

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
MAY 11, 2026
9:00 AM**

Commission Members in attendance: Commission Vice-Chair Dave Riegert, Sean Weldon, TJ Graber, and Alternate Kevin Egan; Council Liaison Darcy Peterson; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; and Deputy Clerk Kathy Johansen. Absent were Commission Chair PJ Smith and Member Alex Kuhn. A quorum was present, and the Commission was competent to conduct business. There were three people in the audience, including Travis Miller, Patti, and Kelsey Smith.

Commission Vice-Chair Riegert called the meeting to order at 9:00 AM.

Approval of the March 9, 2026, Regular Meeting Minutes – MOTION BY KEVIN EGAN AND SECONDED BY TJ GRABER TO APPROVE THE MINUTES FOR THE MARCH 9, 2026, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

PUBLIC HEARING –

MOTION BY SEAN WELDON AND SECONDED BY KEVIN EGAN TO OPEN THE PUBLIC HEARING AT 9:01 AM. MOTION PASSED.

Variance Application 05-26 – (5a): Venerable Corporate & Trust Services, LLC (Mills, Sean & Vinci) requests a variance to construct a new 2-story dwelling with attached garage, covered entry, and a cantilever area that will not meet the side yard setback, or the OHW (lake) setback. Also, a new 2-level deck that will not meet the side-yard or lake setbacks, and impervious surface coverage over 25%. PID #90-399-0140.

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

1. The subject property is located at 8266 Harold Ln and is zoned Residential, Medium Density R-2 (Shoreland); (Gull Lake - General Development).
2. The subject property contains a legally existing nonconforming dwelling with an attached deck currently located 49.8 ft. from the OHW, where 75 ft. is required. The existing dwelling would be removed under this proposal.
3. The proposed new 2-story dwelling with attached garage, totaling 2,328 square feet, with a 45 square foot covered entry, and a cantilever area on the west side of the dwelling.
4. The proposed 475-square-foot deck (main level) and 144-square-foot deck (second level) would be two (2) feet closer to the lake than the existing deck.
5. The proposed new 2-story dwelling with an attached garage, totaling 2,328 square feet, including a 45-square-foot covered entry and a cantilever area on the west side of the dwelling, would be 57.6 feet from the OHW (closest point).
6. The proposed new 2-story dwelling with an attached garage, totaling 2,328 square feet, including a 45-square-foot covered entry and a cantilever area on the west side of the dwelling, would be 5.5 feet from the side yard (east side).
7. The proposed new 2-story dwelling with an attached garage, totaling 2,328 square feet, including a 45-square-foot covered entry and a cantilever area on the west side of the dwelling, would be 4.7 feet from the side yard (west side).
8. The proposed new decks would be 47.8 feet from the OHW.

9. The proposed new decks would be 5.9 feet from the side yard (east side only).
10. The owner is requesting a variance to reduce impervious surface coverage from 29.16% to 25%. This would address a nonconformity on the property; however, it is still over the maximum 25% allowed by Statute.
11. The owner will remove multiple concrete areas on the property to reduce impervious surface coverage.
12. No pervious material will be used for the driveway or walkway.
13. The subject property is connected to the city sewer system.
14. A stormwater management plan has been submitted to the city along with the variance application.
15. The DNR has been notified of the request, and no comment has been received as of the time this staff report was prepared.
16. Notice of this variance application was published in the local newspaper and distributed to property owners within the required distance of 500 ft. No comments have been received as of the date of this staff report.

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

17. 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 that is not permitted under the strict application of the zoning ordinance. Due to the property's physical circumstances—including its shoreline location, lot configuration, and the presence of existing legally nonconforming development—strict compliance with the ordinance creates practical difficulties and limits the ability to use the property for residential purposes. The requested variances enable continued residential use similar to other developed properties in the vicinity, do not result from actions taken by the applicant, and represent a reasonable use of the land that addresses practical difficulties unique to the property while maintaining its intended residential use.
18. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the property has unique circumstances that were not created by the landowner. These circumstances include the parcel's shoreline location on Gull Lake, its limited lot size and configuration within the R-2 Shoreland district, and the presence of existing legally nonconforming development established prior to the current zoning and shoreland regulations. The constraints on the placement of structures and compliance with required setbacks arise from the property's physical characteristics and applicable ordinances, not from actions taken by the current or prior landowner. These characteristics distinguish the property from others in the vicinity and contribute to the practical difficulties associated with strict compliance with the zoning ordinance.
19. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, if the variance is granted, the essential character of the locality will remain consistent. The subject property is located in a developed R-2 Shoreland residential area along Gull Lake, where similarly sized residential structures, decks, and shoreline improvements are common. The proposed development maintains the property's residential use and is generally consistent in scale, appearance, and placement with surrounding development patterns. The request does not introduce new or incompatible land use and, with conditions, will not result in impacts that would alter the existing character of the neighborhood or shoreline area.
20. 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)

21. Has the variance request been made based on reasons other than economic considerations alone?

- a. Yes, the variance request has been made based on reasons other than economic considerations alone. The request is driven by practical difficulties associated with the property's physical characteristics, including its small lot size, shoreline location, and existing legally nonconforming development, which limit compliance with current setback and impervious surface requirements. The variance is sought to allow reasonable residential use of the property and to address site constraints rather than to maximize economic return or property value. Implementing a stormwater management plan will help protect the water quality of Gull Lake.

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 with the application submitted 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 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 downspout gutters, stormwater conveyance, and stormwater retention areas shown on the approved stormwater management plan shall be installed and maintained as proposed. The stormwater management plan shall be implemented upon completion of the project, upon issuance of a zoning or building permit.
5. All concrete and hard surface areas 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.
6. 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.

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 April 23rd, and no public comments from the community have been received.

Nicole Hausmann presented Variance Application 05-26 (5a).

Travis Miller, TWM Architecture, and agent for Sean and Vinci Mills, stated that a decision was made to start over with a new plan. There were foundation issues with the existing structure, so the owners decided they'd like to proceed with a new build, adding a second level, and do something a little nicer than what was originally planned.

Travis mentioned they could make the driveway and walkway pervious, so the coverage would drop to 26.79%. The stormwater plan shows 29% impervious coverage, so we would reduce it slightly. The boathouse on the lot will be reconstructed without changing the footprint. There are existing patios down by the dock, one by the deck, and one on the street-side entry. Those will all be removed. The building is a 2-story structure.

Dave Riegert questioned whether the impervious calculation included the decks.

Travis Miller indicated there would not be a hard surface under the decks, so water can flow through to the ground.

Alex stated that they are redirecting the water run-off, so he would look into the definitions for Lake Shore.

Nicole Hausmann stated there is nothing in the city code that states whether a deck is pervious or impervious. There are definitions of what is pervious and what is impervious. Depending on the materials involved, spacing is also a consideration in determining whether coverage is impervious or pervious.

Further discussion continued regarding the layout of the building on the property.

MOTION BY KEVIN EGAN AND SECONDED BY TJ GRABER TO APPROVE VARIANCE OPTION #1 AND #2, 05-26 (5B) WITH YES STAFF FINDINGS AND CONDITIONS, AND AMEND AND APPROVE #3 (REDUCTION OF THE IMPERVIOUS COVERAGE) AND ADD CONDITION #7 ON THE RECOMMENDATION OF THE CITY ENGINEER FOR USING PERVIOUS MATERIALS AND MAINTENANCE PLAN PER CITY CODE. MOTION PASSED.

MOTION BY SEAN WELDON AND SECONDED BY TJ GRABER TO CLOSE THE PUBLIC HEARING AT 9:24 AM. MOTION PASSED.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Alex Bitter – Alex had nothing to report.

The commission members asked Alex to give a report on the trail's progress.

Alex Bitter shared that some stormwater would be going in. Easements are almost complete. The boardwalk has not started due to the lack of core permits. Change Order #2 will be implemented. The paved portion will be done this year, and the boardwalk will be done next year.

Chair – Vice-Chair Dave Riegert had nothing to report.

Council Liaison – Darcy Peterson had nothing to report.

Zoning Administrator – Nicole Hausmann referenced the March and April permits in the packet.

PUBLIC FORUM – There was no public forum.

MOTION BY TJ GRABER AND SECONDED BY SEAN WELDON TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF MAY 11, 2026, AT 9:40 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk