

Memorandum

To: Sunfish Lake Mayor Dan O'Leary and City Council Members

From: Lori Johnson, City Planner

Date: July 2, 2025

Re: Sunfish Lake – Planner's Report for the July 8, 2025, City Council Meeting
WSB Project No. 026639-000

1. Ordinance Updates: The Planning Commission will be holding the last work session on the final draft chapter of the zoning ordinance on July 17. The last chapter for review is Rules and Definitions. The work session will start at 5:00 p.m. At 6:00 p.m. on the same evening, the City Council is invited to join the Planning Commission for a joint work session to go over a summary of the new proposed ordinance. At the work session staff will go over the plan for public viewing of the new ordinance prior to the required public hearing on this item.
2. 2 Acorn Drive: Building permits have been issued and work has begun on site.
3. 6 Windy Hill Court: See packet for July 8, 2025.
4. 2 Sunfish Lane: See packet for July 8, 2025.
5. Fall 2025—Comp Plan Discussion: This fall, likely in October, it will be time to once again discuss the city's comprehensive planning process for 2050, as required by the Metropolitan Council. System Statements will be sent out by the Met Council in September to guide the creation of the document. I will present an overview of the process to you so you know what to expect and you will then have some decisions to make regarding budgeting for this process.

Planning Memorandum

To: Mayor O'Leary and the Sunfish Lake City Council

From: Lori Johnson, City Planner

Date: July 2, 2025, for the July 8, 2025, City Council 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
Public Comment—Shari Hansen

PLANNING COMMISSION

On June 19, 2025, the Planning Commission held a public hearing on this request. June 19th is considered as Juneteenth--a federal holiday. Due to the federal holiday, the City Attorney indicated that the public hearing could be held but no motions could be made and no actions taken at the Planning Commission meeting. Therefore, the public hearing was held on this item, with one member of the public present. Shari Hansen at 7 Windy Hill Court was there to express her support of the project. Shari and Paul Hansen also submitted an email comment after the Planning Commission meeting. This comment is included in your packet and it asks that all equipment and material be placed on 6 Windy Hill Court and not on the road. The Planning Commission discussed this application, and no concerns were identified from those discussions.

The City Attorney has also asked that a second public hearing be held at the City Council meeting to ensure all proper protocols are followed due to the Juneteenth holiday. The proper public hearing notifications were sent out again more than 10- days prior to the City Council meeting. Please hold the public hearing as part of this application.

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 was submitted on June 30, 2025.**

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) **This has been submitted.**
- Required Treatment = 1" x new impervious = 230 cf
- Provided Treatment Volume (in French Drain) = 2'x80'x3.5'x40% void ratio = 224 cf **(Working with the applicant on the last two bullets as of July 2)**

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:
 - 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.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. XX-XX

**RESOLUTION APPROVING A MAJOR SITE AND BUILDING PLAN APPLICATION
FOR THE PROPERTY AT 6 WINDY HILL COURT, SUNFISH LAKE, DAKOTA
COUNTY, MINNESOTA.**

WHEREAS, Applicant, Prestige Pools, and property owner, Eric Olson, submitted an application for the approval of a major site and building plan application for the construction of a swimming pool in the R-1 Single Family zoning district for the property at 6 Windy Hill Court, Sunfish Lake, Dakota County, Minnesota, legally described as:

Lot 3, Block 1, Wertheimers Addition to the City of Sunfish Lake, Dakota County, Minnesota.

PID: 388368001030

and

WHEREAS, the Sunfish Lake Planning Commission reviewed the item and held a public hearing on June 19, 2025, and; and

WHEREAS, the Sunfish Lake City Council held a public hearing on July 8, 2025; and

WHEREAS, the City Council considered the application on July 8, 2025; and

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the major site and building plan application for 6 Windy Hill Court for the construction of a swimming pool, with the following 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 and the July 8th City Council 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:
 - 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.

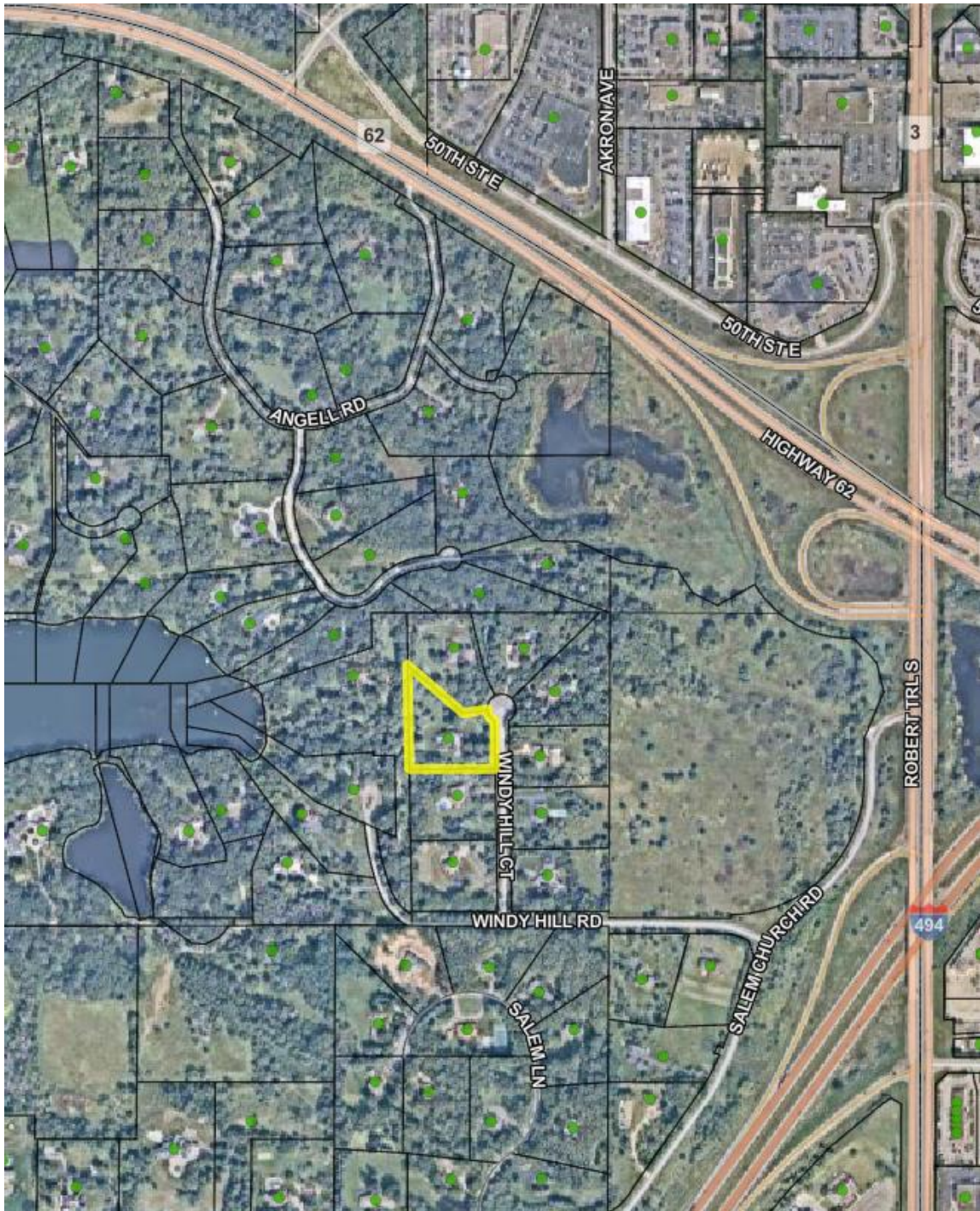
This resolution is adopted by the City Council of the City of Sunfish Lake this 8th day of July 2025.

Dan O'Leary, Mayor

Attest:

Christy Wilcox, City Clerk

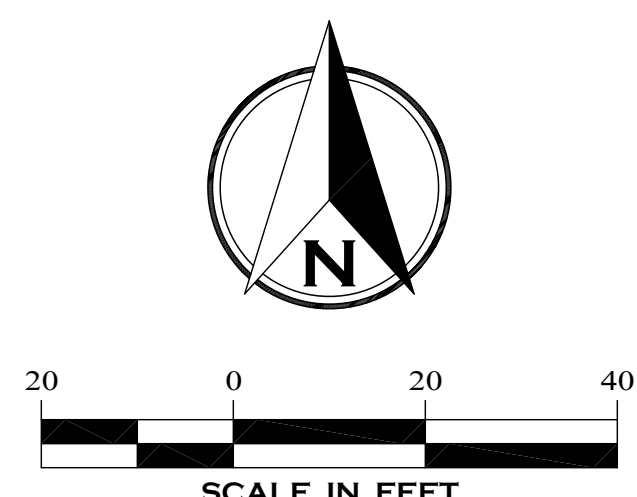
Location Map for 6 Windy Hill Court



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 |
| $\times 900.0$ | Existing Elevation |
| $\times 900.0TW$ | Top of Wall Elevation |
| | Existing Contour |
| | Found Iron Monument |

LOT AREA CALCULATION

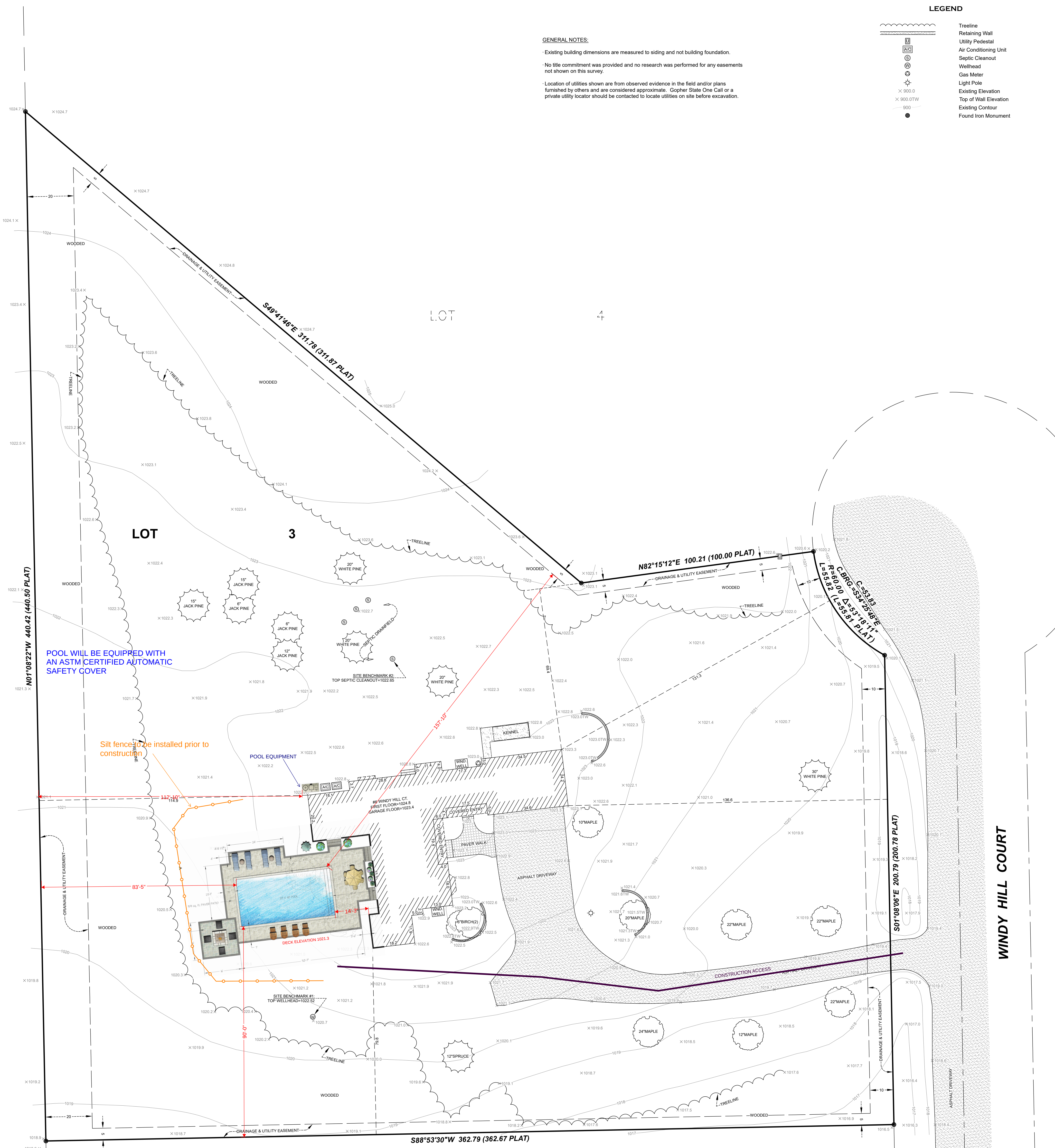
Lot Area = 109,084 SF or 2.50 Acres

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:

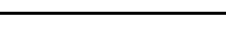
- Existing building dimensions are measured to siding and not building foundation.
- No title commitment was provided and no research was performed for any easements not shown on this survey.

· 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	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.	 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
	BOOK/PAGE CME REFERENCE	PROPERTY DESCRIPTION Lot 3, Block 1, WERTHERMERS 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 southface septic/cleanout north of home. Elevation = 1022.65			 DATED: 02-11-2025 WOODROW A. BROWN, R.L.S. MN REG 15230	

Grand
DISCOVER

Elevated Elegance:
A three-tiered patio

Using Gated DISCOVER RAVERS 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 Refle

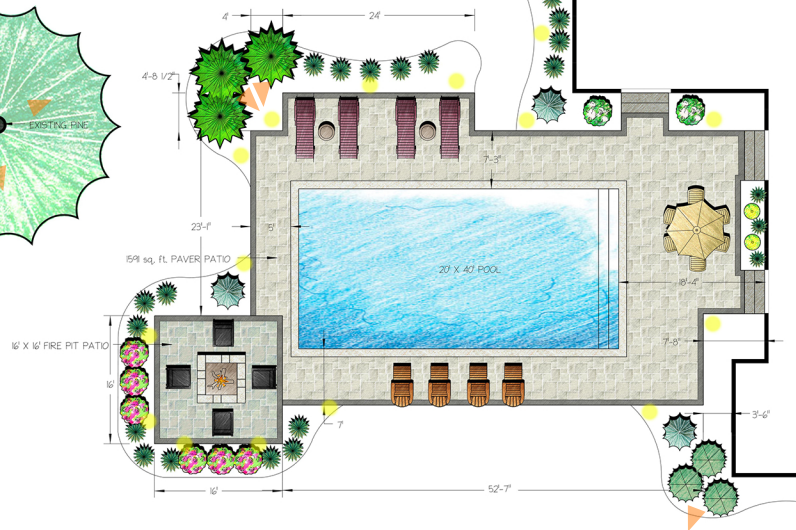
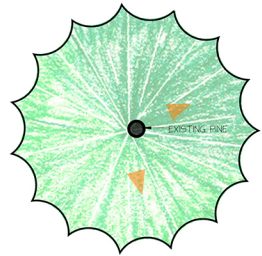
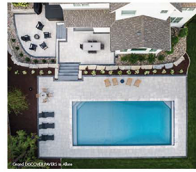
LOCATION

Minnesota



EXPLORE
Project Profile

country:malawi



Denotes Uplight



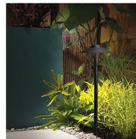
8 Kichler 15834 Accent/Up Lights



Denotes
Pathlight



14 Kichler 15810 AZT Path lights

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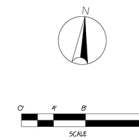
40° Flood Beam Angle		
	fc	Q
3.3°	79.4	2
6.6°	19.9	4
9.8°	8.8	6
13.1°	5	8
16.4°	3.2	10
19.7°	2.2	12
23°	1.6	14
26.3°	1.2	16
29.5°	1	18
32.8°	.8	20

[illegible]

Angles

DR - Dose

Distance from light					
15'	45'	55'	65'	75'	85'
0.19	0.30	0.38	0.45	0.50	0.55



NOTES

No.	Date	Description	
REVISIONS			



OLSON

6 WINDY HILL CT

SUNFISH LAKE, MN

SCALE $1'' = 0'$	PROJECT NO.
DRAWN BY <i>A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z.</i>	

DATE	03.12.2025	
DATE OF PRINT		

Powered by DynoSCAPE®

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.

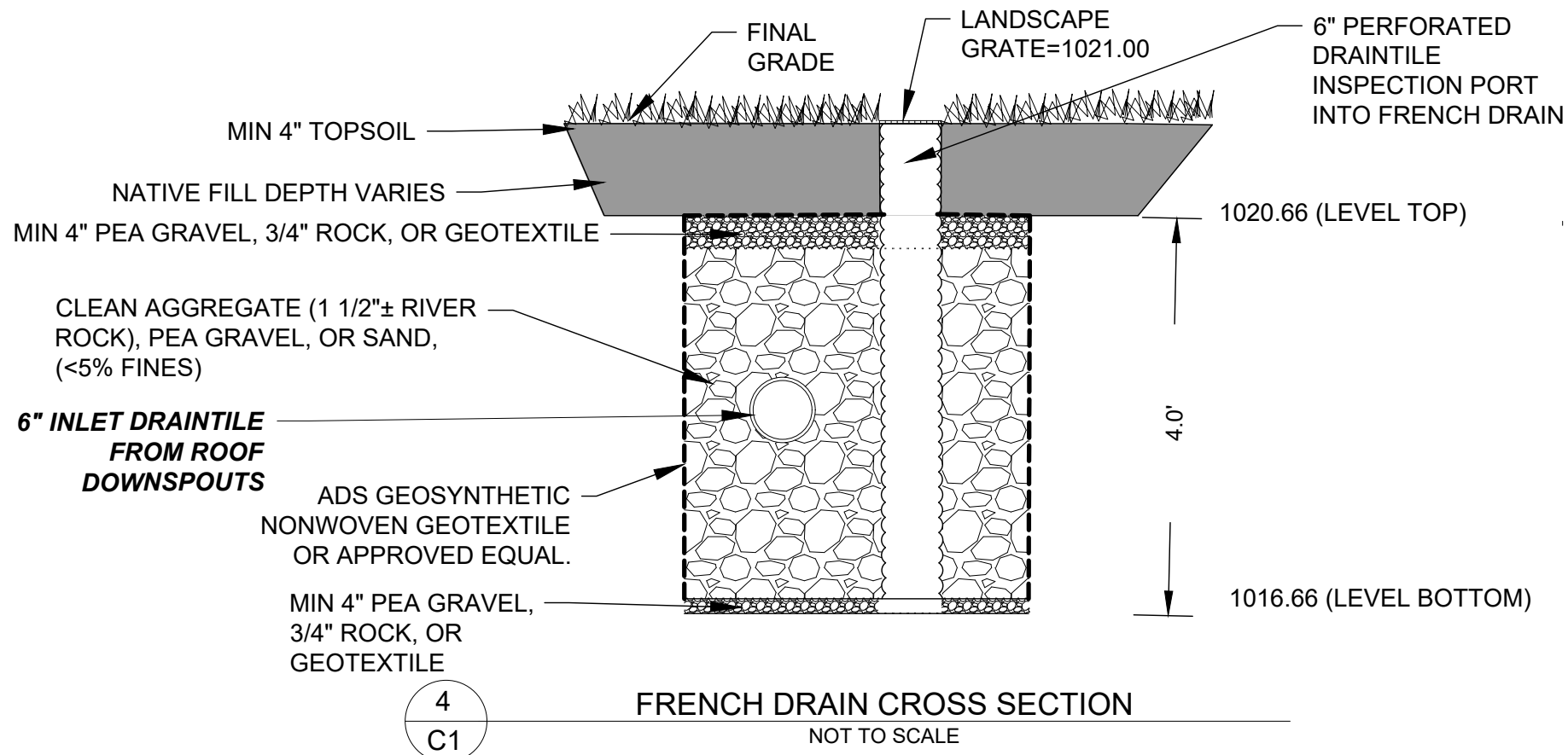
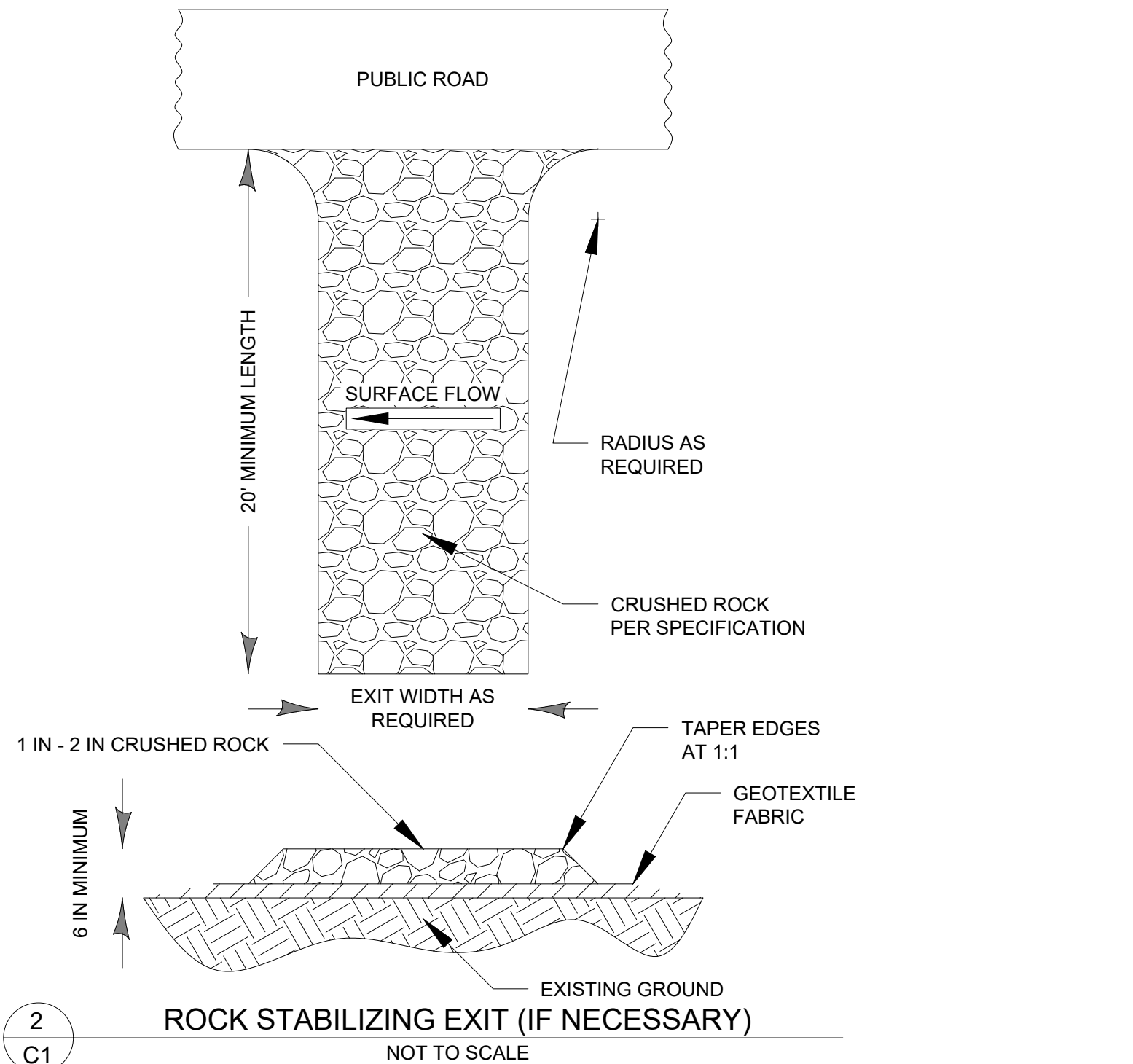
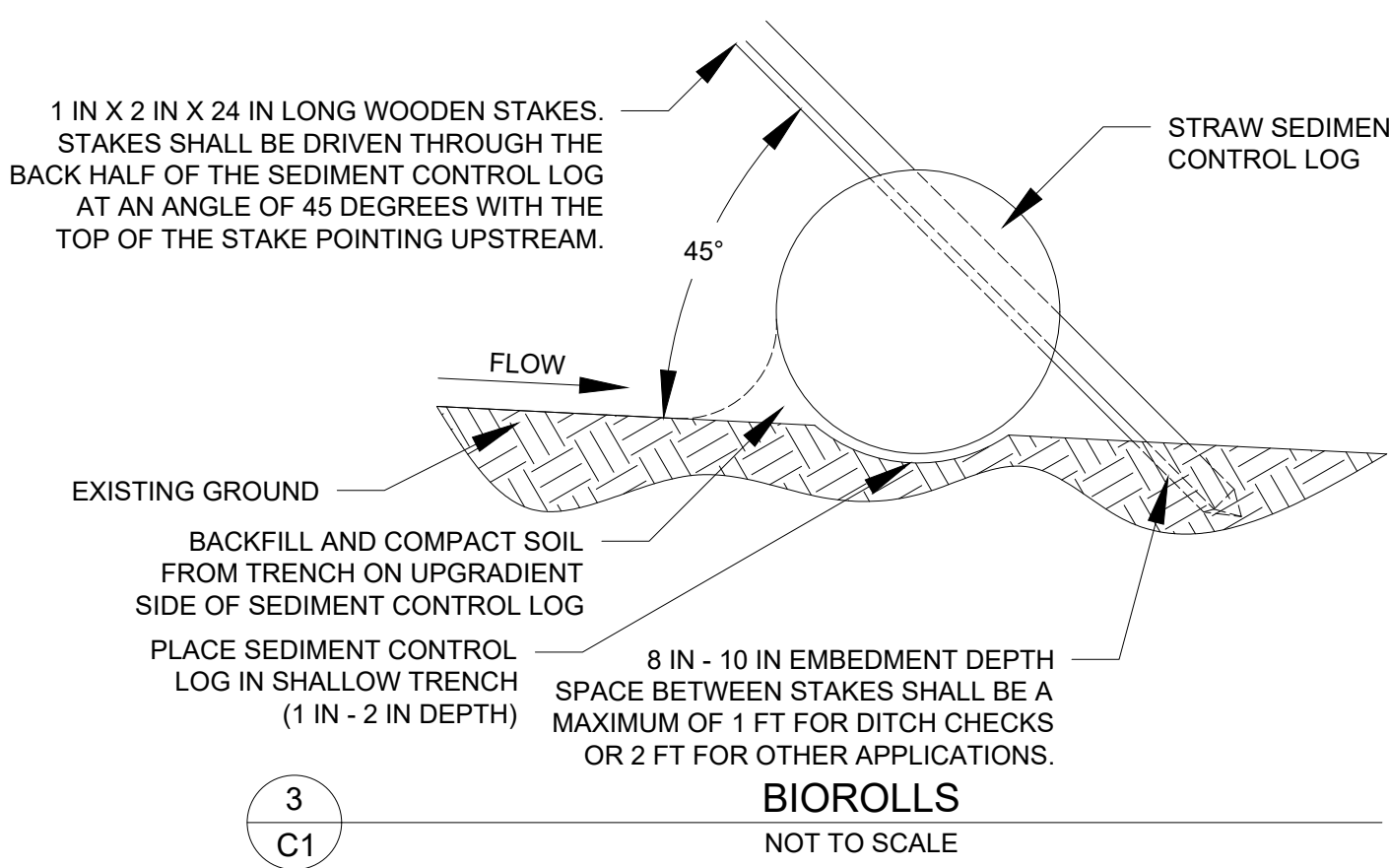
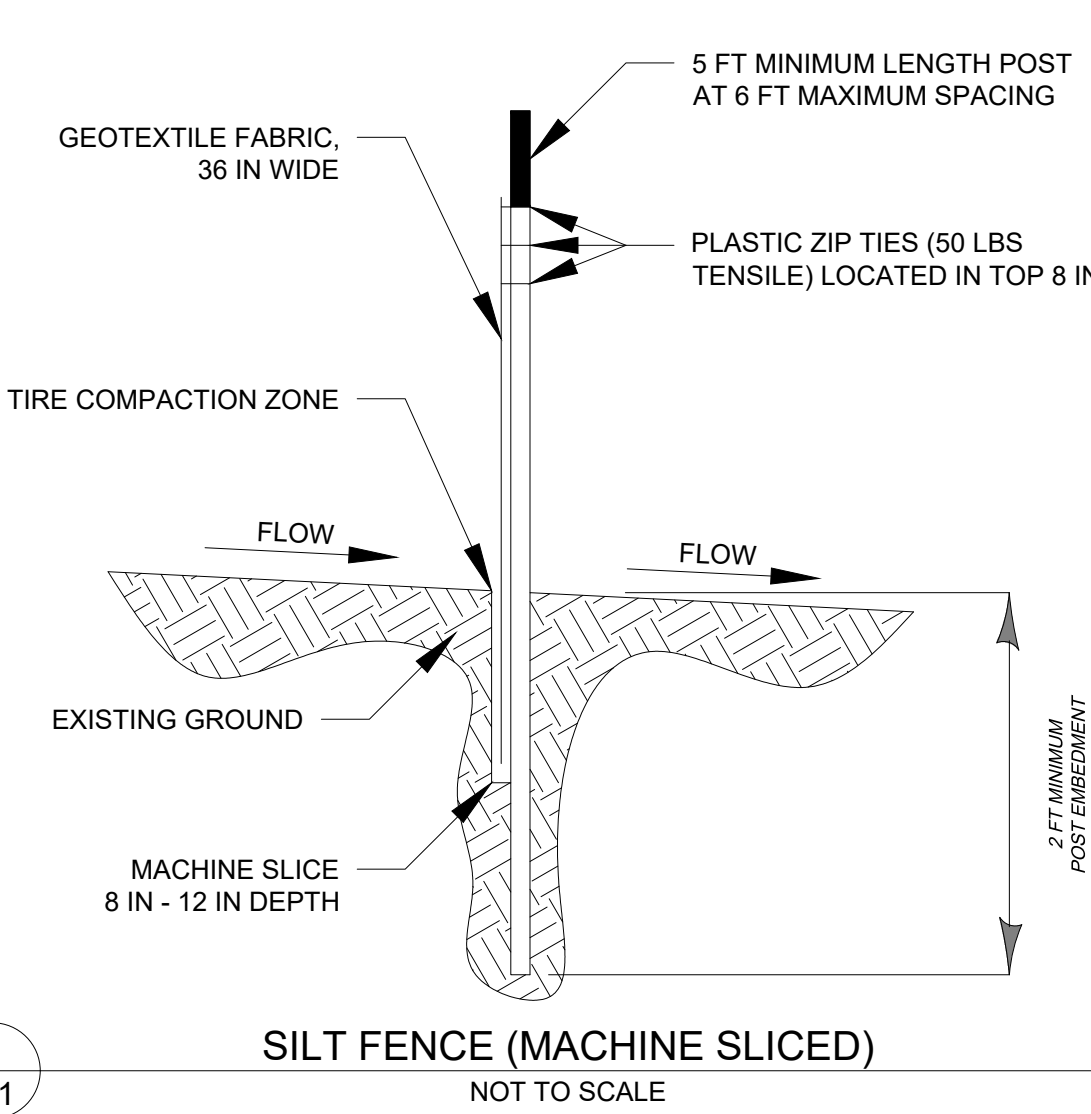
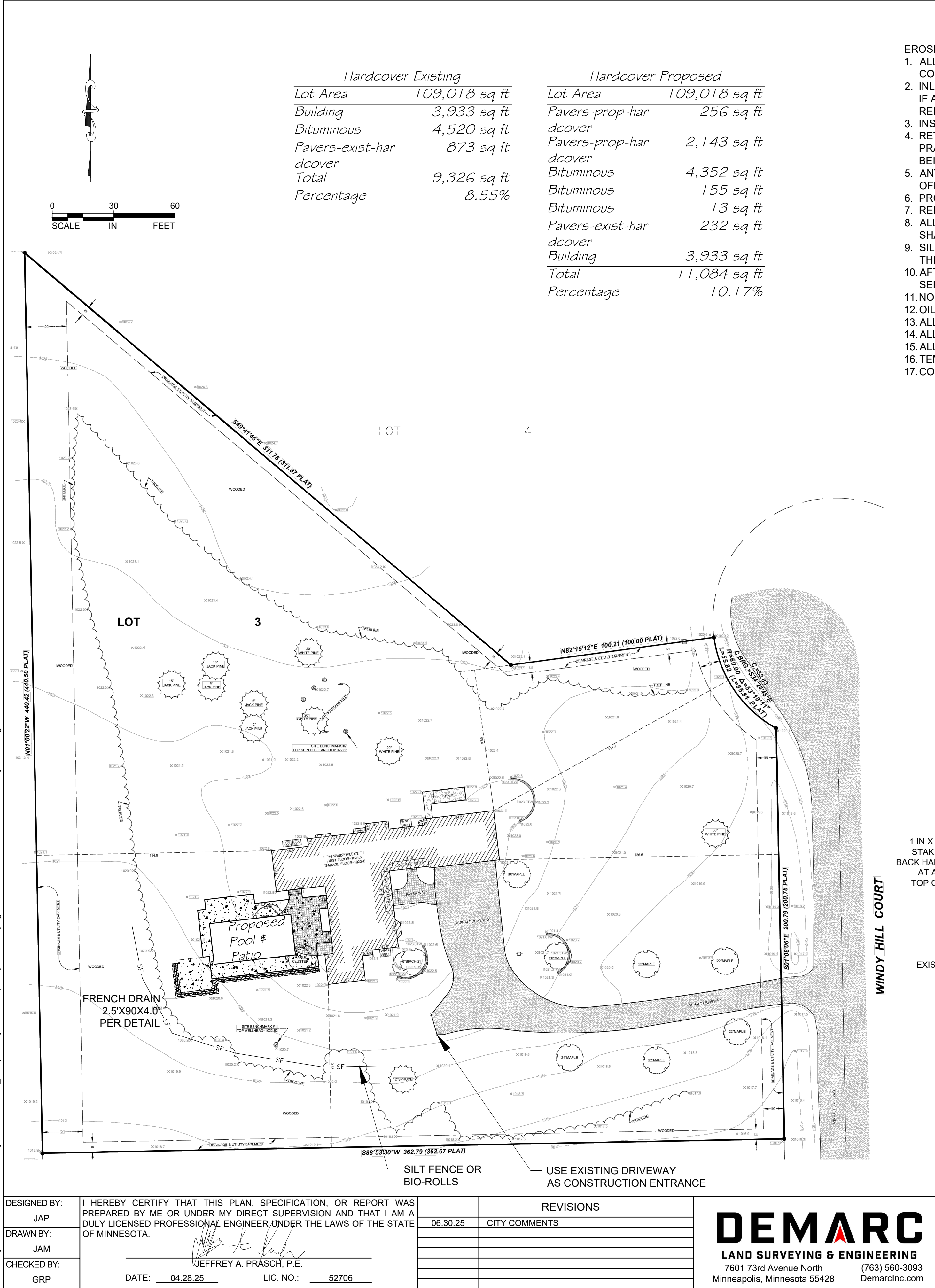
Pool will be surrounded by stone pool coping and a concrete paver patio. Pool deck will be at 1021.3. The grade of the property will not be changed. Pool will be equipped with an ASTM automatic safety cover.

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.

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





- KICHLER 15810 PATH LIGHT AT 10' AWAY FROM THE LIGHT THERE ARE ZERO FOOTCANDLES
- KICHLER 15384 MINI ACCENT LIGHT AT 6' AWAY FROM THE LIGHT THERE ARE ZERO FOOTCANDLES

ERIC OLSON PHOTOMETRIC PLAN

SCALE: 1/8"=1'

URBAN ESCAPES LANDSCAPE & DESIGN CO.

PROJECT TITLE:

SHEET TITLE: SITE PLAN

PROJECT NUMBER: 12345
MWO NUMBER: 12345
DRAWN BY: MCE
CHECKED: 12345
DATE: OCTOBER 2, 2011

REVISIONS:

SHEET NUMBER:
A-1
2 OF 20

AUTOCAD FILE
C:\AUTOCAD\DRAWINGS

Lori Johnson

From: shari hansen <sharihansen@yahoo.com>
Sent: Saturday, June 28, 2025 6:49 AM
To: Lori Johnson
Cc: hansenpr@gmail.com
Subject: Pool at 6 Windy Hill Court

EXTERNAL EMAIL

Dear Lori,

We will be out of town on July 7th, but wanted to share some comments on the potential pool building at 6 Windy Hill Court.

There are already 6 homes with pools on our street, so it seems very fair to grant this request. Our only concern is the placement of construction materials and equipment on the common road.

This past week, when there was a landscaping project at this property, the vendors dumped rock, left paving stones on the road and kept their equipment parked on the road. This led to some visible damage of the road.

As much as possible, we would request that during the pool construction, dirt, rocks, equipment, etc be keep ON THE PROPERTY rather than on the road. Additionally, the road isn't that wide. Parking large equipment there makes it difficult for garbage haulers, mowing companies and residents alike to get by.

Thank you for your consideration.

Shari and Paul Hansen
7 Windy Hill Court

Planning Memorandum

To: Mayor O'Leary and the Sunfish Lake City Council

From: Lori Johnson, City Planner

Date: July 2, 2025, for City Council meeting on July 8, 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

PLANNING COMMISSION

On June 19, 2025, the Planning Commission held a public hearing on this request. June 19th is considered as Juneteenth--a federal holiday. Due to the federal holiday, the City Attorney indicated that the public hearing could be held but no motions could be made and no actions taken at the Planning Commission meeting. Therefore, the public hearing was held on this item, with no members of the public present. No written comments were received. The Planning Commission discussed this application, and no concerns were identified from those discussions.

The City Attorney has also asked that a second public hearing be held at the City Council meeting to ensure all proper protocols are followed due to the Juneteenth holiday. The proper public hearing notifications were sent out again more than 10- days prior to the City Council meeting. Please hold the public hearing as part of this application.

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](#).

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. XX-XX

**RESOLUTION APPROVING A VARIANCE FOR THE PROPERTY AT 2 SUNFISH
LANE, SUNFISH LAKE, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Applicant, Tim Johnson, and property owner, Linval Joseph submitted an application for the approval of a 1-foot variance to the required 4-foot dock width requirement in the Shoreland Overlay District for the property at 2 Sunfish Lane, Sunfish Lake, Dakota County, Minnesota, legally described as:

That part of the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 28 North, Range 22 West, that part of Lot 1, Auditor's Subdivision No. 41, and that part of the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 28 North, Range 22 West, Dakota County, Minnesota, which lies east of the east boundary of the plat of ARCADIA and the northerly production of that portion of said east boundary which is shown to have a bearing of South 18 degrees t9 minutes 07 seconds West on the recorded plat thereof, which lies east of the east boundary of LINDEKE ADDITION, which lies west of the west boundary of KNUTSON ADDITION, which lies north of the westerly production of the south line of Lot 2, Block 1, KNUTSON ADDITION, and which lies south of the northwesterly production of the northerly boundary of OUTLOT A, KNUTSON ADDITION said northerly boundary is shown to have a bearing of North 39 degrees 17 minutes 33 seconds West on the recorded plat thereof, all according to the recorded plats thereof on file in the Office of the County Recorder, Dakota County, Minnesota.

PID: 380300083020

and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing on June 19th and reviewed of the variance and held a public hearing; and

WHEREAS, the Sunfish Lake City Council held a second public hearing on July 8, 2025; and

WHEREAS, the City Council considered the application on July 8, 2025; and

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the 5-foot variance to the required 4-foot dock width requirement in the Shoreland Overlay District at 2 Sunfish Lane with the following **rationale**:

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](#).

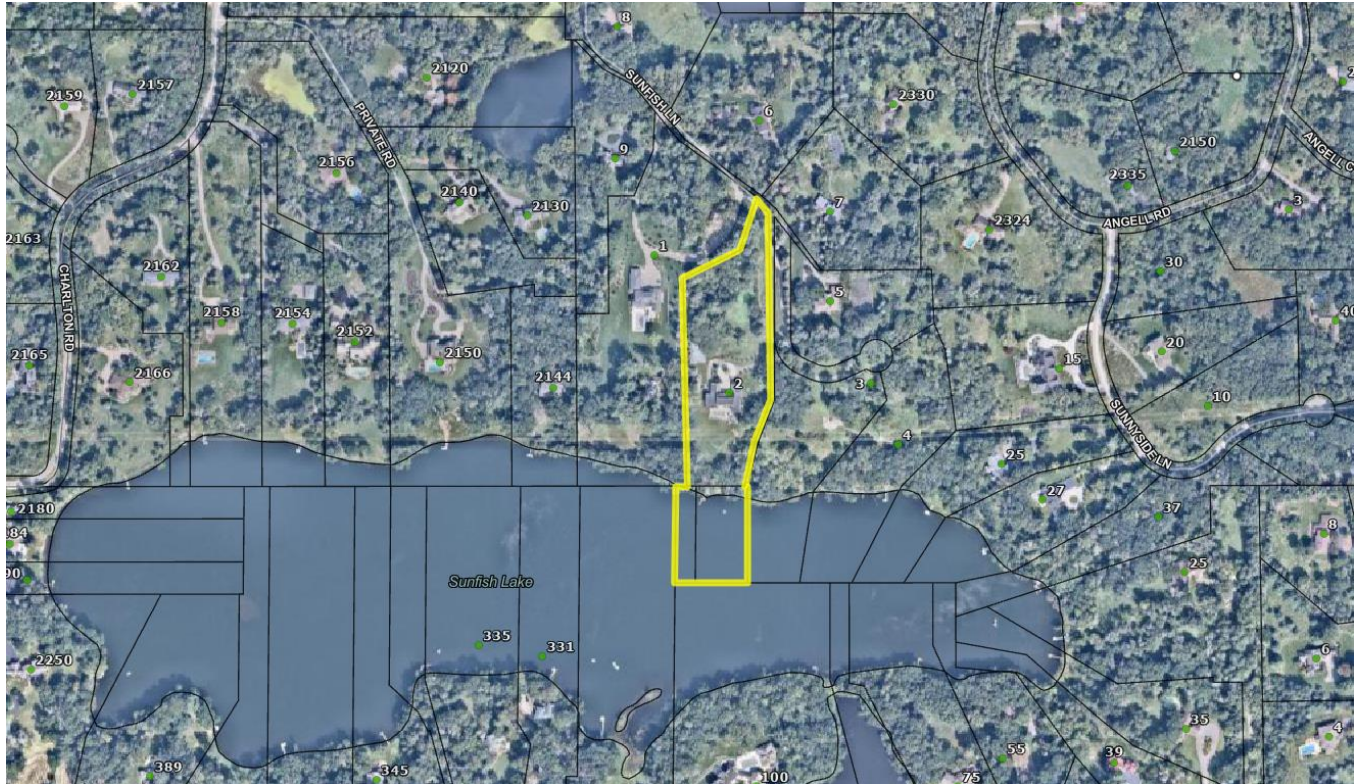
This resolution is adopted by the City Council of the City of Sunfish Lake this 8th day of July 2025.

Dan O’Leary, Mayor

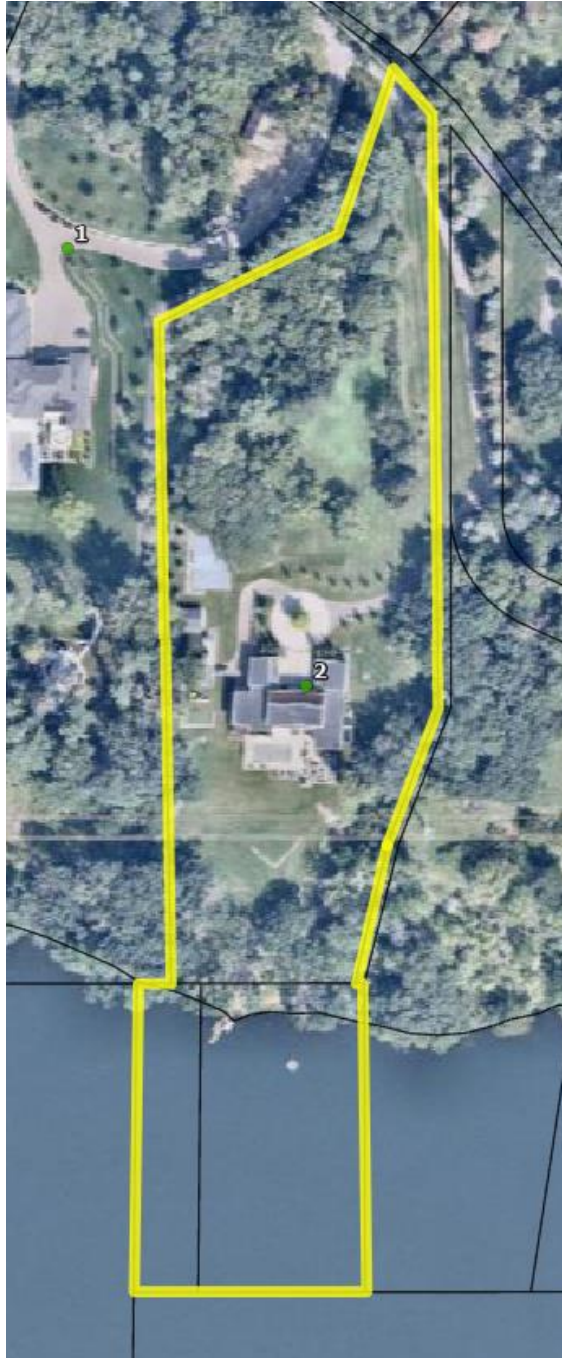
Attest:

Christy Wilcox, City Clerk

Location Map for 2 Sunfish Lane



Aerial for 2 Sunfish Lane



Joseph Dock Narrative

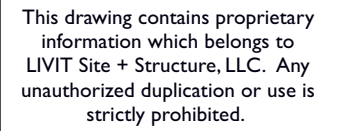
2 Sunfish Lane Sunfish Lake, MN 55118

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.

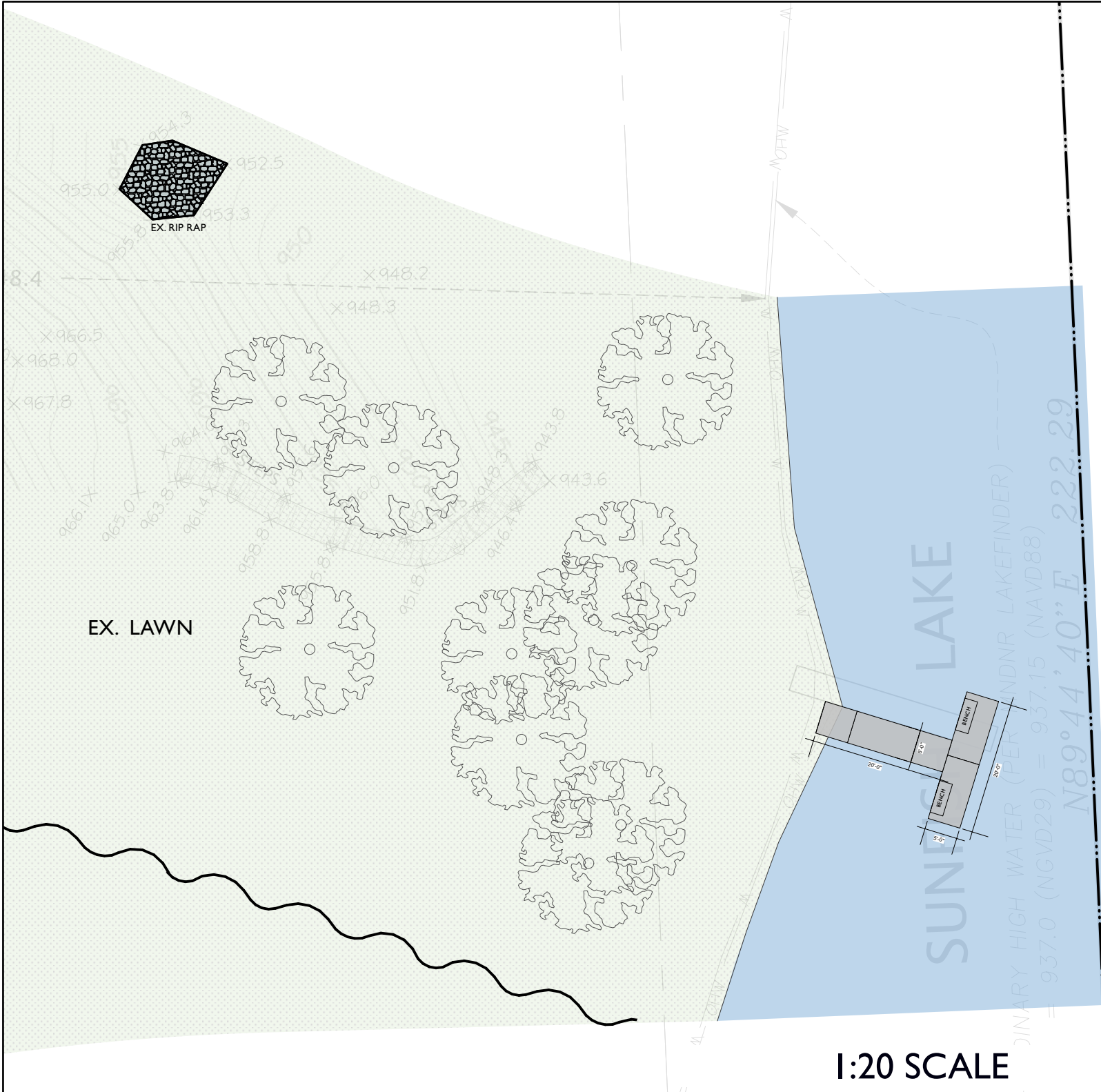
The safety as well as a more functional dock that is only manufactured at 5' wide would be more suitable. The proposed 5' dock has been tested and is much more stable and fits the family. This dock allows the client and guests to feel safer with a more stable dock base. This dock also allows the dock 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



1:20 SCALE

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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