

1. Agenda (PDF)

Documents:

[PC AGENDA 9 2 2025.PDF](#)

2. 09.02.25 Planning Commission Agenda Packet

Documents:

[09-02-2025 PLANNING COMMISSION PACKET.PDF](#)

## AGENDA

### CALL TO ORDER

### ROLL CALL / (LIAISON) SCHEDULE

HUSKINS () \_\_\_\_\_  
HOLKER (December 8<sup>th</sup>) \_\_\_\_\_  
LONGO (October 27<sup>th</sup>) \_\_\_\_\_  
MAGISTAD (September 22<sup>nd</sup>) \_\_\_\_\_  
RUOFF (September 8<sup>th</sup>) \_\_\_\_\_  
COUNCIL LIAISON MADDY (Jul-Dec) \_\_\_\_\_

#### 1. APPROVAL OF AGENDA

#### 2. APPROVAL OF MINUTES

- ♦ August 19, 2025

#### 3. MATTERS FROM THE FLOOR

This is an opportunity for members of the public to bring an item that is not on tonight's agenda but related to the governance of the City of Shorewood, to the attention of the Planning Commission. In providing this limited public forum, the City of Shorewood expects respectful participation. We encourage all speakers to be courteous in their language and behavior, and to confine their remarks to those facts that are relevant to the question or matter under discussion. Anyone wishing to address the Commission should raise their hand and wait to be called on. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to three minutes. No discussion or action will be taken by the Commission on this matter. The Commission may request the issue be forwarded to the City Council or to staff to prepare a report and place it on the next agenda.

#### 4. PUBLIC HEARINGS

- A) 5570/5580 Shorewood LN Rezoning, Variance & Minor Subdivision  
Location: 5570/5580 Shorewood LN  
Applicant: Shorewood Properties LLC

#### 5. OTHER BUSINESS

#### 6. REPORTS

- A) Agenda Management Software Update
- B) Council Meeting Report
- C) Draft Next Meeting Agenda

## 7. ADJOURNMENT

## A G E N D A

### CALL TO ORDER

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## 7. ADJOURNMENT

4  
5 **DRAFT MINUTES**  
6

7  
8 **CALL TO ORDER**  
9

10 Chair Huskins called the meeting to order at 7:00 P.M.

11  
12 **ROLL CALL**

13  
14 Present: Chair Huskins; Commissioners Holker, Longo, Magistad, and Ruoff (arrived at 7:03  
15 P.M.); Planning Director Griffiths; and City Planner Osowski

16  
17 Absent: None  
18

19 **1. APPROVAL OF AGENDA**  
20

21 Longo moved, Magistad seconded, approving the agenda for August 19, 2025, as  
22 presented. Motion passed 4/0.  
23

24 **2. APPROVAL OF MINUTES**  
25

- 26 • **June 3, 2025**  
27

28 Chair Huskins noted that he had passed along some minor edits to Planning Director Griffiths  
29 before the meeting.  
30

31 Holker moved, Longo seconded, approving the Planning Commission Meeting Minutes of  
32 June 3, 2025, as presented. Motion passed 4/0.  
33

34 Commissioner Ruoff arrived at the meeting.  
35

36 **3. MATTERS FROM THE FLOOR**  
37

38 There were no comments.  
39

40 **4. PUBLIC HEARINGS**

41 Chair Huskins explained that the Planning Commission is comprised of residents of the  
42 City of Shorewood who are serving as volunteers on the Commission. The Commissioners  
43 are appointed by the City Council. The Commission's role is to help the City Council in  
44 determining zoning and planning issues. One of the Commission's responsibilities is to  
45 hold public hearings and to help develop the factual record for an application and to make  
46 a non-binding recommendation to the City Council. The recommendation is advisory only.  
47

48 **A. PUBLIC HEARING – CANNABIS CITY CODE AMENDMENTS**  
49

50 Planning Director Griffiths explained that this item was a housekeeping item to clean up the City's  
51 regulations for cannabis. He gave some background regarding the State's legalization of  
52 recreational cannabis sales, past discussions and actions the City has taken, additional legal  
53 counsel related to the City's initial decision to delegate the registration authority to the County,

1 and Council direction for rescinding that and taking over the registration process themselves. He  
2 highlighted the proposed amendments to the Cannabis City Code. He noted that, to date, the City  
3 had not received any public comments on this proposed amendment.  
4

5 Commissioner Holker asked whether taking back the administrative side of the registration  
6 process would be onerous or costly to the City. She asked if they might be able to hire an outside  
7 consultant service to handle these duties for the City. She asked if the City had spelled out, within  
8 the parameters, the areas where this use would be allowed, so they do not get a lot of applications  
9 for places where people would not be allowed to have this use.  
10

11 Planning Director Griffiths stated that they do have the parameters clearly outlined for the allowed  
12 locations and noted that they have already received quite a few calls from people inquiring about  
13 opening this type of business in the City. He stated that he believed it was likely that Shorewood  
14 would have one locate in the City and briefly described the locations where this would be allowed.  
15 He stated that the expectation is that this process would be handled similarly to the City's liquor  
16 licensing, and there would be heavy involvement of the SLMPD. He stated that because the City  
17 would most likely only have one business, he did not think the burden of the registration process  
18 was going to be a substantial burden for staff.  
19

20 Commissioner Longo stated that he had asked Planning Director Griffiths if having an unmanned  
21 kiosk would be possible, but he told him that it would not be legal at this point.  
22

23 Planning Director Griffiths confirmed that having an unmanned kiosk would not currently be legal  
24 in Minnesota.  
25

26 Commissioner Magistad referenced the anticipated demand for applications and asked how the  
27 City would deal with competing registrations.  
28

29 Planning Director Griffiths explained that it would be done on a first-come, first-served basis, but  
30 noted that he did not believe that there would be many applications submitted at the same time,  
31 due to the number of available sites being relatively low.  
32

33 Chair Hirner stated that once the City has approved the one location for this type of business, he  
34 would suggest they get the word out on the website, so they do not get a lot of other applications  
35 when the City is full. He referenced two paragraphs in the document and noted that he felt there  
36 was an inconsistency with them related to Subd. 5, Suspension of Registration and item c., Length  
37 of Suspension, and d., Reinstatement of Registration.  
38

39 Planning Director Griffiths explained that this language had been taken directly from the State  
40 Statute and gave a brief explanation of what these sections were saying and answered  
41 Commission questions. He stated that the City's only role in this process was to certify zoning  
42 compliance for the location because once the registration is issued, the State takes over  
43 everything.  
44

45 Chair Huskins opened the Public Hearing at 7:21 P.M. and noted that there was no one present  
46 in the chambers, so he closed the Public Hearing at 7:21 P.M.  
47

48 **Magistad moved, Ruoff seconded, recommending approval of the Cannabis City Code**  
49 **Amendments, as presented. Motion passed 5/0.**  
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51 **B. PUBLIC HEARING – GRADING AND STEEP SLOPES CITY CODE AMENDMENTS**

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Planning Director Griffiths explained that this was another housekeeping-type item for the Commission to consider. He reminded the Commission that during the 2040 Comprehensive Planning process, there was some discussion about the City's protections for grading and steep slopes. He explained that the City Code just was not clear on when permits were required and reviewed the proposed amendment to the current language to address that issue.

Commissioner Longo asked if there was a risk that by raising the limit, they would compromise the way the water flows into neighboring areas.

Planning Director Griffiths explained that when there is a grading permit request, they are required to submit drainage plans to the City, regardless of the size of the project. He noted that staff or the area watershed districts were not concerned about increasing this threshold.

Chair Huskins asked if any current projects may be affected by this change.

Planning Director Griffiths stated that there were no current applications working through the process or any pending development applications. He explained that the only thing the City was regulating with this was the short period of time when the construction was happening, and once the grading project had been completed, it was over and done. He stated that the purpose of this permit would be to set up haul routes for construction and make sure the streets were being cleaned.

Commissioner Magistad asked if any of the numeric limits in the City's proposed language were different than the DNR language.

Planning Director Griffiths explained that the 100 versus 400 was not contemplated by the DNR, but noted that the 10 or more cubic yards language within the amendment was from the DNR.

Commissioner Magistad asked how the City had arrived at these numbers.

Planning Director Griffiths stated that he assumed there were reasons when the ordinance was originally adopted in the 1980s, but did not know what they would be. He noted that a number of cities have the 400 number as their threshold.

Chair Huskins opened the Public Hearing at 7:34 P.M., there being no one present in the chambers, and he closed the Public Hearing at 7:34 P.M.

**Holker moved, Magistad seconded, recommending approval of the Grading and Steep Slopes City Code Amendments, as presented. Motion passed 5/0.**

**C. PUBLIC HEARING – 2026 FEE SCHEDULE**

Planning Director Griffiths stated that the City reviews and updates its fee schedule on an annual basis and noted that the Planning Commission was responsible for reviewing the planning-related chapters of the schedule. He noted that the public was welcome to submit comments to the Council when this item is brought forward by them at the September 8, 2025, meeting, since no one was present tonight. He explained that the new fees would go into effect on January 1, 2026, and highlighted the proposed changes for the zoning and land use fees. He explained that on staff's list for the first part of 2026 would be consideration of hiring a consultant to do a development fee study for all of their fees.

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Commissioner Ruoff asked about the zoning verification letter fee and if the City had any comparable information from other cities on what their fees were.

Planning Director Griffiths stated that he did not have those numbers with him at the meeting, but explained that he used to work for Andover, and their fee is \$1,000. He stated that the proposed change from \$50 to \$250 was probably on the low end, but was moving the City in the right direction.

Chair Hirner opened the Public Hearing at 7:48 P.M., noted that there was no one present in the chambers, and closed the Public Hearing at 7:48 P.M.

**Longo moved, Holker seconded, recommending approval of the 2026 Fee Schedule, as presented. Motion passed 5/0.**

**5. OTHER BUSINESS –  
A. Monthly Training Topic – Review July 28, 2025 City Council Land Use Planning and Zoning Training**

Planning Director Griffiths explained that on July 28, 2025, the City Council received Planning and Zoning training from him and City Attorney Shepherd. He gave a brief presentation of the training materials and reviewed: Municipal authority to plan; the role of the Planning Commission; Zoning – implementing the Comprehensive Plan; Conditional and Interim Use Permits; Variances; Time limits; and Public Hearings.

Commissioner Magistad asked if Planning Director Griffiths could forward the slide deck of his presentation to the Commission.

Planning Director Griffiths stated that he would send the presentation to the Commission and answered some follow-up questions for the Commission.

**B. Upcoming City Council Liaisons**

Planning Director Griffiths explained that he needed volunteers to fill the calendar for the rest of 2025.

- September 8, 2025 – Chair Huskins
- September 22, 2025 – Commissioner Magistad
- October 27, 2025 - Commissioner Longo
- December 8, 2025 – Commissioner Holker

**6. REPORTS**

- **Council Meeting Report**

Planning Director Griffiths stated that there was not much to report on the planning side of things because they had canceled the July Planning Commission meeting. He gave a brief overview of agenda items expected to be on the September 8, 2025, City Council meeting.

- **Draft Next Meeting Agenda**

1 Planning Director Griffiths reviewed the application that the City had received that would be on  
2 the September 2, 2025, Planning Commission meeting agenda.

3

4 **7. ADJOURNMENT**

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6 **Magistad moved, Longo seconded, adjourning the Planning Commission Meeting of**  
7 **August 19, 2025, at 8:43 P.M. Motion passed 5/0.**



**Title/Subject:** 5570/5580 Shorewood LN Rezoning, Variance & Minor Subdivision  
**Meeting Date:** September 2, 2025  
**Prepared by:** Jake Griffiths, Planning Director  
**Attachments:** Applicant’s Narrative & Plans  
 Site Location Map

**APPLICANT:** Shorewood Properties, LLC  
**LOCATION:** 5570/5580 Shorewood LN  
**REVIEW DEADLINE:** November 29, 2025  
**COMPREHENSIVE PLAN:** Low to Medium Density Residential (3-6 Units per Acre)  
**CURRENT ZONING:** R-2A Single/Two-Family & Shoreland  
**PROPOSED ZONING:** R-2B Single/Two-Family & Shoreland

**REQUEST**

The applicant is requesting a rezoning, subdivision variance, and minor subdivision which, if approved, would allow the subject property to be split into one additional lot. A duplex or single-family home could be built on the newly created property. The applicant’s narrative and plans are attached for reference.

Notice of the application was sent by postcard to all property owners within 750 feet of the properties and a sign was also placed in front of the property. Notice of the public meeting was sent by US mail to all property owners within 750 feet of the property at least 10 days prior to the meeting and published in the City’s official newspaper, on the City’s website and at City Hall. As of the publication of this report, no public comments have been received regarding this request.



**BACKGROUND**

The 0.92-acre existing property was created by the Shorewood Terrace plat in 1967 and the existing duplex was constructed in 1970. No portion of the property is within the floodplain and the national wetland inventory does not indicate any wetlands on the site. The property is partially located within a Shoreland Overlay District as the site is within 1,000 ft of Lake Minnetonka. The property is currently utilized as a rental dwelling. The surrounding properties are all zoned R-2A and the majority of the properties in the vicinity are developed with duplexes. The only exception is Excelsior Fire District Station #1, which is located west of the site.

**ANALYSIS OF REZONING**

The applicant is requesting to rezone the subject property from R-2A to R-2B. The Comprehensive Plan guides properties within either of these zoning districts to produce low to medium residential dwellings at densities ranging between 3 to 6 units per acre. However, the minimum lot size established by the R-2A zoning district of 20,000 sqft for a single-family and 30,000 sqft for a two-family dwelling makes it impossible to produce developments at that density range. Because the minimum lot sizes established by the R-2A zoning district are incapable of producing developments between 3-6 units per acre, the property's current zoning designation of R-2A is inconsistent with the Comprehensive Plan. In contrast, the R-2B zoning district would be more appropriate for the subject property since its minimum lot sizes are capable of producing developments between 3 to 6 units per acre and is consistent with the Comprehensive Plan.

City Code 1201.04, Subd. 2 provides review criteria for requests to amend a property's zoning designation and states as follows:

*Requests to amend the text or the district boundaries of this chapter shall be consistent with the Comprehensive Plan and shall be found by the City Council to meet at least one of the following review criteria:*

*(1) The zoning district boundary or designation was originally adopted in error or is no longer consistent with the Comprehensive Plan.*

*(2) Times and conditions have changed since the text or district boundaries were adopted.*

In the case of this request, the first review criteria above is true. The property's zoning designation is no longer consistent with the Comprehensive Plan. Additionally, Minn. Stat. 473.858 requires that zoning must be consistent with the Comprehensive Plan. Therefore, the applicant's request to rezone the property from R-2A to R-2B is appropriate.

It should be noted that City staff is aware of this discrepancy between the City Code and the Comprehensive Plan and are currently in the process of working with a consultant to complete an audit of the zoning code. It is City staff's intent to bring a code amendment forward in the near future to address this discrepancy.

#### **ANALYSIS OF SUBDIVISION VARIANCE**

The applicant is requesting a subdivision variance to deviate from the 120 ft minimum lot depth requirement of the R-2B zoning district. While a portion of the property has a lot depth of 140 ft, which exceeds the 120 ft minimum lot depth, the City Code defines minimum lot depth as the shortest depth of the property. Accordingly, the property's actual lot depth is technically 0 ft as it comes to a point on its south end.

It should be noted that the minimum lot depth requirement of the R-2B zoning district is also inconsistent with the Comprehensive Plan as it is incapable of producing a development of between 3 to 6 units per acre, that also meets the minimum lot size and lot width requirements for the district. For example, lot width times lot depth should equal minimum lot size. However, in the case of the R-2B district, the minimum lot width of 90 ft times the minimum lot depth of 120 ft equals 10,800 sqft. Far short of the

15,000sqft or 20,000 sqft minimum lot size required by the City Code. Due to this inconsistency and relation to the subdivision variance review criteria below, the subdivision variance request is appropriate.

City Code 1202.37, Subd. 4. provides review criteria for subdivision variances and states as follows:

*The City Council may grant a variance from strict compliance with the subdivision regulations contained in this chapter when it finds that all the following exist:*

*(1) That the requested subdivision variance is consistent with the Comprehensive Plan and all other applicable city plans.*

The requested subdivision variance would be consistent with the Comprehensive Plan and all other applicable city plans. In fact, the requested subdivision variance would be more consistent with the Comprehensive Plan than the minimum lot depth established by the City Code.

*(2) That the requested variance is in harmony with the general purposes and intent of this chapter.*

The requested subdivision variance is in harmony with the general purposes and intent of the City's subdivision ordinance.

*(3) There are special and highly unique circumstances or conditions affecting the property Subject Property that are not common to other properties in the city and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land.*

In this case, strict application of the provisions of the City Code would deprive the applicant of the reasonable and minimum use of its land as the City Code requirements make it impossible to achieve a development meeting the guidance of the Comprehensive Plan. Additionally, the subject property has an odd shape which creates a situation where even though the majority of the property would meet the minimum lot depth requirement, its coming to a point at the south end of the site creates a technical 0 ft minimum lot depth.

*(4) That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the vicinity in which the Subject Property is situated.*

The granting of the variance will not be detrimental to the public health or welfare or injurious to the other property in the vicinity in which the Subject Property is situated.

*(5) That the applicant has established that there are special circumstances or highly unique conditions affecting the Subject Property not resulting from the actions of the applicant, such as exceptional topographic or water conditions or inadequate access to direct sunlight for solar energy systems, such that an unusual hardship to the owner would result if the strict letter of these regulations was to be carried out.*

The inconsistency between the City Code and Comprehensive Plan is unique in the context of this application to the R-2 zoning districts and does not result from the actions of the applicant.

It should be noted that City staff is aware of this discrepancy between the City Code and the Comprehensive Plan and are currently in the process of working with a consultant to complete an audit of the zoning code. It is City staff's intent to bring a code amendment forward in the near future to address this discrepancy.

### **ANALYSIS OF MINOR SUBDIVISION**

The Minor Subdivision request is consistent with the intent of the Comprehensive Plan and complies with all City Code requirements except for those identified earlier in this memorandum. It should be noted that the minor subdivision request was submitted prior to the City's ordinance requiring connection to the municipal water system went into effect. Therefore, the City cannot require the applicant to connect to the municipal water system, and the proposed lot would be served by private well.

### **STAFF RECOMMENDATION**

While the City Code regulating the R-2 zoning districts is largely inconsistent with the Comprehensive Plan, the applicant's requests are consistent with the Comprehensive Plan. Due to the inconsistencies between the Comprehensive Plan and the City Code, the City has little discretion when reviewing the applicant's requests. For these reasons, City staff recommend approval of the rezoning, subdivision variance and minor subdivision requests subject to the following conditions:

Prior to recording, the applicant shall complete the following:

- Revise the plans consistent with City Code, City staff's memos, and the comments of any other organization having jurisdiction in the site.
- Execute drainage and utility easement documents and exhibits.
- Pay required park dedication fees for the newly created parcel as if it were constructed with a duplex. Said park dedication fees shall not be refunded if a single-family dwelling is constructed on the property.
- Pay required utility connection fees for the newly created parcel as if it were constructed with a duplex. Said utility connection fees shall not be refunded if a single-family dwelling is constructed on the property.

Prior to construction of any home, provide the following:

- Acquire all permits from the City of Shorewood and any other jurisdiction having an interest in the site.
- Provide proof of recording of the City Council resolution, easements, and any other documents identified by the City of Shorewood as needing to be recorded.

### **ACTION REQUESTED**

The Planning Commission is requested to hold a public hearing and make a recommendation to City Council.

# MALKERSON GUNN MARTIN LLP

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Attorney at Law

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July 21, 2025

**VIA COURIER & EMAIL:**  
**igriffiths@shorewoodmn.gov**

Jake Griffiths  
Planning Director  
City of Shorewood  
5755 Country Club Rd.  
Shorewood, MN 55331

RE: City of Shorewood Subdivision Application  
Property Address: 5580 Shorewood Lane  
Our File No. 3963.001

Dear Mr. Griffiths:

I submit this letter in support of the application to rezone the above-referenced property (“Property”) submitted simultaneously herewith. By this application, the applicant, Sharratt Design & Company, LLC (“Applicant”), on behalf of owner, Matt Tierney, amends its application to rezone the subject property (“Property”) from R-2A to R2B (as opposed to R3B stated in the Applicant’s initial application).<sup>1</sup> The Applicant also amends its application to request a variance from the City’s minimum lot depth requirement stated in Section 1201.15, subd. 5(c).

## **I. REZONING APPLICATION.**

The purpose of this rezoning application is to bring the zoning of the Property into conformance with the City’s Comprehensive Plan designation for the Property. The current zoning of the Property does not allow development of the Property at the density required by the City’s Comprehensive Plan. The rezoning requested by the applicant will correct this.

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<sup>1</sup> The applicant’s original application requested a rezoning to R3B, a zoning district which the applicant selected following my consultation with you. By letter dated July 2, 2025, you informed that applicant that the City Council recently amended the City’s zoning ordinance to add text stating that the purpose of the R3B zoning district is to “produce developments between 6-8 dwellings per acre” (Ord. 616, 1201.17, Subd. 1., adopted February 24, 2025). I note that the codified version of the City zoning ordinance available on the City website does not yet include this text.

The Comprehensive Plan designation for the Property is Low to Medium Density Residential. (*See* Comp. Plan, at 117). The Comprehensive Plan states that the targeted density for this designation is 3-6 units per acre. (*See* Comp. Plan, at 118). The Property has an area of .92 acres and is currently improved with a single two-family structure. The requested rezoning to R-3A will allow the Property to be subdivided to create a second lot for a second two-family structure, as shown in the application for minor subdivision submitted simultaneously herewith. The requested rezoning and subdivision of the Property into two lots will bring the density of the Property to slightly above 4 units/acre and will therefore bring the Property into conformance with its Comprehensive Plan designation.

Minnesota's planning statute for the seven-county Metro area provides that an amendment to a municipal zoning ordinance must be consistent with the municipality's comprehensive plan. *See* Minn. Stat. § 473.858, subd. 1 (2024); *see also Mendota Golf, LLP. v. City of Mendota Heights*, 708 N.W.2d 162 (Minn. 2004); *and State by Smart Growth Minneapolis v. City of Minneapolis*, 954 N.W.2d 584, 596 (Minn. 2024) (“Although [a comprehensive plan] is a planning document for the City that can be amended, it will, under the current state of the law, control the City's land use because any zoning ordinances in conflict with the Plan will have to be brought into compliance with it.”). Relevant here, the Minnesota Supreme Court has held that a city's refusal to re-zone a property to be consistent with that city's comprehensive plan would be “evidence that the city is acting in an arbitrary manner.” *Amcon Corporation v. City of Eagan*, 348 N.W.2d 66, 75 (Minn. 1984). Accordingly, a city's refusal to rezone a property to bring that property into conformance with the governing comprehensive plan presumptively lacks a rational basis.

## II. VARIANCE APPLICATION.

The City's zoning ordinance contains a minimum lot depth requirement of 120 feet for lots located in R2B zoning districts. City Code, § 1201.15, subd. 5(c). The definition of “lot depth” in the City's zoning ordinance reads in relevant part as follows:

**LOT DEPTH.** The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way (or tangentially on a curved street or cul de sac) within the lot boundaries.

City Code, § 1201.02. This definition requires “lot depth” to be measured from the most narrow point of a lot without making any allowance for lots with irregular shapes. The most southern part of the subject property here has a pointed end and is roughly shaped like a triangle. However, applying the City's definition of “lot depth” requires one to measure lot depth at the tip of the triangle, yielding a 0' lot depth measurement.<sup>2</sup> Strict application of the City's ordinance therefore

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<sup>2</sup> The City presumably copied or borrowed this definition from another source, as it seems to assume that all lots are of a rectangular shape or are located on a cul-de-sac. It is highly unlikely that a City like Shorewood with an irregular street grid would intentionally adopt a definition of “lot depth” that does not account for irregularly lot shapes.

makes the subject lot (or any other lot with a similarly irregular shape) unbuildable. I note that the irregular shape of the lot is a consequence of the curvature of the abutting public road. It is not a consequence of any action or inaction of the applicant.

The subject property satisfied all other dimensional requirements (*e.g.*, lot area, lot width, etc.) for lots in R2B zoning districts. It satisfies the minimum lot depth requirement at its widest point. It is only non-conforming as to lot width because it has a triangular shape. As noted above, if one strictly applied the definition of “lot depth” in the City zoning ordinance, all triangular-shaped lots (and many other lots with irregular shapes) are unbuildable.

According to the City’s subdivision ordinance, a variance shall only be recommended when “undue hardship may result from strict compliance.” City Code, § 1202.09, subd. 9. The ordinance further states that a variance may only be recommended if the Planning Commission makes certain findings. *Id.* I list each of these findings below, together with a statement (in *italicized text*) concerning why the Planning Commission should recommend approval of the variance requested by Applicant here:

- a. There are special and highly unique circumstances or conditions affecting the property that are not common to other properties in the city and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land.

*Applicant Statement: The subject property has a triangular shape at one end. Most the lots in the City are rectangular. The City Code is written in a way that makes irregularly shaped lots like the subject property unbuildable. The irregular shape of the subject property is a highly unique circumstance that is not common to other properties in the City. Strict application of the City’s zoning ordinance makes irregularly-shaped lots unbuildable, which deprives the owners of such lots of the reasonable and minimum use of their land.*

- b. That the granting of the variance will not be detrimental to the public health or welfare or injurious to other property in the vicinity in which the property is situated.

*Applicant Statement: Granting the requested variance will have no adverse impact on the public health or welfare. Granting the requested variance will not be injurious to other property in the vicinity of the subject property. As noted above, the subject property satisfied all other dimensional requirements (e.g., lot area, lot width, etc.) for lots in R2B zoning districts. It satisfies the minimum lot depth requirement at its widest point. It is only non-conforming as to the City’s minimum lot width requirement because it has a triangular shape due to the curvature of the abutting public road.*

- c. That the variance is to correct inequities resulting from an extreme hardship limited to topography, soils or other physical factors of the land.

*Applicant Statement: Granting the requested variance is necessary to address an extreme hardship, described above, caused by the physical shape of the subject lot (which itself is the consequence of the curvature of the abutting public road).*

City Code, § 12002.09, subd. 1. Here, there is no rational basis for the City to strictly apply a poorly-drafted definition of “lot depth” in its zoning code and to deem a lot unbuildable simply because of the shape of the lot. This is especially true where, as here, the irregular shape is a consequence of the curvature of the abutting public road and not a consequence of any action or inaction by the lot owner or the Applicant.

Based on the foregoing, the Applicant respectfully asks that the City approve its applications for rezoning and for a variance. With this letter, I am enclosing a \$400.00 check for the additional variance application fee. Please call me at 612.455.6601 if the City requires additional information or if you would otherwise like to discuss this matter.

Very truly yours,

**MALKERSON GUNN MARTIN LLP**

*/s/Patrick B. Steinhoff*

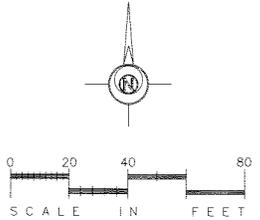
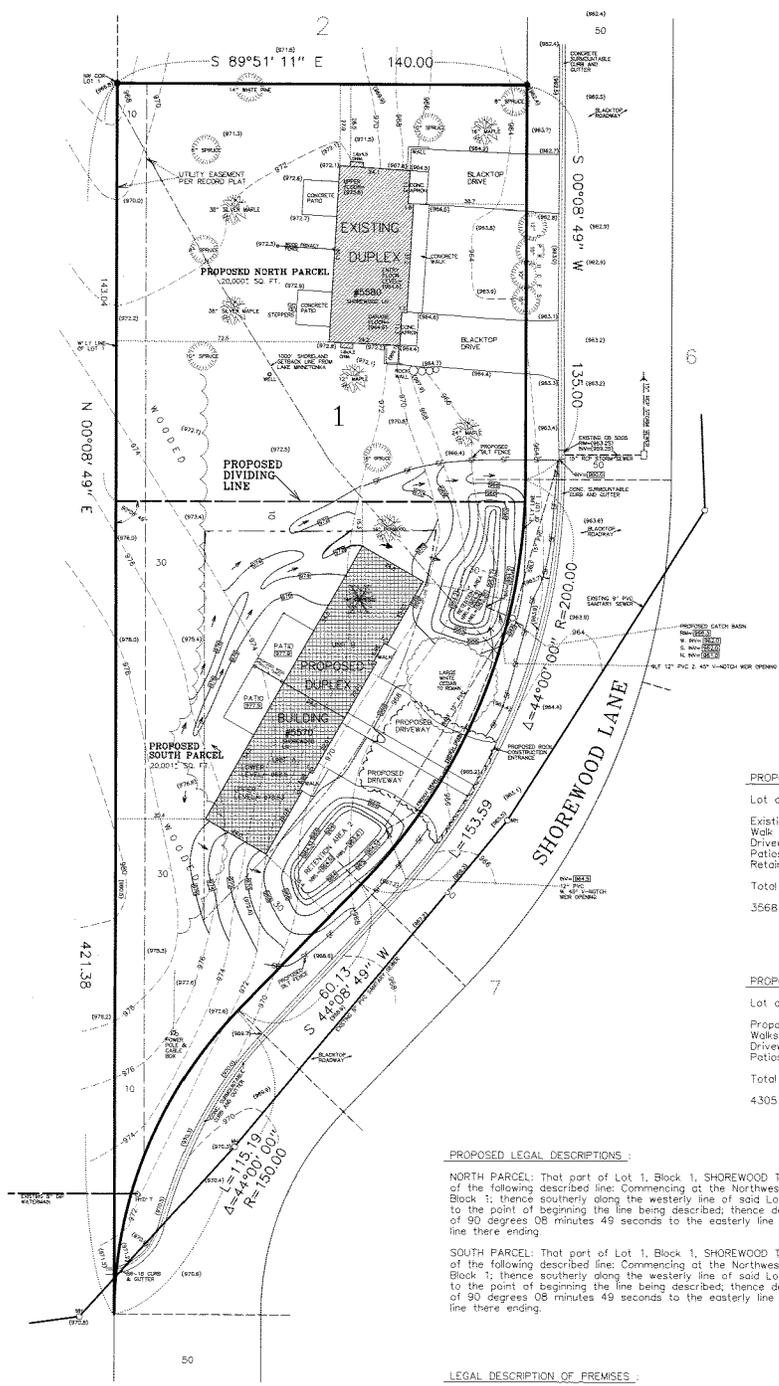
Patrick B. Steinhoff

PBS/ksk

c: Clients



CERTIFICATE OF SURVEY FOR  
**MATT TIERNEY**  
 OF LOT 1, BLOCK 1, SHOREWOOD TERRACE  
 HENNEPIN COUNTY, MINNESOTA



**PROPOSED NORTH PARCEL EXISTING HARDCOVER CALCULATIONS :**

Lot area = 20,000 Sq. ft.  
 Existing duplex = 1532 sf  
 Walk = 198 sf  
 Driveways & aprons = 1548 sf  
 Patios (2) = 278 sf  
 Retaining wall = 12 sf  
 Total = 3568 Sq. ft.  
 $3568 / 20,000 \times 100 = 17.84\%$

**PROPOSED SOUTH PARCEL HARDCOVER CALCULATIONS :**

Lot area = 20,001 Sq. ft.  
 Proposed duplex = 2578 sf  
 Walks = 1015 sf  
 Driveways = 1130 sf  
 Patios (2) = 496 sf  
 Total = 4305 Sq. ft.  
 $4305 / 20,001 \times 100 = 21.52\%$

**PROPOSED LEGAL DESCRIPTIONS :**

**NORTH PARCEL:** That part of Lot 1, Block 1, SHOREWOOD TERRACE lying northerly of the following described line: Commencing at the Northwest corner of said Lot 1, Block 1; thence southerly along the westerly line of said Lot 1 a distance of 143.04 to the point of beginning the line being described; thence deflecting left at an angle of 90 degrees 08 minutes 49 seconds to the easterly line of said Lot 1, and said line there ending.

**SOUTH PARCEL:** That part of Lot 1, Block 1, SHOREWOOD TERRACE lying southerly of the following described line: Commencing at the Northwest corner of said Lot 1, Block 1; thence southerly along the westerly line of said Lot 1 a distance of 143.04 to the point of beginning the line being described; thence deflecting left at an angle of 90 degrees 08 minutes 49 seconds to the easterly line of said Lot 1, and said line there ending.

**LEGAL DESCRIPTION OF PREMISES :**

Lot 1, Block 1, SHOREWOOD TERRACE

- : denotes iron marker found
  - (908.3) : denotes existing spot elevation, mean sea level datum
  - 910.8 : denotes proposed spot elevation
  - 917- : denotes existing contour line, mean sea level datum
  - 930 : denotes proposed contour line
- Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing duplex building, spot elevations, topography, trees and all visible "hardcover", and the proposed location of a proposed dividing line, building and grades thereon. It does not purport to show any other improvements or encroachments.

DATE	REVISIONS
10-21-24	PROPOSED SURVEY
11-18-24	PROPOSED GRAVEL STORMWATER
1-14-25	ADDED 100' SHORELAND LINE FROM LAKE WENTWICKA
4-23-25	REVISED
6-10-25	REVISED
7-19-25	PROPOSED SLY FENCE
7-19-25	ADJUST STRENGTH

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 Land Surveyor under the laws of the State of Minnesota.

*Mark S. Gronberg*  
 Mark S. Gronberg, Minnesota License Number 12755

PROJECT

**GRONBERG & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356  
 952-473-4141

25-009A



**Legend**

- Water Meter
- Water Well
- Water Pump
- Water Curbstop
- Tonka Bay Tower
- Water Tower/Storage
- Storm Control Structure
- Control Structure
- Control Structure - Sump
- Storm Control Structure - Priv
- Storm Cleanout
- Storm Ditch
- Sanitary Lift Station
- Sanitary Lift Station - MCES
- Sanitary Manhole - MCES
- Sanitary Meter - MCES
- Sanitary Cleanout
- Sanitary Pipe - MCES
- Sanitary Forcemain
- Sanitary Forcemain - MCES
- Parcels 06/18/2024
- City Limits
- Storm Culvert
- Inlet
- Outlet
- Outfall
- Unknown

**Map Name**



**Disclaimer:**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Shorewood is not responsible for any inaccuracies herein contained.



PROPOSE SUBDIVISION LINE

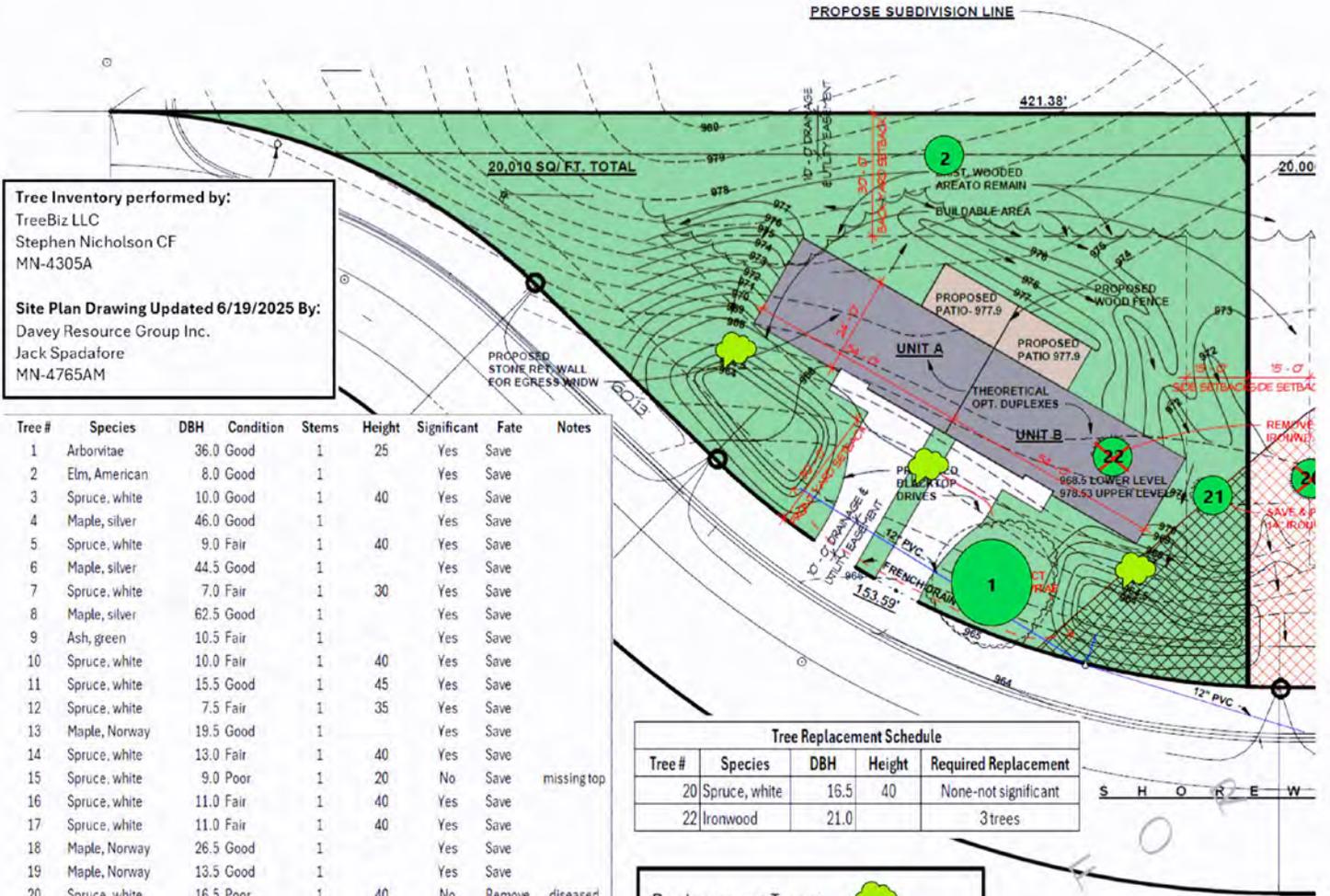
**Tree Inventory performed by:**  
 TreeBiz LLC  
 Stephen Nicholson CF  
 MN-4305A

**Site Plan Drawing Updated 6/19/2025 By:**  
 Davey Resource Group Inc.  
 Jack Spadafore  
 MN-4765AM

Tree #	Species	DBH	Condition	Stems	Height	Significant	Fate	Notes
1	Arborvitae	36.0	Good	1	25	Yes	Save	
2	Elm, American	8.0	Good	1		Yes	Save	
3	Spruce, white	10.0	Good	1	40	Yes	Save	
4	Maple, silver	46.0	Good	1		Yes	Save	
5	Spruce, white	9.0	Fair	1	40	Yes	Save	
6	Maple, silver	44.5	Good	1		Yes	Save	
7	Spruce, white	7.0	Fair	1	30	Yes	Save	
8	Maple, silver	62.5	Good	1		Yes	Save	
9	Ash, green	10.5	Fair	1		Yes	Save	
10	Spruce, white	10.0	Fair	1	40	Yes	Save	
11	Spruce, white	15.5	Good	1	45	Yes	Save	
12	Spruce, white	7.5	Fair	1	35	Yes	Save	
13	Maple, Norway	19.5	Good	1		Yes	Save	
14	Spruce, white	13.0	Fair	1	40	Yes	Save	
15	Spruce, white	9.0	Poor	1	20	No	Save	missing top
16	Spruce, white	11.0	Fair	1	40	Yes	Save	
17	Spruce, white	11.0	Fair	1	40	Yes	Save	
18	Maple, Norway	26.5	Good	1		Yes	Save	
19	Maple, Norway	13.5	Good	1		Yes	Save	
20	Spruce, white	16.5	Poor	1	40	No	Remove	diseased
21	Ironwood	15.5	Good	1		Yes	Save	
22	Ironwood	21.0	Good	1		Yes	Remove	
23	Pine, white	14.0	Good	1	40	Yes	Save	

Tree #	Species	DBH	Height	Required Replacement
20	Spruce, white	16.5	40	None-not significant
22	Ironwood	21.0		3 trees

Replacement Trees:   
 3 - Spruce trees, white or black hills



S H O R E W

LOCATION MAP

