

SUNFISH LAKE, MINNESOTA PLANNING COMMISSION

June 19, 2025

**First Calvary Baptist Church, Sunfish Lake
5495 South Robert Trail**

AGENDA

7:00 PM

- 1) Call to Order
- 2) Adopt the Agenda
- 3) Minutes – May 15, 2025 Planning Commission Meeting:
 - A. Additions / Corrections
 - B. Approval
- 4) Public Hearing: 6 Windy Hill Court
 - A. Staff Review and Recommendation
 - B. Public Comment
 - C. Commission Discussion
- 5) Public Hearing: 2 Sunfish Lane
 - A. Staff Review and Recommendation
 - B. Public Comment
 - C. Commission Discussion
- 6) Adjourn

Please note: The procedure for Public Hearings is written on the back of this agenda.

CITY OF SUNFISH LAKE PUBLIC HEARING PROCEDURE

To increase the understanding of the procedure being followed in public hearings, the following steps are used:

1. Chair – Description of request/Introduction
2. Staff – Description of request, analysis, recommendations
3. Applicant – Added comments and statements
4. General Public – Comments and presentations
5. Chair – Call for Planning Commission discussion and questions
6. General Public – Additional comments and questions
7. Chair – Close public hearing
8. Chair – Additional Commission discussion / call for motion

DRAFT
SUNFISH LAKE PLANNING COMMISSION MEETING
MAY 15, 2025
7:00 P.M.

Attendants

Chair: Kevin Wu
Commissioners: Present: Ginny Beckett, Jeannine Naves, Claire Noble and John Oakman
Absent: None
City Planner: Lori Johnson
City Clerk: Christy Wilcox
Members of the General Public.

1. **CALL TO ORDER:** Chair Wu called the meeting to order at 7:00 p.m.
2. **ADOPT AGENDA:** Chair Wu asked if there were any additions to the agenda and there was no response.

Commissioner Beckett moved to adopt the agenda as presented, seconded by Commissioner Naves.
Motion carried (5-0)

3. **APPROVE MINUTES, APRIL 17, 2025, PLANNING COMMISSION MEETING:** Chair Wu asked if there were any additions or corrections to the April 17, 2025, Planning Commission meeting minutes.

Commissioner Noble moved to approve the minutes of the April 17, 2025, Planning Commission meeting, seconded by Commissioner Beckett. Motion carried. (5-0)

4. 2 ACORN DRIVE – MAJOR SITE AND BUILDING PLAN REVIEW AND VARIANCE.

Hartman Homes Inc, applicant, and owners David Carlson and Chris Nelson, are proposing to build a 2,578 square foot home at 2 Acorn Drive. The lot on which the home is proposed is 2.43 acres in size and is currently wooded and vacant. New homes require the review and approval of a major site and building plan according to Section 1208.02C of the Zoning Ordinance. The proposed site plan also includes a separate accessory building labeled as a lounge and sauna. That structure is proposed at 241 square feet.

The proposed driveway requires a variance, as the driveway is proposed with a 10-foot side yard setback where a 25-foot setback is required.

This item was tabled from the last regular meeting of April 17, 2025.

Chair Wu moved to remove from the table consideration of the Major Site and Building Plan Review and Variance at 2 Acorn Drive, seconded by Commissioner Noble. Motion carried (5-0).

Chair Wu asked if there were any public comments and there were none.

Planner Johnson provided a brief update. The applications were tabled at the April 17th meeting with the direction of setting up an onsite meeting which was held tonight at 6:00 p.m. at 2 Acorn Drive. Additional items have been submitted since the last meeting. A set of engineered plans that everybody has a copy of

and was also distributed to those in attendance at the onsite visit. These plans meet all the City Engineer's comments as they related to his memo provided in the packet. It should be noted that a conditional use permit has been added to the land use application type to be consistent with the nonconforming section of the ordinance for lot sizes. Planner Johnson recommended approval of the variance.

Chair Wu went through the items that were discussed at the onsite meeting which included the topography, trees that needed to be removed and the potential retaining walls. Chair Wu explained that we shouldn't be focused on trees because in any case the driveway will be positioned in, significant trees will be removed and should not be a criteria in terms of evaluating a practical difficulty with regards to this project.

Commissioner Beckett asked if there is anything that needs to be altered at the site of the house for turning around of emergency vehicles in either case of the 10-foot or 25-foot variance? Planner Johnson said this should not be an issue. Commissioner Beckett noted that per the City Engineer there are no drainage advantages or disadvantages to 10 or 25 feet.

Commissioner Naves commented that one of the reasons we requested an onsite visit were concerns about the light pollution and having to face that every time somebody came and went from that driveway. There are just so many times in the city where the topography or the size of the lot or the position of the lot is such that there are only so many things you can do. Prior to the meeting we were discussing with the City Forester a way to make sure that we could put as many trees or the right kind of trees in place to minimize what we could. What we were told is that there are kinds of trees that are better than others and we can just try to make sure that we get a good number of trees and the right kind of trees planted. However, it sounds like nothing I've heard from anybody else that was at the site visit is going to completely take care of 100% of the car lights.

Chair Wu noted that no matter what the set back is from the driveway, there is still going to be screening in place. Chair Wu asked the City Engineer what he reviewed in terms of proposals for driveway placement when he came to his decision and whether or not other locations were rejected because they were not feasible or because this was a combination of one; this would work from an engineering standpoint and two; from a grading standpoint it minimizes earth movement and tree removal. Also, the other site on the top of the hill or higher up on the hill or inside that bluff is technically possible, it just requires a lot more work to make it happen. From my perspective, given that our engineer says that moving the driveway is not a barrier because we could move it, but it requires more work I don't know if we really can look at this from a practical difficulty standpoint because that's still possible.

Commissioner Oakman said that he understands there are three driveway possibilities, 10-foot setback, 25-foot setback and over the hill. There could be issues with any of the possibilities.

Chair Wu moved to deny the variance for the 100-foot setback based on the rationale that practically difficulty does not seem to apply in this situation because trees are removed in either case, screening is provided in any situation where the driveway is located and the City Engineer has indicated that the driveway can be placed in a variety of other locations that do not require a variance, seconded by Commissioner Oakman. Motion carried (4-1). Commissioner Naves voted against the motion to deny.

Chair Wu moved to recommend approval of the Major Site Plan and Conditional Use Permit for 2 Acorn Drive subject to the findings and face and conditions as outlined in the Planner's Report dated May 9, 2025, seconded by Commissioner Beckett. Motion carried (5-0).

OTHER/NEW BUSINESS:

5. ADJOURN

Chair Wu moved to adjourn the meeting at 7:20 p.m., seconded by Commissioner Noble. Motion carried.
(5-0)

Respectfully submitted,

Christy Wilcox, City Clerk

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Lori Johnson, City Planner

Date: June 12, 2025, for the June 19, 2025, Planning Commission Meeting

Re: 6 Windy Hill Court– Major Site Plan Review
WSB Project No. 028766-000

GENERAL INFORMATION

Applicant: Prestige Pools

Property Owner: Eric Olson

Project Location: 6 Windy Hill Court – PID 38836800130

Acreage: 2.5 acres

Existing Land Use: Single-Family Residential

Zoning: Zoned R-1 within Shoreland Overlay District

Surrounding Land Use / Zoning: Surrounded by Single Family Homes/R-1 Zoning on North, South, East, and West of parcel.

Comprehensive Plan: The City of Sunfish Lake (2040) Comprehensive Plan guides this property for Rural Residential land use.

Deadline for Agency Action:	Application Complete Date:	05.09.2025
	60 Days:	07.08.2025
	Extension Letter Mailed:	06.12.2025
	120 Days:	08.11.2025

Attachments: Location Map
Aerial
Survey
Lighting Plan
Erosion and Sediment Control Plan
Narrative

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Prestige Pools, on behalf of Eric Olson who is the property owner of 6 Windy Hill Court, have made an application for a Major Site Plan Review to allow for the approval to construct a 20 foot by 40 foot in-ground swimming pool. The pool will sit roughly 14 feet from the west side of the existing residence. The pool will be rectangular in shape, with a pool deck (made of concrete) surrounding the pool. The pool will be equipped with an ASTM certified automatic safety cover. The applicant will install erosion containment measures to prevent soil loss, such as silt fences and a French drain south of the pool deck. Contractors will utilize the existing driveway for access.

The pool area will be bordered by a pool deck that will require the removal of the existing paver patio as well as the removal of two maple tree clusters. Because the proposed pool and pool deck area is over 1,000 square feet in size, the zoning ordinance requires Major Site Plan approval for the project.

2. General Zoning Review—In-Ground Swimming Pool Major Site Plan Review

Setbacks: The new pool and pool deck are set back from the front property line at a distance greater than what is required by the ordinance. The surrounding pool deck area exceeds the required setback from the rear lot line and both side lot line setbacks to meet the standards of both the R-1 and Shoreland Overlay Districts.

Impervious Surface and Building Coverage: The total proposed impervious surface coverage for the lot on which the home is to be located is 10.7%. The total impervious surface coverage allowed is 30% and this plan meets this requirement.

The total building coverage allowed on the lot cannot be greater than 10% per ordinance requirements. The proposed building coverage on the home lot is 3.6% which meets ordinance requirements.

Size: The pool area that is being constructed is 2,435 square feet. The pool will measure 800 square feet and the surrounding pool deck and stairs will measure 1,635.

Tree Preservation/Landscaping: The Applicant has indicated that two maple tree clusters shall be removed as a result of the proposed installation. However, the Landscape Plan does indicate that a planting bed with three trees shall be installed on the north side of the pool deck. Additionally, shrubs and other small plants will be added around the fire pit patio that sits at the southwest corner of the pool. An existing large pine tree and the proposed additional plantings will help screen the pool deck.

Lighting: The applicant has submitted a lighting plan that indicates where new lighting is proposed. A lighting plan must be submitted that indicates foot candle measurements at the property line to be consistent with ordinance requirements. Section 1216.06 of the Zoning Ordinance indicates that light emission can be no greater than 1 foot candle at the property lines. This plan must be submitted prior to issuance of a permit.

Engineering Review. The City Engineer has reviewed the plans and is in general agreement with the proposal but has requested that some additional information be submitted prior to the permit. These items include the following:

- New Impervious (2768 sf but should be confirmed)
- Required Treatment = 1" x new impervious = 230 cf
- Provided Treatment Volume (in French Drain) = 2'x80'x3.5'x40% void ratio = 224 cf

DNR Approval. The Minnesota DNR Area Hydrologist was notified of the proposed request.

Site Plan Review Criteria

The Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision on major projects, shall evaluate the effects of the proposed site and building plans according to the criteria below:

- A. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
- B. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
- C. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.
- D. Whether the proposed improvements will not materially adversely affect any natural resources in the community, except when there is no feasible and prudent alternative to the proposed location of the improvements. For purposes of this clause, "natural resources" shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, historical, scenic and aesthetic resources.
- E. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- F. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of this Ordinance.
- G. Whether the proposed site and improvements are consistent with the purposes of the zoning ordinance and the Property Owner Reference & Development Guide Manual, as established by City Council resolution.

Additional Shoreland Overlay Evaluation Criteria

A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site shall be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The site is adequate for water supply and on-site sewage treatment.

The information provided in this staff report and on the proposed plans indicate that all above criteria have been met for major site and building plan approval and shoreland considerations.

No public comments have been received as of the date of the staff report publication.

RECOMMENDATION

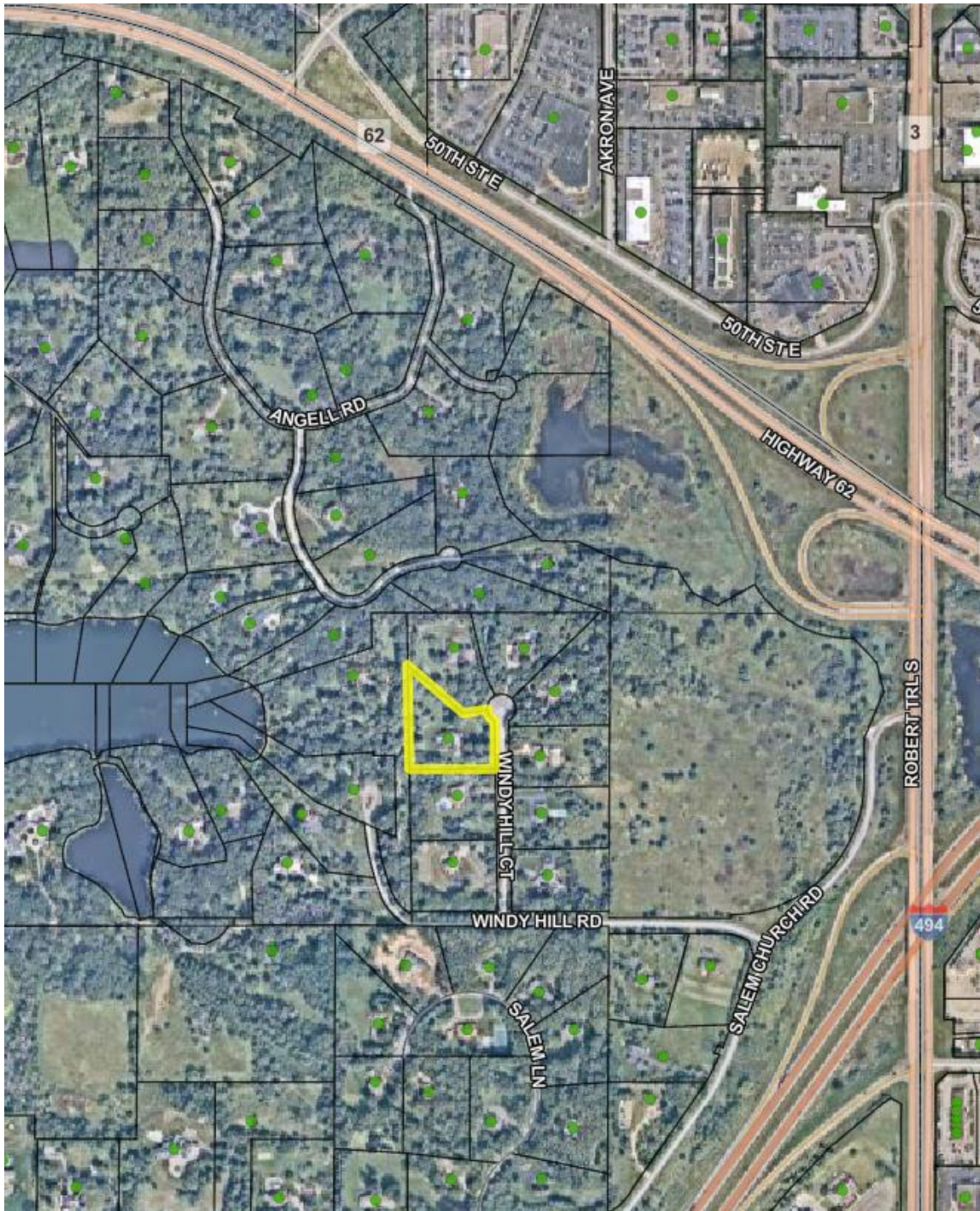
Based on the foregoing considerations and applicable ordinances, staff recommends approval of the major site review for a pool subject to the following conditions of approval:

Conditions of Approval:

1. Construction of the pool and all improvements shall occur in substantial conformance with the plans recommended for approval at the June 19, 2025, Planning Commission meeting.
2. The applicant must obtain all other permits as may be required.
3. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
4. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
5. All conditions of the site plan review must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
6. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
7. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.

8. The improvements to be staked out in the field by the surveyor and reviewed and approved by city staff prior to the start of any construction.
9. All erosion controls identified on the approved plan must be properly installed and inspected by City staff prior to the start of any construction.
10. The following items must be submitted to meet the city's storm water requirements:
 - New Impervious (2768 sf but should be confirmed)
 - Required Treatment = 1" x new impervious = 230 cf
 - Provided Treatment Volume (in French Drain) = 2'x80'x3.5'x40% void ratio = 224 cf
11. If site disturbance exceeds one acre, the applicant agrees to apply for an NPDES permit through the MPCA and supply the city with the approved Storm Water Pollution Prevention Plan (SWPPP) and the approved MPCA NPDES permit.
12. A lighting plan must be submitted that indicates foot candle measurements at the property line to be consistent with ordinance requirements. Section 1216.06 of the Zoning Ordinance indicates that light emission can be no greater than 1 foot candle at the property lines. This plan must be submitted prior to issuance of a permit.

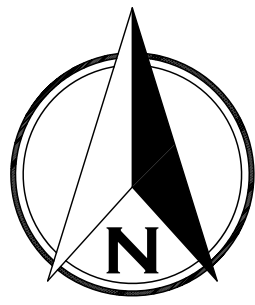
Location Map for 6 Windy Hill Court



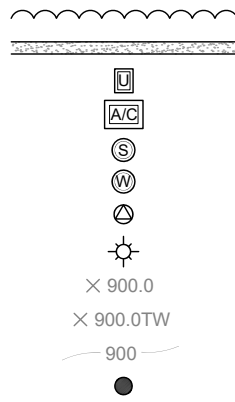
Aerial for 6 Windy Hill Court



EXISTING CONDITION SURVEY FOR:
ERIC OLSON



LEGEND



Treeline
Retaining Wall
Utility Pedestal
Air Conditioning Unit
Septic Cleanout
Wellhead
Gas Meter
Light Pole
Existing Elevation
Top of Wall Elevation
Existing Contour
Found Iron Monument

LOT AREA CALCULATION:

Lot Area = 109,084 SF or 2.50 Acres

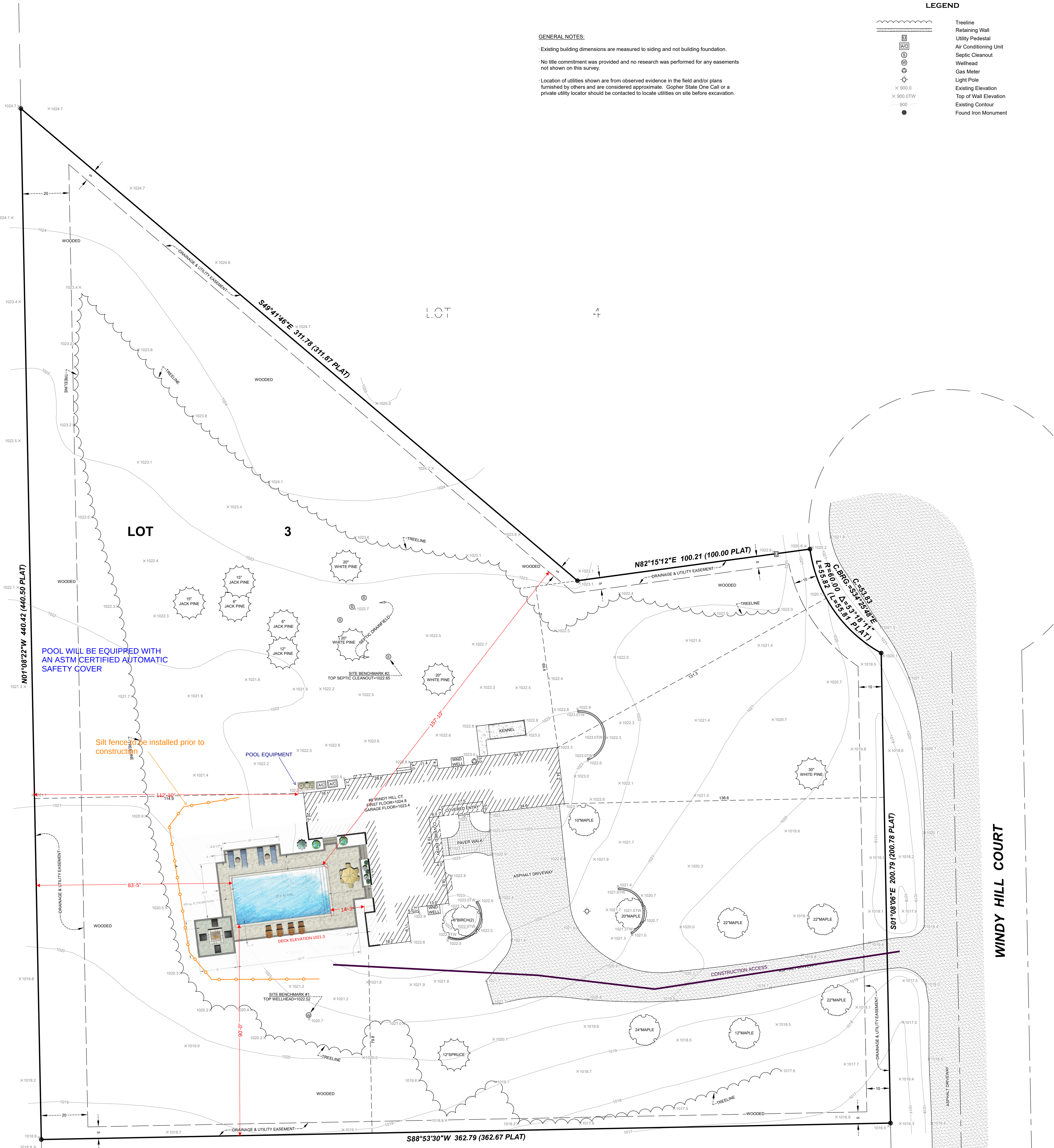
EXISTING IMPERVIOUS SURFACE:

House w/ Covered Porches = 3,935 SF
Patios, Walks, Steps, Stoops, Kennel = 1,040 SF
Driveway = 4,352 SF
Total = 9,327 SF
Existing Impervious Surface = 8.6%

GENERAL NOTES:

Existing building dimensions are measured to siding and not building foundation.
No title commitment was provided and no research was performed for any easements not shown on this survey.

Location of utilities shown are from observed evidence in the field and/or plans furnished by others and are considered approximate. Gopher State One Call or a private utility locator should be contacted to locate utilities on site before excavation.



Erosion Control

- Natural topography and soil conditions to be protected. Native topsoil to be retained on site to the greatest extent possible.
- Straw mulch to be used to provide adequate stabilization.
- At least 6" of topsoil or organic material will be spread wherever topsoil has been removed.
- Construction site waste will be removed from site.
- All erosion control measures will be maintained until completion of construction and vegetation is established to ensure stability of the site.
- All temporary erosion control measures will be removed upon final stabilization.
- Soil surfaces compacted during construction and remaining pervious upon completion of construction will be decompacted to achieve a soil compaction testing pressure of less than 1,400 kilopascals or 200 pounds per square inch in the upper 12 inches of the soil profile while taking care to protect utilities, tree roots, and other existing vegetation.
- All disturbed areas will be stabilized within 14 days.
- The permittee will, at a minimum, inspect, maintain and repair all disturbed surfaces and all erosion and sediment control facilities and soil stabilization measures every day work is performed on the site and at least weekly until land-disturbing activity has ceased. Thereafter, the permittee will perform these responsibilities at least weekly until vegetative cover is established. The permittee will maintain a log of activities under this section for inspection by the District on request.

* We will be utilizing the existing driveway for the construction entrance. A rock entrance will not be needed.

JOB NO. 23-25	SCALE 1" = 20'	SITE ADDRESS 6 Windy Hill Ct. Sunfish Lake, MN 55077
BOOK/PAGE CME REFERENCE		PROPERTY DESCRIPTION Lot 3, Block 1, WERTHEIMERS ADDITION TO THE CITY OF SUNFISH LAKE, Dakota County, Minnesota.
SHEET 1 of 1 24x36		SITE BENCHMARK #1. Top of wellhead southwest of home. Elevation = 1022.52. #2. Top of southerly septic cleanout north of home. Elevation = 1022.65.

DATE	REVISIONS REMARKS

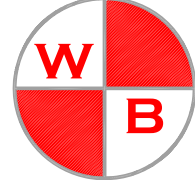
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown

DATED: 02-11-2025

WOODROW A. BROWN, R.L.S. MN REG 15230



W. BROWN LAND SURVEYING, INC.
8030 OLD CEDAR AVENUE SO., SUITE 228
BLOOMINGTON, MN 55425
PH: (952) 854-4055
WBROWNLANDSURVEYING.COM
EMAIL: INFO@WBROWNLANDSURVEYING.COM

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DISCOVER

Elevated Elegance:
A three-tiered patio

Using Gated DISCOVER RAYERS in color Allure and ELEMENTS Floating Stages in Reflection, this three-tiered patio seating area offers a captivating blend of functionality and aesthetics, providing the perfect backdrop for outdoor relaxation and entertainment.

PRODUCTS

Grand DISCOVER
and ELEMENTS®

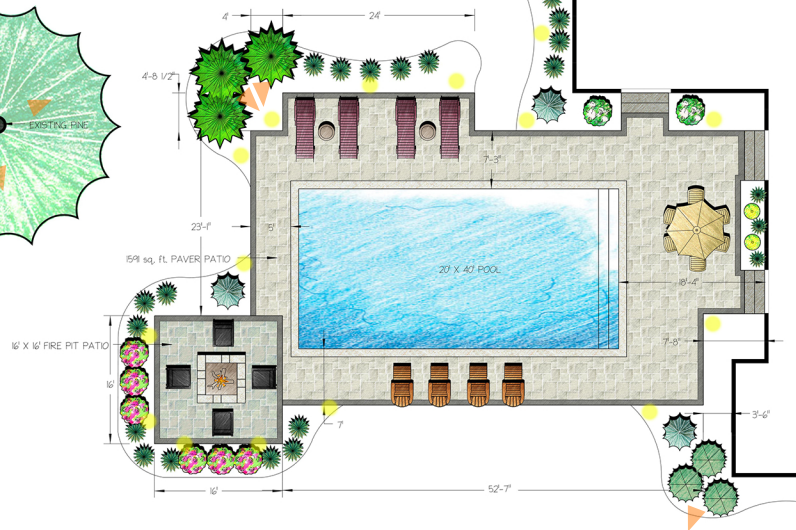
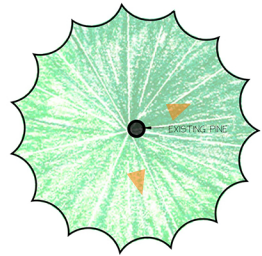
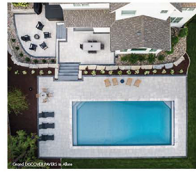
COLORS
Alice and Rafe

LOCATION

Minnesota

EXPLORE
Project Profile

country:malawi



 Denotes Uplight



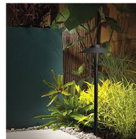
8 Kichler 15834 Accent/Up Lights



Denotes
Pathlight



14 Kichler 15810 AZT Path lights

[illegible]

40° Flood Beam Angle		
	fc	Q
3.3°	79.4	2
6.6°	19.9	4
9.8°	8.8	6
13.1°	5	8
16.4°	3.2	10
19.7°	2.2	12
23°	1.6	14
26.3°	1.2	16
29.5°	1	18
32.8°	.8	20

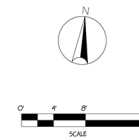
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angles



80° - 30°

Distance from light					
15	45	55	65	75	85
0.1	0.2	0.3	0.5	0.8	0.9



NOTES

No.	Date	Description	
REVISIONS			



OLSON

6 WINDY HILL CT

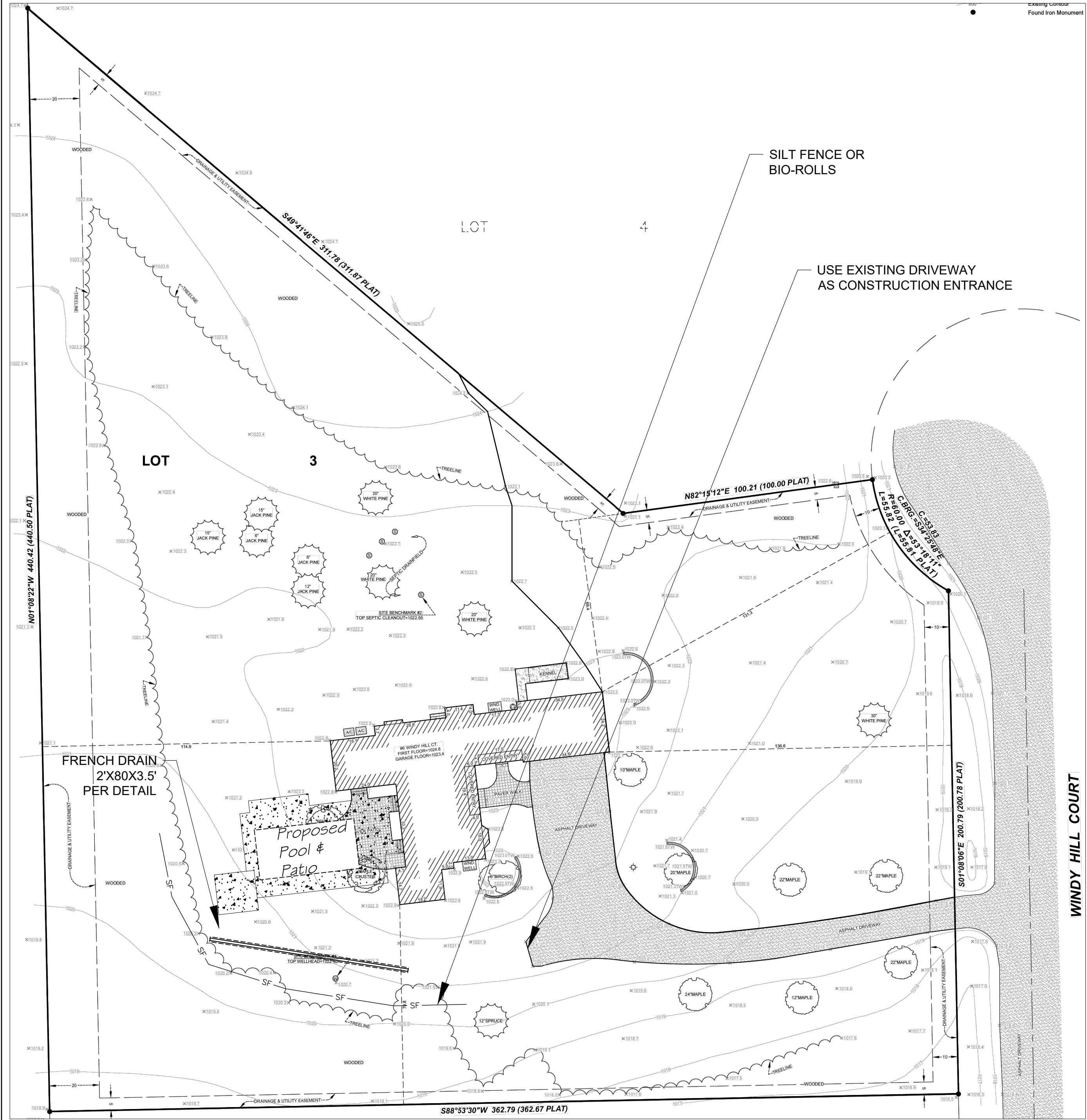
SUNFISH LAKE, MN

SCALE $1'' = 0'$	PROJECT NO.
DRAWN BY <i>A. B. C.</i>	

DATE	03.12.2025	
DATE OF PRINT		

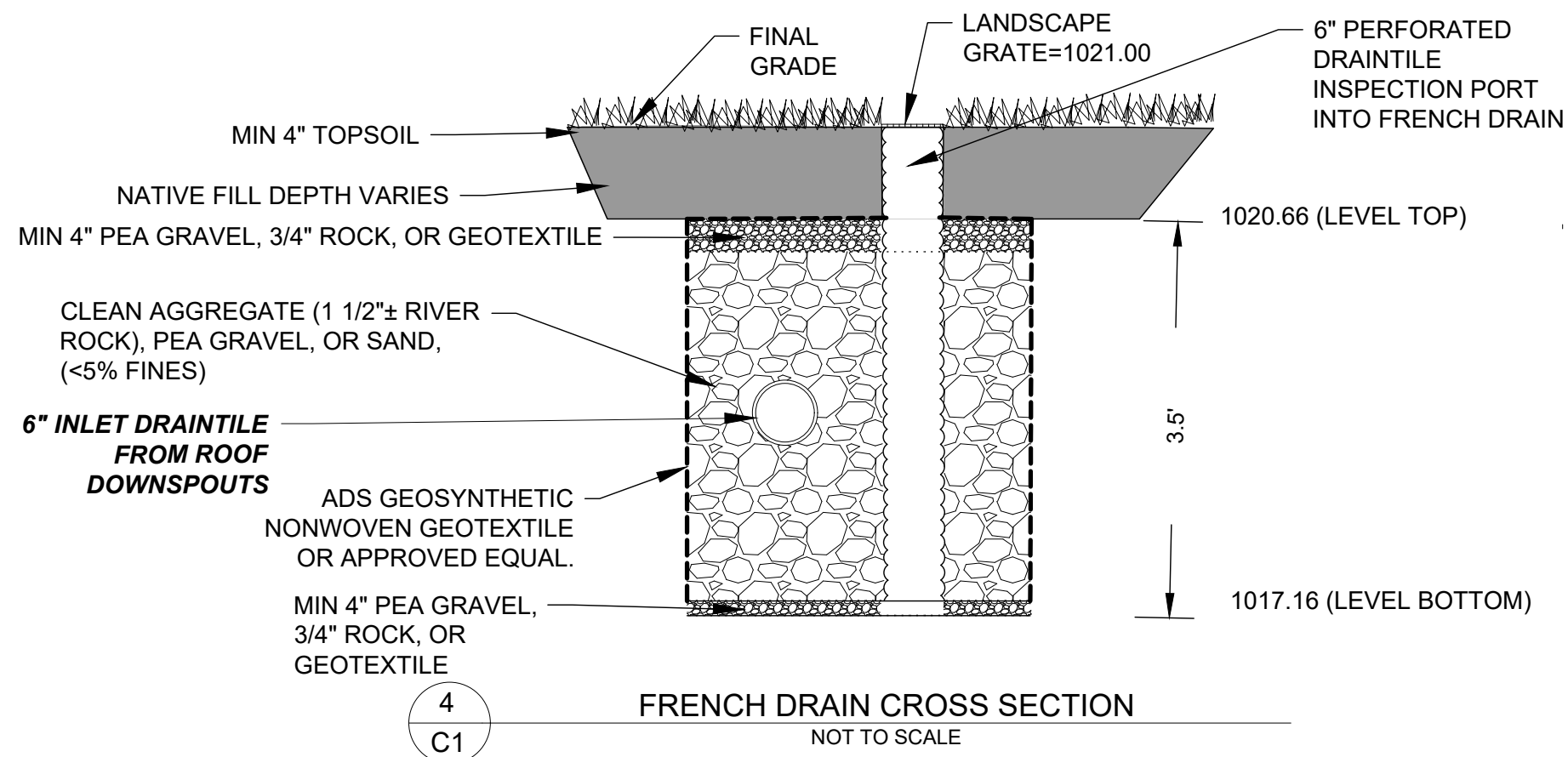
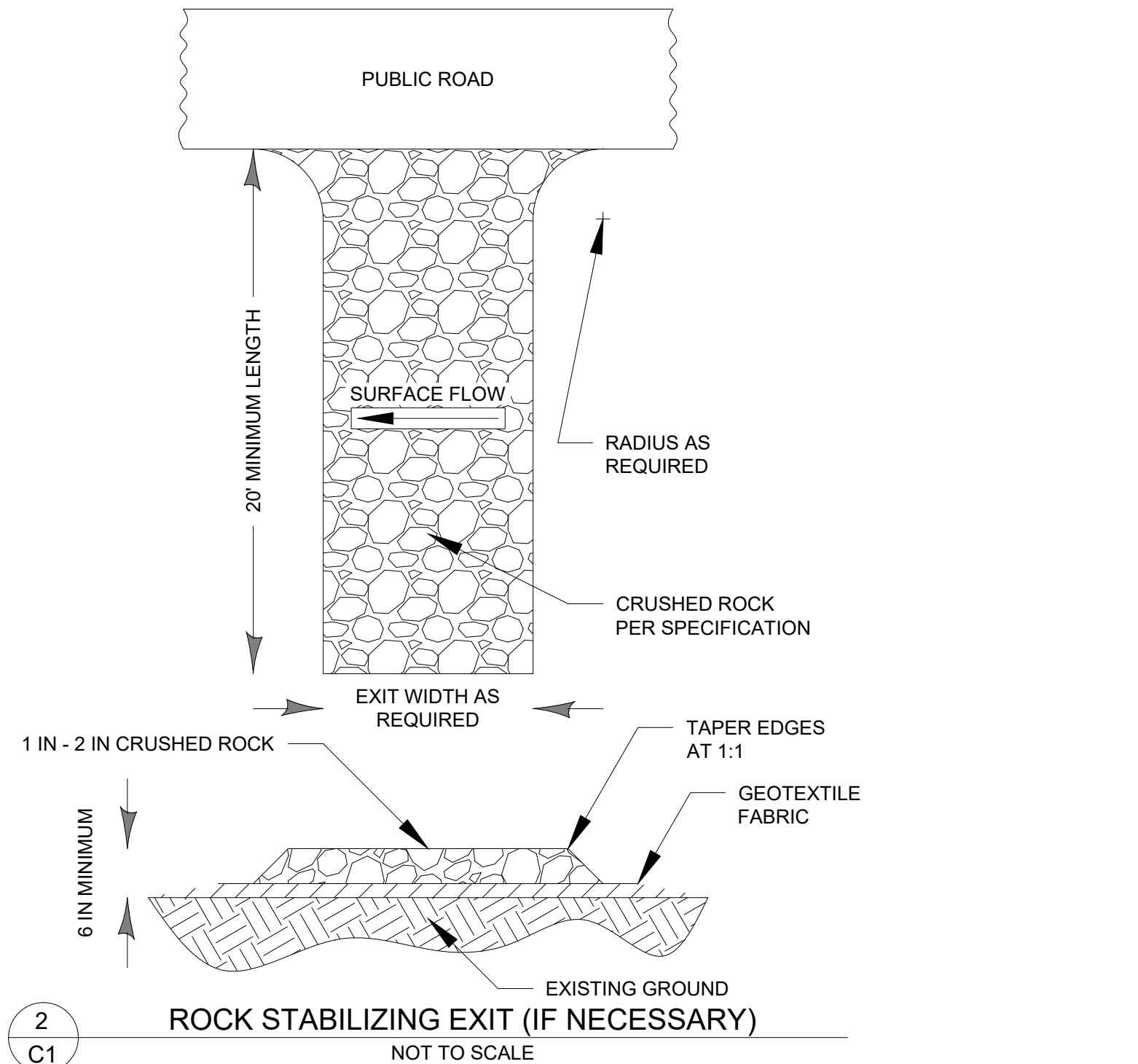
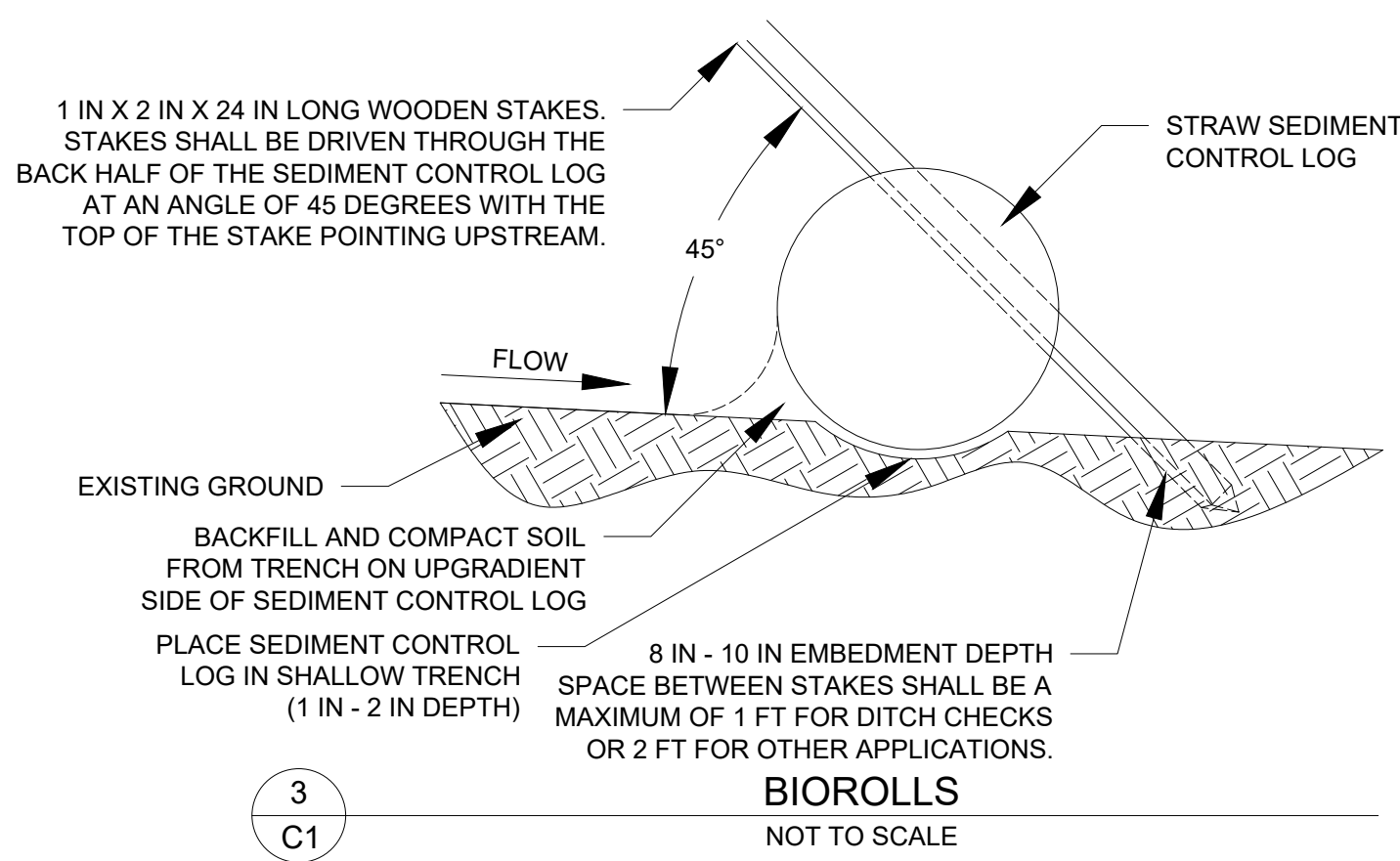
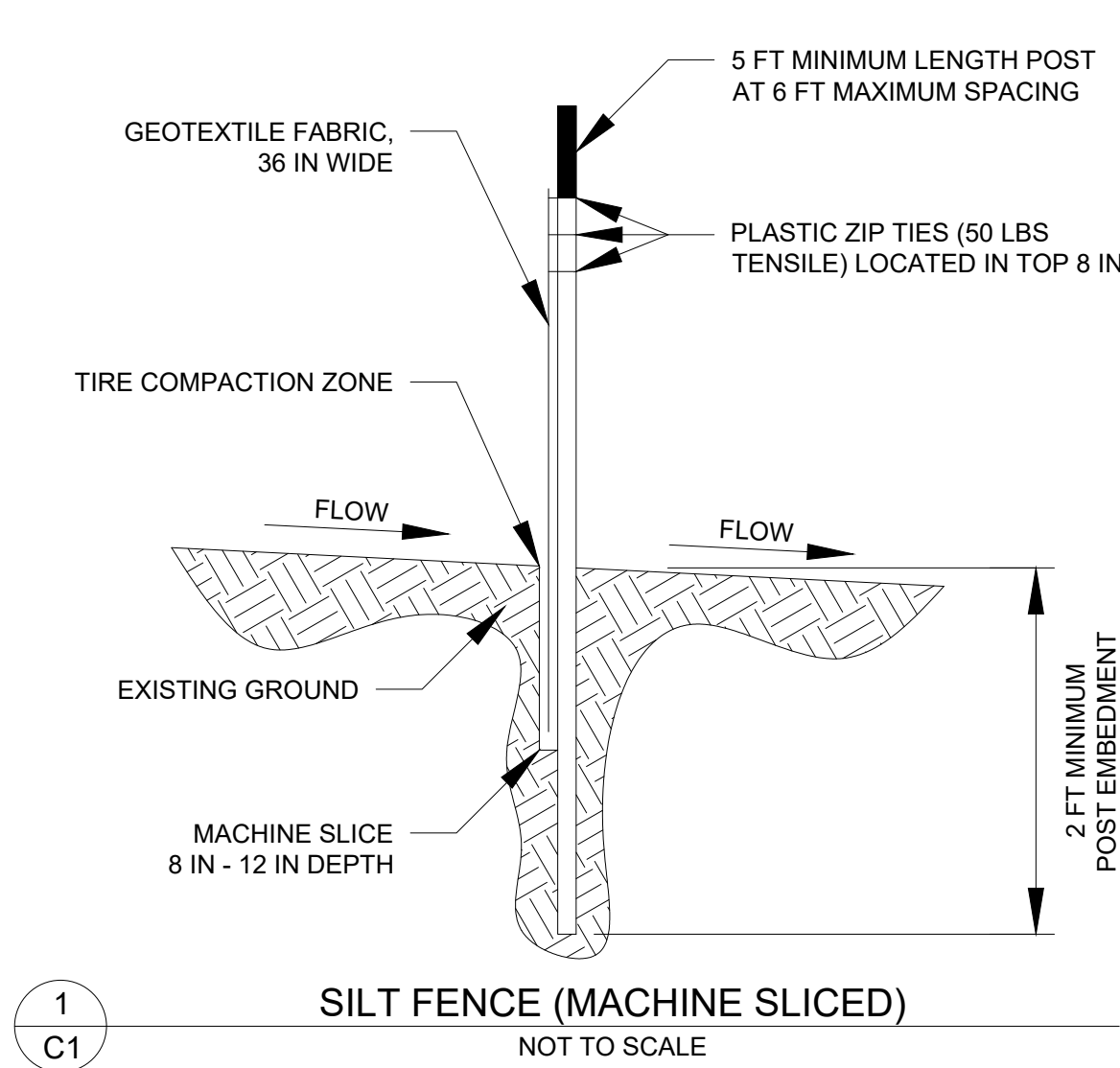
Powered by DynaSCAPE®

F:\survey\weithers add to the city of sunfish lake\ Sample Project - Survey Only\01 Surveying - 91033\01 CAD\01 Source\01 Survey Base.dwg



EROSION CONTROL NOTES:

1. ALL EROSION AND SEDIMENT CONTROL BMP'S (I.E. SILT FENCE, BIO-ROLLS, ROCK CONSTRUCTION EXIT, INLET PROTECTION, ETC.) SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY.
2. INLET PROTECTION SHALL BE INSTALLED AT ANY INLET THAT MAY RECEIVE RUNOFF FROM THE DISTURBED AREAS OF THE PROJECT. INLET PROTECTION MAY BE REMOVED FOR A PARTICULAR INLET IF A SPECIFIC SAFETY CONCERN (FLOODING / FREEZING) HAS BEEN IDENTIFIED. THE PERMITTED MUST RECEIVE WRITTEN CORRESPONDENCE FROM THE CITY ENGINEER VERIFYING THE NEED FOR REMOVAL.
3. INSTALL SEDIMENT CONTROL BMP'S, SUCH AS SILT FENCE, AROUND ALL STOCKPILES.
4. RETAIN AND PROTECT AS MUCH NATURAL VEGETATION AS FEASIBLE. WHEN VEGETATION IS REMOVED DURING DEVELOPMENT, THE EXPOSED CONDITION OF LAND SHALL BE KEPT TO THE SHORTEST PRACTICAL PERIOD OF TIME, BUT NOT LONGER THAN 60 DAYS. ANY EXPOSED AREAS EXCEEDING THIS TIME-FRAME SHALL BE TEMPORARILY STABILIZED (STRAW MULCH, WOODCHIPS, ROCK). AREAS BEING USED FOR MATERIAL STORAGE AND AREAS UNDER CONSTRUCTION ARE EXEMPT FROM TEMPORARY STABILIZATION.
5. ANY STEEP SLOPES (3H : 1V OR STEEPER) EXPOSED DURING CONSTRUCTION SHALL BE PROTECTED WITH TEMPORARY VEGETATION, MULCHING OR BY OTHER MEANS ACCEPTABLE TO THE BUILDING OFFICIAL WITHIN 14 DAYS OF CEASING LAND DISTURBING ACTIVITIES ON THE STEEP SLOPES. STOCKPILES MAY BE PROTECTED BY AN ANCHORED TARP OR PLASTIC SHEET.
6. PROVIDE DUST CONTROL AS NECESSARY. DUST CONTROL CAN INCLUDE WATER.
7. REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC PAVEMENT AREAS ON A DAILY BASIS OR AS NEEDED.
8. ALL EROSION AND SEDIMENT CONTROL BMP'S SHALL BE INSPECTED EVERY 7 DAYS, OR WITHIN 24 HOURS OF ALL RAIN EVENTS GREATER THAN 1.0" IN 24 HOURS. CORRECTIVE ACTION REQUIRED SHALL BE INITIATED WITHIN 24 HOURS.
9. SILT FENCE, BIO-ROLLS AND INLET PROTECTION DEVICES MUST BE REPAIRED, REPLACED OR SUPPLEMENTED WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES 1/3 THE HEIGHT OF THE DEVICE. THESE REPAIRS MUST BE MADE WITHIN 24 HOURS OF DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW.
10. AFTER FINAL GRADING HAS BEEN COMPLETED, EXPOSED SOILS MUST BE PERMANENTLY STABILIZED AS SOON AS POSSIBLE. PERMANENT STABILIZATION SHALL CONSIST OF 4 INCHES TOPSOIL, AND SEED, MULCH AND FERTILIZER APPLIED BY METHODS AND RATES RECOMMENDED IN MN/DOT SPECIFICATION 2575 AND MN/DOT SEEDING MANUAL, OR SOD. THE SEED MIX SHALL BE MN/DOT 25-151.
11. NO CONCRETE WASHOUT ALLOWED ON SITE, TRUCK BASED SELF CONTAINMENT WASHOUT DEVICES REQUIRED.
12. OIL STAINS ON CITY STREETS SHALL BE CLEANED UP WITH FLOOR DRY, AND DISPOSED OF AS A HAZARDOUS WASTE MATERIAL.
13. ALL HAZARDOUS WASTE SHALL BE STORED CLEANED UP AND DISPOSED OF PER EPA STANDARDS.
14. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED UNTIL ALL DISTURBED AREAS HAVE BEEN PERMANENTLY STABILIZED.
15. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE REMOVED FROM THE SITE AFTER PERMANENT STABILIZATION HAS BEEN ESTABLISHED.
16. TEMPORARY PUMPED DISCHARGE POLLUTION PREVENTION TECHNIQUES: "DANDY DEWATERING BAG" BROCK WHITE CO. USA.
17. CONTACT PERSON FOR SITE CLEANLINESS AND MAINTENANCE OF THE EROSION AND SEDIMENT CONTROLS: TIM UZZELL (612) 386-5217.



DESIGNED BY: JAP	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. JEFFREY A. PRASCH, P.E. DATE: 04.28.25 LIC. NO.: 52706	REVISIONS		
DRAWN BY: ABL				
CHECKED BY: GRP				

DEMARC
LAND SURVEYING & ENGINEERING
7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 DemarcInc.com

PRESTIGE BUILDERS
87 W COUNTY ROAD C ST,
SAINT PAUL, MINNESOTA 55117

WESTMEISTER ADDITION TO
THE CITY OF SUNFISH LAKE
6 WINDY HILL COURT
SUNFISH LAKE, MN

EROSION AND SEDIMENT
CONTROL PLAN

PROJECT: 90720
SHEET NO.
C1 OF C1

6 Windy Hill Court

Scope of Work

Installation of a 20' x 40' in-ground swimming pool. Pool will be 83-1/2' from the west property line, 90' from the south property line, 14' from the home and 150+' from the north property line. Pool equipment will be located on the north side of the home and will be 112' 10" from the west property line.

Pool will be surrounded by stone pool coping and a concrete paver patio. Pool deck will be at 1021.3. The grade of the property will not be changed. Pool will be equipped with an ASTM automatic safety cover.

We will utilize the driveway for construction access.

There is an existing paver patio and two maple clusters that will be removed.

Sod will be installed to establish turf as part of the project.

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Lori Johnson, City Planner

Date: June 12, 2025, for Planning Commission meeting on June 19, 2025

Re: 2 Sunfish Lane – Variance
WSB Project No. 030651-000

GENERAL INFORMATION

Applicant: Tim Johnson- Livit Site and Structure.

Property Owner: Linval Joesph

Project Location: 2 Sunfish Lane. – PID 38-03000-83-020

Acreage: 5.61 acres

Existing Land Use / Zoning: Single-Family Residential; Zoned R-1

Surrounding Land Use / Zoning: North: Residential; Zoned Single-Family Residential District R-1
East: Vacant; Zoned Single-Family Residential District R-1
South: Residential; Zoned Single-Family Residential District, R-1
West: Residential; Zoned Single-Family Residential District R-1

Comprehensive Plan: The City of Sunfish Lake (2040) Comprehensive Plan guides this property for Low Density Residential land use.

Deadline for Agency Action: Application Date: 05.15.2025
60 Days: 07.14.2025

Attachments: Location Map
Aerial
Narrative
Dock Plan
Public Comment of Support

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Tim Johnson of Livit Site and Structure, applicant, and owner Linval Joesph, are proposing to build a new dock at 2 Sunfish Lane. The lot on which the new dock is proposed is 5.61 acres in size and currently has an existing single-family home and dock. This proposed dock requires the review and approval of a variance according to section 1243.03 B.1 of the Zoning Ordinance. The proposed dock is five (5) feet wide and has an area of 200 square feet. The variance is required for the width of the new dock because it is greater than the four (4) foot width allowed by the city ordinance.

2. General Zoning Review

Dimensions (Docks):

	Required	Proposed
Width	4-foot max	5 feet
Area	200 sq ft max	200 sq ft
Max extension from lakeshore	50 feet	25 feet

The proposed dock meets the dimensional requirements for maximum area and extension from lakeshore found in section 1243.03 B.1 of the Code. The width of the proposed dock is one foot larger than the current maximum allowed within the Code.

Variance: The applicant is requesting a one (1) foot variance to the four (4) foot dock width limit. The applicant is proposing this variance because the current width of the dock is too narrow and presents a safety hazard to the owner and his guests due to physical constraints. More information provided on this can be found in the applicant's narrative. The design of the new dock allows for an increase in width without exceeding the maximum square footage allowed.

DNR Permit: Prior to installation, the applicant must obtain the proper permit, if necessary from the Minnesota DNR. More information on required permits can be found here: [Docks and Access in Public Waters | Minnesota DNR](#).

Public Comments: Staff received one public comment from the immediate neighbor in support of this proposal. This comment is included in the packet.

Variance Review Criteria

In considering all requests for a variance and in taking subsequent action, the Planning Commission and the Council shall make a finding of fact that the proposed action will not:

- A. Impair an adequate supply of light and air to adjacent property.
- B. Unreasonably increase the congestion in the public street.
- C. Have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.
- D. Increase the danger of fire or endanger the public safety.
- E. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.
- F. Violate the intent and purpose of the Comprehensive Plan.

The variance would not have an effect on the community when weighed against A-F above.

In addition, a variance shall not be granted unless it can be demonstrated that:

- A. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - a. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
 - b. Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Title.
 - c. Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel.

In this case the applicant is requesting the larger dock width due to physical constraints, which is considered a special condition or circumstance and constitutes a practical difficulty.

- B. Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner. This is true.

- C. The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant. **This is true.**
- D. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions. **This is true.**
- E. The request is not a use variance. **This is true.**
- F. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant. **This is true.**
- G. The request does not create an inconvenience to neighboring properties and uses. **This is true.**
- H. The variance requested is in harmony with the purpose and intent of the Ordinance. **This is true.**
- I. The variance requested is consistent with the Comprehensive Plan. **This is true.**
- J. The variance requested will not alter the essential character of the locality. **This is true.**

Staff concludes that the proposed dock will not diminish or impair established property values of the surrounding neighborhood or violate the intent and purpose of the Comprehensive Plan. The variance is the minimum variance necessary to accomplish the goal of the owner. That goal is to have a safe dock that accommodates the size of him and his family. The applicant has ensured that the proposed dock maintains the maximum square footage allowed by the ordinance despite increasing the width of the dock.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends approval of the variance request based on the following rationale and the conditions of approval:

1. In this case the applicant is requesting the larger dock width due to physical constraints, which is considered a special condition or circumstance and constitutes a practical difficulty.
2. The applicant has ensured that the proposed dock maintains the maximum square footage allowed by the ordinance despite increasing the width of the dock.

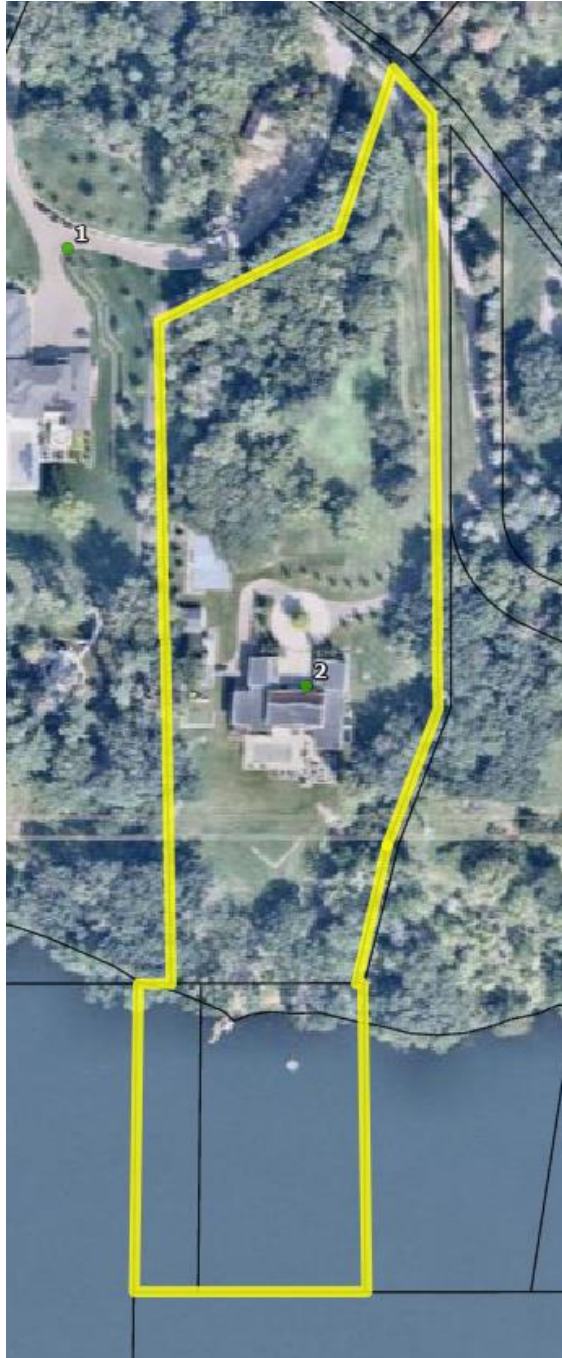
3. The variance request complies with all other variance review criteria listed within the ordinance.

Conditions of Approval:

1. Prior to installation, the applicant must obtain the proper permit, if necessary from the Minnesota DNR. More information on required permits can be found here: [Docks and Access in Public Waters | Minnesota DNR](#).

An aerial photograph of a residential area with a yellow boundary line. The boundary starts at a road intersection, goes south, then east, then south again, and finally east to a lake. The lake is labeled 'Sunfish Lake'. The area is divided into lots, many of which are numbered. Roads visible include 'SUNFISH LN', 'ANGELL RD', and 'SUNNYSIDE LN'. The map shows houses, trees, and a large body of water at the bottom.

Aerial for 2 Sunfish Lane



Joseph Dock Narrative

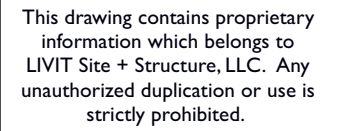
2 Sunfish Lane Sunfish Lake, MN 55118

Our client is a larger person as is his guest. The current dock that is 4' wide is not sufficient for them to pass comfortably on the dock. A narrower dock has not been stable for their general use. Having kids on the dock with the larger than life humans has created safety concerns.

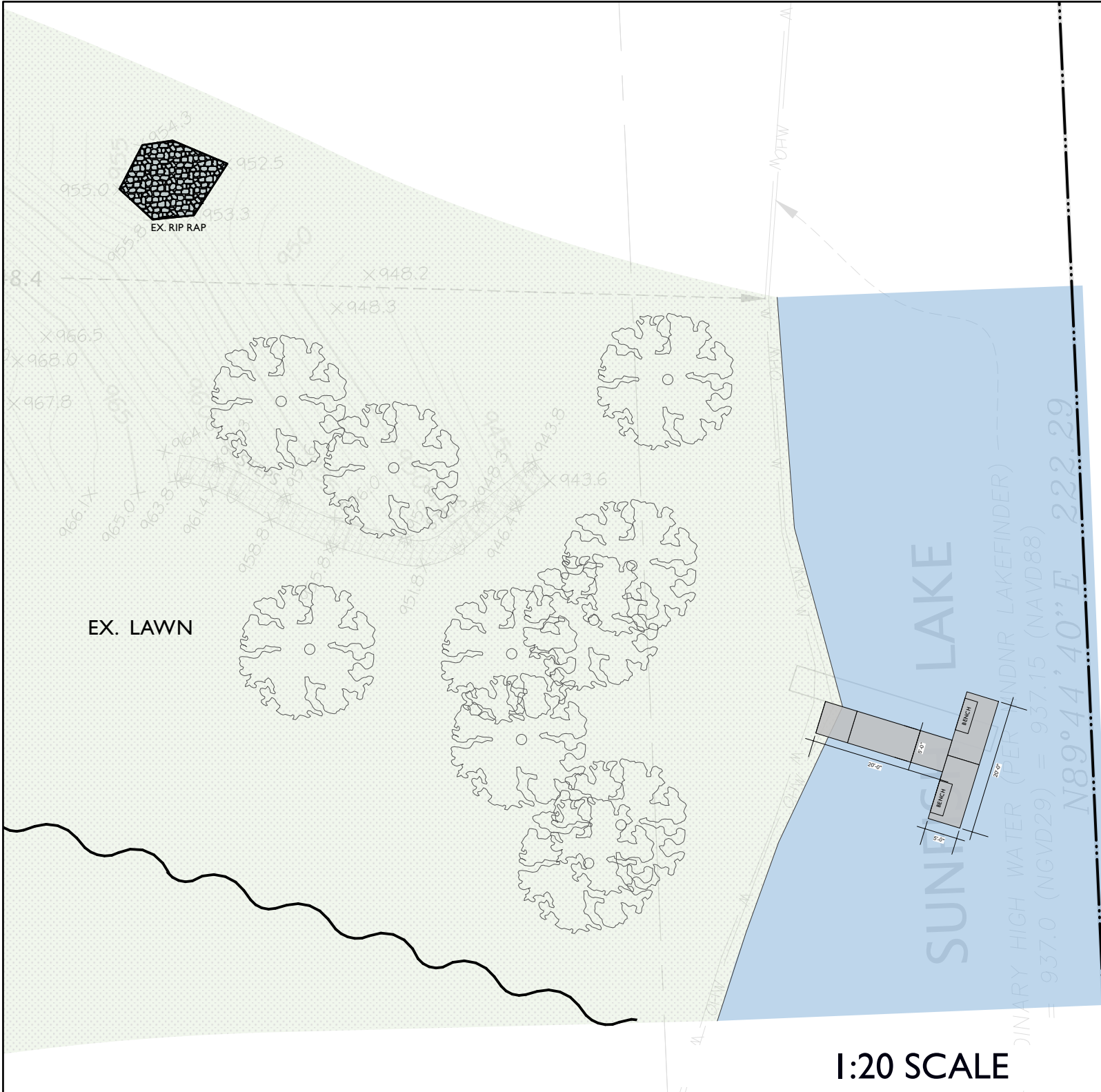
The safety as well as a more functional dock that is only manufactured at 5' wide would be more suitable. The proposed 5' dock has been tested and is much more stable and fits the family. This dock allows the client and guests to feel safer with a more stable dock base. This dock also allows the dock to float and does not require as many adjustments as the lake levels change.

The floating dock is a more reliable dock and is able to stay in the lake year round. Our client is not around in the fall so this system would allow less stress for the client. Having to worry if the dock was removed before freezing conditions is a constant maintenance concern. The manufacture states that the material used to build the dock will not break down and is better for the lake.

Our proposed plan would be to install a 5' wide dock so our client has an additional 6" per each side of the dock. The proposed layout of the dock follows an already approved design. We are also willing to meet the 200 sf max for the overall size of the dock.



JOSEPH RESIDENCE - DOCK
2 SUNFISH LN
SUNFISH LAKE, MN 55118



Lori Johnson

From: John Johansson <John.Johansson@transwestern.com>
Sent: Tuesday, June 10, 2025 8:31 AM
To: Lori Johnson
Cc: John Johansson
Subject: WSB Project Number 030651-000 - Linval Joseph Residence - 2 Sunfish Lane

EXTERNAL EMAIL

Lori –

Good morning.

I received your Notice of Public Hearing regarding the variance request for the width of a dock at 2 Sunfish Lane.

I am the owner and resident of the property at 1 Sunfish Lake, which shares a property line with the subject property.

The requested variance does not cause me any concern. It is a practical and reasonable request. And it would not cause any harm either visually or functionally.

Please consider this correspondence as a notice of my support for this variance request.

You can reach me at 612-817-2302 with any questions.

Thank you –

J



John Johansson

Managing Director | Retail Services | Lic #: MN 93814

Work: (612) 359-1680 | Cell: (612) 817-2302 | [vCard](#) | 7601 France Ave S, Suite 525, Edina, Minnesota 55435

transwestern.com



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