

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
SEPTEMBER 14, 2026
9:00 AM**

Commission Members in attendance: Commission Chair PJ Smith, Dave Riegert, Sean Weldon, TJ Graber, and Alternate Kevin Egan; Council Liaison Andrew Stewart; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; Clerk/Administrator Laura Fussy; and Deputy Clerk Kathy Johansen. Member Alex Kuhn arrived late. A quorum was present, and the Commission was competent to conduct business. There were thirteen people in the audience.

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

Approval of the August 10, 2026, Regular Meeting Minutes – MOTION BY DAVE RIEGERT AND SECONDED BY SEAN WELDON TO APPROVE THE MINUTES FOR THE AUGUST 10, 2026, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING –

MOTION BY KEVIN EGAN AND SECONDED BY TJ GRABER TO OPEN THE PUBLIC HEARING AT 9:02 AM. MOTION PASSED.

Variance Application 09-26 –(5a) from Tabled August 10, 2026 meeting (5a): Pfannenstien, Dwight & Bonfig, Amy variances to construct additions to the existing structure that do not meet the lake setback or the road right-of-way setbacks and impervious surface coverage. PID #90-400-0020.

The applicant is requesting the following variances:

1. To construct a 558 square foot addition (west side) of the existing garage (with an additional 76 square feet to the front of the garage) and an upper-level addition (A-frame with livable space) connecting the dwelling and garage to an existing legal non-conforming dwelling.
 - a. The garage addition will be located 70 feet from the Ordinary High-Water Mark (OHW), where 75 feet is required.
 - b. The upper (A-frame) addition will be located 64.8 feet from the Ordinary High-Water Mark (OHW), where 75 feet is required.
 - c. The addition will be located 28.3 feet from the road right-of-way setback, where 30 feet is required.
2. To construct a 300 square foot addition (South side) to an existing legal non-conforming dwelling.
 - a. The addition will be located 26.2 feet from the road right-of-way setback, where 30 feet is required.
3. To allow impervious surface coverage of 25.3%, where 25% is allowed by Ordinance.

*All per the updated Certificate of Survey and drawings provided with the application on 8/26/2026 & 9/2/2026.

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

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

1. The subject property is located at 8265 Harold Lane and is zoned Residential, Medium Density R-2 (Shoreland); (Upper Gull Lake - Recreational Development).
2. The subject property is +/- .36 Acres (15,700 sq. ft.).
3. The subject property contains a legal existing non-conforming dwelling (1,108 square feet) with an attached garage (528 square feet) and an elevated patio.
4. The existing shed would be removed.
5. The proposed additions would be attached to the existing legal non-conforming dwelling.
6. The proposed additions would meet the side yard setback.
7. The property owners will be utilizing pervious material.
8. The property is on the city sewer sanitary system.
9. The total impervious surface for the property is 25.3%, where 25% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian RD lake. The impervious surface is being reduced to 25.3% per the updated documents provided on 8/26/2026 & 9/2/2026.
10. A stormwater management plan has been submitted to the city with the variance application and reviewed by the City Engineer.
11. No extensive research was conducted regarding similar structures in similar locations for property within the immediate vicinity of the subject property. A review of aerial imagery obtained from GIS was utilized.
12. A site visit was conducted on 8/26/2026 by Sourcewell.
13. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
14. The City Engineer has been notified of the request, and the comment received as of the time this staff report was drafted.
15. 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:

16. Will granting the variance put the property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, granting the variance to allow the proposed west-side garage addition that will not meet the required lake or road right-of-way setback will put the property to use in a reasonable manner not otherwise permitted by the zoning ordinance. The addition is attached to an existing legal nonconforming dwelling and garage and allows the property owner to improve and modernize the existing structure while maintaining residential use of the property.
 - b. Yes, granting the variance to allow the proposed south-side addition to an existing legal nonconforming dwelling will put the property to use in a reasonable manner not otherwise permitted by the zoning ordinance. The addition represents a reasonable expansion of an existing home and allows continued residential use and property improvements in a manner consistent with the surrounding residential neighborhood.
 - c. Yes, granting the variance to allow impervious surface coverage of 25.3%, where 20% is permitted in the Residential, Medium Density R-2 Shoreland District, will put the property to use in a reasonable manner not otherwise permitted by the zoning ordinance. The property's impervious coverage currently stands at 28.66% and will decrease under this proposal. The applicants have submitted a stormwater management plan and incorporated pervious materials to address runoff and water-quality

considerations.

17. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the request to allow the garage addition is necessitated by unique circumstances not created by the landowner. The property is a substandard-sized shoreland lot of approximately 15,700 square feet that contains an existing legal nonconforming dwelling and attached garage. The location of the existing structures, road frontage, and proximity to Upper Gull Lake limit opportunities for expansion that fully comply with current setback requirements.
 - b. Yes, the request to construct an addition to the south side of the existing legal nonconforming dwelling is influenced by unique circumstances not created by the landowner. The existing dwelling was established prior to current ordinance standards, and the property's size and configuration limit opportunities for reasonable expansion while maintaining compliance with all current shoreland development requirements.
 - c. Yes, the property is a small, developed shoreland parcel containing existing legal nonconforming structures and improvements that were established over time. The lot's size and configuration, combined with the existing development footprint, limits the ability to achieve full compliance without significant alteration of established improvements.
18. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, granting the variance to allow the proposed addition to not meet the lake or road right-of-way setbacks will maintain the essential character of the locality. The addition will remain attached to the existing legal nonconforming dwelling and garage, continue the property's residential use, and be consistent with the established pattern of lakefront residential development along Upper Gull Lake.
 - b. Yes, granting the variance to allow construction of the south-side addition to the existing legal nonconforming dwelling will maintain the essential character of the locality. The reduced setback is limited in scope and will not materially affect the neighborhood's residential appearance or development pattern.
 - c. Yes, granting the variance to allow impervious surface coverage of 25.3%, where 20% is permitted within the Residential, Medium Density R-2 Shoreland District, will maintain the essential character of the locality. The impervious coverage currently exists on the property and will decrease as part of this application.
19. 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)
 - b. 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)
 - c. Yes, provided the proposed stormwater management plan and pervious surface improvements are implemented and maintained.
20. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the request is driven by the applicant's desire to improve and expand an existing legal

nonconforming dwelling and attached garage on a constrained shoreland lot where the location of existing structures, the shoreline setback, and the road setback limit reasonable placement alternatives.

- b. Yes, the proposed addition is intended to provide additional living space and improve the functionality of the existing home and is driven by the practical limitations associated with expanding a dwelling located on a small, developed shoreland parcel.
- c. Yes, the existing impervious surface condition was previously established on the property and will not increase as part of this application.

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

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

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

1. All construction shall be completed in substantial conformance with the updated Certificate of Survey, building elevations, stormwater plan, and application materials submitted August 26, 2026, and September 2, 2026. Any material changes shall require review and approval by the City.
2. The existing shed identified for removal on the approved plans shall be removed within twelve (12) months of issuance of a land use permit.
3. The stormwater management plan shall be reviewed and approved by the City Engineer. Once approved, the stormwater management plan must be installed and maintained as proposed. The stormwater management plan shall be implemented upon completion of the project, upon issuance of a land use permit.
4. The property owner shall be responsible for implementing and maintaining an erosion and sediment control plan during all phases of construction, including site preparation, grading, excavation, building construction, and final site stabilization. All BMPs shall be installed prior to land disturbance, inspected regularly, and repaired or replaced as necessary to prevent sediment from leaving the site. Failure to maintain the approved plan may result in a stop-work order, permit suspension, or other enforcement action by the City until compliance is achieved.
5. All proposed pervious paver systems shall be installed in accordance with Section 17.3.14 and maintained in perpetuity. A maintenance plan shall be submitted and approved by the City prior to permit issuance.
6. 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.
7. Approval of this variance shall not authorize any expansion beyond that specifically identified in the approved plans and variance application. Future additions, expansions, patios, or site improvements not approved herein shall require separate review and approval by the City.
8. Approval of this variance does not eliminate the requirement to obtain all applicable land

use permits. All construction shall comply with applicable City and State codes and regulations.

9. Post construction, the property owner shall submit an as-built survey prepared by a licensed Minnesota land surveyor demonstrating that the total impervious surface coverage on the property does not exceed 25.3% of the lot area, consistent with the plans approved as part of this variance application. The survey shall identify all structures, driveways, patios, and permeable paver areas used in the impervious surface calculations. Failure to meet the approved impervious surface limitations shall require corrective action satisfactory to the City prior to final approval.

Nicole Hausmann referenced Variance Application 09-26 –(5a) that was tabled on August 10, 2026. At the August meeting, the applicant was asked to make some updates per BOA feedback. The property owner had originally submitted four variance requests, but is removing the patio variance. Impervious surface coverage has been reduced, and the owner is now requesting 25.3%.

Nicole Hausmann mentioned that the conditions were slightly adjusted, and the owner provided an updated stormwater management plan.

Dwight Pfannenstien stated that modifications were made, including the roofline structure, and that they did the best they could to address the changes while still providing for their growing family.

Alex Bitter shared that he felt the items had been addressed and that he didn't have any real concerns.

Sean Weldon noted that the height is within code.

TJ Graber indicated he felt the owners made good compromises to meet the setbacks.

MOTION BY SEAN WELDON AND SECONDED BY TJ GRABER TO APPROVE THE VARIANCES TABLED IN THE AUGUST 10, 2026, MEETING, TO CONSTRUCT ADDITIONS TO THE EXISTING STRUCTURE THAT DO NOT MEET THE LAKE SETBACK, OR THE ROAD RIGHT-OF-WAY SETBACKS, AND IMPERVIOUS SURFACE COVERAGE. PID#90-400-0020 WITH THE FINDINGS OF FACT AND CONDITIONS STATED IN THE UPDATED PACKET. MOTION PASSED

Rezone 09-26 – (5b): Susan Jean Properties LLC requests a rezone from “Commercial Neighborhood” to “Residential, Low Density (R-1)”. PID #90-469-0121.

The applicant is requesting to rezone parcel #90-469-0121 located at 9237 Interlachen Road from “Commercial Neighborhood” to “Residential, Low Density (R-1)”. This property is a non-riparian lot within 1,000 feet of the Shoreland Area (Gull Lake – General Development).

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

1. The subject property is located at 9237 Interlachen Road and is currently zoned Neighborhood Commercial District (NC); however, the surrounding neighborhood is zoned Residential.
2. The subject property is +/- 1.50 Acres (65,340 sq. ft.).
3. The request to rezone to Residential – Low Density would meet all minimal dimensional requirements of Residential Low Density (R-1) per Sections 15 & 16 of the City Ordinance.

4. The subject property is located in the Shoreland Area (Gull Lake – General Development).
5. The subject property is adjacent to County Road 77 (public road).
6. The subject property is not served by municipal utilities and has existing subsurface sewage treatment systems (SSTS) & private well(s).
7. The subject property is adjacent to property zoned “Residential, Low Density (R-1)” to the north and south and “Wooded Residential” to the west.
8. The subject property contains an existing 1,024 square foot detached structure.
9. No stormwater management plan is required with this proposal.
10. 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.
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 Cass County Highway Department has been notified of the request, and no comment has been received as of the time this staff report was drafted.
13. The City Engineer has been notified of the request, and no comment has been received as of the time this staff report was drafted.
14. Notice of this rezone 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.

Planning Commission Direction: The Planning Commission should review this report & seek clarification as needed. The Planning Commission may recommend approval or denial by motion to be forwarded to the City Council by developing findings of fact.

Nicole Hausmann stated the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, the staff report, and comments received. The DNR, Cass County Highway Department, and city engineer were notified on August 25, 2026. No comments from the agencies on the application were received.

Nicole Hausmann presented the Rezone 09-26 – (5b) application.

Susan Scherpelz shared that their plans are to build a 1,500-square-foot residential house on the property.

MOTION BY TJ GRABER AND SECONDED BY KEVIN EGAN TO RECOMMEND TO CITY COUNCIL THE APPROVAL OF REZONE 09-26 – (5b) AS THE PROPERTY IS COMPATIBLE WITH THE INTENT OF THE “RESIDENTIAL, LOW DENSITY (R-1)” AND THE PROPOSED REZONE IS COMPATIBLE WITH THE LAND USES AND ZONING CLASSIFICATIONS OF THE SURROUNDING PROPERTIES. MOTION PASSED.

Variance Application 09-26 – (5c): Klocke, David A & Courtney L request a variance to construct a lift/tram that does not meet the side yard setback. PID #90-004-4304.

The applicant is requesting the following variance:

1. To construct a lift/tram that will be located 8 feet from the side yard setback, where 15 feet is required.

*All per drawings provided with the application on 8/11/2026.

The subject property is +/- .68 Acres (29,620 sq. ft.) and is zoned Residential, Medium Density R-2 (Shoreland) – Upper Gull Lake (Recreational Development).

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

1. The subject property is located at 976 Point Narrows Road and is zoned Residential, Medium Density R-2 (Shoreland); (Upper Gull Lake - Recreational Development).
2. The subject property is +/- .68 Acres (29,620 sq. ft.).
3. The subject property contains a legal existing non-conforming dwelling (1,646 square feet) with two decks (586 square feet – lake side, 133 square feet – driveway side) and an attached garage (483 square feet).
4. The proposed request is for a lift/tram on the south side of a Water Oriented Accessory Structure.
5. There is an existing stairway with access to the lake, a patio with a firepit area, a boulder wall, and a Water Oriented Accessory Structure.
6. The proposed landings would meet all size requirements per Section 17.3.4.2.
7. The proposed lift/tram would be located in the area that is the most visually inconspicuous portion of the lot as viewed from the surface of public water, assuming summer, leaf-on conditions, whenever practical per Section 17.3.4.5.
8. The property is on the city sewer sanitary system.
9. According to a certificate of survey on file at the city, this property does have a bluff.
10. The total impervious surface for the property is 16.1%, where 20% is the maximum impervious surface total for the parcel in the Residential, Medium Density R-2 (Shoreland) zone for a riparian RD lake.
11. A stormwater management plan is not required as the impervious surface coverage is under 20%.
12. 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.
13. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
14. The City Engineer has been notified of the request, and the comment received has been provided in the packet.
15. 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:

16. Will granting the variance put the property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, granting the variance will allow the property to be used in a reasonable manner by permitting a lift/tram to provide access between the residence and shoreline area, which is a use specifically contemplated by the City's shoreland regulations for steep slopes and lakeshore access. The request is limited to a side-yard setback reduction for the lift/tram; the property will remain a single-family residential use; the proposed landings meet ordinance requirements; and the improvement is located in the most visually inconspicuous area of the lot.
17. Does the property have unique circumstances that were not created by the landowner?

- a. Yes, the property contains unique physical characteristics that were not created by the current landowners, including its lakeshore setting, topography, and the existing placement of the dwelling and shoreline improvements that limit locations where a lift/tram can be installed while maintaining access between the residence and the lake. The need for the variance arises from these site-specific conditions and the configuration of the developed lot rather than any action taken by the current property owners.
18. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, Granting the variance will not alter the essential character of the locality because the property will continue to be used as a single-family residential lakeshore parcel, consistent with surrounding development patterns. The proposed lift/tram complies with the ordinance standards for width and landing size, is located in the most visually inconspicuous portion of the lot as practically possible and is intended to provide lakeshore access without requiring major topographic alteration.
19. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Lake Shore ordinances?
 - a. Yes, the requested variance is consistent with the Comprehensive Plan's goal of supporting established residential development while balancing protection of the City's natural resources. With the appropriate conditions, this request is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "Support growth patterns that reinforce our lake-oriented and rural development brand." (pg. 5) and "Protect the quality of the lakes and environmental resources within and around the City." (pg. 4)
20. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the variance request is based on practical difficulties associated with providing safe and reasonable access between the residence and the shoreline on a developed lakeshore parcel, not solely on economic considerations. The request is limited to a setback reduction for a lift/tram, a type of improvement specifically contemplated by the ordinance for navigating steep slopes and achieving shore access while minimizing topographic disturbance.

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

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

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

1. All construction shall comply with Section 17.3.4 of the Lake Shore Zoning Ordinance, including maximum lift width, landing size requirements, and erosion control measures.
2. The lift/tram shall be installed in the location identified on the approved plans as the most visually inconspicuous location practical, consistent with Section 17.3.4.5 of the ordinance.

3. The vegetation along the shoreline and bluff (outside the stairway/walkway/lift/tram) is to remain in a natural state.
4. The property owner shall be responsible for implementing and maintaining an erosion and sediment control plan during all phases of construction, including site preparation, grading, excavation, building construction, and final site stabilization. All BMPs shall be installed prior to land disturbance, inspected regularly, and repaired or replaced as necessary to prevent sediment from leaving the site. Failure to maintain the approved plan may result in a stop-work order, permit suspension, or other enforcement action by the City until compliance is achieved.
5. 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.
6. Approval of this variance does not eliminate the requirement to obtain all applicable shoreland alteration permits. All construction shall comply with applicable City and State codes and regulations.

Nicole Hausmann presented the Variance 09-26 – (5c) application.

Nicole Hausmann stated the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, the staff report, and comments received. The DNR and city engineer were notified on August 25, 2026. No public comments on the application were received.

David Klocke shared that the lift is intended to assist their elderly parents and neighbors in accessing the lake.

MOTION BY KEVIN EGAN AND SECONDED BY DAVE RIEGERT TO APPROVE VARIANCE 09-26 – (5c) WITH THE YES STAFF FINDINGS OF FACT AND CONDITIONS OUTLINED IN THE PACKET. MOTION CARRIED.

Variance Application 09-26 – (5d): Greene, Jerry & Karla request a variance to construct an accessory structure (garage) with guest quarters that does not meet the road right-of-way setback and impervious surface coverage over 25%. PID #90-469-0324.

The applicant is requesting the following variances:

1. To construct an accessory structure (garage) with guest quarters and pergola that will be located 39.6 feet from the road right-of-way setback, where 50 feet is required.
2. To allow an accessory structure with guest quarters, where none is allowed when an existing guest cabin exists on the property per Section 17.3 of the Ordinance.
3. Impervious surface coverage of 27%, where 25% is allowed by Ordinance.

*All per Certificate of Survey and drawings provided with the application on 8/13/2026.

The subject property is +/- 1.3 acres (55,414 sq. ft.) and is zoned Residential, Medium Density R-2 (Shoreland) – Gull Lake (General Development).

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

1. The subject property is located at 9398 Interlachen Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).
2. The subject property is +/- 1.3 acres (55,414 sq. ft.).
3. The subject property contains a legal existing non-conforming dwelling (2,180 square feet).
4. The subject property contains two detached garages, a gazebo, a garbage shed, a woodshed, a

- guest house, a boathouse, and a tennis court.
5. On June 08, 2026, the Planning Commission advised that the property owners would need to seek a Conditional Use Permit for this request, as the proposed detached accessory structure (garage) with guest quarters would be over the allowed 1,200 square foot cumulative accessory structure size allowed by city ordinance.
 6. The proposed request is to remove the two existing garages and build one detached accessory structure (garage) with guest quarters.
 7. The proposed detached accessory structure (garage) with guest quarters would meet all size requirements per Section 17.3.
 8. The proposed detached accessory structure (garage) with guest quarters will meet the lake and side yard setbacks.
 9. The driveway will be modified while maintaining a circular drive.
 10. There are multiple septic systems on the property. The septic compliance inspection dated 08/18/2026 is on file with the city for the existing guest/boat house and dwelling. This proposal will also relocate the septic system, a step that has been reviewed and approved by Andy Schwartz.
 11. The owner is requesting a variance to reduce impervious surface coverage from 27.9% to 27%. This would address a nonconformity on the property; however, it is still over the maximum 25% allowed by Statute.
 12. A stormwater management plan has been submitted to the city along with the variance application.
 13. 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.
 14. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.
 15. Cass County Highway has been notified of the request, and no comment has been received as of the time this staff report was drafted.
 16. The City Engineer has been notified of the request, and the comment received has been provided in the packet.
 17. 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:

18. Will granting the variance put the property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, granting the variance would allow the property to be used in a reasonable manner by replacing two existing detached garages with a single detached accessory structure containing guest quarters, while reducing existing impervious surface coverage from 27.9% to 27% and bringing the site closer to conformity than it exists today. The request allows continued residential use of the property and accommodates redevelopment of an already-developed lakeshore parcel in a manner that meets the applicable size and setback requirements for the proposed structure, except for the specific variance requested for the road right-of-way.
19. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the property contains unique circumstances not created by the current landowners, including its existing development pattern, the presence of multiple accessory structures, an existing guest cabin, and a developed lakeshore lot configuration that limits opportunities for redevelopment while maintaining compliance with current

ordinance standards. The need for the variance arises from these pre-existing site conditions and the desire to replace two existing garages with a single detached accessory structure and guest quarters while reducing the property's overall impervious surface coverage.

20. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, granting the variance will not alter the essential character of the locality because the property will continue to be used as a single-family residential lakeshore parcel consistent with the surrounding neighborhood. The proposal replaces two existing garages with one detached accessory structure, reduces the property's impervious surface coverage from 27.9% to 27%, and maintains the residential character and development pattern that currently exists on the site and in the surrounding area.
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. Yes, the requested variance is consistent with the Comprehensive Plan's goal of supporting established residential development while balancing protection of the City's natural resources. With the appropriate conditions, this request is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, "Support growth patterns that reinforce our lake-oriented and rural development brand." (pg. 5) and "Protect the quality of the lakes and environmental resources within and around the City." (pg. 4)
22. Has the variance request been made based on reasons other than economic considerations alone?
 - a. Yes, the variance request is based on practical difficulties associated with redeveloping a fully developed lakeshore property that contains multiple existing accessory structures, a guest cabin, and existing nonconformities, rather than on economic considerations alone. The proposal would consolidate two detached garages into a single structure, reduce impervious surface coverage from 27.9% to 27%, and improve the property's overall conformity while accommodating the site's reasonable residential use.

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

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

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

1. All construction shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Board of Adjustment.
2. Total impervious surface coverage on the property shall not exceed 27% as approved by this variance. Any future increase in impervious surface coverage shall require additional City review and approval.
3. Except as specifically modified by this variance approval, the structure shall comply with all applicable setback, height, and dimensional requirements of the Lake Shore Zoning Ordinance.

4. The property owner shall be responsible for implementing and maintaining an erosion and sediment control plan during all phases of construction, including site preparation, grading, excavation, building construction, and final site stabilization. All BMPs shall be installed prior to land disturbance, inspected regularly, and repaired or replaced as necessary to prevent sediment from leaving the site. Failure to maintain the approved plan may result in a stop-work order, permit suspension, or other enforcement action by the City until compliance is achieved.
5. The stormwater management plan shall be reviewed and approved by the City Engineer. The approved plan shall be installed and maintained as proposed. The stormwater management plan shall be implemented upon completion of the project, upon issuance of a land use permit.
6. All items identified on the Certificate of Survey as “to be removed” shall be removed within twelve (12) months of approval of any land use permit related to this project and shall be revegetated to adequate stabilization standards. Impervious surface coverage shall not exceed what is shown on the approved plans.
7. The variance expires 12 months after approval by the Planning Commission/Board of Adjustment, if the project is not commenced, unless extended per section 69.8 of the Ordinance.
8. Approval of this variance does not eliminate the requirement to obtain all applicable zoning permits. All construction shall comply with applicable City and State codes and regulations.

Nicole Hausmann stated the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments, the staff report, and comments received. The DNR, Cass County Highway Department, and city engineer were notified on August 24, 2026. No public comments have been received.

Nicole Hausmann presented the Variance 09 – 26 (5d) application.

Nicole Hausmann summarized that the owners are requesting to remove two structures and combine them into one. The location of the one structure will be the same as the two existing structures.

PJ Smith questioned whether the square footage exceeded the maximum of 1,200 square feet.

Sean Weldon referenced the impervious increasing to 27.9%.

Nicole Hausmann stated that the impervious area will not increase with this request but will be slightly reduced.

Dave Riegert mentioned a letter a neighbor received regarding the retaining area down by the lake.

Jerry Greene shared that the cabin was built in the 30's, and they plan to retain the current look to keep in line with the Rock Point look. Jerry stated that part of the driveway will be removed. Their goal is to avoid removing some of the trees from the property.

Alex Bitter stated that the stormwater basin design will cut into the tree root structure and will eventually kill the trees. Alex recommended redesigning the basins to stay outside the trees' driplines to avoid cutting the existing roots. Alex mentioned they will need a 5-year 24-hour event plan and an update on the orientation of the basins.

MOTION BY KEVIN EGAN AND SECONDED BY DAVE RIEGERT TO APPROVE VARIANCE 09-26 – (5d) WITH THE FINDINGS OF FACT AND EIGHT CONDITIONS OUTLINED IN THE PACKET. MOTION PASSED.

Conditional Use Permit Application 09-26 – (5e): Greene, Jerry & Karla request a Conditional Use Permit to allow an accessory structure (garage) with guest quarters that is over the allowed 1,200 square feet cumulative amount allowed by Ordinance. PID #90-469-0324.

The applicant is requesting the following Conditional Use Permit:

1. An accessory structure with guest quarters, cumulative size over the allowed 1,200 square feet allowed per Section 17.2 & 17.3.10.

*All per Certificate of Survey and drawings provided with the application on 8/13/2026.

The subject property is +/- 1.3 acres (55,414 sq. ft.) and is zoned Residential, Medium Density R-2 (Shoreland) – Gull Lake (General Development).

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

1. The subject property is located at 9398 Interlachen Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).
2. The subject property is +/- 1.3 acres (55,414 sq. ft.).
3. The subject property contains a legal existing non-conforming dwelling (2,180 square feet).
4. The subject property contains two detached garages, a gazebo, a garbage shed, a woodshed, a guest house, a boathouse, and a tennis court.
5. On June 08, 2026, the Planning Commission advised that the property owners would need to seek a Conditional Use Permit for this request, as the proposed detached accessory structure (garage) with guest quarters would be over the allowed 1,200 square foot cumulative accessory structure size allowed by city ordinance.
6. The proposed request is to remove the two existing garages and build one detached accessory structure (garage) with guest quarters.
7. The proposed detached accessory structure (garage) with guest quarters would meet all size requirements per Section 17.3.
8. The proposed detached accessory structure (garage) with guest quarters will meet the lake and side yard setbacks.
9. The driveway will be modified while maintaining a circular drive.
10. There are multiple septic systems on the property. The septic compliance inspection dated 08/18/2026 is on file with the city for the existing guest/boat house and dwelling. This proposal will also relocate the septic system, a step that has been reviewed and approved by Andy Schwartz.
11. The owner is requesting a variance to reduce impervious surface coverage from 27.9% to 27%. This would address a nonconformity on the property; however, it is still over the maximum 25% allowed by Statute.
12. A stormwater management plan has been submitted to the city along with the variance application.
13. 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.
14. The DNR has been notified of the request, and no comment has been received as of the time this staff report was drafted.

15. Cass County Highway has been notified of the request, and no comment has been received as of the time this staff report was drafted.
16. The City Engineer has been notified of the request, and the comment received has been provided in the packet.
17. Notice of this conditional use permit application was published in the local newspaper & distributed to property owners within the required distance to the property (500 ft.). No comments have been received as of the drafting of this staff report.

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

18. The Conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 - a. The proposed Conditional Use Permit is for a detached accessory structure with guest quarters that will replace two existing detached garages on an already developed residential property. The structure will meet most applicable setback requirements and utilize existing residential access and services; therefore, the use should not be injurious to the use and enjoyment of nearby properties or substantially diminish or impair property values in the immediate vicinity.
19. The Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - a. The proposed Conditional Use Permit involves replacing two existing detached garages with a single detached accessory structure with guest quarters on an already developed residential lot. Because the use remains residential in nature, meets most applicable setback requirements, and is located on a developed property within an established residential area, it will not impede the normal and orderly development or improvement of surrounding properties for uses predominant in the area.
20. The Conditional requirements at public cost for public facilities and services will not be detrimental to the economic welfare of the community.
 - a. The proposed Conditional Use Permit will replace two existing detached garages with a single detached accessory structure on a developed residential property that will continue to utilize existing access, utilities, and public services. Because the request does not require the extension of public infrastructure or create demand for additional public facilities and services, it is not expected to result in public costs detrimental to the community's economic welfare.
21. The Conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or interference with traffic on surrounding public thoroughfares.
 - a. The proposed Conditional Use Permit will utilize the existing driveway and access from Interlachen Road and will replace two existing detached garages with a single detached accessory structure on an established residential property. Because the request is accessory to the existing residential use and is not expected to generate traffic beyond that typically associated with a residential property, the use should not create traffic congestion or interfere with the safe and orderly movement of traffic on surrounding public roadways.
22. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - a. Yes, the proposed single detached accessory structure will utilize the existing residential site and driveway, which provides adequate parking to accommodate the intended use.
23. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance, and to control

lights and signs in such a manner that no disturbance to neighboring properties will result.

- a. Yes, adequate measures have been taken or will be taken to prevent offensive odors, fumes, dust, noise, vibration, and other nuisance impacts associated with the proposed single detached accessory structure. The proposed use is accessory to the existing residential use, and any exterior lighting or signage will be installed and operated in compliance with the City of Lake Shore Zoning Ordinance to avoid disturbing neighboring properties.
24. The Conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historical feature of major significance.
- a. The proposed single detached accessory structure is located on a developed residential property and will not result in the destruction, loss, or damage of any known natural, scenic, or historic feature of major significance. The conditional use is consistent with the character of the property and the surrounding area and is not expected to adversely impact the natural or scenic resources that the City of Lake Shore Zoning Ordinance is intended to protect.
25. The Conditional use will promote the prevention and control of pollution of the ground and surface waters, including sedimentation and control of nutrients.
- a. The proposed single detached accessory structure is located on an existing developed property and, with compliance to applicable erosion control and shoreland regulations, will not negatively impact ground or surface water quality.

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

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

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

1. 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 structure shall remain accessory and subordinate to the principal residential use of the property and shall not be converted into a separate dwelling unit.
3. The guest quarters shall not be rented, leased, or used for transient lodging, short-term rental, vacation rental, or commercial lodging purposes.
4. The guest quarters shall not contain a separate kitchen unless otherwise permitted by City ordinance.
5. No commercial events, catering operations, food service business, retail sales, or other commercial uses shall be conducted from the structure.
6. Any exterior lighting shall be downward-directed and shielded to prevent glare or light trespass onto neighboring properties.
7. Activities associated with the structure and outdoor gathering areas shall comply with all applicable City noise regulations and shall not create a nuisance for neighboring properties.

8. All parking associated with the use shall be accommodated on-site. Parking within public road rights-of-way shall be prohibited.
9. The stormwater management plan shall be reviewed and approved by the City Engineer. The approved plan shall be installed and maintained as proposed. The stormwater management plan shall be implemented upon completion of the project, upon issuance of a land use permit.
10. All items identified on the Certificate of Survey as “to be removed” shall be removed within twelve (12) months of approval of any land use permit related to this project and shall be revegetated to adequate stabilization standards. Impervious surface coverage shall not exceed what is shown on the approved plans.
11. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within two (2) years, unless extended by the Planning Commission, shall void the permit per Section 68.8 of the Ordinance.
12. Approval of this Conditional Use Permit does not eliminate the requirement to obtain all applicable zoning permits. All construction shall comply with applicable City and State codes and regulations.

Nicole Haussmann presented the Conditional Use Permit 09-26 (5e) application.

Commission Members had no comments or concerns.

MOTION BY KEVIN EGAN AND SECONDED BY DAVE RIEGERT TO APPROVE CONDITIONAL USE PERMIT 09-26 – (5e) WITH THE FINDINGS OF FACT AND CONDITIONS IDENTIFIED IN THE PACKET. MOTION CARRIED.

MOTION BY DAVE RIEGERT AND SECONDED BY SEAN WELDON TO CLOSE THE PUBLIC HEARING AT 9:33 AM. MOTION PASSED.

NEW BUSINESS –

Fraune, Kristin A & Mark A, Trustees – Accessory Structure Use – PID #90-420-0211.

The property owner would like to remove the existing non-conforming pole shed (780 sq. ft.) and rebuild in a new location and larger size before building a new principal dwelling.

Planning Commission Direction: The Planning Commission will need to determine if this should be allowed per Ordinance.

Nicole Hausmann summarized the property owner's request to remove the existing accessory structure, rebuild a new, larger structure in a different location, and add a new principal dwelling in the future.

Nicole Hausmann stated that this type of build is against the city ordinance, per the definitions listed in the staff report.

Further discussion among the Commission Members continued about the Ordinance and how the city could enforce or track such a request.

Commission Members agreed that the ordinance should be followed and denied the request to build an accessory structure before the principal dwelling.

Roberts, Travis – Shoreland Permit Violation – PID #90-437-1910

Nicole Hausmann referenced the background summary on PID #90-437-1910. The DNR was notified of the work being completed, and the city was contacted. It was discovered that the work being performed was beyond the scope of the permit authorization and that no erosion control was in place, contrary to the approved conditions provided to the property owner and authorized agent. Nicole referenced the Cease-and-Desist Order in the packet, which directed all work to halt immediately due to the permit condition requiring that erosion and sediment control measures be in place.

Jethro Carpenter shared his interpretation of the city ordinance regarding moving 10 cu yds of dirt. Jethro felt the intent of the ordinance was to exclude the 10 cu yards of ice ridge.

Bernie Roberts stated that he was at the site visit and felt the individuals at the meeting were happy with the work being done there. Bernie stated he believed the work was to pull back what had been pushed up by the ice.

Lots of discussion between Jethro, Bernie, and the Commission Members.

Nicole Hausmann stated that all the vegetation removed on the toe of the bluff should be addressed. Revegetation of the area is recommended, and a restoration plan is highly recommended. The plan would need to be submitted to the city within thirty days.

Further discussion continued regarding the work being done along the shoreline and whether the scope of the work was within Section 36.6 (ice ridge), and whether the project required an after-the-fact CUP.

Commission Members asked Nicole Hausmann about ordinance amendments. Nicole Hausmann explained the process necessary to make changes to the ordinance.

MOTION BY TJ GRABER AND SECONDED BY SEAN WELDON TO ALLOW WORK TO MOVE FORWARD ON THE BASIS OF THE CONTRACTOR SUBMITTING A VEGETATION RESTORATION PLAN WITHIN 30 DAYS TO THE CITY. NO CUP REQUIRED. MOTION PASSED.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Alex Bitter had nothing to report.

Chair – Chair Smith had nothing to report.

Council Liaison – Andrew Stewart mentioned a letter received regarding the Zorbaz project that has been turned over to legal.

Zoning Administrator – Nicole Hausmann

Discussion on Zoning Inspector for the City – Nicole Hausmann referenced last month's conversation on how to proceed with the zoning inspector position.

Further discussion continued regarding the role of the zoning inspector position.

Gary Welge stated he had stopped by City Hall with a concern about the property line between him and a neighbor and was informed he would need to file a formal complaint. Gary shared that he was not comfortable submitting a formal complaint and was hopeful the City could handle it without one being filed. Gary stated he was in favor of having a zoning inspector check situations like the one he is currently dealing with.

PJ Smith concluded that, based on the inspector's discussion, the Planning Commission appears to favor hiring a zoning inspector, with details to be worked out along the way.

Dave Riegert circled back to the ordinance regarding the dirt moving in the Roberts shoreline project and feels Jethro was not out of line in assuming the interpretation he did when beginning the shoreline project.

Nicole Hausmann was directed to complete an ordinance amendment this winter to clean up certain sections of the ordinance.

PUBLIC FORUM – There was no public forum.

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF SEPTEMBER 14, 2026, AT 10:39 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk