

**BOARD OF ADJUSTMENT/PLANNING COMMISSION
CITY OF LAKE SHORE
LAKE SHORE CITY HALL
MINUTES
JULY 14, 2025
9:00 AM**

Commission Members in attendance: Chair Jim Woll, PJ Smith, Sean Weldon, Alex Kuhn, Alternate Dave Riegert; Council Liaison Darcy Peterson; City Engineer Alex Bitter; Sourcewell Nicole Hausmann; City Clerk/Administrator Laura Fussy; and Deputy Clerk Kathy Johansen. A quorum was present, and the Commission was competent to conduct business. There were ten people in the audience including Alternate Kevin Egan, Sourcewell team member Steve Jones, Mark and Barb Maki, Jay and Donna Fauchald, Kurt Hunstiger, Arthur Driessen, Kelly Smith and one other person.

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

Approval of the May 12, 2025, Regular Meeting Minutes –Chair Woll indicated the May 12, 2025, Board of Adjustment/Planning Commission Minutes, page two, paragraph three, should be amended to identify the reason the Commission did not make a decision on the matter and the reason the decision was delayed until October 1st. Chair Woll proposed a delay in approval of the minutes until they’ve been reviewed and then make a decision at the August meeting. No objection to the proposal was presented by Commission Members.

Additions or Deletions to Agenda - None

PUBLIC HEARING –

MOTION BY PJ SMITH SECONDED BY DAVE RIEGERT TO OPEN THE PUBLIC HEARING AT 9:03 AM. MOTION PASSED.

Ordinance Amendment – Dynamic Signs 07-25 (#5a) - This application was before the Planning Commission on May 12, 2025. Minimal punctuation corrections made to the document. The Planning Commission had a request to consider allowing dynamic signs, currently they are prohibited. The Planning Commission should review and make a recommendation to the City Council for approval or denial.

Nicole Hausmann reported the following items will become part of the record: Notice of publication, Staff Report, and attachments. Nicole shared that a notification was sent to the DNR on June 30th. No comments have been received and there have been no comments received from the public

Nicole Hausmann, Sourcewell, presented the Ordinance Amendment – Dynamic Signs 07-25 (#5a).

MOTION BY PJ SMITH AND SECONDED BY ALEX KUHN TO RECOMMEND TO THE COUNCIL THE APPROVAL OF THE NEW ORDINANCE AS PROPOSED. MOTION PASSED.

Variance – 07-25 (#5b)– Jay & Donna Fauchald request a variance to construct a 700 square foot guest quarters above an existing garage within the side-yard setback with no increase to the current impervious percentage of 24.1% located at 8761 Lincoln Green Rd. The subject property is 27,097 sq. ft. and is zoned Residential, Medium Density R-2 (Shoreland) - Margaret Lake (General Development).

The subject property contains a pre-existing garage (926 sq. ft.) located 10.3 ft. from the side-yard setback (15 ft. required). The proposed guest quarters (700 sq. ft.) will meet the size requirements per 17.3.1.6 of the Ordinance but does require a 10.3 ft. setback from the side-yard setback where 15 ft. is required. The proposed project requires an updated septic system, and the design has been submitted with the variance application and reviewed by Andy Schwartz. The proposed project does not get any closer toward the side-yard setback than

the original garage and meets all other setback requirements per section 17 of the Ordinance. The existing impervious on the parcel is 24.1% and the proposed project will not increase the impervious surface.

The septic design submitted with application and approved by Andy Schwartz.

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

- 1) The subject property is located at 8761 Lincoln Green Rd and is zoned Residential, Medium Density R-2 (Shoreland); (Margaret Lake - General Development).
- 2) The subject property contains a legal existing non-conforming garage located 10.3 ft. from the side-yard where 15 ft. is required.
- 3) The request is to construct a 700 sq. ft. guest quarters 10.3 ft. from the side-yard where 15 ft. is required which requires a variance for the addition on top of an existing garage.
- 4) The variance request does not include an increase in impervious surface coverage but will remain at 24.1%.
- 5) The proposed project includes a new installation of a septic system which was included with the variance application and has been reviewed by Andy Schwartz.
- 6) The current garage meets the OHW setback and road right-of-way setback.
- 7) The DNR has been notified of the request and no comment has been received as of the drafting of this staff report.
- 8) 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 discussion with the Planning Commission:

- 9) 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 add guest quarters on top of an existing legal non-conforming structure.
 - b. No, _____.
- 10) Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the guest quarters are on top of an existing legal non-conforming structure, and the proposed guest quarters does not expand any further to the side-yard setback than the existing garage.
 - b. No, _____.
- 11) If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, constructing the guest quarters will not alter the essential character of the neighborhood. The proposed size of the structure is consistent with other structures in the vicinity of the subject property.
 - b. No, _____.
- 12) 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)
 - b. No, _____.
- 13) 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.
 - b. No, _____.

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

Staff Recommendation: The property owner seems to have reasonable use of the property with the proposed guest quarters on top of the existing garage no closer to the side yard setback than the existing footprint of an existing legal non-conforming structure. Staff recommend the Planning Commission discusses and provides input regarding the proposed findings for approval and/or denial.

If the Planning Commission 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 guest quarters shall remain accessory to the principal use and shall not be sold or rented as rented as a separate dwelling without further city approval.
3. 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.
4. A stormwater management plan shall be submitted for approval by staff and the approved plan shall be implemented no later than the expiration of the permit or completion of the project, whichever is sooner.

Nicole Hausmann, Sourcewell, reported the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments and staff report. There were no written comments received regarding the application. DNR was notified on June 30th and no comments were received.

Nicole Hausmann presented Variance 07-25 (#5b).

Jay and Donna Fauchald shared that they would appreciate consideration for this project as it has been planned for several years to accommodate family.

Kurt Hunstiger shared that he lives north of the property and is in favor of the addition.

Alex Bitter questioned the DNR's 700 sq ft requirement, as it appears that this will be over that by a little bit. Alex recommended that if the property owner converts the storage room into bedrooms, the property owner will need to make sure they're following the DNR requirements on that.

MOTION BY PJ SMITH AND SECONDED BY DAVE RIEGERT TO APPROVE THE VARIANCE REQUEST OF JAY AND DONNA FAUCHALD AT 8761 LINCOLN GREEN ROAD BASED ON THE FINDINGS WITHIN THE PACKET AND THE COMMENTS TODAY WITH THE UNDERSTANDING THAT WE CANNOT ENFORCE DNR CONCERNS AND WITH THE CONDITIONS AS PRESENTED BY STAFF. MOTION PASSED.

Variance 07-25 (#5c) – Patrick Smith is requesting a variance to complete a subdivision (lot line adjustment) to sell Tract A (90- 437-2420). The request for the variance includes a side-yard setback of 4.6 ft. on the southeast side of the existing garage, and 8.4 ft. to the southwest side of the existing garage where 15 ft. is required, located at 8755 Interlachen Road. A variance is also requested for Tract B (90-437-2430) for lot width of 95 ft. where 150 is required, lot area of 22,327 sq. ft. where 40,000 is required and a buildable area of 9,182 sq. ft. where 20,000 is required, located at 8759 Interlachen Road. The subject properties are zoned Residential, Low-Density R-1 (Includes Off Lake Shoreland) - Gull Lake (General Development).

The subject property Tract A (90-437-2420) contains a pre-existing dwelling with attached deck, and a garage which is located over the property line of Tract B (90-437-2430). This proposal does not meet the side-yard setback requirement of 15 ft. per section 15.2 of the Ordinance. The subject property Tract B (90-437-2430) has an existing shouse. This proposal does not meet the size requirements for Residential, Low-Density (R-1) requirements per 15.2 of the Ordinance. Tract B (90-437-2430) had an after-the-fact variance and lot line adjustment August 31, 2021 (see attached documents). Both properties have their own septic system and are

complying based on the installation form and septic compliance inspection form provided with the variance application.

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

1. The subject properties are located at 8755 & 8759 Interlachen Road and are zoned Residential, Low-Density R-1 (Includes Off Lake Shoreland); (Gull Lake - General Development).
2. The subject properties are owned by the same individual however, Tract A (90-437-2420) is under LLC.
3. The subject property Tract A (90-437-2420) is requesting a variance for a side-yard setback for an existing garage. The southwest corner of the garage is shown at 8.4 ft. from the side-yard where 15 ft. is required. The southeast corner of the garage is shown as 4.6 ft. from the side-yard where 15 ft. is required.
4. The subject property Tract B (90-437-2430) is requesting a variance for lot size.
5. These requests are for a future subdivision (lot line adjustment) to sell Tract A (90-437-2420)
6. The impervious surface coverage was not provided on the certificate of survey and should be provided by the applicant if this variance is approved to determine if a stormwater management plan is required.
7. There appears to be no conflicts with the Comprehensive Plan, especially since this is an established neighborhood.
8. Both properties have their own septic system that have been inspected and deemed compliant.
9. The DNR has been notified of the request and no comment has been received as of the drafting of this staff report.
10. 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 discussion with the Planning Commission:

11. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
 - a. Yes, the applicant is correcting an existing non-conforming structure that is currently on the property line. No additional structures are proposed with this request.
 - b. No, the plight of the landowner is due to circumstances created by the landowner.
 - i. Tract B (90-437-2430) would not meet size requirements for R-1 zoning hence the variance request.
12. Does the property have unique circumstances that were not created by the landowner?
 - a. Yes, the applicant is correcting an existing non-conforming structure that is currently on the property line.
 - b. No, the plight of the landowner is due to circumstances unique to the property created by the landowner.
13. If the variance is granted, will the essential character of the locality remain consistent?
 - a. Yes, the variance will not alter the essential character of the locality. No additional structures are proposed with this request.
 - b. No, the variance will alter the essential character of the locality by taking a non-conforming lot and making Tract B (90-437-2430) even more non-conforming.
14. 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 deviation from the Ordinance with any attached conditions will be in harmony with the general purposes and intent of the Ordinance and Comprehensive Plan. i. The Comprehensive Plan states: "Support growth patterns that reinforce our lake oriented and rural development brand." (pg.5)
 - b. No, deviation from the Ordinance with any attached conditions will not be in harmony with the general purposes and intent of the Ordinance and Comprehensive Plan.
15. Has the variance request been made based on reasons other than economic considerations alone?

- a. Yes, variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.
 - i. The applicant is correcting an existing non-conforming structure that is currently on the property line.
 - ii. No additional structures are being proposed with this request.
- b. 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 the request, deny the request or table the request if additional information is needed. If the motion is for approval or denial, findings of fact should be cited.

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

If the Planning Commission wishes to approve the variance request, staff recommends the following conditions of approval:

1. The property owner must work with the surveyor to provide staff with the impervious surface coverage for Tract B. If the property is over 20%, a stormwater management plan shall be submitted for approval by staff and the approved plan shall be implemented prior to the recording of any approved subdivision (boundary line adjustment) with Cass County.
2. The New legal descriptions for Tract A and Tract B must be recorded with Cass County within 12 months of this approval.

PJ Smith stepped down from the Commission table to join the audience at this time (9:36 AM) and recused himself from voting on this Variance.

Nicole Hausmann, Sourcewell, reported the following items will become part of the record: Notice of mailing, notice of publication, signed application and attachments and staff report. There were no written comments received on this application. DNR was notified on June 30th and no comment has been received.

Nicole Hausmann presented Variance 07-25 (#5c) (lot line adjustment).

PJ Smith complimented Nicole on explaining everything very well. The dotted line on the survey is the existing lot and that lot line will be moved just enough to get the garage inside the property line. Unfortunately, that affects both properties that need to be addressed for this change.

Alex Bitter stated concern regarding the impervious coverage on Tract B being exceeded by this change.

PJ Smith stated that it will be over the impervious coverage limit and noted there is a recommendation that we address this as a condition of the approval.

MOTION BY ALEX KUHN AND SECONDED BY DAVE RIEGERT TO APPROVE PATRICK SMITH'S VARIANCE TO PERFORM A LOT LINE ADJUSTMENT AS SET FORTH IN THE PACKET WITH THE UNDERLYING FINDINGS OF FACT AND CONDITIONS. MOTION PASSED.

Member PJ Smith abstained from voting and recused himself due to a conflict of interest.

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO CLOSE THE PUBLIC HEARING AT 9:22 AM. MOTION PASSED.

NEW BUSINESS –

Subdivision (Lot Line Adjustment) <10 acres – Patrick Smith, 35 Investments, LLC, is requesting a subdivision (lot line adjustment) to sell Tract A (90-437-2420) for lot area of 40,155 sq. ft. where 40,000 is required and a buildable area of 23,816 sq. ft. where 20,000 is required, located at 8755 Interlachen Road, per Certificate of Survey received. Proposed new legal descriptions were provided by the surveyor, KLD.

A variance was requested and approved for Tract B (90-437-2430) for lot width of 95 ft. where 150 is required, lot area of 22,327 sq. ft. where 40,000 is required and a buildable area of 9,182 sq. ft. where 20,000 is required, located at 8759 Interlachen Road, per Certificate of Survey received. Proposed new legal descriptions were provided by the surveyor, KLD.

The subject properties are zoned Residential, Low-Density R-1 (Includes Off Lake Shoreland) - Gull Lake (General Development).

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

1. The subject properties are located at 8755 & 8759 Interlachen Road and are zoned Residential, Low-Density R-1 (Includes Off Lake Shoreland); (Gull Lake - General Development).
2. The subject properties are owned by the same individual however, Tract A (90-437-2420) is under LLC.
3. The subject property Tract A (90-437-2420) is shown on the certificate of survey as 40,155 sq. ft. and a buildable area of 23,816 sq. ft.
4. The subject property Tract B (90-437-2430) is shown on the certificate of surveys as lot width of 95 ft., lot area of 22,327 sq. ft. and a buildable area of 9,182 sq. ft.
5. Tract A and Tract B have their own driveway access off Interlachen Road.
6. There is an existing driveway easement over existing driveway per the certificate of survey.
7. A variance was approved on 07/14/2025 for Tract B lot width, lot area and buildable area for R-1 zoning.
8. Tract A meets lot width, lot area and buildable area for R-1 zoning according to the certificate of survey.
9. The property is suitable in its natural state for the intended purpose and this subdivision (lot line adjustment) would not be harmful to the health, safety, or welfare of future residents or of the community.
10. The applicant is not proposing any new structures.
11. The Certificate of Survey provided for this subdivision (lot line adjustment) was prepared by James Kramer, PLS #23668 of KLD and was submitted to the city on 6/16/2025.

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

Staff Recommendation: The Planning Commission should discuss and provide input regarding the subdivision (lot line adjustment) request.

If the Planning Commission wishes to approve the subdivision (lot line adjustment) request, staff recommends the following conditions of approval:

1. The property owner must work with the surveyor to provide staff with the impervious surface coverage for Tract B. If the property is over 20%, a stormwater management plan shall be submitted for approval by staff and the approved plan shall be implemented prior to the recording of any approved subdivision (lot line adjustment) with Cass County.
2. The New legal descriptions for Tract A and Tract B must be recorded with Cass County within 12 months of this approval.

Nicole Hausmann presented the Subdivision (Lot Line Adjustment) <10 acres.

PJ Smith stated that this is a mirror image of the Variance request.

MOTION BY SEAN WELDON AND SECONDED BY ALEX KUHN TO APPROVE THE SUBDIVISION (LOT LINE ADJUSTMENT) FOR 90-437-2420 AND 90-437-2430 AS PRESENTED IN THE PACKET WITH THE FINDINGS OF FACT AND CONDITIONS. MOTION PASSED.

Member PJ Smith abstained from voting and recused himself due to a conflict of interest.

Acceptance of Resignation

MOTION BY SEAN WELDON AND SECONDED BY DAVE RIEGERT TO ACCEPT THE RESIGNATION OF MEMBER PAT HASTINGS. MOTION PASSED.

Recommendation of new Planning Commission/Board of Adjustment Member

Chair Woll explained that with Pat resigning, a recommendation is needed for a new permanent member to sit on the board and then make that recommendation to City Council. There are three very qualified alternates currently assisting the board. In speaking with Teri Hastings, and based on previous precedent, it was decided that the applicant with the longest serving history would be promoted. Dave Riegert has been serving longer than the other two, so it is recommended that Dave be assigned and appointed to the role of Planning and Zoning Commission Member.

MOTION BY SEAN WELDON AND SECONDED BY ALEX KUHN TO APPROVE THE RECOMMENDATION OF DAVE RIEGERT TO BE APPOINTED AS THE NEW PLANNING AND ZONING COMMISSION MEMBER AND RECOMMEND TO CITY COUNCIL THE APPROVAL OF THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION TO PROMOTE DAVE RIEGERT TO MEMBER. MOTION PASSED.

OLD BUSINESS –

Chair Woll referenced last month's meeting minutes regarding Teri Hastings indicating there was a potential violation of brush removal on Gullwood.

Nicole Hausmann stated there was no new information.

REPORTS –

City Engineer – Dave Reese – Nothing to report.

Chair – Jim Woll shared the Certificate of Appreciation that will be given to Pat Hastings thanking him for his years of service to the City of Lake Shore. Jim also mentioned that Laura Fussy and Nicole Hausmann are new to this process and welcomed any feedback on agenda packets received in terms of information contained, volume of information, lack of information, anything to be helpful during this transition into this role. Comments consisted of packets being very thorough, Nicole was very helpful, and "Good Job" overall.

Council Liaison – Darcy Peterson – Nothing to report.

Sourcewell – Nicole Hausmann – Nicole referenced the Permit Summary for June included in the packet. Nicole expressed her enjoyment in working together for the first month and getting to know people at the city.

Sean Weldon mentioned the boardwalk by Bar Harbor has an area that has a hole that is washed out and has a board over it. There is also a board by Zorbaz coming up that could be a trip hazard. Some of the railings, as well, are not attached correctly and there is also a retaining wall by the Narrows Association in which both sides seem to be falling.

Laura Fussy commented that she would contact Roger in maintenance to ask him to investigate and see if the City engineer needs to be involved to solve the issues.

PUBLIC FORUM –

Mark Maki stated concern regarding a drainage issue on his property that he feels was caused by a neighbor doing landscaping and grading. Mark is requesting that the commission read his letter provided to the Commission and perform a site visit.

PJ Smith stated he would like to read all the information thoroughly in this issue to be prepared to address it at the next meeting.

Jim Woll added commissioning Nicole Hausmann to go out physically and look at the property and provide feedback as to whether a permit was required and whether the field materials, as suggested by Mark Maki, has diverted water from the neighboring property onto his property. The review of the information provided by Nicole along with the opportunity to thoroughly review the letter and attached photographs will allow the Commission to be better armed in deciding in this matter.

Jim Woll stated the Commission will proceed, without motion, the recommendation that Nicole Hausmann go out to perform a site visit and to share additional information that may be provided and will allow time before next month's meeting for the Commission to review all information.

Arthur Driessen explained that he is purchasing a wooded lot across the street from his home and is planning on building a two-bedroom structure on the property. Arthur is requesting information on how to proceed with a permit, ground clearing, and purchasing materials.

Nicole Hausmann responded to Arthur Driessen that she will talk with him after the meeting.

Kurt Hunstiger inquired into the possibility of adding the Planning and Zoning packet onto the City of Lake Shore Website. Kurt shared that he felt that it would provide openness to the public on items of interest to the community members.

Nicole Hausmann clarified that Sourcewell does not post things onto city websites. Nicole suggested that the idea should be put before the city council to find out if they would like to upgrade their website and post the meeting packets onto their website.

MOTION BY SEAN WELDON AND SECONDED BY DAVE REIGERT TO ADJOURN THE BOARD OF ADJUSTMENT/PLANNING COMMISSION MEETING OF JULY 14, 2025, AT 9:52 AM. MOTION PASSED.

Transcribed by Kathy Johansen
Lake Shore Deputy Clerk