

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
NOVEMBER 12, 2024
9:00 AM**

Commission Members in attendance: Chair Jim Woll, Sean Weldon, PJ Smith, Alex Kuhn; Alternate Dave Reigert; Council Liaison John Terwilliger; City Engineer Dave Reese; City Zoning Administrator Teri Hastings, and City Clerk Laura Fussy. Also present was Alternate Kevin Egan. Absent were Commission Member Pat Hastings and Alternate TJ Graber. A quorum was present, and the Commission was competent to conduct business. There were two people in the audience.

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

Approval of the September 9, 2024, Regular Meeting Minutes – MOTION BY PJ SMITH AND SECONDED BY ALEX KUHN TO APPROVE THE MINUTES FOR THE SEPTEMBER 9, 2024, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING –

Variance – Jeremy Wiczek - Jeremy Wiczek requests a variance for the purpose of constructing a two-story 720 square foot addition to the existing principal structure at a setback of 36' from the County 29 Right-of-Way. The proposed addition will meet the 75' lake setback and all other ordinance requirements. The property is described as Lot 2, Block 1 of Hendrickson Addition to Lake Shore (site address is 1037 County 29) and is zoned medium density residential.

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments and staff report. There was one email from Cass County Darrick Anderson stating there were no issues with the Right of Way. There were no other written comments or inquiries received regarding this application from the public or the DNR.

Jeremy Wiczek and Dan Miller with Miller Construction came before the Commission to briefly explain his request and answer any questions. Dan Miller stated they are planning on improvements to better manage the stormwater on site. He also stated the addition should not have impact on the neighbors since the addition is to the rear of the property. They will not be clearing and additional trees between the addition and County 29.

Teri's staff report indicated the following:

The applicant would like to construct an 18'x40' two story addition onto the existing structure at a setback of 36' from the County Right of Way. The city's setback from a county right of way is 50'. The lower level of the addition will be garage area and the upper level will be living space. The proposed addition will meet all other setback requirements.

Elevation drawings have been submitted. The addition will match the existing structure appearance and roofline. There will need to be some excavation into the hillside to accommodate the addition.

The survey shows the impervious surface at 20.8% and with the proposed addition and additional driveway area it will be at 24.35%. A stormwater plan has been submitting. The stormwater plan shows an area for water retention and the use of gutters.

The septic system is less than 5 years old and is sized for a 6-bedroom home which does accommodate the proposed addition.

The variance was sent to Darrick Anderson, Cass County Highway Engineer for his review and input. Below are his comments.

Good Morning Teri,
I do not have any concerns with the proposed impact to the City's setback from our ROW.
Thank you,
Darrick Anderson, PE
County Engineer

The proposed addition is the most logical location to add additional space due to the current building architectural style. There is adequate area to add to the structure to the east, but it would not be practical due to the style of the existing structure.

Dave Reese had no issues with the variance request.

STAFF DIRECTION:

The Planning Commission may decide to approve the application, deny the application, or table the application if further information is required. If the decision is for approval or denial the findings of fact should be cited (listed below).

If the variance is approved the following conditions should be included:

- Screening should remain between the County ROW and the addition.

FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and (the architectural style of the existing structure makes it difficult to construct an addition without major renovation of the existing structure).
- 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 landowner, and
- 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 (the addition will not impact the use of the county row nor will it visually impact area).
- The Variance will not create a land use not permitted in the zone, and (the proposed use is an approved use within the R-2 zoning district).
- The Variance will not alter the essential character of the locality, and (as stated in the application the proposed addition would not impact the adjacent properties and is in an area of least impact. It would not impede views or impact future usage of the County ROW).
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

RECOMMENDATION:

Recommend approval of the variance as the use as a garage and guest quarters are typical residential uses and the property does have unique characteristics in shape and topography not created by the landowner.

MOTION BY PJ SMITH AND SECONDED BY SEAN WELDON TO APPROVE THE VARIANCE REQUEST OF JEREMY WICZEK AT 1037 COUNTY 29 BASED ON THE FOLLOWING FINDINGS OF FACT AND THE CONDITION THAT THE SCREENING BETWEEN THE ROW AND ADDITION REMAIN INTACT:

FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and (the architectural style of the existing structure makes it difficult to construct an addition without major renovation of the existing structure).
- 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 landowner, and
- 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 (the addition will not impact the use of the county row nor will it visually impact area).
- The Variance will not create a land use not permitted in the zone, and (the proposed use is an approved use within the R-2 zoning district).
- The Variance will not alter the essential character of the locality, and (as stated in the application the proposed addition would not impact the adjacent properties and is in an area of least impact. It would not impede views or impact future usage of the County ROW).
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

MOTION PASSED.

Variance – Kent Klopfenstein - Kent Klopfenstein requests a variance to demolish the existing 800 square foot garage and rebuild it in the same footprint with the addition of guest quarters above. A variance is needed from the wetland, road right-of-way and sideyard. The property is described as Lot 7, Pine Harbor (site address 9148 Pebble Beach Road) and is zoned Medium Density Residential.

The following documents became part of the record – Notice of mailing, notice of publication of public hearing, signed application and attachments and staff report. There was one email from Cass County Darrick Anderson stating there were no issues with the Right of Way. There were no other written comments or inquiries received regarding this application from the public or the DNR.

Kent Klopfenstein came before the Commission to briefly explain his request and answer any questions.

Teri's staff report indicated the following:

The applicant is requesting a variance to demolish the existing garage and to rebuild a new garage with the same footprint and setback but with a second story containing guest quarters. The existing garage is nonconforming due to setbacks from the right of way, sideyard and wetland. The original garage was constructed in 1988 without a variance. Since that time, the city has implemented a setback from wetlands.

The setback from a wetland is 30', the sideyard setback is 15', the setback from a city street is 30' from the right of way. The property is unique since the lot encompasses the right of way of Pebble Beach Road (see original plat included).

The building envelope on the western part of the property is limited for a conforming structure. The toe of the existing mound system along with some landscaping features are currently located within the right of way.

The impervious surface of the property will not change with the rebuild of the garage per the surveyor's note. Historically, staff has eliminated the right of way from the lot area and then excluded the roadway from the impervious surface calculation. This calculation is shown on the survey is 23%.

Elevation drawings have been included for the new garage with guest quarters. The guest quarters is limited to 700 square feet per the new DNR requirement.

Since the proposed garage will have guest quarters; a site evaluation and design has been performed. Due to the limited space on the property, a holding tank serving just the guest quarters has been proposed. A management plan for the system has been submitted.

The survey shows there is parking in front of the proposed garage along with a parking pad on the east side of Pebble Beach Road.

Jim asked if there would be any issues regarding the future survey work that Widseth will be doing on Pebble Beach due to drainage problems. Dave stated there should not be.

STAFF DIRECTION:

The Planning Commission may decide to approve the application, deny the application, or table the application if further information is required. If the decision is for approval or denial the findings of fact should be cited (listed below).

If the variance is approved the following conditions should be included:

- The mound system (including the toe) should be fenced off during demolish and construction to protect it.
- No filling of wetland without proper permits from the Cass County Soil & Water Conservation District (SWCD).

FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and
- 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 landowner, and (the lot is dissected by a roadway creating less building area and the property contains wetland area further diminishing the building envelope).
- 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 (the proposed home will fit in with the neighborhood, similar type houses and setbacks).
- The Variance will not create a land use not permitted in the zone, and (the uses as proposed

are a permitted land use within the R-2 zoning district)

- The Variance will not alter the essential character of the locality, and (the improvements as proposed will not alter the essential character as stated by the applicant).
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

Jim asked if there would be any issues regarding the future survey work that Widseth will be doing on Pebble Beach due to drainage problems. Dave stated there should not be.

MOTION BY SEAN WELDON AND SECONDED BY PJ SMITH TO APPROVE THE VARIANCE REQUEST OF KENT KLOPFENSTEIN AT 9148 PEBBLE BEACH ROAD BASED ON THE FOLLOWING FINDINGS OF FACT:

- The applicant establishes that there are practical difficulties, as defined in this Ordinance, in complying with the official controls, and
- 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 landowner, and (the lot is dissected by a roadway creating less building area and the property contains wetland area further diminishing the building envelope).
- 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 (the proposed home will fit in with the neighborhood, similar type houses and setbacks).
- The Variance will not create a land use not permitted in the zone, and (the uses as proposed are a permitted land use within the R-2 zoning district)
- The Variance will not alter the essential character of the locality, and (the improvements as proposed will not alter the essential character as stated by the applicant).
- The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

MOTION PASSED.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Dave Reese updated the Planning Commission on the 2024 Road/Wastewater projects and completion date. Dave also discussed the Fritz Loven Bridge project that is currently still under review at the state level. Jim asked Dave about the portion of the trail being staked. That portion is in the City of Nisswa and will be completed in 2025.

Chair – Jim Woll had nothing to report.

Council Liaison – John Terwilliger had nothing to report.

Zoning Administrator – Teri Hastings said she nothing additional to share.

PUBLIC FORUM –

MOTION BY SEAN WELDON AND SECONDED BY ALEX KUHN TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF NOVEMBER 12, 2024, AT 9:16 AM. MOTION PASSED.

Transcribed by Laura Fussy
Lake Shore City Clerk