

Approved



**REGULAR MEETING  
PLANNING COMMISSION  
August 7, 2025**

**Present:** Chairperson Dresel, Commissioners: Trivette, Meyer, Weidell-LaBathe, and Hawkinson

**Absent:** Commissioners: Peterfeso and Carlson

**Staff:** Associate Planner Nelson and City Administrator Pechman

**Public:** Mark & Melinda Posner, Andy Brink

**1a. Roll Call**

**1b. Pledge of Allegiance**

Chairperson Dresel proceeded to open the meeting at 6:30 p.m. The Pledge of Allegiance was recited.

**AGENDA**

Chairperson Dresel asked if there were any changes or additions to the agenda. Commissioner Weidell-LaBathe made a motion to approve the agenda, Commissioner Meyer seconded; all in favor, all ayes; motion carried.

**CONSENT AGENDA**

**3a. Minutes of June 5, 2025,**

**Action**

Chairperson Dresel asked the commission if there were any changes or corrections to the minutes. Commissioner Trivette made the motion to approve the minutes for June 5<sup>th</sup>, Commissioner Weidell-LaBathe seconded, all in favor, all ayes, motion carried.

**COUNCIL LIAISON REPORT**

Commissioner Meyer stated the council had a regular meeting on July 22<sup>nd</sup>. Robyn Vosberg-Torgeson addressed the council on behalf of Superintendent Dietz to speak about the school's plans. The 2024 Fire Relief Audit was presented and approved. A donation in honor of former Mayor Bob Gustafson of a memorial tree and bench was approved and there will be a ribbon cutting ceremony during the Ki-Chi-Saga Days celebration. Council approved the use of funds from Fund 29 the charitable gambling fund for city events and recognitions.

**COMMUNICATION**

**PUBLIC HEARINGS: 6:35 P.M.**

**6a. Variance Application -9926 Kismet Isle**

**Action**

Associate Planner Nelson stated Mark & Melinda Posner, owners of 9926 Kismet Isle, have submitted a variance application for a proposed addition and new deck to the existing house on the property. The variance application pertains to the required setback to the ordinary high-water mark (OHW). The property is zoned Low/Medium Density Residential (R-2) and is being used for residential purposes. The property is guided to R-2. Use of property for residential purposes is consistent with the Comprehensive Plan. The property measures roughly 0.62 acres above the OHW. There is an existing house, with an attached garage, shed and deck. Zoning Code Chapter 4.7.3.F.2 outlines the setback requirements from a structure to the OHW. The required structure setback to the OHW is 75'. The applicant is proposing a 50' setback to the OHW. Impervious surface area maximum is 25%, the proposed addition and deck do not cause the property to exceed 25%.

State Statute 462.357, subd. 6 states that variances may be granted to a property when the applicant establishes that there are "practical difficulties". It must satisfy the statutory three-factor test for practical difficulties. Also, it must only be for permitted uses when they are in harmony with the general purpose and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. The three-factors include:

1. The property owner proposes to use the property in a reasonable manner. This means that the landowner would like to use the property in a particular reasonable way but cannot under the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.
2. The landowner's problem is due to circumstances unique to the property not caused by the landowner. This relates to physical characteristics of the land, not personal preferences.
3. The use will not alter the essential character of the neighborhood. Will the resulting structure be out of scale, out of place or inconsistent with the surrounding area?

The variance was submitted for review to Craig Wills, the DNR Area Hydrologist, no comment was received. City staff are recommending approval of the variance, the action requested is approval or denial of the variance application to construct an addition and deck onto the rear of the house at 9926 Kismet Isle, as depicted in the attached survey, to have a 50' setback to the OHW.

Chairperson Dresel asked if any comments were received from the public. Associate Planner Nelson stated that no comments were received from the public or DNR.

Commissioner Weidell-LaBathe made the motion to open the public hearing at 6:35pm; Commissioner Trivette seconded, all in favor, all ayes; motion carried.

After no public comment, Commissioner Weidell-LaBathe made a motion to close the public hearing, Commissioner Meyer seconded, all in favor, all ayes; motion carried.

Chairperson Dresel asked for any discussion, Weidell-LaBathe asked if the addition was being constructed up and the deck was extending out. Associate Planner Nelson clarified that both the addition and the deck are being constructed out from the existing home.

Commissioner Trivette stated that the house has been there for a long time with plenty of lakeshore. It sits way back from where the original OHW mark was. He doesn't see any problem with an addition; it is not infringing on any of the neighbors. The addition will be placed where the original deck was. Chairperson Dresel does not see an issue.

Administrator Pechman pointed out the OHW mark to the commission, and where the established shoreline is.

Commissioner Trivette made a motion to approve the variance for 9926 Kismet Isle, Commissioner Hawkinson seconded, all in favor, all ayes; motion carried. Chairperson Dresel stated that the variance will go to the city council on July 22<sup>nd</sup>.

### **NEW BUSINESS**

#### **7a. Design Review- 9387 Wyoming Trail- Baptist Church**

#### **Action**

Associate Planner Nelson presented to the commission a Design Review submitted by Nic Morgan, applicant on behalf of the Baptist Church at 9387 Wyoming Ave., the request is to add a 16' x 36' accessory structure to the property. The property is zoned Public/Semi-Public Facilitates (PSP-F) is approximately 23 acres and currently has a church, school, pavilion and accessory structure. The used is permitted in the PSP-F district per Zoning Code Chapter 4.6.2.C. The property is guided PSP-F. Use of property as a church and school are consistent with the Comprehensive Plan. Zoning Code Chapter 4.6.2 Public/Semi-Public Facilitates does not outline required setbacks. The site plan depicts the proposed setbacks of more than 200' to property lines in all directions. A 200' setbacks would exceed any setback requirements in City Zoning Code by 50' or more. The maximum impervious surface area permitted for the property is 70%. The property currently measures at roughly 17% impervious surface area. With the additional accessory structure as proposed the property would be at approximately 18% impervious surface area.

Zoning Code Chapter 3.5.D.2 states exterior design and appearance of buildings and structures, and the design of the site plan shall be compatible with the design and appearance of other existing buildings and structures in neighborhoods. The applicant has advised the building will be no more than 13' in height and have LP siding in the color of "driftwood" a gray brown. The roofing is proposed to be a gambrel style steel, very dark down, almost black in color "burnish slate", accents and trim to be black. The proposed accessory structure is not anticipated to impact parking. No parking areas are proposed to be altered with this project.

City staff are recommending approval of the design review and is requesting recommendation of approval or denial from the Planning Commission to construct an accessory structure at 9387 Wyoming Ave.

Andy Brink from Lindstrom, a member of the church, was present at the meeting to answer any question from the commission. He stated that the structure is going to be used for the school's athletic fields, the front to take tickets and the back portion for storage. The building is built offsite and then will be delivered and placed on a class five gravel pad. There is a need for storage, the building does have the possibility for future electrical service.

Trivette asked if the power would be underground in the future. Mr. Brink stated that there is inground power located near the newest building additions and parking lot poles, in the future it could be utilized and dug in underground from those areas. Currently power is not needed, and the shed will be utilized for about two hours during athletic events otherwise just storage use. Commissioners thought it would be a nice addition.

Chairperson Dresel made a motion to approve the design review for 9387 Wyoming Trail; Commissioner Weidell-LaBathe seconded, all in favor, all ayes; the motion was approved.

### **UNFINISHED BUSINESS**

Administrator Pechman stated to the Commission that the city attorney Patrick Doren has left Miller and Stevens, and the city has retained Flaherty & Hood as the city attorney. They have started to do a review of the zoning code and are in the process of making some changes. They will be streamlining some things; the firm represents over 60 cities. Trivette asked what items this will effect. Pechman stated that the changes will be in the way the city process Variances, CUPs, Conditional Use Permits. The public hearing will be presented at the next Planning Commission meeting.

### **ADJOURN**

Commissioner Trivette made the motion to adjourn, Commissioner Weidell-LaBathe seconded, all in favor, all ayes, meeting adjourned.

Respectively Submitted by:

Alisa Bodell

Deputy Clerk