CITY OF FIFTY LAKES

MINUTES OF THE PLANNING COMMISSION

November 26, 2024 6:00 PM

1. **Call to order:** 6:00 pm
2. **Roll Call:**

Planning Commission: Bob Stancer, Mike Milbrath, Don Reierson, Fred Strohmeier, and Gary Oster (via Interactive Technology: Out of Town).

Staff: Bethany Soderlund, Zoning Specialist; Jessica Istvanovich, Deputy Clerk.

City Council: Gary Staples

1. **Additions or Deletions to Agenda**: Mr. Stancer informed the board that planning commission member Gary Oster is attending remotely. Mr. Strohmeier requested to add a discussion on protocol for commission members under New Business.

**MOTION MADE BY MR. MILBRATH AND SECONDED BY MR. STROHMEIER TO APPROVE AMDENDED AGENDA.** When polled: All members voted aye. Motion carried**.**

1. **Public Hearings:** 
   1. Variance Application V-04-24 to expand a pre-existing dwelling within a bluff impact zone (BIZ) with the construction of a non-lakeside 12’ x 12’ screen porch within the Shoreline Residential (SR) land use district. The subject property is located at 41615 E Eagle Lake Rd; PIN 22240589. Applicant/property owner: Philip Wanty.

**MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. MILBRATH TO APPROVE VARIANCE APPLICATION V-04-24 WITH 10 (TEN) FINDINGS OF FACTS AND 1 (ONE) CONDTION AS DISCUSSED:**

**Findings of Fact:**

1. The subject property is located at 41615 E Eagle Lake Rd. and is zoned “Shoreland Residential” (Eagle Lake - Recreational Development).
2. The variance request is an after-the-fact request to construct a 12x12 screen porch/covered entry addition within the bluff impact zone.
3. The existing single family dwelling is located approximately 75’+ from the OHW level of E Eagle Lake where 100’ is required.
4. The proposed impervious surface coverage of the property is 13.8% (25% allowed.)
5. The DNR has been notified of the request and has no comment.
6. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance?
   1. Yes, the porch is built on the landside, non-lakeside portion of the dwelling and is not impacting the bluff or topography.
7. Does the property have unique circumstances that were not created by the landowner?
   1. Yes, topography and the legal non-conforming dwelling was constructed prior to the adoption of bluff standards.
8. If the variance is granted, will the essential character of the locality remain consistent?
   1. Yes, the construction of the screen porch addition has not altered the essential character of the neighborhood. The improvement is not highly visible from the right-of-way, adjacent properties, or the lake.
9. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances?
   1. Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plan, “To preserve the natural character and environmental quality of the lakeshore and still allow reasonable use for property owners and the public.”
10. Has the variance request been made based on reasons other than economic considerations alone?
    1. Yes, the request has been made on factors other than economic considerations.

**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.

When polled: All members voted aye. Motion carried.

* 1. Conditional Use Application CU-02-24 for the installation of a residential renewable energy system within the Shoreland Residential (SR) land use district. The subject property is located at 16246 Eagles Turn; PIN 22230522. Applicant: John Hageman. Property owner: Thomas & Diana Wright.

**MOTION MADE BY MR. REIERSON AND SECONDED BY MR. STANCER TO APPROVE CONDITIONAL USE APPLICATION CU-02-24 WITH 14 (FOURTEEN) AND 1 (ONE) CONDITIONS AS DISCUSSED:**

**Findings of Fact:**

1. The subject property is described as: Lot 5 Block 2 Golden Eagle; 22230522; located at 16246 Eagles Turn.
2. The subject property is 1.54 acres and is located in the Shoreland Residential (SR) land use district.
3. The conditional use permit request is to install a roof-top renewable energy system (solar panels) on an existing structure.
4. The panels will be flush mounted on the south side of the garage and will not substantially impact the height of the conforming structure.
5. The proposed use is allowed with a conditional use permit.
6. The proposed renewable energy system meets all setback and height requirements of the shoreland Residential land use district.
7. The existing and proposed impervious surface coverage of the subject property is approximately 14.8%.
8. The proposed use, with conditions, will not have an impact on the health, safety and general welfare of the occupants in the surrounding neighborhood. The subject property is adjacent to property used for residential purposes.
9. The proposed use, with conditions, will meet all standards of the ordinance.
10. The proposed use is compatible with the comprehensive plan.
11. The proposed use, with conditions, will not impact the value properties in the neighborhood nor will it impact future development of properties in the surrounding area.
12. The proposed use will not generate an increased demand for additional public utilities, public utilities or schools.
13. The proposed use, with conditions, will not adversely impact groundwater, surface water and air quality.
14. The proposed use conforms with the City’s land use regulations.

**Conditions of Approval:**

1. All use shall be in substantial conformance with the presented plan as shown. Deviations from the presented plan will require modified approval by the Planning Commission.
   1. Variance Application V-05-24 for the construction of a dwelling, deck, and screen porch within a bluff impact zone (BIZ) in the Shoreland residential (SR) land use district. The subject property is located at TBD W Fox Lake Rd; PIN 22210506. Applicant: Northland Construction. Property Owner: Chad and Rachel Maschke.

**MOTION MADE BY MR. STROHMEIER AND SECONDED BY MR. MILBRATH TO APPROVE THE MODIFIED VARIANCE REQUEST V-05-24, TO CONSTRUCT A DECK WITHIN THE BLUFF IMPACT ZONE WITH 11 (ELEVEN) FINDINGS OF FACT AND 3 (THREE) CONDITIONS AS DISCUSSED:**

Findings of Fact:

1. The subject property is located on W. Fox Lake Rd.; 22210506 and is zoned “Shoreland Residential” (West Fox Lake – General Development).
2. The variance (modified) request is for the construction of a deck within the bluff impact zone.
3. The proposed dwelling is 1,213 square feet ground cover, with an attached 24’ x 28’ garage, a 14’ x 14’ screen porch, and a 14’ x 34’ deck.
4. No dirt moving or construction is proposed within the bluff.
5. The proposed imperious surface coverage of the property is 8.5% (25% allowed.)
6. The DNR has been notified of the request and has no comment.
7. Will granting the variance put property to use in a reasonable manner not permitted by the zoning ordinance? Yes, the request is for a moderate sized single family home.
8. Does the property have unique circumstances that were not created by the landowner? Yes, the topography of the legal lot of record creates building challenges.
9. If the variance is granted, will the essential character of the locality remain consistent? Yes, the construction of a single family residential dwelling would not alter the essential character of the neighborhood. The proposed dwelling is in line with neighboring structures and is modest in size.
10. Will the variance, if granted, be consistent with the comprehensive plan and be in harmony with the purpose and intent of the City of Fifty Lakes ordinances? Yes, the request, with conditions, is consistent with the purpose and intent of the zoning ordinance and the following goal in the comprehensive plant, “To preserve the natural character and environmental quality of the lakeshore and still allow reasonable us for property owners and the public.”
11. Has the variance request been made based on reasons other than economic considerations alone? Yes, the request has been made on factors other than economic considerations.

Conditions of Approval:

1. All construction shall be in substantial conformance with the presented plan as shown with modifications. Deviations from the presented plan with modifications will require modified approval by the Planning Commission and agreed to by the authorized agent of the applicant. Variance request is for the construction of a 14’ x 34’ deck within the bluff impact zone.
2. Stormwater management plan and grading plans to be submitted to the city and approved by city staff prior to the issuance of any land use permits.
3. Project not to exceed 20 cubic yards of fill (for stormwater purposes) in the bluff impact zone.
4. **Approval of Minutes:** 
   1. October 22, 2024 Planning Commission Meeting

**MOTION MADE BY MR. MILBRATH AND SECONDED BY MR. STANCER TO APPROVE MINUTES FROM OCTOBER 22, 2024 MEETING AS PRESENTED**. When polled: All members voted aye. Motion carried.

1. **New Business:** Mr. Portz & Mr. Preiner (via interactive technology) requested feedback from the planning commission on amending the ordinance to allow accessory structures without a primary dwelling on parcels of 5 acres of more. The commission discussed the uniqueness of the property and options for the property owner. Ms. Soderlund will work with property owners to search for a solution. The council discussed posting political comments via social media.
2. **P & Z Administrator’s Report:** Ms. Soderlund reported 46 land use permits and 11 SSTS permits as of the November meeting.

**MOTION BY MR. STROHMEIER AND SECONDED BY MR. STANCER TO ADJOURN.** Meeting adjourned at 7:20 PM.

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Jessica Istvanovich, Deputy Clerk