need to be issued—discussion between Board Members.

Mayor Stewart mentioned that it may need to be pushed to the 2027 budget and mentioned the possibility of adding a non-compliance penalty.

Nicole Hausmann shared that currently, the enforcement policy consists of two letters being sent. If they don't comply within the timeline provided in the letters, the matter will be turned over to the City attorney.

Further discussion continued regarding the tasks that could be assigned to the Compliance Officer position.

MOTION BY JIM WOLL AND SECONDED BY DAVE RIEGERT TO RECOMMEND TO CITY COUNCIL TO POST AND HIRE, TO THE EQUIVALENT OF A QUARTER TIME POSITION FOR A COMPLIANCE OFFICER TO SERVE ON THE PLANNING AND ZONING COMMISSION. MOTION PASSED.

**OLD BUSINESS –** There was no old business.

#### **REPORTS**

City Engineer – Alex Bitter had nothing to report.

Chair – Jim Woll had nothing to report.

Council Liaison – Mayor Andy Stewart referenced a conversation with John Allen regarding a permit application and mentioned that the City needs to do a better job of ensuring all owner contact information is on the permit application and that the property owner is copied on all email communications.

Zoning Administrator – Nicole Hausmann

Certificate of Appreciation – Nicole Hausmann awarded Chair Jim Woll a Certificate of Appreciation and thanked him for his years of service to the Planning and Zoning Commission.

November Permit Report – There were no permit reports for November.

**PUBLIC FORUM** – None

MOTION BY PJ SMITH AND SECONDED BY DAVE RIEGERT TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF DECEMBER 8, 2025, AT 9:56 AM. MOTION PASSED.

Transcribed by Kathy Johansen  
Lake Shore Deputy Clerk

## STAFF REPORT

**Agenda Item:** 6a  
**Application:** Variance 01-26  
**Property Owner/Applicant:** Smith, Michael Guy

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### PROPERTY INFORMATION:

PID:	90-437-1650
Acres:	+/- .50 Acres (23,552 sq. ft.)
Zoning:	Residential, Medium Density R-2 (Shoreland)
Physical Address:	8561 Nottingham Rd
Location:	20/135/29
Septic:	Septic Design – 9/15/2025
Existing Impervious:	17.2
Proposed Impervious:	23.5

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GIS Imagery 2024, Cass County GIS, Aerial View:





GIS Imagery 2024, Cass County GIS, Contours:



GIS Imagery 2024, Cass County GIS, NWI Wetland Layer:





**Application:**

The applicant is requesting the following variances:

1. To construct a new dwelling with an attached garage, an entry, a porch totaling 2,230 square feet, and a 168 square foot deck
  - a. Located 11 feet from the side yard setback on the north side and south side of the property, where 15 feet is required (Section 17.2) per Certificate of Survey received 12/10/2025 and updated site design drawings provided with the application.
    - i. This request is for a slab-on-grade dwelling (no basement)

The subject property is 23,552 sq. ft. and is zoned Residential, Medium Density R-2 (Shoreland) –located on Margaret Lake (General Development).

**Background Information:**

The applicant applied for a variance in October of 2025, which the Board of Adjustment denied. The applicant appealed to the City Council and was heard at the November meeting. The City Council upheld the Board of Adjustment decision.

The subject property features an existing legal non-conforming structure (472 sq. ft.) and deck (392 sq. ft.), both of which will be removed. The existing septic system on the property is failing. The applicant has submitted a new septic system dated 9/15/2025 and has been reviewed by Andy Schwartz. Per his comments dated 9/22/2025: "I'd like to see the pressure bed located more than a foot away from the driveway, but it is a tight site and there isn't much room to do it any other way, so we can allow it. And as indicated in the design, the existing shallow well needs to be capped/sealed. Also, if the new sewer line is less than 50' from the proposed well, it will need a pressure test. Otherwise, we are good to go."

Form 1000 (Rev. 07/2024) website at <https://www.pca.state.mn.us/sites/default/files/wq-wwists4-31a.pdf>.

**Property information**

Local tracking number: \_\_\_\_\_  
 Parcel ID# or Sec/Twp/Range: 90-437-1650 Reason for Inspection Transfer  
 Local regulatory authority info: City of Lake Shore  
 Property address: 8561 Nottingham rd  
 Owner/representative: Seth / Tom Burton Owner's phone: 952-234-1622  
 Brief system description: 1250 tank 300 lift to trenches

**System status**

System status on date (mm/dd/yyyy): 5/22/2025

☐ **Compliant – Certificate of compliance\***

*(Valid for 3 years from report date unless evidence of an imminent threat to public health or safety requiring removal and abatement under section 145A.04, subdivision 8 is discovered or a shorter time frame exists in Local Ordinance.)*

*\*Note: Compliance indicates conformance with Minn. R. 7080.1500 as of system status date above and does not guarantee future performance.*

☒ **Noncompliant – Notice of noncompliance**

*Systems failing to protect ground water must be upgraded, replaced, or use discontinued within the time required by local ordinance.*

*An imminent threat to public health and safety (ITPHS) must be upgraded, replaced, or its use discontinued within ten months of receipt of this notice or within a shorter period if required by local ordinance or under section 145A.04 subdivision 8.*

**Reason(s) for noncompliance (check all applicable)**

- ☐ Impact on public health (Compliance component #1) – *Imminent threat to public health and safety*  
☐ Tank integrity (Compliance component #2) – *Failing to protect groundwater*  
☐ Other Compliance Conditions (Compliance component #3) – *Imminent threat to public health and safety*  
☐ Other Compliance Conditions (Compliance component #3) – *Failing to protect groundwater*  
☐ System not abandoned according to Minn. R. 7080.2500 (Compliance component #3) – *Failing to protect groundwater*  
☒ Soil separation (Compliance component #5) – *Failing to protect groundwater*  
☐ Operating permit/monitoring plan requirements (Compliance component #4) – *Noncompliant - local ordinance applies*

**Comments or recommendations**

## Preliminary & Field Evaluation Form

Owner Information			
Date	<u>9/15/2025</u>	Sec / Twp / Rng	<u>20/135/29</u>
Parcel ID	<u>90-437-1650</u>	LUG (county, city, township)	<u>Cass / lakeshore</u>
Property Owner:	<u>Mike Smith</u>	Owners address (if different)	
Property Address:	<u>8561 Nottingham RD</u>		
City / State / Zip:	<u>Lake Shore mn 56468</u>		

The impervious surface coverage is presently 17.2%, and with the proposed new impervious surface coverage, it would increase to 23.5%. A Stormwater Management Plan has been developed and submitted with the application.

### IMPERVIOUS CALCULATIONS

EXISTING	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Cabin	472	23,552	2.0%
Well House	25	23,552	0.1%
Deck	448	23,552	1.9%
Pavers	233	23,552	1.0%
Gravel Driveway	2,852	23,552	12.2%
<b>Total</b>	<b>4,040</b>	<b>23,552</b>	<b>17.2%</b>

### IMPERVIOUS CALCULATIONS

PROPOSED	IMPERVIOUS AREA (sq. ft.)	Net Area (sq. ft.)	Percent Impervious (sq. ft.)
Proposed House w/Perch & Entry	2,230	23,552	9.5%
Proposed Deck	168	23,552	0.7%
Pavers	219	23,552	0.9%
Exist. & Proposed Gravel Driveway	2,879	23,552	12.2%
Proposed Sidewalk	48	23,552	0.2%
<b>Total</b>	<b>5,544</b>	<b>23,552</b>	<b>23.5%</b>

#### Permit history:

- 5/03/1985 – Permit to construct deck
- 7/16/1990 – Permit to install septic system
- 3/27/2013 – Permit to construct 10x12 shed

Complete Application Received:	12/10/2025
Action Deadline:	02/10/2026
15.99 Waiver:	N/A
Wetland Delineation:	N/A
Fees Collected:	\$400.00 & \$46.00 (recording)
V-01-26 Smith	

Jan. 12, 2026

Authorized Agent:	Seth
Reviewed by:	
• City Engineer:	Email sent 12/23/2025
• City Attorney:	N/A
Notifications:	
• DNR:	Email sent 12/23/2025
• MNDOT:	N/A
• CASS HWY:	N/A
• Neighbors within 500 ft.:	Letter mailed 12/23/2025
• Published in newspaper:	12/31/2025

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**Applicable Regulations:** The following ordinance regulations apply to this request:

**Definitions:**

**4.223 Structure.** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than four (4) feet wide outside of the Shore Impact Zone, stoops not exceeding thirty (30) square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.

**4.122 Impervious Surface.** The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.

**4.174 Practical Difficulties.** The property owner proposes to use the property in a reasonable manner not permitted by an official control; 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 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.

**69. Variances**

**69.1** Variances shall not create a use not provided for in a zoning district.

**69.2** Variances shall be issued to the property and are not transferable.

**69.3** Variances shall be issued to the property for structures or other specified uses only after a public hearing and approval by the Board of Adjustment. All applications for a Variance shall be submitted to the Zoning Administrator thirty (30) days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of five hundred feet (500) feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten(10) days ahead of the public hearing. The Zoning Administrator shall send the same notice ten (10) days in advance of this hearing to the Department of Natural Resources if the proposed is in shoreland. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving fourteen



(14) days notice thereof to the Zoning Administrator, meeting time permitted.

**69.4** The applicant shall complete the Variance application approved by the City Council. The application shall contain submittal requirements, criteria for approval, procedure for consideration and City contact information. The City shall not accept applications where the applicant has past due fees or charges due to the City until the account is made current.

**69.5** Variances shall be decided within the required time frame with consideration for the following:

**69.5.1** The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and

**69.5.2** The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner, and

**69.5.3** The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of this Ordinance and the comprehensive plan, and

**69.5.4** The Variance will not create a land use not permitted in the zone, and

**69.5.5** The Variance will not alter the essential character of the locality, and

**69.5.6** The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

**69.6** The Board of Adjustment 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.

**69.7** When costs to the City involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to retain in reviewing permits.

**69.8** Failure by the owner to act within one (1) year on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.

**69.9** Appeals from the action of the City Council shall be filed with the City within fifteen (15) days and with the District Court within thirty (30) days after Council action.

**69.10** The Variance shall be filed with the County Recorder within forty-five (45) days.

## **17. Residential, Medium Density R-2 (Shoreline).**

**17.1 Purpose.** To establish and maintain a district within the shoreland area that is recreational-residential in character with independent sanitary facilities that is compatible with the natural resources of lake and streams.

**17.2 Lot, Use and Density Requirements (R-2).**

	General Development Riparian (1st Tier Only)	Recreation Development 2nd Tier Gen. Development	Natural Environment
Lot width at ordinary high water line and building line – feet	100	150	200
Lot area, square feet	30,000	40,000	80,000
Buildable Area, square feet	15,000	20,000	40,000
Setback, City Road – feet	30	30	30
Setback, County Road – feet	50	50	50
Setback, waterfront – feet	75	100	150
Setback, top of bluff	50	50	50
Setback, side – feet	15	15	15
Setback Side accessory structure – feet	15	15	15
Setback, corner side – feet	15	15	15
Setback, side for storage sheds (<200 sq ft) - feet	5	5	5
Setback, rear-feet	20	20	20
Setback, sign, road – feet	1	1	1
Setback, unplatted cemetery – feet/minimum	50	50	50
Setback, wetland - feet	30	30	30
Patio setback, waterfront – feet/minimum	50	50	50
Patio area-square feet	<250	<250	<250
Maximum impervious coverage	20%	20%	15%
Parking/driveway setback from property line – feet/minimum	10	10	10
Maximum building height – feet	25	25	25
Maximum building height, accessory structure	20	20	20
Building above highest known groundwater, lake level or flood of record – feet	3	3	3
Maximum density – square feet (duplex or guest cabin with principal structure are considered two units)	1 Unit/20,000	1 Unit/40,000	1 Unit/80,000

Minimum dwelling width – feet	24	24	24
Accessory Structure Size – square feet, maximum, cumulative	1,200	1,200	1,200
Lot width and shoreline with guest cabin or duplex feet/minimum	180	225	300
Lot width with guest cabin or duplex – off shore line	200	225	400

Septic tank and/or pump chamber from ordinary high water mark – feet	50	75	150
Soil absorption system from ordinary high water mark – feet	75	75	150

**17.3 Performance Standards (R-2).**

**17.3.2 Impervious Coverage Placement.** There shall be no impervious coverage within fifty (50) feet of the Ordinary High Water Level, excepts walks and steps on grade less than four (4) feet wide and landing areas not exceeding thirty-two (32) square feet as provided for in this Ordinance.

**17.3.2.1** The lake setback area shall contain natural vegetation, preferably native, except for permitted structures or facilities such as walks steps patios and sheds.

**17.3.3 Impervious Coverage Increase.** Impervious coverage may be increased by five percent (5%) if the following is provided:

**17.3.3.1** A storm water retention plan showing containment of the five (5-year), 24-hour storm event on the parcel.

**17.3.3.2** Direct runoff of storm water to adjacent water bodies, including wetlands and adjacent parcels, shall be eliminated through the use of berms or other permanent means.

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

1. The subject property is located at 8561 Nottingham Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Margaret Lake - General Development).
2. The subject property is +/- .50 Acres (23,552 sq. ft.)
3. The subject property contains a legal existing non-conforming structure that will be removed.
4. The proposed new dwelling with attached garage, entry, porch totaling 2,230 square feet, and a 168 square foot deck is 11 feet from the side yard setback on the north side and south side of the property, where 15 feet is required.
5. The proposed new dwelling with attached garage, entry, porch totaling 2,230 square feet, and a 168 square foot deck will meet the lake setback and road right-of-way setback, per the Certificate of Survey received 12/10/2025.
6. This new request is for a slab-on-grade dwelling (no basement).
7. The applicant has provided a new septic design and will be installing a new septic system. The current septic system is failing.
8. The total impervious surface for the lot, including the proposed new dwelling with an attached garage, entry, porch and deck provided on the Certificate of Survey received 12/10/2025, is 23.5% where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian GD lake (stormwater management plan required per section 17.3.3).
9. 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.
10. A stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer. A comment was received from the City Engineer on 12/29/2025 with

updates requested on the stormwater management plan.

11. The DNR 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 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:**

13. 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 home with an attached garage. The proposal does not come closer to the lake than the existing dwelling. This is also an existing lot of record established prior to zoning regulations. The minimum dwelling width is 24 feet per Section 17.2, the side yard setback is 15 feet, and the lot width is 54.8 feet per the Certificate of Survey; a variance would be required for any new dwelling on this lot.
14. 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 that is very narrow. The proposals will meet the lake and road right-of-way setbacks as shown in the Certificate of Survey received 12/10/2025. The minimum dwelling width is 24 feet per Section 17.2, the side yard setback is 15 feet, and the lot width is 54.8 feet per the Certificate of Survey; a variance would be required for any new dwelling on this lot.
15. If the variance is granted, will the essential character of the locality remain consistent?
  - a. Yes, constructing the new dwelling will not alter the essential character of the neighborhood. The proposed improvements are consistent with other houses in the vicinity of the subject property.
16. 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) and "Protect the quality of the lakes and environmental resources within and around the City." (pg. 4)
17. 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. Implementing a stormwater management plan will help protect the water quality of Lake Margaret.

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

18. 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, bigger dwelling that does not meet the side yard setback. The intent of the Ordinance is to enforce setbacks to limit environmental concerns and impacts on Lake Margaret.
19. 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 bigger dwelling in this specific location, which is closer to the side yard than allowed by the Ordinance.
20. If the variance is granted, will the essential character of the locality remain consistent?
  - a. Yes, constructing the additions will not alter the essential character of the neighborhood.

21. 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 side yard setback will not provide adequate environmental considerations.
22. 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.

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**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.

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**Staff Recommendation:** Staff recommends that the Board of Adjustment discuss and provide input regarding the proposed findings for approval and/or denial. The applicant has provided their testimony regarding the practical difficulty with the application provided to the city.

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. 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.
3. 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.
4. The stormwater management plan must be approved by the City Engineer and shall be implemented upon completion of the project if/when a zoning permit is applied for and approved by the City.

# CERTIFICATE OF SURVEY

LOT 14, BLOCK 16, TINGDALE BROS' SHERWOOD FOREST ON GULL LAKE,  
SECTION 20, TOWNSHIP 135 NORTH, RANGE 29 WEST,  
CITY OF LAKESHORE, CASS COUNTY, MINNESOTA  
TOTAL AREA = 23,552 SQ. FT.± / 0.5 ACRES±

## MARGARET LAKE

GENERAL DEVELOPMENT CLASSIFICATION  
NORMAL RESERVOIR POOL ELEVATION = 1194.00  
HIGHEST KNOWN ELEVATION = 1195.44  
BENCHMARK: CORPS OF ENGINEERS GAUGE AT  
GULL LAKE DAM 0.00 GAUGE = 1188.14 ELEVATION  
LAKE ELEVATION = 1193.99 ON 9/11/2025  
BASED ON NGVD 29 DATUM

## LEGEND

- X — X — DENOTES EXISTING FENCE LINE
- DENOTES EDGE OF EXISTING BITUMINOUS
- DENOTES EDGE OF EXISTING GRAVEL
- DENOTES EDGE OF EXISTING PAVING STONES
- DENOTES EDGE OF EXISTING WOODEN DECKING
- DENOTES EDGE OF EXISTING RIP-RAP
- DENOTES EDGE OF PROPOSED CONCRETE
- DENOTES PROPOSED SURFACE DRAINAGE FLOW
- 1206 DENOTES EXISTING INTERMEDIATE CONTOURS
- 1210 DENOTES EXISTING INDEX CONTOURS
- DENOTES EXISTING UTILITY POLE W/ GUY WIRE
- DENOTES EXISTING ELECTRIC METER
- DENOTES EXISTING LP TANK
- DENOTES EXISTING PHONE PEDESTAL & PHONE BOX
- DENOTES EXISTING SEPTIC VENT, SEPTIC CLEANOUT, & SEPTIC TANK LID
- DENOTES EXISTING SEPTIC LIFT STATION
- (123.45) DENOTES PLAT AND/OR DEEDED MEASURE
- TBR DENOTES TO BE REMOVED
- BENCHMARK: SET DOUBLE HEADED NAIL IN SOUTH FACE OF A 12" WHITE PINE  
ELEV. = 1203.92  
BASED ON NGVD 29 DATUM
- DENOTES MONUMENT FOUND
- ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE RECORDED PLAT OF TINGDALE BROS' SHERWOOD FOREST ON GULL LAKE

## NOTES:

- Contour interval as shown = 2 foot. Based on NGVD 29 datum. Contours shown have been obtained using standard survey topographic methodologies. Field located on 9/11/2025.
- Zoning for subject tract = Medium Residential (R-2).
- Parcel ID of subject parcel: 90-437-1650
- The E911 address of subject parcel: 8561 Nottingham Road
- Setbacks as shown can be subject to interpretation. Verification of setbacks by the governing body is advised prior to building.
- National Wetland Inventory Report shows no wetlands within subject property.
- There are no bluffs located within surveyed property.
- Proposed septic system based on design by others.
- Stonemark Land Surveying, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

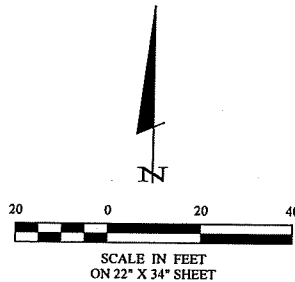
IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
Cabin	472	23,552	2.0%
Well House	25	23,552	0.1%
Deck	448	23,552	1.9%
Pavers	233	23,552	1.0%
Gravel Driveway	2,662	23,552	12.2%
Total	4,040	23,552	17.2%

IMPERVIOUS CALCULATIONS			
PROPOSED	IMPERVIOUS AREA (sq.ft.)	Net Area (sq.ft.)	Percent Impervious (sq.ft.)
Proposed House w/Porch & Entry	2,230	23,552	9.5%
Proposed Deck	168	23,552	0.7%
Pavers	219	23,552	0.9%
Exist. & Proposed Gravel Driveway	2,879	23,552	12.2%
Proposed Sidewalk	48	23,552	0.2%
Total	5,544	23,552	23.5%

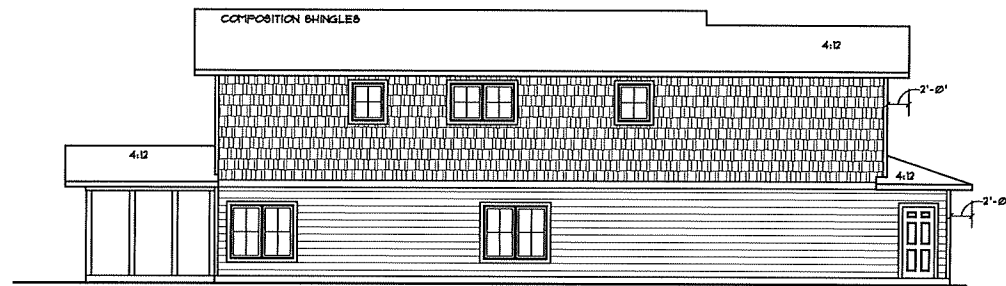
## RUN OFF CALCULATIONS

Total Impervious Surface Area 5,544 sq. ft. X 0.0833 ft. = 462 cu. ft.  
(from impervious table)

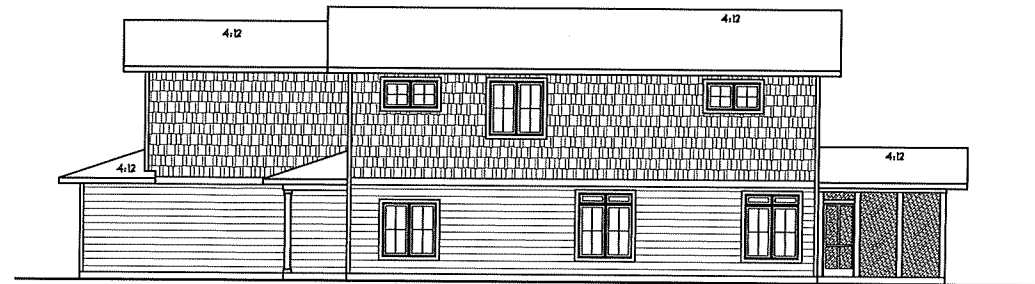
Drainage Ponds = 236 cu. ft. per pond as shown; 472 cu. ft. total



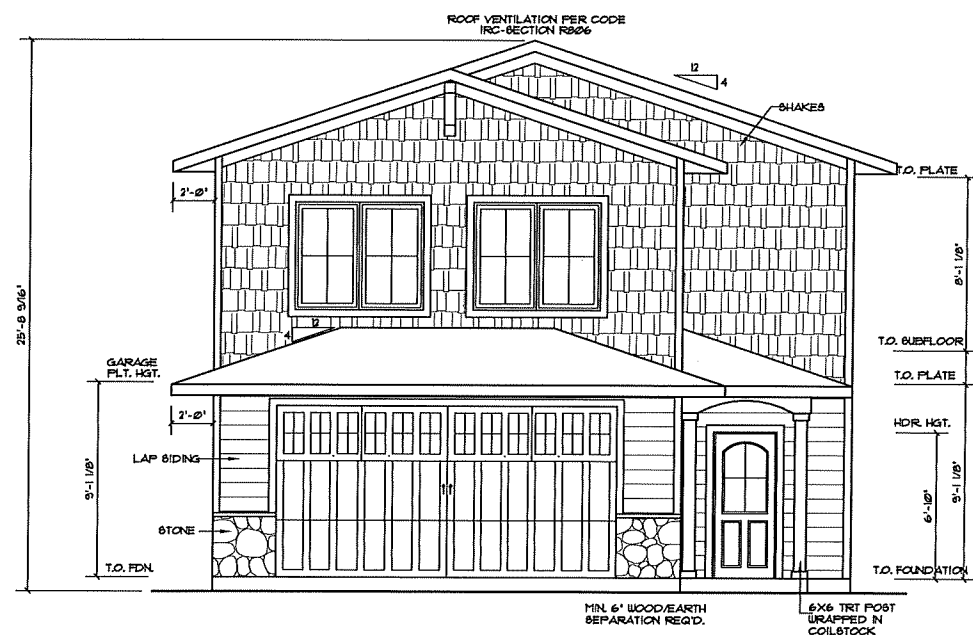
30206 Ramusson Road Suite 1 P. O. Box 874 Rego Lakes, MN 56472 218-568-4940 www.stonemarksurvey.com		LIBRARY COUNTY THAT THIS SURVEY, PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY OR FOR THE USE OF THE LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.		DATE 9-17-2025		LIC. NO. 41002	
PROJECT MANAGER: PAT		PROJECT NO.: 22218		DATE: 9/17/2025		BY: [Signature]	
CHECKED: PAT		FILE NAME: C25218.DWG		SCALE: 1" = 20'		REVISIONS	
DRAWN BY: ICL		FIELD BOOK: PG.		DESCRIPTION		DATE	
CERTIFICATE OF SURVEY		Summit Development		C/O Seth Landon		1010 Dale Street North	
SHEET		Saint Paul, Minnesota 55117		1 OF 1			



3 LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



4 RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"



1 ROAD SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



2 REAR ELEVATION  
SCALE: 1/4" = 1'-0"

WINDOW FALL PROTECTION REQUIRED  
WHERE LOWEST PART OF OPENING IS MORE  
THAN 1' ABOVE FINISHED GRADE OR  
SURFACE BELOW THE LOWEST PART OF THE  
OPENING IS WITHIN 36" OF THE FINISHED FLOOR.  
EXAMPLE: WINDOW OPENING CONTROL DEVICE

# DISCLAIMER OF WARRANTIES

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SUMMIT DEVELOPMENT  
NOTTINGHAM LANE  
PJ CUSTOM HOMES

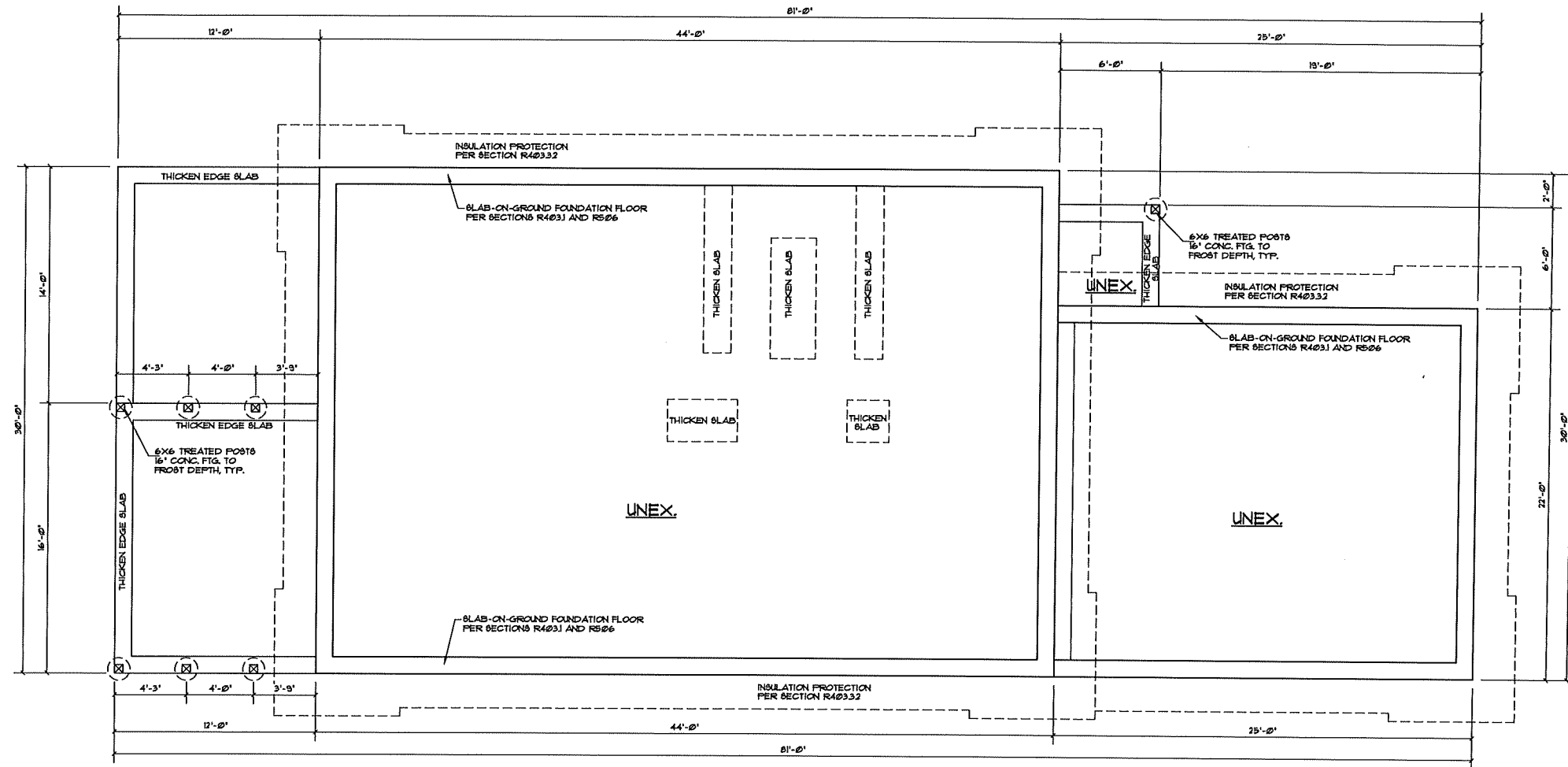
ELEVATIONS

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13925001		
FILE NUMBER		
1392500120		
DATE	DRAFT	CHK
9/16/25	AD	
REVISED:		
9/17/25	AD	
REVISED:		
10/10/25	AD	
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11/17/25	AD	
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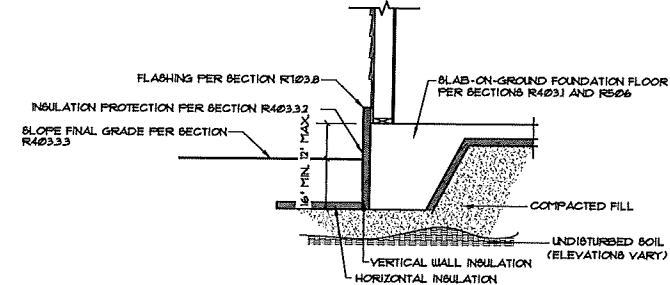
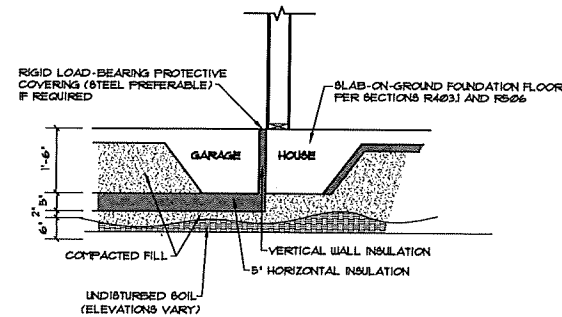
ELEVATIONS

A-1

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1 BASEMENT PLAN  
SCALE: 1/4" = 1'-0"



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BASEMENT PLAN

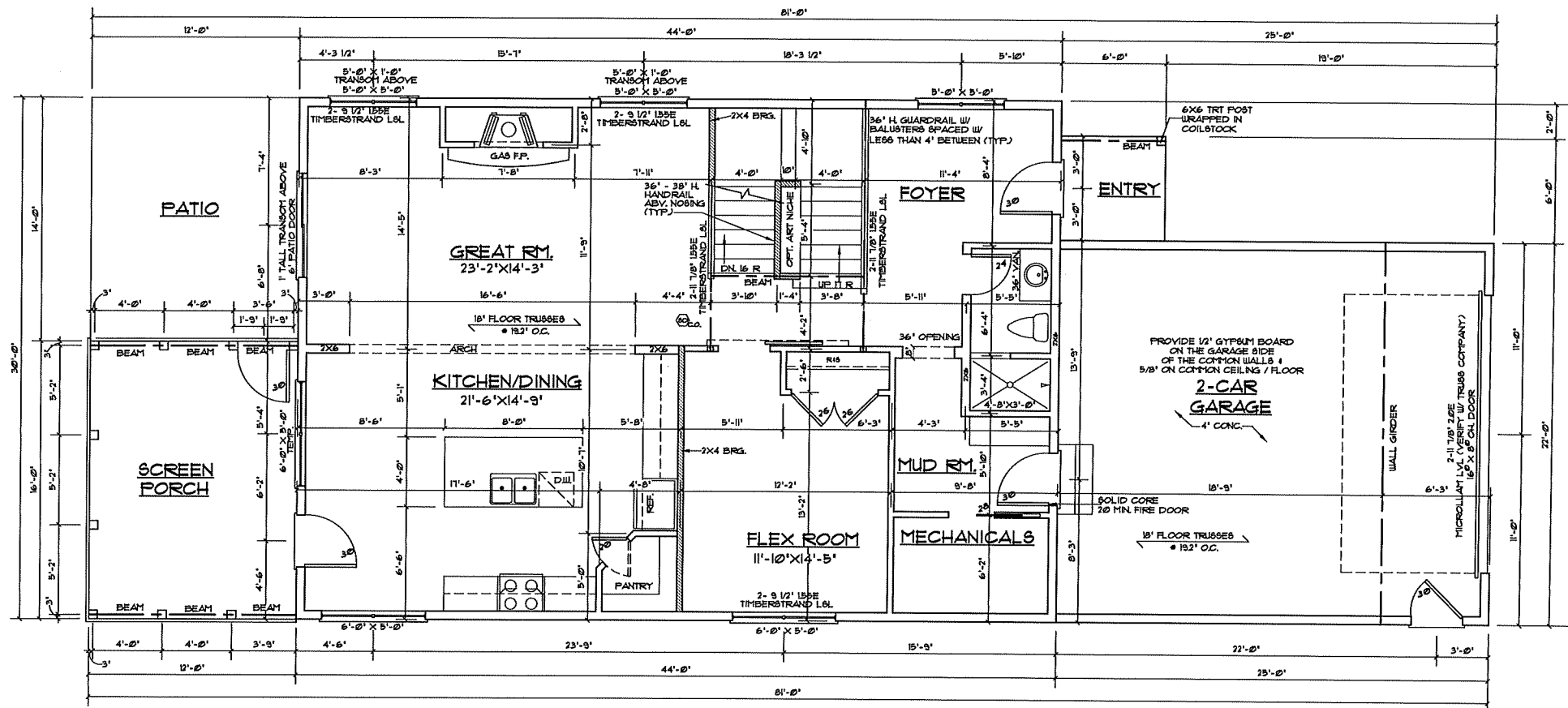
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FILE NUMBER			
1392500120			
DATE	DRAFT	CHKD	
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REVISED			
11/17/25	AD		
REVISED			
REVISED			

BASEMENT PLAN

A-2

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1 FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

FIRST FLOOR	1320 SQ. FT.
SECOND FLOOR	1738 SQ. FT.
TOTAL	2058 SQ. FT.
SCREEN PORCH	492 SQ. FT.

9'-1 1/8" CEILING HEIGHT UNLESS NOTED  
6'-10" WINDOW HEADER HGT. UNLESS NOTED

**GENERAL NOTES:**  
**2020 IRC CODES APPLY:**  
TRUSS MANUFACTURER TO VERIFY HEADER/BEAM SIZES AND POINT LOADS WHERE GIRDERS EXERT CONCENTRATED LOADS. LAYOUT TO BE VERIFIED PRIOR TO CONSTRUCTION.  
TALL WALL SITUATIONS (WALLS OVER 12' TALL) REQUIRE ENGINEERING DESIGN PROVIDED BY OTHERS.  
ALL POST FRAME CONSTRUCTION REQUIRE ENGINEERING DESIGN PROVIDED BY OTHERS.  
WINDOW BRAND TO BE DETERMINED.  
9'-1 1/8" CEILING HEIGHT • FIRST FLOOR UNLESS NOTED  
6'-10" WINDOW HEADER HEIGHT UNLESS NOTED  
9'-1 1/8" CEILING HEIGHT • SECOND FLOOR UNLESS NOTED  
6'-10" WINDOW HEADER HEIGHT UNLESS NOTED  
PATIO DOOR LEADER HEIGHT PER FRG./ROUGH OPENING  
6" MIN. DEPTH REQ'D FOR ALL FROST FOOTINGS  
FNL REINFORCING (1) #4 REBAR SPACING PER CODE/ SOIL CONDITIONS & WITHIN 12" FROM CORNER  
FOOTINGS REINFORCEMENT AS REQUIRED  
SOLID BEARING REQ'D • ALL BEAMS & HEADERS ANCHOR BOLTS • 6" O.C. PER CODE  
ALL TRUSSES ARE TO BE ENGINEERED & INSTALLED ACCORDING TO TRUSS MANUFACTURER. ALL BOUS ROOMS TO BE VERIFIED BY TRUSS MANUFACTURER PRIOR TO CONSTRUCTION.  
30" MIN. REQ'D WIDTH • TOILETS  
SAFETY GLAZING REQ'D FOR ALL GLASS WITHIN 18" OF FLOOR AND GREATER THAN 9 SQ. FT. IN AREA  
SAFETY GLAZING REQ'D FOR ALL GLASS WITHIN 24" ARC OF DOORS  
VAPOR RETARDER REQ'D UNDER ALL CONC. GLASS IN HABITABLE AREA  
ROOF VENTILATION PER CODE  
IRC-SECTION R806  
CARBON MONOXIDE DETECTOR REQ'D WITHIN 18" OF ALL SLEEPING ROOMS  
WINDOWS TO BE CALLED AND TAPED  
BILL SEALER TO BE INSTALLED UNDER ALL BILL PLATES  
SEALED, CONTINUOUS AIR AND VAPOR BARRIER TO BE INSTALLED ON WARM SIDE OF EXTERIOR WALLS, WITH ALL JOINTS, OPENINGS, AND PENETRATIONS SEALED IN A PERMANENT MANNER  
UNSUPPORTED SHEATHING JOINTS TO BE SEALED ON EXTERIOR OF JOINT  
AIR BARRIER ON EXTERIOR OF HOME TO BE WITH J-BLOCKS OR SOLID WOOD BLOCK FOR PENETRATIONS  
ATTIC ACCESS TO BE SEALED WITH SPRAY TEXTURE OR CALK  
92% SEALED COMBUSTION FURNACE  
AIR EXCHANGER OR IN LINE FAN  
DIRECT VENT GAS WATER HEATER (IF APPLIES)  
MAX. 300 CFM ON ANY ONE APPLIANCE  
WINDOW FALL PROTECTION REQUIRED WHERE LOWEST PART OF OPENING IS MORE THAN 12" ABOVE FINISHED GRADE OR SURFACE BELOW & THE LOWEST PART OF THE OPENING IS WITHIN 24" OF THE FINISHED FLOOR. EXAMPLE: WINDOW OPENING CONTROL DEVICE  
CONCRETE FOOTINGS ARE REQ'D TO BE 5,000 PSI  
FOUNDATION WALL REQ'D TO BE WATERPROOFED  
FIRE PROTECTION FOR FLOORS AT BASEMENT MUST BE 1/2" GYPSUM WALL MEMBRANE OR 5/8" WOOD STRUCTURAL PANEL MEMBRANE. AN AREA NOT TO EXCEED 80 SQ. FT. CAN BE LEFT UNPROTECTED PROVIDED THERE IS FIREBLOCKING IN STALLED ALONG THE PERIMETER OF THE UNPROTECTED AREA.  
VAPOR RETARDER REQ'D ON THE INTERIOR SIDE OF THE FRAMED WALL. CLASS I, II, OR III MAY BE USED.  
15% OF ALL LIGHT FIXTURES TO HAVE HIGH EFFICIENCY BULBS.  
ROOF TRUSSES AT HABITABLE SPACES TO HAVE ENERGY HEAD HEIGHTS UNLESS NOTED.

DISCLAIMER  
OF  
WARRANTIES

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SUMMIT DEVELOPMENT  
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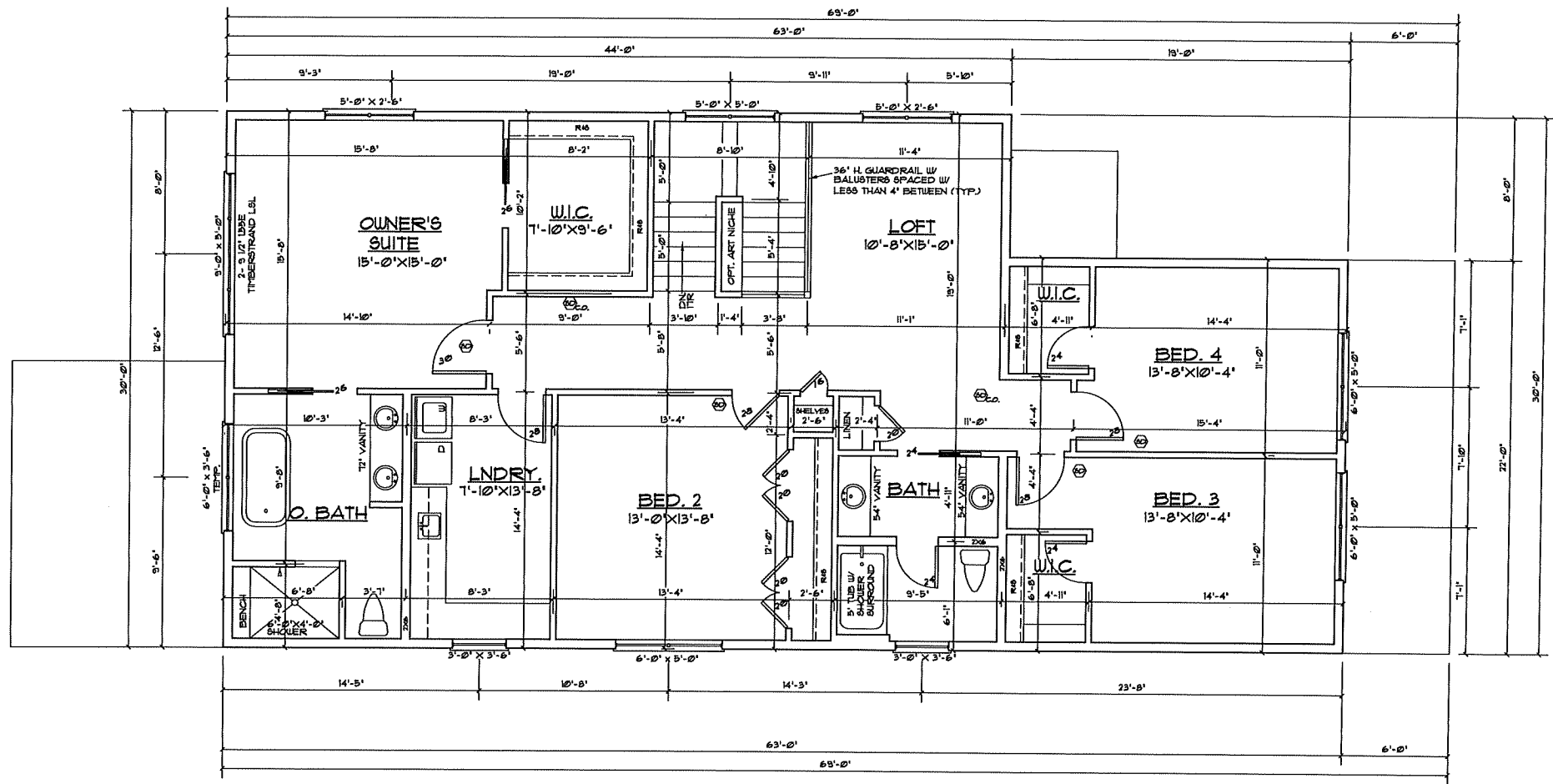
FIRST FLOOR PLAN

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FILE NUMBER			1392500120		
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REVISED:	9/16/25				
REVISED:	9/17/25	AD			
REVISED:	10/10/25	AD			
REVISED:	11/17/25	AD			
REVISED:					
REVISED:					

FIRST FLOOR PLAN

A-3

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1 SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

8'-1 1/8" CEILING HEIGHT UNLESS NOTED  
6'-10" WINDOW HEADER HGT. UNLESS NOTED

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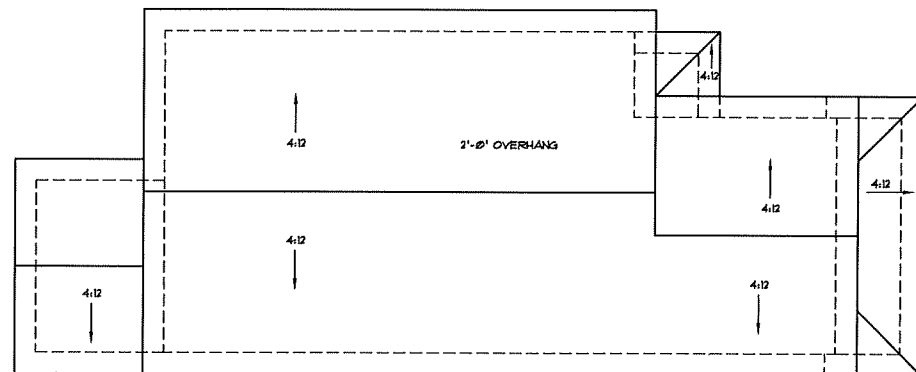
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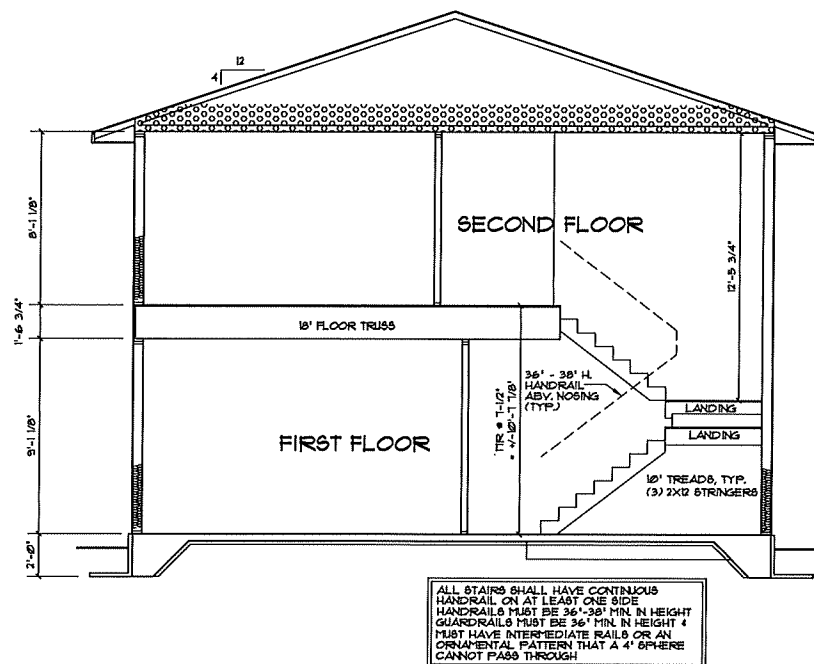
SUMMIT DEVELOPMENT  
NOTTINGHAM LANE  
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SECOND FLOOR PLAN

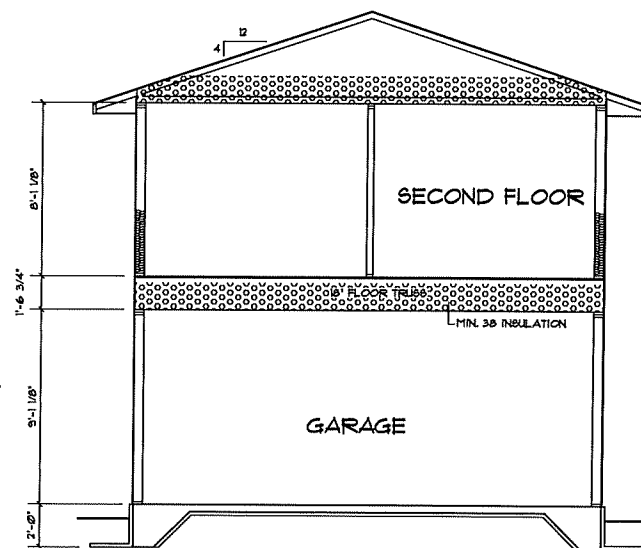
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REVISED		
9/17/25	AD	
REVISED		
10/10/25	AD	
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REVISED		
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4 ROOF PLAN  
SCALE: 1/8" = 1'-0"



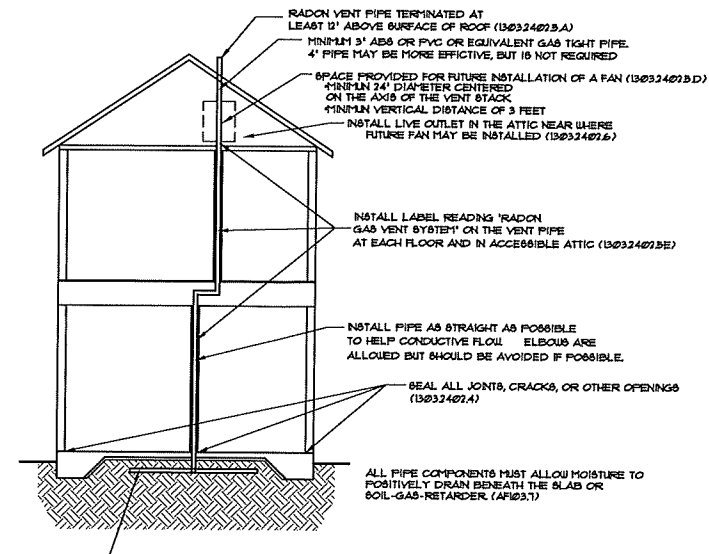
1 BUILDING SECTION  
SCALE: 1/4" = 1'-0"



2 GARAGE BUILDING SECTION  
SCALE: 1/4" = 1'-0"

#### PASSIVE (CODE MINIMUM) RADON SYSTEM

- APPLIES TO BASEMENTS, CONDITIONED CRAWLSPACES, SLAB-ON-GRADE BUILDINGS AND OTHER FOUNDATIONS UNDER CONDITIONED SPACE
- MINIMUM CODE REQUIREMENTS ARE LISTED, OTHER SYSTEM COMPONENTS ARE SUGGESTED FOR BEST PRACTICE INSTALLATION BASED ON MINNESOTA DEPARTMENT OF HEALTH RECOMMENDATIONS.



MINIMUM 6-MIL OR 3-MIL CROSS LAMINATED POLYETHYLENE SHALL BE LAPPED 12" AND PLACED BELOW THE SLAB AND ON TOP OF THE GAS PERMEABLE LAYER.  
FIT POLYETHYLENE LAYER CLOSELY TO PENETRATIONS (AFR403.3).  
SEAL / COVER PUNCTURES OR TEARS WITH ADDITIONAL POLYETHYLENE (R403.2.4.2.1.H).  
©2014 COPYRIGHT BUILDERS ASSOCIATION OF MINNESOTA WWW.BAMN.ORG  
THIS ILLUSTRATION DOES NOT REFLECT ALL THE REFERENCED TO ACTUAL CODE LANGUAGE

TYPICAL ROOF CONSTRUCTION:  
COMPOSITION SHINGLES ON  
15" ROOF FELT ON  
15/32" ROOF SHEATHING ON  
PRE MANUFACTURED ROOF TRUSSES  
ICE & WATER SHIELD 24" FAST EXTERIOR WALLS  
PROPER VENTS

TYPICAL FASCIA DETAIL:  
2X6 SUB FASCIA  
MAINTENANCE-FREE FASCIA COVER  
MAINTENANCE-FREE VENTED SOFFIT

TYPICAL EXT. WALL CONSTRUCTION:  
TYVEK HOUSE WRAP OR EQUAL ENTIRE EXTERIOR  
1/2" WALL SHEATHING ON  
2X6 PRECUT STUDS @ 16" O.C.  
R-21 BATT INSULATION  
4 MIL POLY  
1/2" DRYWALL

TYPICAL FLOOR CONSTRUCTION:  
3/4" TAG SUB FLOOR SHEATHING (GLUED & NAILED)  
ON 18" FLOOR TRUSSES  
(SEE PLAN FOR SPACING & DIRECTION)  
SPRAY FOAM INSULATION @ R11 JOIST

FLASHING PER SECTION R103.5  
SLOPE FINAL GRADE PER SECTION  
R403.3.3  
INSULATION PROTECTION PER SECTION R403.3.2

TYPICAL SLAB NOTE  
POLY VAPOR BARRIER UNDER SLAB,  
LAPPED 12"  
SLAB-ON-GROUND FOUNDATION FLOOR  
PER SECTIONS R403.1 AND R506  
REINFORCING PER CODE  
2" RIGID INSULATION

3 WALL SECTION  
SCALE: 1/4" = 1'-0"

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SUMMIT DEVELOPMENT  
NOTTINGHAM LANE  
PJ CUSTOM HOMES

SECTIONS / ROOF

JOB NUMBER			
13925001			
FILE NUMBER			
1392500120			
DATE	DRAFT	CHK'D	
9/16/25	AD		
REVIS'D:			
9/17/25	AD		
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REVIS'D:			
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## COVER MEMORANDUM

*(Attach to Variance Application Submission)*

**To:** City of Lake Shore – Planning Commission

**From:** Michael G. Smith, PJ Custom Builders

**Re:** Revised Variance Application – 8561 Nottingham Road

**Date:** 12/8/2025

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This submission represents a materially revised variance application for the property located at 8561 Nottingham Road.

The revised proposal eliminates basement excavation entirely and replaces it with a slab-on-grade dwelling design, significantly reducing grading, soil disturbance, and overall site impact while maintaining the previously proposed building placement and architectural character.

Key revisions include:

- Elimination of basement excavation, reducing site disturbance and environmental impact
- Reduced grading and soil displacement
- Improved surface-level stormwater management opportunities
- Retention of modest building scale and setbacks consistent with neighborhood character

The variance request remains limited to side yard setbacks of eleven (11) feet on a legally platted narrow lot and is not driven by economic considerations. Rather, the request is based on a practical difficulty created by the physical width of the lot, which prevents reasonable residential use under strict application of current setback requirements.

This revised application reflects a good-faith effort to address prior concerns, further align with the goals of the Comprehensive Plan, and reduce potential impacts to neighboring properties and environmental resources.

Thank you for your consideration of this revised submission.

Respectfully,



Mike Smith (Dec 8, 2025 12:44:13 CST)

**Michael G. Smith**

# Cover Sheet

Final Audit Report

2025-12-08

Created:	2025-12-08
By:	Jason Smith (jason@pjcustombuilders.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGT-q4x0I3AQSAj-FL4sUtW8mNE0wQMZ8

## "Cover Sheet" History

-  Document created by Jason Smith (jason@pjcustombuilders.com)  
2025-12-08 - 6:17:56 PM GMT- IP address: 174.20.0.194
-  Document emailed to Mike Smith (mike@pjcustombuilders.com) for signature  
2025-12-08 - 6:18:00 PM GMT
-  Email viewed by Mike Smith (mike@pjcustombuilders.com)  
2025-12-08 - 6:38:07 PM GMT- IP address: 75.231.52.213
-  Document e-signed by Mike Smith (mike@pjcustombuilders.com)  
Signature Date: 2025-12-08 - 6:44:13 PM GMT - Time Source: server- IP address: 140.248.30.105
-  Agreement completed.  
2025-12-08 - 6:44:13 PM GMT



Adobe Acrobat Sign

<b>APP#</b> _____
<b>Date</b> _____
(for office use only)

**CITY OF LAKE SHORE**  
**VARIANCE APPLICATION**

Name of Applicant: Michael Smith      Phone: 612-590-0906

Address: 8561 Nottingham Rd, Lakeshore, MN 56468      Email: [mike@pjcustombuilders.com](mailto:mike@pjcustombuilders.com)

Applicant is: Legal Owner

Title Holder of Property

Michael G. Smith

4346 Xerxes Ave N, Mpls, MN 55412

Signature of Owner, authorizing application:   
Mike Smith (Dec 8, 2025 12:44:54 CST)

(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Parcel ID No. 90-437-1650

Zoning District: Residential – Medium Density R-2 Shoreland

**Description of Proposed Project in detail:**

Proposed construction of a single-family residential dwelling designed as a slab-on-grade structure with attached garage, porch, and deck. The revised design eliminates basement excavation, reduces soil disturbance, and minimizes grading while maintaining the previously proposed footprint, setbacks, and architectural character. The project includes a new septic system and stormwater management designed to meet applicable City and environmental standards.

**Specify the section of the ordinance from which a variance is sought:**

Side yard setback requirements requiring **fifteen (15) feet** per side in the applicable zoning district.

**Explain how you wish to vary from the applicable provisions of the ordinance:**

The applicant requests a **side yard setback variance to allow eleven (11) foot setbacks on both side lot lines**, where fifteen (15) feet are otherwise required.

The variance is requested due to the narrow width of the legally platted lot, which limits the buildable area under strict application of current setback standards.

A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of property. 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 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.

**1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?**

Yes ( ☒ ) No ( ☐ )

**Why or why not?**

The purpose of side yard setbacks is to provide adequate separation between structures for safety, privacy, light, air circulation, and drainage. Granting the requested variance preserves more than twenty two (22) feet of total side yard separation, which maintains these objectives. The slab-on-grade design further supports ordinance intent by reducing excavation, limiting soil disturbance, and allowing improved surface water management.

---

**2. In your opinion, is the variance consistent with the Comprehensive Plan?**

Yes ( ☒ ) No ( ☐ )

**Why or why not?**

The Lake Shore Comprehensive Plan encourages environmentally responsible development that is compatible with surrounding residential areas. The revised slab-on-grade design reduces grading and soil disturbance, supports shoreline and environmental protection goals, and allows reasonable use of a legally platted residential lot.

---

**3. In your opinion, does the proposal put the property to use in a reasonable manner?**

Yes ( ☒ ) No ( ☐ )

**Why or why not?**

Strict application of the fifteen (15) foot side yard setbacks results in a buildable width of approximately twenty-two (22) feet, which is less than the City's minimum required structure width of twenty-four (24) feet. Variance relief is therefore necessary to allow any reasonable residential use of the property. The proposed dwelling represents a modest and functional residential use consistent with zoning expectations.

---

**4. What other options, either conforming or non-conforming, have been considered and why were those options not chosen?**

Other options considered included reducing overall structure size and width. However, even a dwelling built to the City's minimum structure width would still require setback relief due to the narrow lot width. The slab-on-grade design was selected as the most reasonable alternative because it significantly reduces environmental impact while maintaining functional residential use.

---

**5. Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.**

The proposed development will not negatively impact neighboring properties. Adequate spacing between structures is maintained, neighborhood scale and character are preserved, and stormwater management improvements will help reduce existing runoff impacts. The slab-on-grade design further minimizes construction-related disturbance to adjacent properties.

---

**6. In your opinion, are there circumstances unique to the property?**

Yes ( ☒ )   No ( ☐ )

**Why or why not?**

The property is a legally platted lot with a fixed and relatively narrow width compared to surrounding parcels. This physical constraint is unique to the property, predates the current ownership, and was not created by the applicant.

---

**7. In your opinion, will the variance maintain the essential character of the locality?**

Yes ( ☒ )   No ( ☐ )

**Why or why not?**

The proposed dwelling remains consistent with surrounding residential development in terms of scale, placement, and use. Granting the variance will not increase density, alter neighborhood character, or introduce a use inconsistent with the area.



---

**8. Discuss any environmental limitations of the site or area.**

The site's narrow width limits placement options for structures and stormwater management. Eliminating basement excavation significantly reduces soil disturbance and allows improved surface-level stormwater control. The proposed project will meet applicable stormwater standards and improve existing drainage conditions on the site.

---

**9. Please include any other comments pertinent to this request.**

This variance request is not economically driven, but is based on practical difficulty created by the physical limitations of a narrow, legally platted lot under current setback requirements. The revised slab-on-grade plan represents a good-faith effort to further reduce environmental impact while remaining consistent with City standards and neighborhood character.

The Board of Adjustment must make an affirmative finding on all criteria listed above to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria above have been satisfied.

# Variance Applicaton 12,8,25

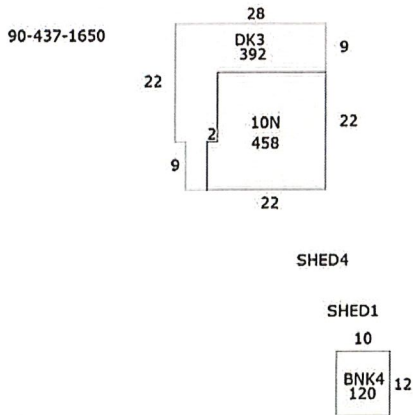
Final Audit Report

2025-12-08

Created:	2025-12-08
By:	Jason Smith (jason@pjcustombuilders.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADM6BaOEm7Hg7mbeH_fqpl7nrqjEUbxBr

## "Variance Applicaton 12,8,25" History

-  Document created by Jason Smith (jason@pjcustombuilders.com)  
2025-12-08 - 6:19:38 PM GMT- IP address: 174.20.0.194
-  Document emailed to Mike Smith (mike@pjcustombuilders.com) for signature  
2025-12-08 - 6:19:42 PM GMT
-  Email viewed by Mike Smith (mike@pjcustombuilders.com)  
2025-12-08 - 6:40:32 PM GMT- IP address: 75.231.52.213
-  Document e-signed by Mike Smith (mike@pjcustombuilders.com)  
Signature Date: 2025-12-08 - 6:44:54 PM GMT - Time Source: server- IP address: 140.248.30.105
-  Agreement completed.  
2025-12-08 - 6:44:54 PM GMT



Fee Owner: 73941 FALCO:  
BURTON, THOMAS J & VANESSA A  
Taxpayer: 73941 FALCO:FO  
BURTON, THOMAS J & VANESSA A  
13144 CURRY CT  
ROGERS MN 55374-8765  
Primary Address/911 #:  
8561 NOTTINGHAM RD  
LAKE SHORE

DISTRICTS:  
Twp/City : 90 LAKE SHORE CITY  
Plat : 437 TINGDALE BROS' SHERWOOD FOLOT 14 BLK 16  
School : 181 BRAINERD SCHOOL  
Lake : 11022200 MARGARET 17,20,29-135-29

LEGAL DESCRIPTION:  
Sec/Twp/Rge : 20 135.0 29 Acres: .00

ASSESSMENT DETAILS:		Acres	CAMA	Estimated	Deferred	Taxable
2025 Rcd: 1 Class: 151 Non-Comm Seasonal Residential Recreationa	Land	.38	401,318	401,300		401,300
Hstd: 0 seasonal	Building		49,348	49,300		49,300
MP/Seq: 90-437-1650 000	Total MKT		450,666	450,600		450,600
Own% Rel AG% Rel NA% Dsb%						
2024 Rcd: 1 Class: 151 Non-Comm Seasonal Residential Recreationa	Land	.38	311,475	311,500		311,500
Hstd: 0 seasonal	Building		45,731	45,700		45,700
MP/Seq: 90-437-1650 000	Total MKT		357,206	357,200		357,200
Own% Rel AG% Rel NA% Dsb%						
2023 Rcd: 1 Class: 151 Non-Comm Seasonal Residential Recreationa	Land	.38	401,318	401,300		401,300
Hstd: 0 cabin	Building		45,552	45,600		45,600
MP/Seq: 90-437-1650 000	Total MKT		446,870	446,900		446,900
Own% Rel AG% Rel NA% Dsb%						

ASSESSMENT SUMMARY:												
Year	Class	Hstd	Land Mkt	Land Dfr	Building	Total Mkt	Total Dfr	Limited Mkt	Limited Dfr	Exemptions	Taxable	New Imp
2025	151	0	401,300	0	49,300	450,600		450,600			450,600	0
2024	151	0	311,500	0	45,700	357,200		357,200			357,200	0
2023	151	0	401,300	0	45,600	446,900		446,900			446,900	0

CAMA LAND DETAILS:												
Land market: 90	LAKESHORE CITY											
Neighborhood: 90222A	MARGARET-431;434;437;438;451;4	1.00										
COG: 73941	1 Ac/FF/SF: .38											
Wid: .00	Dth: 300.00											
Land/Unit Type	Units	Qlt/Acc	-Other- OV	Base Rate	Adj Rate	Value Asmt Cd	Acreage	PTR	Value	Improvement	CER	Factors
SL	UN	1.00		12000.00	12000.00	12000 1 151						
		1.00				SV						
222A	FF	55.00 2		6500.00	7078.50	389318 1 151	.38					
		55.00				OV						
Front feet:		55.00										
				Totals:		401,318						

Mineral:

CAMA SUMMARY:												
Schedule: 2025	Quintile date: 10/10/2023	Insp/By/Cmp: 10/10/2023	AH									
Neighborhood: 90222A	MARGARET-431;434;437;438;451;4											
Nbr Typ Subtype	Description	Wid	Len	Size	Class	Qlt	H/G	Est Value	New Imp	Class Code		
1 RES 1-3				458	035			45,608	0	151		
2 OTH BNK HSE		10	12	120	4			3,240	0	151		

3 OTH SHED	1	4	500	0	151
4 OTH SHED	1	1		0	151
Estimated land value :			401,318		
Mineral value . . . . :					
Improvement value . . . :			49,348		
Total value . . . . . :			450,666		

CAMA IMP DETAILS: 1 RES 1-3  
 House/Garage: Schedule: 2025  
 Construction class/Quality: 035  
 Actual/Effective year built: 1965  
 Condition:

DEPRECIATION PCT GOOD FACTORS:  
 Physical: RES .71  
 Functional incurable . . .  
 Economic: 90222A 1.35  
 Additional . . . . .  
 Total percent good . . . . .96

NOTES: -----

----	Characteristics/Areas	---	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
010	MEASURED	Y	YES															
020	VIEWS	Y	INTERIOR															
030	COLOR	TAN	TAN/BEIGE															
040	CONSTRUCTN	1	FRAME															
050	FOUNDATION	3	PIERS															
060	EXT WALLS	VYN	VINYL LAP															
070	ROOF TYPE	1	GABLE															
080	ROOF MAT	1	ASPHLT SHG															
090	WINDOWS	3	COTTAGE															
100	FURN TYPE	7	SPACE HTR															
110	FUEL TYPE	1	PROPANE															
120	ELEC SERV	7	UNKNOWN															
130	WELL	Y	YES															
140	SEPTIC	Y	YES															
150	INT WALL	2	KP/CEDAR															
160	INT FLOOR	1	CPT/VINYL															
170	# BATHS	1	=1															
180	# BEDROOMS	1	=1															
300	STYLE	RAM	RAMBLER															
BAS	BASE AREA	035	D3.5			458				91.00	41,678	1			1.00			39,969
DK	DECKING	3	W/RAIL			392				15.00	5,880	1			1.00			5,639
Effective BAS rate:					87.27	Totals:					47,558							45,608
Ground floor area:					458													
Gross floor area:					458													

CAMA IMP DETAILS: 2 OTH BNK HSE  
 House/Garage: Schedule: 2025  
 Construction class/Quality: 4  
 Actual/Effective year built:  
 Condition:

DEPRECIATION PCT GOOD FACTORS:  
 Physical: 1.00  
 Functional incurable . . .  
 Economic: 90222A 1.35  
 Additional . . . . .  
 Total percent good . . . . .1.35

NOTES: -----

----	Characteristics/Areas	---	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
BAS	BUNK HOUSE	4	OLDR	SM FT	10	12				20.00	2,400	1			1.00			3,240
Effective BAS rate:					27.00	Totals:					2,400							3,240
Ground floor area:					120													
Gross floor area:					120													

CAMA IMP DETAILS: 3 OTH SHED  
 House/Garage: Schedule: 2025  
 Construction class/Quality: 4  
 Actual/Effective year built:  
 Condition:

DEPRECIATION PCT GOOD FACTORS:  
 Physical: 1.00  
 Functional incurable . . .  
 Economic: 90222A 1.00  
 Additional . . . . .  
 Total percent good . . . . .1.00

NOTES: -----

----	Characteristics/Areas	---	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
BAS	SHED	4	POOR/MISC		1					500.00	500	1			1.00			500
Effective BAS rate:					500.00	Totals:					500							500
Ground floor area:					1													
Gross floor area:					1													

CAMA IMP DETAILS: 4 OTH SHED  
 House/Garage: Schedule: 2025  
 Construction class/Quality: 1  
 Actual/Effective year built:  
 Condition:

DEPRECIATION PCT GOOD FACTORS:  
 Physical: 1.00  
 Functional incurable . . .  
 Economic: 90222A 1.00  
 Additional . . . . .  
 Total percent good . . . . .1.00

NOTES: -----

----	Characteristics/Areas	---	Wid	Len	Units	Str	Fdt	Wal	OV	Rate	RCN	Sum	PD	Curable	%Cmp	%New	New Imp	RCNLD
_BAS SHED	1	NO VALUE			1													

Effective BAS rate:	.00	Totals:
Ground floor area:	1	
Gross floor area:	1	

Field check value:

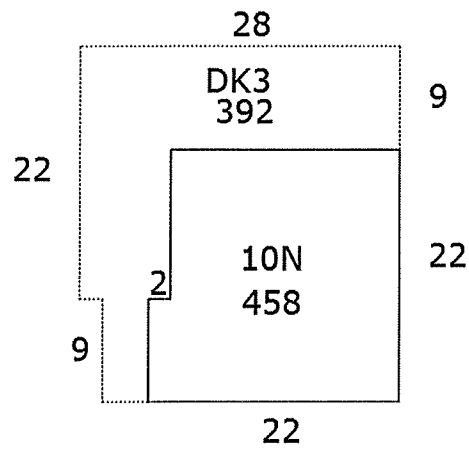
Appraiser's initials:

Date of inspection:



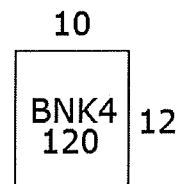


90-437-1650



SHED4

SHED1



Sketch by Apex Sketch



Outlook

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**Fw: PUBLIC HEARING - CITY OF LAKE SHORE - 01.12.2026 - SMITH**

---

**From** Nicole Hausmann <Nicole.Hausmann@sourcewell-mn.gov>

**Date** Mon 12/29/2025 8:20 AM

**To** Summit Corp <summitdevmn@gmail.com>

Good morning Seth,

Please see the comments below from the City Engineer. You will be required to provide an updated stormwater management plan that meets all requirements.

Thank you,

**Nicole Hausmann** | Community Development Administrator

**Office:** 218-541-5538

**Website:** [mn.sourcewell.org](http://mn.sourcewell.org)



---

**From:** Alex Bitter <Alex.Bitter@widseth.com>

**Sent:** Monday, December 29, 2025 7:44 AM

**To:** Nicole Hausmann <Nicole.Hausmann@sourcewell-mn.gov>

**Cc:** Laura Fussy <lfussy@cityoflakeshore.gov>

**Subject:** RE: PUBLIC HEARING - CITY OF LAKE SHORE - 01.12.2026 - SMITH

**EXTERNAL**

Good Morning Nicole,

- They need to meet ordinance 17.3.3.1 and 17.3.3.2
- Detail the overflow for the runoff areas.
- The well location must meet the well isolation distance requirements.
- Its also not recommended to have a stormwater retention area within 10' of a foundation.

Thank you,

**Alex Bitter, PE**

Civil Engineer, VP

218-316-3627

7804 Industrial Park Road

Baxter, MN 56425



[Widseth.com](http://Widseth.com)

File Transfer | [Click here to transfer large files](#)

**50 Best Places to Work** (*Prairie Business Magazine, 2025*)

---

**From:** Nicole Hausmann <Nicole.Hausmann@sourcewell-mn.gov>  
**Sent:** Tuesday, December 23, 2025 8:23 AM  
**To:** Alex Bitter <Alex.Bitter@widseth.com>  
**Cc:** Laura Fussy <lfussy@cityoflakeshore.gov>  
**Subject:** PUBLIC HEARING - CITY OF LAKE SHORE - 01.12.2026 - SMITH

Good morning Alex,

I have attached a copy of the variance application, which includes a stormwater management plan. This application was heard on October 13 by the BOA, and they are returning to the Planning Commission with an updated proposal. Can you please review the stormwater plan and provide any comments or feedback by Friday, 1/2.

Hope you have a Merry Christmas!

Thanks,  
Nicole

**Nicole Hausmann** | Community Development Administrator

Office: 218-541-5538

Website: [mn.sourcewell.org](http://mn.sourcewell.org)

**Sourcewell** 

Smith VAR

ANDERSON, MARK & ANDERSON, BARBARA  
8619 INTERLACHEN RD  
LAKE SHORE MN 56468-8730

JOAN R MOE REVOC TRUST AGMT  
620 ALDRICH DR UNIT 340  
CHANHASSEN MN 55317-0080

VAN DE PUTTE, CHRIS A  
4852 BAYWOOD RD  
BAXTER MN 56425-8229

BATKO, CHARLES W &  
LUNDBERG, KATHLEEN M  
4944 QUEEN AVE S  
MINNEAPOLIS MN 55410-1909

MCCALL, CRAIG  
2501 CROSBY RD  
WAYZATA MN 55391-2317

BERG, LORI A  
8601 INTERLACHEN RD  
LAKE SHORE MN 56468-8730

NIGON, SAMUEL & HOLLY A  
8534 NOTTINGHAM RD  
LAKE SHORE MN 56468-8716

CARBONE, JOHN A & ROBIN F, TRUSTEES  
8547 NOTTINGHAM RD  
LAKE SHORE MN 56468-8716

OGREN, GARY D  
8597 INTERLACHEN RD  
LAKE SHORE MN 56468-8700

CITY OF LAKE SHORE  
8583 INTERLACHEN RD  
LAKE SHORE MN 56468-8700

PRIES, TODD A & BARBARA J  
6898 ALPINE TRL  
EDEN PRAIRIE MN 55346-3737

FRAWLEY, STEPHEN & VICKI  
8539 NOTTINGHAM RD  
LAKE SHORE MN 56468-8716

ROSS, ZACHARY R & BECKMANN, KATIE L  
973 BIG WOODS DR  
DELANO MN 55328-4404

FROVIK, TERRY J; GUSTAFSON, PAULINE  
AS TRUSTEES  
8558 NOTTINGHAM RD  
LAKE SHORE MN 56468-8716

SMITH, COLE T  
7009 SHADOW LN  
BRAINERD MN 56401-7066

GREHL, WILLIAM  
8575 NOTTINGHAM RD  
LAKE SHORE MN 56468-8716

SMITH, MICHAEL GUY  
4346 XERXES AVE N  
MINNEAPOLIS MN 55412-1023

HALL, CRAIG  
3910 BOONE AVE N  
NEW HOPE MN 55427-1027

SWENSON, MICHAEL J  
1650 FOUR OAKS RD  
EAGAN MN 55121-6803

HAMMAN, MARK W, TRUSTEE  
1816 QUAIL AVE N  
GOLDEN VALLEY MN 55422-4114

SWENSON, MICHAEL J & JANE E, TRSTEE  
1650 FOUR OAKS RD  
EAGAN MN 55121-6803

## Land Use Ordinance Updates

### 1. Definitions: Amendment 2026-01 (or Report "Definitions" 2026)

**Update – Maintenance:** The normal upkeep of a structure including **but not limited to** the replacement of **decks and stairways provided there is no expansion of the original footprint**, windows, siding, roofs, non-bearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.

**Update – Deck:** ~~A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features attached or functionally related to a principal use or site and at any point extending three feet above the ground. An uncovered patio of less than four square feet shall be allowed.~~ **A horizontal, unenclosed platform, on the ground or raised above the ground, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. This does not include on-grade walks and stairs four feet or less in width.**

**Add – Driveway:** A private road providing access to no more than two residential lots.

**Add – Ice Ridge, Annual:** A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

**Add – Pervious Surface:** A surface that allows inflow of rainwater into the underlying construction or soil, including permeable/pervious pavers.

**Update – Principal Structure or Use:** The single primary structure or use on a lot, as distinguished from accessory uses or structure. **To be considered a principal structure, the structure must be at least 400 square feet in area and must be utilized for the purpose of the principal use of the property.**

**Update – Recreational Vehicle:** ~~Vehicles for recreational use that can be driven, towed or hauled. These vehicles are designed to be a temporary living space for camping or travel use. RV's shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.~~ **A motorized vehicle designed and used for recreational purposes and enjoyment and non-motorized vehicles or equipment designed to attach thereto and be drawn or propelled thereby, including, but not limited to, snowmobiles, all-terrain vehicles, boats, boat trailers, travel trailers, truck campers, camping trailers, and self-propelled motor homes, and other recreational motor vehicles as defined by Minnesota Statutes, Section 84.90.**

**Update – Shore Impact Zone 1 (SIZ 1):** Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50% of the ~~normal~~ **required** structure setback.

**Add – Shore Impact Zone 2 (SIZ 2):** Land located between Shore Impact Zone 1 and the structure setback line.

**Add – Patio:** An open recreational area at ground level adjacent to a dwelling, or free standing that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.

**Add – Firepit:** A pit/hole dug into the ground or a free-standing metal vessel in which a contained outdoor fire is made.

**Add – Rear Lot Zone:** Land located between the structure setback line and the landward boundary of the shoreland district.

**Add – Runoff:** That portion of precipitation draining from an area as surface flow.

**Add – Beach Sand Blanket:** The deposition of sand placed to create or enhance a beach area landward of the ordinary high-water level (OHWL).

**Update: Section 71.2.1** - The subdivider shall submit ~~fifteen (15) copies~~, **one (1) 11x17 copy, and one (1) electronic copy** of the sketch plan, fourteen (14) days prior to the normal Planning Commission meeting, and request a position on the formal agenda.

**Update: Section 71.4.3** - The subdivider shall submit ~~fifteen (15) copies~~, **one (1) 11x17 copy, and one (1) electronic copy** of the proposal to the Zoning Administrator thirty (30) days prior to the normal Planning Commission meeting, and pay the corresponding fee.

**Update: Section 71.5.1** – The subdivider shall submit ~~fifteen (15) copies~~, **one (1) 11x17 copy, and one (1) electronic copy** of the proposed plat or condominium plat to the Zoning Administrator thirty (30) days prior to the normal Planning Commission meeting, pay the required fees, and request a public hearing.

**Update: Section 71.6.1** – The subdivider shall submit ~~fifteen (15) copies~~, **one (1) 11x17 copy, and one (1) electronic copy** of the Final Plat, Final Common Interest Community Plan or Final Condominium Plat and concurrent documents to the Zoning Administrator thirty (30) days prior to the normal Planning Commission meeting.



**Remove:** Section 15.2 (table): Accessory Structure Size – 1% increase for lot area over 40,000 sq. ft.

**Update: Section 15.2 & 17.2 (tables):** Lot width w/guest cabin, living quarters or duplex – feet/minimum

**Update: Section 36.1.4:** Any alterations of the natural topography when the slope of the land is toward a public water or watercourse involving the movement of more than 10 cubic yards of material in a bluff or Shore Impact Zone or more than 50 cubic yards of material anywhere else within a shoreland area.:

- 1) SIZ 1 – (cumulative from natural state):
  - a) Less than 10 CY requires a permit, excluding annual ice ridge removal meeting all standards of ()
  - b) More than 10 CY, less than 50 CY, requires a CUP;
  - c) Greater than 50 CY excluded.
- 2) SIZ 2
  - a) Less than 50 CY requires a permit;
  - b) More than 50 CY requires a CUP;
- 3) Outside Lake Setback
  - a) Less than 100 CY is allowed without a permit
  - b) 100 CY or more requires a permit

**Update: Section 36.2.1- Grading** – Beach Sand Blankets allowed with permit per Matrix Table

**Add: Beach Sand Blankets:**

- A. Beach sand blankets are not feasible or allowable on every lot. This includes, but is not limited to, properties with wetlands, bluffs, steep slopes greater than 24%, and seepage areas.
- B. Beach sand blankets on residential lots above the OHWL shall not exceed 20 feet in width parallel to the shoreline. The beach sand blanket shall not exceed 20 cubic yards of sand within the 20-foot area and requires a permit.
- C. Only one addition of not more than 10 cubic yards of sand may be placed on existing beach areas on residential lots with a permit for perpetuity, regardless of ownership.
- D. Beach sand blankets on Waterfront Commercial properties shall not exceed 50 feet in width and 50 cubic yards of volume.

- E. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all beach sand blankets to prevent erosion from upland runoff.
- F. All activity below the OHWL requires applicable Minnesota DNR and any additional state, federal agency approval and permits.

**Update: Section 36.6 – Ice Ridges** – If ice ridges occur annually, the property owner may restore the shoreline every year with a permit, **meeting all performance standards as outlined below, and not exceeding 10 cubic yards of removed material**. Removal or grading of an ice ridge must not disturb emergent aquatic vegetation, unless authorized by an aquatic plant management permit from the Department of Natural Resources Division of Fisheries. **Grading protected wetlands is prohibited unless authorized by Federal, State, County, and Local permitting agencies**. Restoration shall be permitted only where:

**Update: Section 36.7 – Riprap** – The City of Lake Shore considers the use of rip rap only as a last resort to control shoreline erosion. The DNR area hydrologist should be consulted to determine whether a need to riprap exists. Methods other than riprap should be used, including the planting of native, deep-rooted vegetation. If riprap has been found to be the only tool available, **a permit is required from the city**, and riprap installation shall have the following standards:

**Update: Section 54.1.24 – Variance requests for SSTS** – The City does not allow or grant variances from Minnesota rule 7080-7083. **Does the city want to change?**

**Update: Section 72.2** - Whenever any work, use, or division of land for which a formal application and City approval is required has been commenced without first making such application and without receiving City approval, ~~therefore~~, a special investigation of the circumstances shall be made. Because of the extra administrative costs involved in the special investigation, the minimum application fee for after-the-fact application shall be no less than five (5) times all fees as set forth in the basic fee schedule, ~~not to exceed \$1,000.00 per request~~, whether or not the application is thereafter approved or denied. Payment of an after-the-fact application fee shall not constitute approval or authorization of the work, use or division of the land, and shall not constitute a penalty or a waiver of the right of the City to institute civil or criminal legal action against the applicant for commencing such work, use or division of land without the required prior approval of the City. All fees are non-refundable after work has begun on the application. **(Can language be added about a “sanction/penalty fee” approved by the City Council or PCBOA?) This section needs to be reviewed and guidance provided by the City Attorney.**



**Update: Short Term Rental (Laura - clerk) 47.3.11 Annual Quarterly** Report. Each permittee shall **annually** provide the city with a written report **at the end of every permit term on a quarterly basis, prior to the start of each quarter.** The report shall include a copy of guest records for each stay.

**Add:** Consider adding to the city code a provision for R-2, if the parcel is split with a road, impervious surface coverage is 25% for each section or add language that a stormwater management plan is allowed at the discretion of the Administrator.

**\*\*LAND USE MATRIX TABLE – UPDATES ON SEPARATE DOCUMENT \*\***

A- allowed w/o a permit, P - permitted, C- conditional use, AC - accessory use, E - excluded

*All uses and structures must meet all other requirements of the ordinance.									
<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>	
Abandoned Building	E	E	E	E	E	E	E	E	
Abandoned Motor Vehicle	E	E	E	E	E	E	E	E	
Accessory Structure	P	P	E	AC	AC	AC	AC	AC	
Adult Use	E	E	E	E	E	E	C	E	
Agricultural Use	A	A	A	E	E	E	E	E	
Airport	C	C	E	E	E	E	E	C	
Animals, Domestic	A	A	A	A	A	A	A	A	
Animals, Food	A	A	A	C	E	E	E	E	
Animals, Wild	E	E	E	E	E	E	E	E	
Animal Boarding Facility	C	C	E	E	E	E	C	E	
Animal Grooming Establishment	C	C	E	C	C	C	C	E	
Animal Husbandry	A	A	E	E	E	E	C	E	
Antenna	P	P	E	P	P	P	P	P	
Apartment	C	C	E	C	C	C	C	E	
Artist's Studio	AC	AC	E	AC	AC	AC	AC	E	
Auto Salvage Yard	E	E	E	E	E	E	E	E	
Banner	AC	AC	E	AC	AC	AC	AC	AC	
Beach Sand Blanket	P	P	P	P	P	P	P	P	
Bed and Breakfast	C	C	E	C	C	C	E	C	
Billboards	E	E	E	E	E	E	E	E	
Boat Access	E	E	E	E	E	C	E	C	
Boat House	E	E	E	E	E	E	E	E	
Breezeway	P	P	E	P	P	C	C	P	
Campground/RV Park	C	C	E	E	E	C	E	C	

A - allowed w/o a permit, P - permitted, C - conditional use, AC - accessory use, E - excluded

<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Camping	A	A	E	A	A	A	E	E
Cannabis Cultivation	C	E	E	E	E	E	E	E
Cannabis /Hemp Manufacturer	C	E	E	E	E	E	E	E
Cannabis Retail Business	E	E	E	E	E	E	C	E
Cannabis Transportation/Delivery	C	E	E	E	E	E	E	E
Cannabis Wholesale	C	E	E	E	E	E	E	E
Lower-Potency Hemp Edibles	E	E	E	E	E	A	A	E
Cemetery	C	C	E	E	E	E	E	C
Child Care, Center (1)	C	C	E	C	C	C	C	C
Child Care, Family Home (2)	A	A	E	A	A	C	C	A
Church	C	C	E	C	C	C	C	C
Commercial Use (Other, Not Classified)	E	E	E	E	E	C	C	E
Community Park	A	A	A	A	A	A	A	A
Conservation Development	C	C	E	C	C	C	C	E
Controlled Access Lot	E	E	E	E	E	E	E	E
Deck or Patio	AC	AC	E	AC	AC	AC	AC	AC
Dock	A	A	A	A	A	A	A	A
Dormitory	C	C	E	E	P	E	E	E
Duplex, Triplex or Quad	C	C	E	C	C	C	C	E
Dwelling, Multi-Family	C	C	E	C	C	C	C	E
Dwelling, Single-Family	P	P	E	P	P	C	C	E
Dwelling, Townhouse	P	C	E	C	C	C	C	E
Exterior Storage	AC	AC	E	AC	AC	AC	AC	AC
Extractive Use-Gravel Pit	C	C	E	E	E	E	E	E
Feedlot	E	E	E	E	E	E	E	E





\*All uses and structures must meet all other requirements of the ordinance.

USE	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential - Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Grading	AP*	AP*	C*	APC*	APC*	APC*	AP*	AP*
Grading: Ice Ridge, Annual	E	E	E	E	APC*	APC*	E	E
Group Care Facilities	C	C	E	C	C	E	C	C
Guest Cabin	AC	AC	E	AC	AC	AC	E	E
Guest Quarters	AC	AC	E	AC	AC	AC	E	E
Home Occupation, Type 1	A	A	E	A	A	A	A	E
Hotel	E	E	E	E	E	C	C	E
Industrial Use-Heavy	E	E	E	E	E	E	E	E
Industrial Use-Light	C	C	E	E	E	E	C	E
ISTS	P	P	P	P	P	P	P	P
Junk Yard	E	E	E	E	E	E	E	E
Landfill	E	E	E	E	E	E	E	E
Landscaping	A	A	E	A	A	APC	APC	APC
Logging	A	A	E	E	E	E	E	A
Manufactured Home	P	P	E	P	P	P	P	E
Marina	E	E	E	E	E	C	E	E
Motel	E	E	E	E	E	C	C	C
Nursery	C	C	E	E	E	E	C	E
Nursing Home	C	C	E	C	E	C	C	C
Open Storage	A	A	E	C	C	C	C	P
Planned Unit Development, Commercial	E	E	E	E	E	C	C	E
Planned Unit Development, Residential	C	C	E	C	C	C	C	E
Porch	AC	AC	E	AC	AC	AC	AC	AC
Recreational Vehicle	A	A	E	A	A	A	A	E
Resort	E	E	E	E	E	C	C	E

\*All uses and structures must meet all other requirements of the ordinance.

<u>USE</u>	<u>Rural Residential/ Agricultural</u>	<u>Wooded Residential</u>	<u>Open Space</u>	<u>Residential - Low Density</u>	<u>Residential Medium- Density</u>	<u>Commercial Waterfront</u>	<u>Neighborhood Commercial</u>	<u>Public Ownership</u>
Restaurant	E	E	E	E	E	C	C	C
Retaining walls	E	E	E	E	P	P	E	E
Rip Rap	E	E	E	E	P	P	E	E
Signs, Directory	P	P	E	P	P	P	P	P
Signs, Dynamic	E	E	E	E	E	C	C	E
Signs, Offsite	E	E	E	E	E	E	E	E
Signs, Onsite	AC	AC	E	AC	AC	AC	AC	AC
Signs, Portable	A	A	E	E	E	A	A	A
Temporary Structure	A	A	E	A	A	A	A	A
Tower	C	C	C	E	E	E	C	C
Vegetation Removal, Clear Cutting	C	C	C	E	E	E	E	C
Vegetation Removal, Open	A	A	C	E	E	E	E	C
Vegetation Removal, Selective	P	P	P	P	P	P	P	P
Water Oriented Accessory Structure or Facility	E	E	P	P	P	P	E	P
Warehousing	AC	AC	E	AC	E	AC	AC	AC
Warehousing, Commercial	AC	AC	E	E	E	E	C	E
Wedding Venue	C	C	E	E	E	E	C	E

\*In Shore Impact Zone (cumulative from natural state):

More than 10 CY, Less than 50 CY requires a CUP

Greater than 50 CY excluded

In Lake Setback outside of Shore Impact Zone

Less than 50 CY requires a permit

More than 50 CY requires a CUP

Outside of Lake Setback

Less than 100 CY is allowed

100 CY or more requires a CUP



**CITY OF LAKE SHORE  
PERMIT SUMMARY  
DECEMBER 2025**

**DWELLINGS: 0**

**GUEST CABIN: 0**

**ADDITIONS (Residential): 2**

**ACCESSORY STRUCTURES: 1**

**DECKS/PORCHES/PATIOS: 1**

**SEPTIC SYSTEMS: 0**

**GRADING/ShORELINE ALT/STEPS: 0**

**COMMERCIAL (new): 0**

**COMMERCIAL ADD/LANDCAPING/PORCH: 0**

**SEPTEMBER 2025 PERMIT TOTAL YTD: 71**