

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
JANUARY 12, 2026
9:00 AM**

Commission Members in attendance: PJ Smith, Dave Riegert, TJ Graber, Alternate Kevin Egan, and Alternate Steve Hensel; Council Liaison Darcy Peterson; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; City Clerk/Administrator Laura Fussy; and Deputy Clerk Kathy Johansen. Absent were Commission Member's Sean Weldon and Alex Kuhn. There were five people in the audience including Mayor Andy Stewart, Todd and Barb Pries, Robin Carbone, Kathy Lundberg and Chuck Batko. A quorum was present, and the Commission was competent to conduct business.

Nicole Hausmann called the meeting to order at 9:00 a.m.

Election of Officers –

MOTION BY KEVIN EGAN AND SECONDED BY DAVE RIEGERT TO NOMINATE PJ SMITH AS CHAIR OF THE PLANNING COMMISSION. MOTION PASSED.

MOTION BY PJ SMITH AND SECONDED BY TJ GRABER TO NOMINATE DAVE RIEGERT AS VICE CHAIR OF THE PLANNING COMMISSION. MOTION PASSED.

Approval of the December 8, 2025, Regular Meeting Minutes – MOTION BY DAVE RIEGERT AND SECONDED BY KEVIN EGAN TO APPROVE THE MINUTES FOR THE DECEMBER 8, 2025, BOARD OF ADJUSTMENT/PLANNING COMMISSION AS PRESENTED. MOTION PASSED.

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

PUBLIC HEARING –

Variance Application 01-26 (Michael Smith) (#6a) – 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.

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).

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. One written comment was received by the City Engineer and is in the packet. The applicant will be required to provide an updated stormwater management plan to be reviewed and approved by the City engineer before a permit can be approved. DNR was notified on September 23rd and no comments have been received. Two additional written comments were received from the public and emailed to the Commission last week.

Nicole Hausmann reviewed that the Variance Request was heard and denied at the October 13, 2025, Planning and Zoning meeting and applicant appealed to the City Council's November 24, 2025, meeting. City Council heard the Variance and upheld the decision made by the Planning and Zoning Commission/Board of Adjustment.

Nicole Hausmann pointed out that the only change made is the slab-on-grade. Same setbacks are being requested.

Seth Landon spoke on behalf of Michael Guy Smith and stated he was willing to answer questions and reiterated that the variance is simply to build this house with the lot size of the property.

Discussion continued with clarification being centered on the size of the lot and the size parameters of the house to be built.

Robin Carbone stated concern regarding the width being 24' and the house is currently going to be in the face of the neighbors. Robin suggested turning the house so that it would stay within the limit of the lot, then wouldn't need a variance. Robin also voiced concern that the building of the house doesn't meet current conditions.

Chair Smith stated that it appears that this variance is the same request that was presented in October and then at City Council in November, so why is the same variance back at the Planning and Zoning Commission.

Seth Landon responded that he feels the house plan they want to build isn't doing anything unreasonable.

Alex Bitter shared that the drainage currently does not meet the volume requirements as far as identifying overflow, well location doesn't meet isolation distances from the stormwater facilities, and the stormwater retention is close to the foundation.

Seth Landon assured that the drainage and stormwater issues are being addressed and will conform to the engineer's requests.

Further discussion continued regarding resizing some rooms or moving house back to accommodate the lot size parameters.

TJ Graber revisited the variance being denied twice and noted that there are some conditions from the engineer that need to be addressed before any consideration of approval to move forward can be made. TJ stated that a compromise is needed to make it work within the ordinance.

Nicole Hausmann reminded the Board of Adjustment that they can either approve, deny, or table the application. According to state statute, there are sixty days to make a decision from the time the application is submitted. The city can extend it by an additional 60 days if needed.

Seth Landon stated he would address the necessary areas to develop a new concept to obtain the variance approval.

MOTION BY DAVE RIEGERT AND SECONDED BY TJ GRABER TO TABLE A DECISION ON VARIANCE APPLICATION 01-26 TO ALLOW TIME FOR A NEW DESIGN TO BE PRESENTED.

Roll call vote was conducted. Voting YES-Smith, Riegert, and Graber. Voting NO-Egan and Hensel.

MOTION PASSED.

MOTION BY KEVIN EGAN AND SECONDED BY DAVE RIEGERT TO CLOSE THE PUBLIC HEARING AT 9:35 AM.

NEW BUSINESS – There was no new business.

OLD BUSINESS – There was no old business.

REPORTS

City Engineer – Alex Bitter had nothing to report.

Dave Riegert inquired about the work being done on the swamp this winter.

Alex Bitter shared that the work is happening. Alex shared that the plans for Trail 4A had been submitted, and they are advertising for a bid. The wetland impacts need to be approved.

Chair – PJ Smith had nothing to report.

Council Liaison – Darcy Peterson had nothing to report.

Zoning Administrator – Nicole Hausmann

Ordinance Amendments for 2026 – Nicole Hausmann referenced the Land Use Ordinance Updates. Nicole stated that most updates consist of cleaning up the language and adding a few items. Nicole highlighted the areas recommended for updating.

Alex Bitter raised concerns about allowing or granting variance requests for SSTS. Alex explained that setbacks are put in place to protect everyone. Discussion on changing this Section. Planning Commission is not in favor of changing this Section of the Zoning Ordinance.

Laura Fussy noted that short-term rental permittees will be required to provide the city with a written report quarterly. Discussion continued regarding short-term rental reporting options.

Nicole Hausmann requested that the commission discuss adding more provisions to the city's stormwater ordinance. Nicole cited an example of a parcel zoned shoreland and a road splitting the property. One option is to change the provision to 25% of a parcel by the lake and 25% across the road, thereby creating the need for a stormwater plan. A second option could also be an administrative item for which only an administrator can decide on the stormwater management plan requirement. Alex Bitter agreed that something should be done for a parcel with that type of situation to uphold waterfall.

Further discussion continued regarding stormwater management plans.

Nicole Hausmann asked the commission for guidance on how to proceed, or which option would be preferred, as she would be presenting it to the City Council.

Dave Riegert stated the 25%-25% would be a viable option.

Nicole Hausmann referenced the Matrix Table updates and requested clarification.

TJ Graber inquired about fencing in agricultural zones.

Nicole Hausmann shared further information from Section 26 of the City Ordinance regarding fencing in residential areas. The Planning Commission recommended Residential and Commercial zones, only requiring a permit for a fence. In all other zones, it would be allowed without a permit.

December Permit Report - Provided for review.

PUBLIC FORUM – There was no public forum.

MOTION BY KEVIN EGAN AND SECONDED BY DAVE RIEGERT TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JANUARY 12, 2026, AT 10:13 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk