

CITY OF FIFTY LAKES
MINUTES OF THE PLANNING COMMISSION
July 25, 2023
6:00 PM

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6 1. Call to order: 6:00 pm

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8 **2. Roll Call:**

9 Planning Commission: Bob Stancer, Don Reiersen, Fred Strohmeier, Bruce Bissonnette, Mike Milbrath
10 Staff: Justin Burslie, Planning and Zoning Administrator; Jessica Istvanovich, Deputy Clerk
11 City Council: Gary Staples

12 **3. Additions or Deletions to Agenda:**

13 The commission added a review of Open Gate accessory structure under “New Business”.

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15 **4. Public Hearings:**

- 16 a) V-02-23 to enclose a pre-existing 10’ X 15’ (150 sf) deck with in the ordinary high water level
17 setback. Property address:40535 Westman Bay Rd. Property owners/applicants: Christopher and
18 Wendy Boyer.

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20 MOTION MADE BY MR. MILBRATH AND SECONDED BY MR. STANCER TO APPROVE V-02-23
21 WITH THE 12 FINDING OF FACTS AND 1 CONDITION:
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23 **Staff Findings:**

- 24 1. The subject property is located at 40535 Westman Bay Rd. and is zoned “Shoreland Residential”
25 (West Fox Lake – General Development).
26 2. The variance request is to enclose an existing 10’ x 15’ (150 sf) attached pre-existing deck. The
27 proposed addition would convert the deck into a three-season porch.
28 3. The single-family dwelling is considered a “pre-existing structure” because it was constructed before
29 the establishment of the Shoreland Rules and is located 48’ from the OHW level of West Fox Lake
30 (75 ft required.)
31 4. The pre-existing dwelling was significantly damaged by fire in December 2020. The property owners
32 were granted a variance in September 2021 to replace the pre-existing dwelling and construct 947 sq.
33 ft. addition on the east side of the structure.
34 5. The subject property is 3.2 acres and will contain approximately 11% impervious surface coverage
35 with the proposed improvements (25% allowed).
36 6. The pre-existing dwelling is served by a private water well and conforming subsurface sewage
37 treatment system.
38 7. The DNR has been notified of the request and has provided the following:
39 • “Assuming the existing deck is an existing legal non-conforming deck (i.e., either has a
40 permit or was placed prior to P&Z regulations established within the City) and the addition is
41 getting no closer to OHW than the other portion of the house, the DNR has no comments.”
42 8. Will granting the variance put property to use in a reasonable manner not permitted by the Zoning
43 ordinance? The commission answered “Yes, it’s consistent with past approval for the property and
44 it’s a reasonable request because it’s no closer to the lake than the existing structure.”
45 9. Does the property have unique circumstances that were not created by the landowner? The
46 commission answered “Yes, the original structure was built before the setback guidelines were
47 implemented.”
48 10. If the variance is granted, will the essential character of the locality remain consistent? The
49 commission answered “Yes, constructing a porch addition will not alter the essential character of the
50 neighborhood. The improvement will not be visible from the right-of-way and not highly visible
51 from adjacent properties. The addition will be visible from the lake however the shoreline contains
52 some vegetation for screening.”

- 53 11. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the
54 purpose and intent of the City of Fifty Lakes ordinances? The commission answered “Yes, the
55 request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the
56 following goal in the comprehensive plant, ‘To preserve he natural character and environmental
57 quality of the lakeshore and still allow reasonable use for property owners and the public.’”
58 12. Has the variance request been made based on reasons other than economic considerations alone?
59 The commission answered, “Yes, the request has been made on factors other than economic
60 considerations.

61 **Conditions:**

- 62 1. A stormwater management plan which includes gutters/downspouts on the west side (lakeside) of the
63 porch and dwelling submitted prior to land use permit approval. Stormwater shall be directed to a rain
64 garden(s) and/ or swale(s). The stormwater management plan shall be reviewed/approved by the
65 zoning administrator and shall be implemented in full within one month after completion of the
66 project.

67 When polled: All members voted aye. Motion carried

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69 MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. REIERSON TO APPROVE THE
70 JUNE 27TH, 2023 MEETING MINUTES.

71 When polled: All members voted aye. Motion carried

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73 **5. New Business:**

- 74 a. The planning commission discussed the Recreational Vehicle Ordinance. Discussion topics were as
75 followed:

- 76 • Should the city establish a maximum number of RV’s on a property?
77 • Should the city require a one- time permit or annual permit?
78 • Is an internal tank adequate? Holding tank?
79 • Can RV’s be considered a “guest cottage”?

80 Mr. Burslie will compile the discussion notes and present the commission with proposed changes to
81 the ordinance.

- 82
83 b. The planning commission discussed a proposed structure on a property in the Open Gate Resort
84 Association. The planning commission determined that a portion of the larger accessory structure
85 cannot be considered a water oriented accessory structure and encroach the lake setback.
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- 87 **6. P&Z Administrator’s Report:** Mr. Burslie stated that there were no new updates for the Horvath tower.
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89 MOTION BY MR. STROHMEIER TO ADJOURN. Meeting adjourned at 7:35 P.M.
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Jessica Istvanovich, Deputy Clerk