

CITY OF MINNETRISTA



CITY COUNCIL CONSENT AGENDA ITEM 4E

Subject: Application from David and Sara Kalis for a dock length variance at 3900 Kings Point Road.

Prepared By: Nickolas Olson, Senior City Planner
Through: David Abel, Community Development Director

Meeting Date: July 20, 2026

Overview: David and Sara Kalis (the “Applicants”) have made a request for a dock length variance to allow for the installation of a dock approximately 257-foot in length at 3900 Kings Point Road; SDD: Staged Development District; PID # 27-117-24-33-0004 (the “Property”).

Background: The Applicants are proposing to install a dock structure that would extend over the associated floating wetlands to reach navigable water within the Six Mile Creek – Halstead’s Bay undefined channel. The Applicants propose to install a dock structure that would extend out into the lake approximately 257 feet. There currently is no existing dock structure associated with the property although neighboring properties along the channel do have compliant dock structures.

The Applicant’s parcel has approximately 1150 feet of 929.4 feet NGVD shoreline. Under Minnetrista City Code, dock structures cannot exceed 100 feet in length. Under normal circumstances this property would be allowed to extend dock structure up to 100 feet into the water. However, due to emergent vegetation and the subsequent water depth issues, this is unable to be achieved without either a variance, or removal of wetland. After working with fellow agencies on the project the Applicant deemed that the least invasive path to reaching navigable water within the undefined channel would be through a length variance from the City in which the dock structure would extend over the associated wetland. All additional regulations regarding watercraft density would remain consistent with the City Code.

The Applicants request was presented to the Lake Minnetonka Conservation District and the district approved the request. Because the request also exceed City Code length allowances, a variance is required from the City. The Applicants have appropriately applied for said variance and the application materials have been attached for the City Council to review. The City Council should consider the standard variance criteria when reviewing the request and making a motion.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the

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provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

a. The variance is in harmony with the general purposes and intent of this ordinance.

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City's zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

Granting the requested variance will not adversely affect the purposes of the Code as the installation and use of a dock and the canopy furthers the purpose of the Code by promoting reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that the dock does not pose a safety or navigation problem on the Lake. The dock will not extend into the Lake so as to interfere with the navigation of watercraft to or from the neighboring docks.

b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property is guided for long term Residential Low land use in the 2040 Minnetrista Comprehensive Plan. Allowing a dock on property with access to navigable water is consistent with the long-term plan for the Property. In addition to simply complying with the Proposed Land Use Map, the proposed dock length variance prevents the need for significant environmental impact such as dredging.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

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The Applicants are proposing a dock of sufficient length to reach navigable water, which is reasonable request. Allowing a longer dock instead of environmental impacts such as dredging is also more reasonable and environmentally conscious.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

There is a large floating wetland adjacent to the Property that requires a longer than normal dock to reach navigable water. This is a naturally existing condition that the Applicants did not create.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

There are other properties nearby that have docks, so the existence of a dock on the Property will not be out of character. Most of the dock is within non-navigable wetland areas, which shouldn't have an impact on the locality relative to other water users.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not received any written comment or spoke to anyone regarding the request as a result of sending the public notice.

Planning Commission Recommendation: The Applicants' request was presented to the Planning Commission at their June 22, 2026 meeting. At that meeting, the Planning Commission held the required public hearing. No one besides the Applicants was present to speak. After reviewing the request and hearing no testimony at the public hearing, the Planning Commission made a motion to recommend the City Council approve the requested dock length variance. Motion passed 7-0. Absent: Hussian and Rognli.

Conclusion: The City Council should review the staff report and the recommendation of the Planning Commission. After review, the City Council should consider the entire record before it prior to making a motion. Along with making a motion, findings of fact should be established which support the motion. Findings of fact based on the information submitted by the Applicants may be as follows:

1. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because granting the requested variance will not adversely affect the purposes of the Code as the installation and use of a dock and the canopy furthers the purpose of the Code by promoting reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that

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the dock does not pose a safety or navigation problem on the Lake. The dock will not extend into the Lake so as to interfere with the navigation of watercraft to or from the neighboring docks;

2. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Residential Low land use in the 2040 Minnetrista Comprehensive Plan. Allowing a dock on property with access to navigable water is consistent with the long-term plan for the Property. In addition to simply complying with the Proposed Land Use Map, the proposed dock length variance prevents the need for significant environmental impact such as dredging;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants are proposing a dock of sufficient length to reach navigable water, which is reasonable request. Allowing a longer dock instead of environmental impacts such as dredging is also more reasonable and environmentally conscious;
4. The requested variance is the result of unique circumstances not created by the landowner because there is a large floating wetland adjacent to the Property that requires a longer than normal dock to reach navigable water. This is a naturally existing condition that the Applicants did not create; and
5. The requested variance will not alter the character of the locality because there are other properties nearby that have docks, so the existence of a dock on the Property will not be out of character. Most of the dock is within non-navigable wetland areas, which shouldn't have an impact on the locality relative to other water users.

Recommended Action: Motion to adopt a resolution approving the requested dock length variance at 3900 Kings Point Road based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
2. The Applicants shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
3. The Applicants are responsible for all fees incurred by the City in review of this application; and
4. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

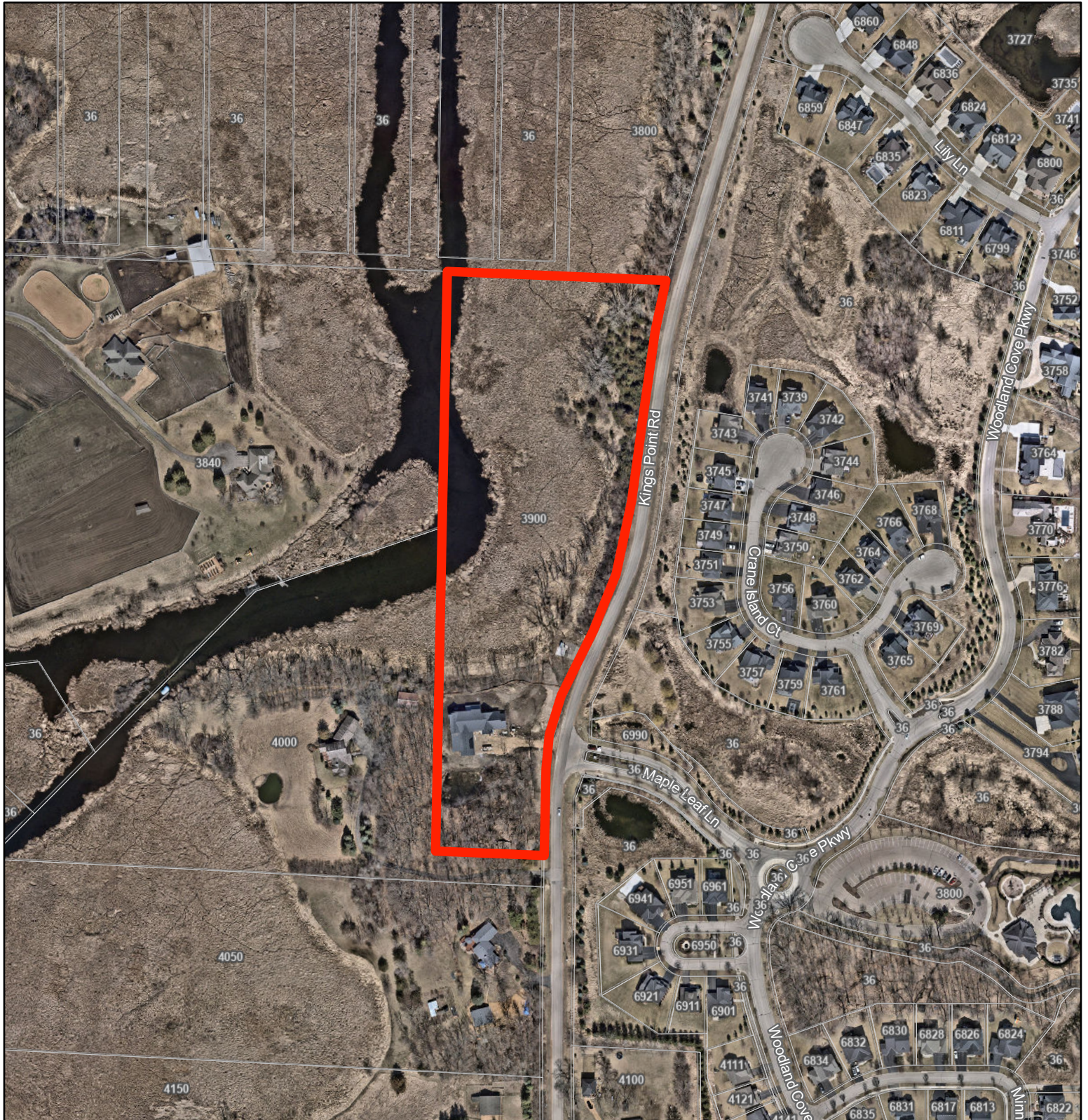
Attachments:

1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans
5. Res. No. 76-26 Approving Dock Length Variance at 3900 Kings Point Road

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3900 Kings Point Road



1 in = 400 Ft

-  City Boundary
-  Address Labels
-  Parcels



Type: Adjusted Dock Use Area,
Length Variance
Date: September 10, 2025
Applicant: David and Sara Kalis
PID: 27-117-24-33-0004
Address: 3900 Kings Point Road
Minnetrista, MN 55331

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of David and Sara Kalis for a Dock
Use Area and Length Variance for the property
located at PID: 27-117-24-33-0004 on the Six
Mile – Halstead Bay Flowage in the City of
Minnetrista.

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from David and Sara Kalis (“Applicants”) for a variance for a dock structure extending into the lake 259 feet. The Applicant’s parcel has approximately 1150 feet of 929.4 feet NGVD shoreline along the Six Mile – Halstead Bay Flowage. The variance application was submitted to resolve the issue of abnormal site conditions due to water depth and emergent vegetation located at the site located in Minnetrista, MN and legally described in the attached Exhibit A (“Subject Property”). The LMCD Board of Directors (“Board”) held a public hearing on August 13, 2025, after due notice had been provided on the requested variance. Based on the proceedings and the record of this matter, the Board hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

1. The Subject Property is located in the City of Minnetrista on Six Mile – Halstead Bay Flowage, which is part of Lake Minnetonka (“Lake”). The Subject Property, consists of approximately 1150 feet of 929.4 NGVD and runs along a large floating wetland.
2. The Applicant desires to install a dock with sufficient length to reasonably use the associated dock use area and seeks an allowance from LMCD length restrictions to extend the proposed dock structure to reach navigable water. The Applicant is proposing a dock with a total length of approximately 259 feet which would extend over the associated wetland to reach a more reasonable water depth, as shown on the site plan attached hereto as Exhibit B (“Site Plan”).
3. The Applicants propose to install a dock structure that would extend out into the lake

approximately 259 feet and would have four Boat Storage Units (“BSUs”) each measuring 12 feet in width and 25 feet in length at the end of the structure. The walkways of the dock would measure six feet in width, with a large platform measuring 12 feet in both width and length just prior to the end of the dock structure. The end of the dock structure protrudes into the channel itself approximately 25 feet. The total width of the undefined channel is 114 feet at the location of the proposed structure. There currently is no existing dock structure associated with the property although neighboring properties along the channel do have compliant dock structures.

4. Additional information regarding this matter is provided in the LMCD staff report related to this application dated August 13, 2025, and the presentation made thereon at the meeting (collectively, the “Staff Reports”). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
5. The Applicant requests a variance from the residential dock length requirements established in Section 2-3.03, subd. 2(a). That provision restricts residential docks to a maximum of 100 feet. Because of the adjacent floating wetland at 100 feet from the 929.4 NGVD navigation is unobtainable without either a variance, or removal of the floating cattail mat. The Applicant’s seek a length variance to extend the dock structure out to reach the undefined waterway which does not occur until approximately 225 feet from shore.
6. Section 6-5.01, Subd. 6 of the Code allows the granting of a variance if the Board determines practical difficulties exist and that granting the variance with whatever conditions it deems are necessary does not adversely affect the purposes of the Code, the public health, safety, welfare, and reasonable access to or use of the Lake by the public or riparian owners.
7. The term “practical difficulties” is defined in Code, Section 1-3.01, Subd. 76 as meaning “one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations.”
8. The proposed variance will allow installation of a dock with sufficient length to reach navigable water and allow for reasonable watercraft storage at the Subject Property. The conditions that give rise to the need for the variance are unique to the Property and were not created by the Applicant. The variance request is not based solely on economic considerations in that the variance is needed to reach water of sufficient depth to operate a watercraft safely. Under these unique set of circumstances, the Board determines practical difficulties exist and that it is appropriate to grant the requested DUA length variance to enable the reasonable use of the Lake by the riparian owner.
9. Granting the requested variance will not adversely affect the purposes of the Code as the installation and use of a dock and the canopy furthers the purpose of the Code by promoting

reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that the dock does not pose a safety or navigation problem on the Lake. The dock will not extend into the Lake so as to interfere with the navigation of watercraft to or from the neighboring docks.

10. After an in-depth review of the Subject Property's location along the Six Mile Creek – Halstead waterway, it was determined that the LMCD has authority over dock structure within the undefined channel up to a choke point just west of the proposed dock site. This determination was made upon review of the Public Waters Basins and Watercourse Delineations produced by the MNDNR and through further conversations with MNDNR staff.
11. Affected agencies were notified of the application. The Minnesota Department of Natural Resources had no comment on the application. However, The Minnehaha Creek Watershed District, and the City of Minnetrista did provide comment in working with the LMCD Staff. These concerns at the time of approval are incorporated into the Findings under #12 and #13.
12. The Applicants proposal, while not adverse to LMCD code, does raise the question of future proposals of dredging in the undefined channel. Due to the area being considered to be navigable, and the fact that there are already other dock structures in the area, this variance should serve as a resolution to avoid dredging in the future. While the LMCD does not have authority over dredging, LMCD Staff felt the need to include it by reference within the findings to emphasize this dock variance as a solution to the issue.
13. The Applicants would need to secure approval from the City of Minnetrista if the proposed dock configuration is to be allowed. While the LMCD makes its decisions independently of other agencies, it should be noted in the record that the Applicants have not yet received approval from the City at the time of LMCD approval. The Applicants are in the process of working with the City of Minnetrista. At the time of the public hearing on August 13, 2025, Minnetrista City staff informed the LMCD that this is not an issue and that the LMCD should proceed accordingly.
14. The LMCD received no public comments other than from the Applicant prior to and during the public hearing.
15. Practical difficulties exist in this case that support the Board exercising its authority under Section 6-5.01 of the Code to grant a dock length variance for the Subject Property.

ORDER

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS ORDERED by the Board as follows:

1. Length Variance. A length variance is hereby approved for the Subject Property to allow the installation of a dock extending 257 feet into the Lake from elevation 929.4 feet NGVD, as shown on the Site Plan attached hereto as Exhibit B, subject to compliance with all of the

conditions set out in this Order.

2. Conditions. The variances granted in this Order are subject to the following conditions:
 - a. Ensure the dock structure located at the Site is in strict compliance with the Approved Site plan.
 - b. All dock structure located at the Site must be located within the associated dock use area, as provided in this Order.
 - c. The length of the dock structure and storage shall be no longer than 257 feet from the 929.4 feet NGVD.
 - d. No portion of the dock structure may be greater than 4 feet in width.
 - e. For the western setback maintain a 20 foot setback for the entirety of the dock structure.
 - f. Allow up to 4 BSUs for the Site. measuring 12 feet by 24 feet along 25 foot dock fingers. These BSUs shall not have a full walled canopy as defined by LMCD Code 1-3.01(13)
 - g. Ensure all four watercraft are fully contained within the BSUs located at the site. All watercrafts at the site must comply with the current regulations upon the channel as referenced in the Staff report above: LMCD Code 8.07(2)
 - h. Ensure proper reflective material is present along the entirety of the dock structure.
 - i. Apply standard variance conditions reflecting environment, nuisances, maintenance, etc. LMCD Code 6-5.01
 - j. Watercraft stored in the BSU may not extend beyond the length of the DUA. Prohibited extensions include any portion of the watercraft, including all attached equipment.
 - k. It is the Applicants' responsibility to comply with any relevant regulations of all LMCD, Federal, State, County, and Municipal rules and regulations.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation
District this 10th day of September 2025.



Ann Hoelscher, Chair

ATTEST:


Mike Kirkwood, Secretary

EXHIBIT A
Legal Description of Subject Property

EXHIBIT B
Site Plan

[attached hereto]

City of Minnetrista Variance Procedure

Submitted by Property Owners

David and Sara Kalis, 3900 Kings Point Road, Minnetrista, MN 55331

2. Written Statements supporting the Variance Procedure

a. Property Owners

The property at 3900 Kings Point Road, Minnetrista, MN 5533, is jointly owned by David J. Kalis and Sara B. Kalis. There are no partnerships, limited liability companies, or corporations involved as either applicants or owners.

b. Site Data

Legal Description: The property is both Torrens and Abstract, legally described as follows:

Parcel 1 (Torrens): That part of Lot 29 lying Southerly of the North line of the Southeast Quarter of the Southeast Quarter of Section 27, Township 117, Range 24; The East 255.0 feet of Lot 31 except the South 66.0 feet thereof, Auditor's Subdivision Number 219, Hennepin County, Minnesota. Torrens Property Certificate of Title No. 1435039.

Parcel 2 (Abstract): That part of Lot 30, Auditor's Subdivision Number 219, Hennepin County, Minnesota, lying East of the Northerly extension of the West line of the East 255.0 feet of Lot 31, Auditor's Subdivision Number 219, Hennepin County, Minnesota.

Lot/Block/Plat: Lot 031, Auditor's Subdivision No. 219, Hennepin County, Minnesota.

Parcel Identification Number (PID): 27-117-24-33-0004.

Parcel Size: 9.56 acres (416,434 square feet).

Existing Use of Land: Single-family residential.

Current Zoning: SDD (Staged Developed District).

c. City Code Provisions for Variance

The Applicants seek a variance from the following provisions of the Minnetrista City Code, Chapter VI (Boats, Docks and Waterways):

Section 605.07, Subdivision 1(a): This provision establishes that the authorized dock use area for lots bordering on the water extends into the water a distance equal to the lot water frontage, but must not extend into the water a distance of greater than 100 feet.

The variance is sought pursuant to Section 610.05 of the Minnetrista City Code, which provides that a person may request a variance from the requirements of Chapter VI where practical difficulties or undue hardships exist because of circumstances unique to the individual property under consideration. Section 605.07, Subdivision 1(g) further provides that the length limitations of Section 605.07 may be adjusted under the variance provisions of Section 610.05 to allow the construction and maintenance of a dock to a water depth of three feet at the outer end of the dock to provide adequate water depth for navigation and to protect the environmental quality or natural habitat of the water adjacent to the dock.

d. Description of Proposal

The Applicants propose to construct a dock structure extending approximately 259 feet from the 929.4 NGVD shoreline over floating wetlands to reach navigable water within the Six Mile Creek – Halstead Bay undefined channel. The LMCD Findings of Fact and Order dated September 10, 2025, approved a dock extending 257 feet from the 929.4 NGVD. The Applicants are considering seeking a modification of the LMCD approval for the additional length, depending on updated survey information prior to installation. The property has approximately 1,150 feet of 929.4 NGVD shoreline, but shallow water and emergent vegetation prevent reasonable lake access at the standard maximum dock length of 100 feet.

The proposed dock structure includes the following components:

- Walkways measuring 6 feet in width over low-lying areas leading to Six Mile Creek, to accommodate elderly family members requiring wheelchair access and a family member suffering from neuropathy. (Note: The LMCD Findings of Fact and Order dated September 10, 2025, approved walkways with a maximum width of 4 feet. The Applicants are considering seeking a modification of the LMCD approval to allow 6-foot-wide walkways based on accessibility needs and ADA compliance.)
- 5-foot-wide fingers and connecting sections. (Note: The LMCD Findings of Fact and Order approved a maximum width of 4 feet. The Applicants are considering seeking a modification of the LMCD approval to allow 5-foot-wide fingers and connecting sections for accessibility purposes.)
- An 8-foot by 8-foot platform adjacent to the walkway over the wetland area. (Note: The LMCD Findings of Fact and Order did not include a platform in the approved configuration. The Applicants are considering seeking a modification of the LMCD approval to include this platform, which is consistent with LMCD Code provisions for platform dimensions.)
- Four (4) Boat Storage Units (BSUs), each measuring 12 feet in width and 24 feet in length, located at the end of the structure along 25-foot dock fingers.

The dock structure would protrude into the undefined channel approximately 30 feet (25' length plus 5' finger). The total width of the undefined channel at the proposed location is 114 feet. There is currently no existing dock structure associated with the property, although neighboring properties along the channel do have compliant dock structures.

This proposal varies from the applicable provisions of the Minnetrista City Code in that the dock structure exceeds the maximum authorized dock use area distance of 100 feet established under Section 605.07, Subdivision 1(a) of Chapter VI (Boats, Docks and Waterways). The extended length is necessary because navigable water within the undefined channel does not occur until approximately 225 feet from shore due to the adjacent floating wetland. Section 605.07, Subdivision 1(g) expressly contemplates variance of the length limitations under Section 610.05 to allow a dock to reach a water depth of three feet for adequate navigation.

e. Pre-Application Discussions with Staff

The Applicants have been in contact with multiple agencies and city staff throughout the application process. The Lake Minnetonka Conservation District (LMCD) was the first regulatory body approached with a formal application regarding the variance. LMCD Staff reviewed the proposed dock structure and conducted an in-depth review of the site's location along the Six Mile Creek – Halstead undefined channel, confirming LMCD jurisdiction over dock structures within the channel.

The LMCD held a public hearing on August 13, 2025, at which the LMCD Board voted to have legal counsel and staff draft Findings of Fact and Order for approval of the variance request with conditions. Following an appeal by the Applicants on August 27, 2025, regarding walkway width and platform dimensions, the application was brought back to the September 10, 2025 meeting. The LMCD Board approved the variance with conditions in its Findings of Fact and Order dated September 10, 2025 (attached hereto). The LMCD-approved conditions include a maximum dock width of 4 feet, a length of 257 feet, a 20-foot western setback, and up to 4 BSUs measuring 12 feet by 24 feet. The Applicants' current proposal to the City includes wider walkways (6 feet), wider fingers (5 feet), an 8-foot by 8-foot platform, and an overall length of approximately 259 feet, which differ from the LMCD-approved conditions. The Applicants are considering seeking a modification of the LMCD approval to incorporate these accessibility-driven dimensions.

During the LMCD review process, the Minnehaha Creek Watershed District (MCWD) and the City of Minnetrista were also consulted. At the time of the LMCD public hearing on August 13, 2025, Minnetrista City staff informed the LMCD that the Applicants' request was not an issue and that the LMCD should proceed accordingly. The Applicants are now

seeking City of Minnetrista approval to ensure full regulatory compliance across all governing bodies.

After working with fellow agencies, the Applicants determined that the least invasive path to reaching navigable water within the undefined channel would be through a length variance allowing the dock structure to extend over the associated wetland, rather than removal of the wetland.

f. Harmony with City Code and Comprehensive Plan

The proposed dock structure is in harmony with the general purposes and intent of the Minnetrista City Code because it enables reasonable access to Lake Minnetonka for a riparian property owner while minimizing environmental impact. The City Code is intended to protect current and future residents from negative impacts of improper development and to ensure a positive future for the city. The proposed variance furthers these purposes in the following ways:

The dock structure extends over floating wetlands rather than disturbing or removing them, representing the least invasive path to navigable water. The design avoids dredging in the undefined channel, which multiple agencies identified as a concern to be avoided. The structure is designed to comply with LMCD Code, MNDNR watercraft restrictions within the channel, and ADA accessibility standards.

The proposal is consistent with the Minnetrista Comprehensive Plan in that it supports reasonable residential use of lakefront property. The property has approximately 1,150 feet of shoreline but currently has no dock structure, making it one of the only properties along the channel without lake access. Neighboring properties along the Six Mile Creek – Halstead channel have compliant dock structures, and the proposed variance would bring this property into consistent use with the surrounding area.

The LMCD, which has primary jurisdiction over dock structures and lake use on Lake Minnetonka, has already reviewed and approved a length variance for this property in its Findings of Fact and Order dated September 10, 2025 (attached hereto). The LMCD found that the variance furthers the purpose of the LMCD Code by promoting reasonable access to the Lake. While the Applicants' proposal to the City includes certain dimensional modifications beyond the LMCD-approved conditions (specifically, wider walkways and fingers for accessibility purposes and an 8-foot by 8-foot platform), the Applicants are considering seeking a modification of the LMCD approval to incorporate these elements. The fundamental basis of the LMCD's approval, including the length variance and the finding of practical difficulties, supports the City's approval of this request.

g. Practical Difficulties

Practical difficulties exist in complying with the Minnetrista City Code for the following reasons:

- i. The property owner proposes to use the property in a reasonable manner not permitted by the City Code. The Applicants seek to install a dock structure to access navigable water in the Six Mile Creek – Halstead Bay channel. This is a reasonable and customary use for lakefront residential property. However, Section 605.07, Subdivision 1(a) of Chapter VI limits the authorized dock use area to a maximum distance of 100 feet into the water, which is insufficient to reach navigable water due to shallow water conditions and emergent vegetation. Navigable water within the undefined channel does not occur until approximately 225 feet from shore. Without the variance permitted under Section 610.05, the Applicants would be completely unable to access the lake from their property, despite having approximately 1,150 feet of shoreline.
- ii. The plight of the landowner is due to circumstances unique to the property not created by the landowner. The property fronts a large floating wetland along the Six Mile Creek – Halstead Bay channel. The shallow water and emergent vegetation that prevent standard dock access are natural conditions that were not created by the Applicants. These conditions are unique to this site; neighboring properties along the channel have been able to install compliant dock structures. The Applicants purchased the property as-is with the existing wetland conditions.
- iii. The variance, if granted, would not alter the essential character of the locality. The surrounding area includes residential properties with dock structures along the Six Mile Creek – Halstead Bay channel. The proposed dock would be consistent with the existing character of the neighborhood. The LMCD found that the dock does not pose a safety or navigation problem on the Lake and will not interfere with navigation of watercraft to or from neighboring docks. No public comments were received opposing the request during the LMCD public hearing process.

h. Justification – Not Based on Value Increase

The variance request is not based exclusively upon a desire to increase the value or income potential of the parcel of land. The variance is necessitated by the unique physical characteristics of the property, specifically the shallow water and floating wetland conditions that prevent the Applicants from reaching navigable water with a standard-length dock. The primary purpose of the variance is to enable the Applicants to access the lake for reasonable residential recreational use, including boating and lake enjoyment, and to accommodate elderly family members with accessibility needs, including wheelchair

access and neuropathy accommodation. Without the variance, the property would have no lake access despite being a lakefront parcel with approximately 1,150 feet of shoreline. The LMCD similarly found that the variance request is not based solely on economic considerations.

i. Justification – No Adverse Effects

The granting of the requested variance will not:

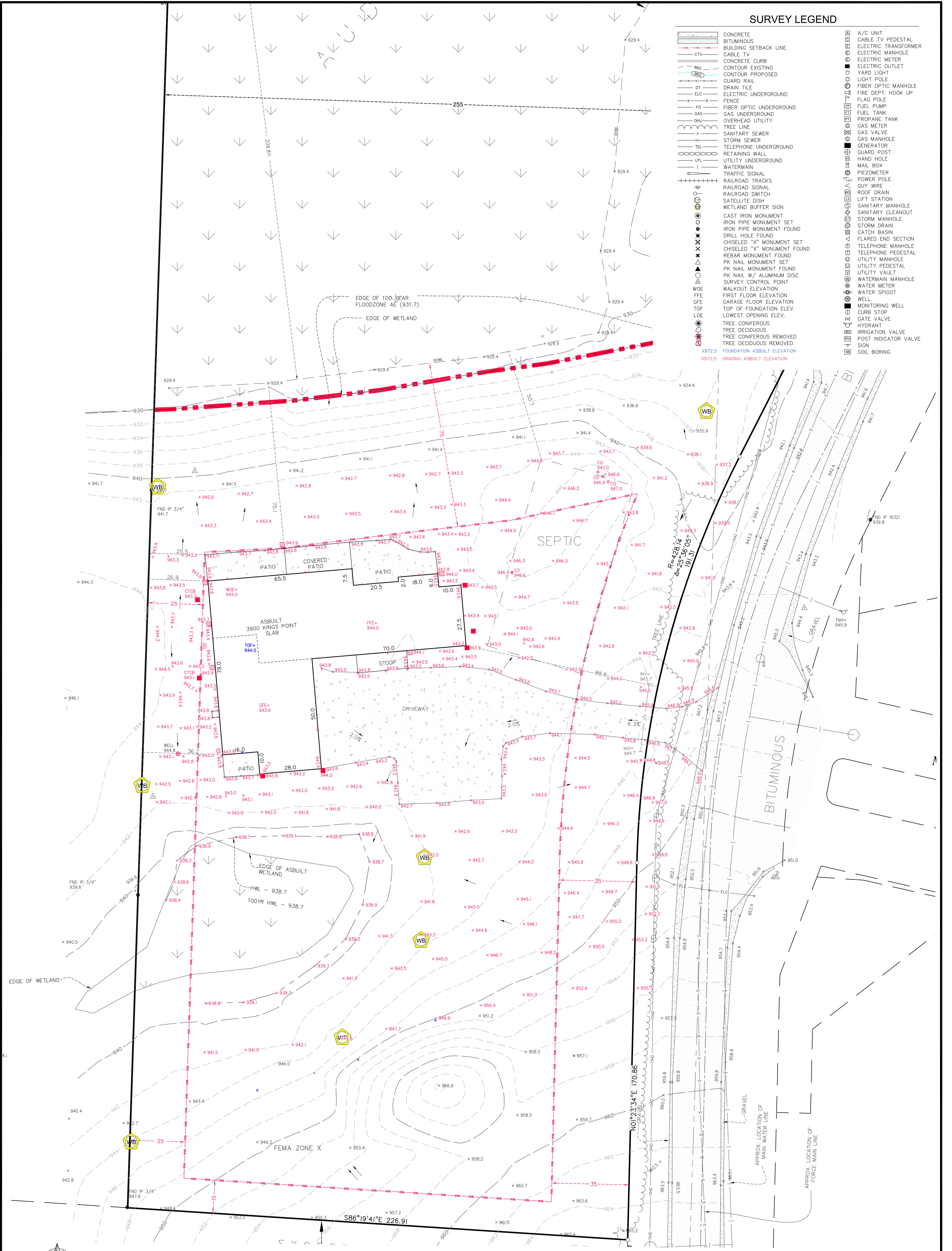
1. Adversely affect the health or safety of persons residing or working in the neighborhood. The dock structure is designed to extend over the wetland with minimal disturbance. The LMCD has imposed conditions including reflective material along the entirety of the dock structure, compliance with MNDNR watercraft restrictions (vessels no greater than 24 feet, single electric motor within the channel), and strict compliance with the approved site plan. These conditions ensure safe operation.
2. Impair an adequate supply of light and air to adjacent properties. The dock is a low-profile structure extending over water and wetland and does not obstruct light or air to any neighboring property.
3. Be injurious to property or improvements in the neighborhood. The dock structure will be located within the associated dock use area and will maintain a 20-foot western setback for the entirety of the structure. Neighboring properties along the channel already have compliant dock structures. The LMCD received no public comments opposing the variance during the public hearing process.
4. Increase the congestion on public streets. The dock structure is located on the waterway and has no impact on public streets or vehicular traffic.
5. Endanger public safety. The dock will comply with all LMCD, MNDNR, Federal, State, County, and Municipal regulations. Watercraft restrictions in the channel (LMCD Code 8-2.07) limit motorized use to electric motors with no more than 60 pounds of thrust, ensuring the safety of the waterway.
6. Substantially diminish or impair property values within the neighborhood. The proposed dock is consistent with existing dock structures along the Six Mile Creek – Halstead Bay channel and is expected to be compatible with the neighborhood. The dock enables reasonable use of a lakefront property in a manner consistent with surrounding properties, which supports neighborhood property values.

Attachments

The LMCD Findings of Fact and Order dated September 10, 2025, approving the dock length variance for the Subject Property, is attached hereto and incorporated by reference. To the extent the proposal described in this application differs from the LMCD-approved

conditions with respect to dock width, platform, and overall length, the Applicants are considering seeking a modification of the LMCD approval.

Attachment: LMCD Findings of Fact and Order dated September 10, 2025 (3900 Kings Point Road, Minnetrista, MN 55331)



SURVEY LEGEND

	CONCRETE		A/C UNIT
	BITUMINOUS		CABLE TV PEDESTAL
	BUILDING SETBACK LINE		ELECTRIC TRANSFORMER
	CABLE TV		ELECTRIC MANHOLE
	CONCRETE CURB		ELECTRIC METER
	CONTOUR EXISTING		ELECTRIC OUTLET
	CONTOUR PROPOSED		YARD LIGHT
	GUARD RAIL		LIGHT POLE
	DRAIN TILE		FIBER OPTIC MANHOLE
	ELECTRIC UNDERGROUND		FIRE DEPT. HOOK UP
	FENCE		FLAG POLE
	FIBER OPTIC UNDERGROUND		FUEL PUMP
	GAS UNDERGROUND		FUEL TANK
	OVERHEAD UTILITY		PROPANE TANK
	TREE LINE		GAS METER
	SANITARY SEWER		GAS VALVE
	STORM SEWER		GAS MANHOLE
	TELEPHONE UNDERGROUND		GENERATOR
	RETAINING WALL		HAND HOLE
	UTILITY UNDERGROUND		MAIL BOX
	WATERMAIN		PIEZOMETER
	TRAFFIC SIGNAL		POWER POLE
	RAILROAD TRACKS		GUY WIRE
	RAILROAD SIGNAL		ROOF DRAIN
	RAILROAD SWITCH		LIFT STATION
	SATELLITE DISH		SANITARY MANHOLE
	WETLAND BUFFER SIGN		SANITARY CLEANOUT
	CAST IRON MONUMENT		STORM MANHOLE
	IRON PIPE MONUMENT SET		STORM DRAIN
	IRON PIPE MONUMENT FOUND		CATCH BASIN
	DRILL HOLE FOUND		FLARED END SECTION
	CHISELED "X" MONUMENT SET		TELEPHONE MANHOLE
	CHISELED "X" MONUMENT FOUND		TELEPHONE PEDESTAL
	REBAR MONUMENT FOUND		UTILITY MANHOLE
	PK NAIL MONUMENT SET		UTILITY PEDESTAL
	PK NAIL MONUMENT FOUND		UTILITY VAULT
	PK NAIL W/ ALUMINUM DISC		WATERMAIN MANHOLE
	SURVEY CONTROL POINT		WATER METER
	WALKOUT ELEVATION		WATER SPIGOT
	FIRST FLOOR ELEVATION		WELL
	GARAGE FLOOR ELEVATION		MONITORING WELL
	TOP OF FOUNDATION ELEV.		CURB STOP
	LOWEST OPENING ELEV.		GATE VALVE
	TREE CONFEROUS		HYDRANT
	TREE DECIDUOUS		IRRIGATION VALVE
	TREE CONFEROUS REMOVED		POST INDICATOR VALVE
	TREE DECIDUOUS REMOVED		SIGN
			SOIL BORING

X972.5

FOUNDATION ASBUILT ELEVATION

X972.5

GRADING ASBUILT ELEVATION

North

SCALE IN FEET

Bearings are based on the Hennepin County
Coordinate System (NAD 83 - 1986 adj.)

I hereby certify that this survey, plan 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.

Dated this 5th day of May, 2023.

Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

FIELD CREW	NO.	BY	DATE	REVISION
DM, EJ, ABE	12	EMW	11/27/2023	UPDATED HOUSE PLAN, SEPTIC FIELD
DRAWN	13	EMW	12/7/2023	ROUGH HOUSE STAKING, UPDATE
JRS	14	EMW	2/1/2024	UPDATE HOUSE PLAN
CHECKED	15	EMW	2/26/2024	UPDATE HOUSE PLACEMENT, DRIVEWAY, TREES
DLS	16	ABE	7/30/2024	HOUSE STAKED IN FIELD (DR)
DATE	17	EMW	9/13/2024	FOUNDATION ASBUILT
5/10/2023	18	EMW	5/30/2025	GRADING ASBUILT

VICINITY MAP

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**SATHRE
BERGQUIST
INC.**

14000 25TH AVENUE NORTH,
SUITE 120
PLYMOUTH MN 55447
(952) 476-6000 WW.SATHRE.COM

Proposed Elevations
Proposed Garage Floor Elevation = 943.7
Proposed Top of Foundation Elevation = 944.0

Wetland Impacts
938.7 Flood Plain Impact - (CUT / FILL BETWEEN WETLAND EDGE & FLOODPLAIN - 938.2 TO 938.7)

15.6 CY Fill
17.3 CY Cut

Wetland Boundary Impact - 3563 sf = 369 sy

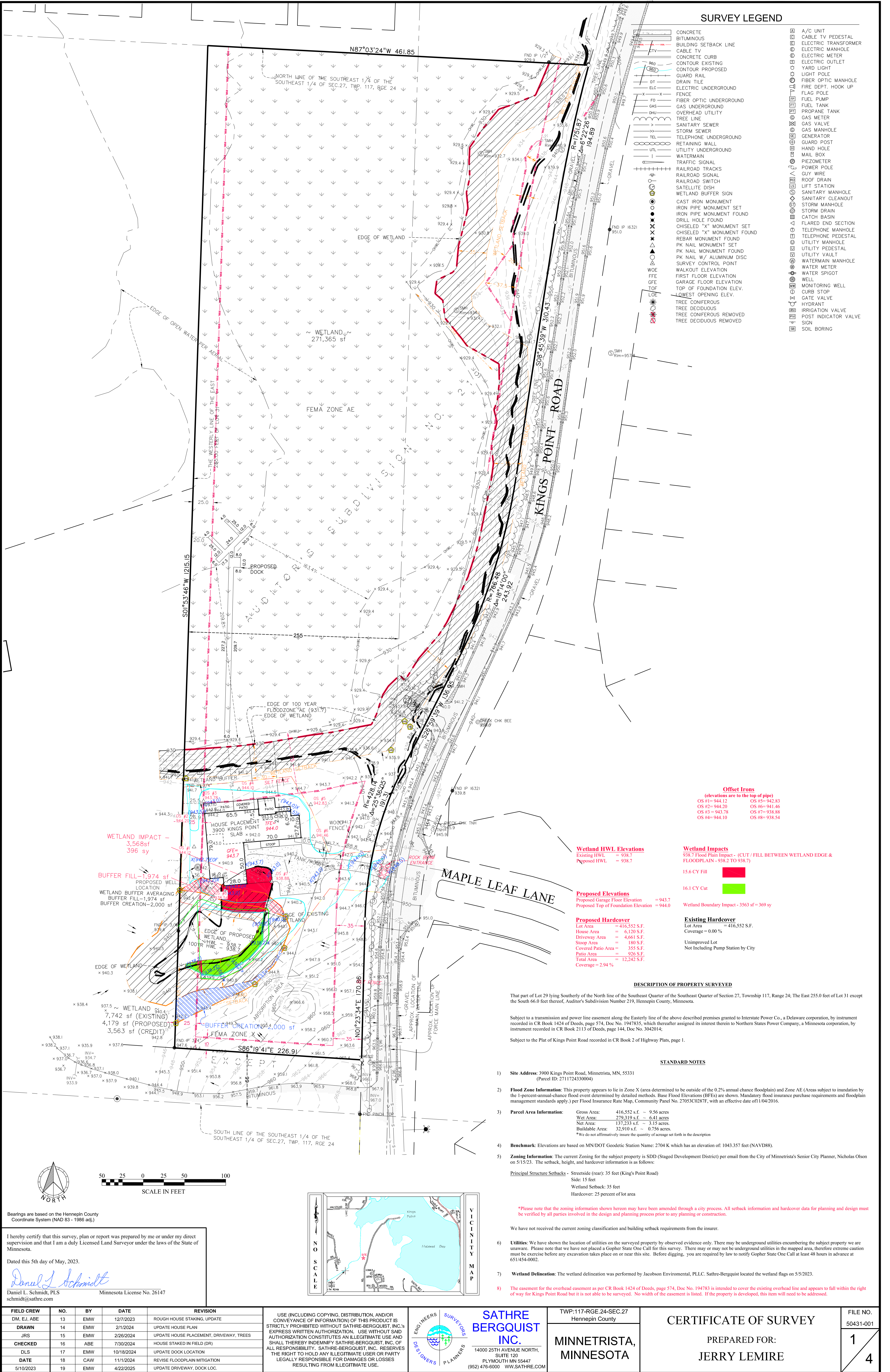
Asbuilt Elevations
Asbuilt Garage Floor Elevation = 943.9
Asbuilt Top of Foundation Elevation = 944.0
Asbuilt First Floor Elevation = 944.0

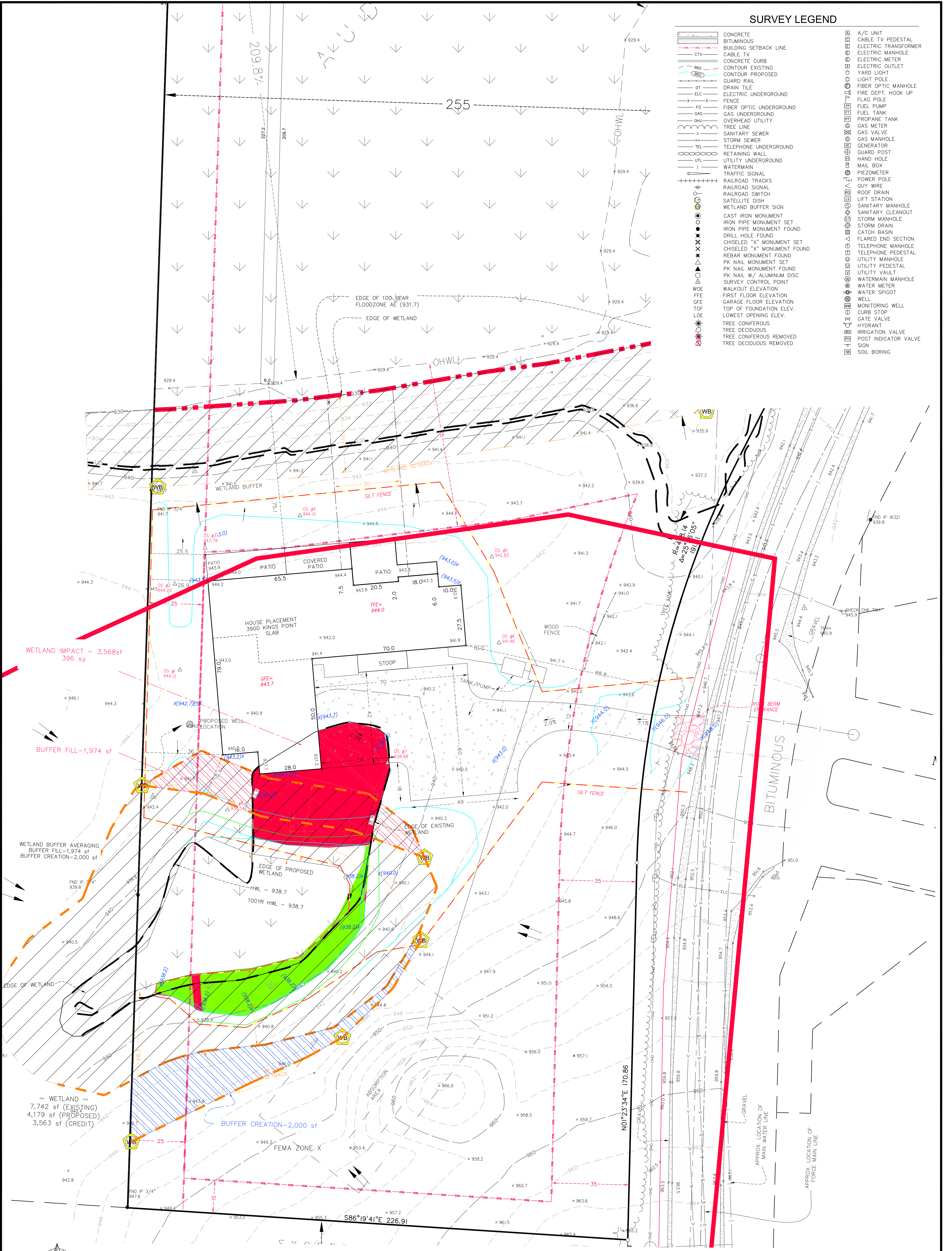
CERTIFICATE OF SURVEY

PREPARED FOR:
JERRY LEMIRE

FILE NO.
50431-001

2
4





SURVEY LEGEND	
	CONCRETE
	BITUMINOUS
	BUILDING SETBACK LINE
	CABLE TV
	CONCRETE CURB
	CONTOUR EXISTING
	CONTOUR PROPOSED
	GUARD RAIL
	DRAIN TILE
	ELECTRIC UNDERGROUND
	FENCE
	FIBER OPTIC UNDERGROUND
	GAS UNDERGROUND
	OVERHEAD UTILITY
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	SANITARY SEWER
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	CHISELED "X" MONUMENT FOUND
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	PK NAIL MONUMENT SET
	PK NAIL MONUMENT FOUND
	PK NAIL W/ ALUMINUM DISC
	SURVEY CONTROL POINT
	WALKOUT ELEVATION
	FIRST FLOOR ELEVATION
	GARAGE FLOOR ELEVATION
	TOP OF FOUNDATION ELEV.
	LOWEST OPENING ELEV.
	TREE CONIFEROUS
	TREE DECIDUOUS
	TREE CONIFEROUS REMOVED
	TREE DECIDUOUS REMOVED
	A/C UNIT
	CABLE TV PEDESTAL
	ELECTRIC TRANSFORMER
	ELECTRIC MANHOLE
	ELECTRIC METER
	ELECTRIC OUTLET
	YARD LIGHT
	LIGHT POLE
	FIBER OPTIC MANHOLE
	FIRE DEPT. HOOK UP
	FLAG POLE
	FUEL PUMP
	FUEL TANK
	PROPANE TANK
	GAS METER
	GAS VALVE
	GAS MANHOLE
	GENERATOR
	GUARD POST
	HAND HOLE
	MAIL BOX
	PIEZOMETER
	POWER POLE
	GUY WIRE
	ROOF DRAIN
	LIFT STATION
	SANITARY MANHOLE
	SANITARY CLEANOUT
	STORM MANHOLE
	CATCH BASIN
	FLARED END SECTION
	TELEPHONE MANHOLE
	TELEPHONE PEDESTAL
	UTILITY MANHOLE
	UTILITY PEDESTAL
	UTILITY VAULT
	WATERMAIN MANHOLE
	WATER METER
	WATER SPIGOT
	WELL
	MONITORING WELL
	CURB STOP
	GATE VALVE
	HYDRANT
	IRRIGATION VALVE
	POST INDICATOR VALVE
	SIGN
	SOIL BORING

Bearings are based on the Hennepin County
Coordinate System (NAD 83 - 1986 adj.)

SCALE IN FEET

I hereby certify that this survey, plan 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.

Dated this 5th day of May, 2023.

Daniel L. Schmidt

Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

VICINITY
MAP

Proposed Elevations
Proposed Garage Floor Elevation = 943.7
Proposed Top of Foundation Elevation = 944.0

Wetland Impacts
938.7 Flood Plain Impact - (CUT / FILL BETWEEN WETLAND EDGE & FLOODPLAIN - 938.2 TO 938.7)

15.6 CY Fill
17.3 CY Cut

Wetland Boundary Impact - 3563 sf = 369 sy

Offset Irons
(elevations are to the top of pipe)
OS #1= 944.12 OS #5= 942.83
OS #2= 944.20 OS #6= 941.46
OS #3= 943.78 OS #7= 938.88
OS #4= 944.10 OS #8= 938.54

FIELD CREW	NO.	BY	DATE	REVISION
DM, EJ, ABE	11	EMW	11/13/2023	UPDATED WETLAND CALCULATION
DRAWN	12	EMW	11/27/2023	UPDATED HOUSE PLAN, SEPTIC FIELD
JRS	13	EMW	12/7/2023	ROUGH HOUSE STAKING, UPDATE
CHECKED	14	EMW	2/1/2024	UPDATE HOUSE PLAN
DLS	15	EMW	2/26/2024	UPDATE HOUSE PLACEMENT, DRIVEWAY, TREES
DATE	16	ABE	7/30/2024	HOUSE STAKED IN FIELD (DR)
5/10/2023	17	EMW	4/22/2025	UPDATE DRIVEWAY, DOCK LOC.

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SUITE 120
PLYMOUTH MN 55447
(952) 476-6000 WWW.SATHRE.COM

ENGINEERS
SURVEYORS
DESIGNERS
PLANNERS

TWP:xxx-RGE.xx-SEC.xx
Hennepin County

MINNETRISTA, MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
JERRY LEMIRE

FILE NO.
50431-001

2
4

RESOLUTION NO. 75-26

CITY OF MINNETRISTA

RESOLUTION APPROVING A DOCK LENGTH VARIANCE FOR DAVID AND SARA KALIS AT 3900 KINGS POINT ROAD

WHEREAS, the City of Minnetrista (the “City”) is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Minnetrista has adopted zoning and subdivision regulations, per Chapter 5 of the Municipal Code, to promote the orderly, economic and safe development and utilization of land within the city; and

WHEREAS, David and Sara (the “Applicants”) have made a request for a dock length variance to allow for the installation of a dock approximately 257-foot in length at 3900 Kings Point Road (the “Property”) and which is legally described on Exhibit A attached hereto; and

WHEREAS, on June 22, 2026, the Minnetrista Planning Commission considered the requested dock length variance, held a public hearing and, after consideration of the entire record before it, voted 7-0 in favor of recommending approval of the requested dock length variance; and

WHEREAS, the Minnetrista City Council has reviewed the application, as submitted, and has made the following findings of fact:

1. The requested variance is in harmony with the purpose and intent of the City’s zoning ordinances because granting the requested variance will not adversely affect the purposes of the Code as the installation and use of a dock and the canopy furthers the purpose of the Code by promoting reasonable access to the Lake. The requested variance is also not contrary to the public health, safety, or welfare in that the dock does not pose a safety or navigation problem on the Lake. The dock will not extend into the Lake so as to interfere with the navigation of watercraft to or from the neighboring docks;
2. The requested variance is consistent with the City’s comprehensive plan because the Property is guided for long term Residential Low land use in the 2040 Minnetrista Comprehensive Plan. Allowing a dock on property with access to navigable water is consistent with the long-term plan for the Property. In addition to simply complying with the Proposed Land Use Map, the proposed dock length variance prevents the need for significant environmental impact such as dredging;
3. The Applicants propose to use the Property in a reasonable manner because the Applicants are proposing a dock of sufficient length to reach navigable water, which is reasonable request. Allowing a longer dock instead of environmental impacts such as dredging is also more reasonable and environmentally conscious;
4. The requested variance is the result of unique circumstances not created by the landowner because there is a large floating wetland adjacent to the Property that requires a longer than

normal dock to reach navigable water. This is a naturally existing condition that the Applicants did not create; and

5. The requested variance will not alter the character of the locality because there are other properties nearby that have docks, so the existence of a dock on the Property will not be out of character. Most of the dock is within non-navigable wetland areas, which shouldn't have an impact on the locality relative to other water users.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetrista hereby approves the requested dock length variance to allow for the installation of a dock approximately 257-foot in length at 3900 Kings Point Road, subject to the following conditions:

1. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
2. The Applicants shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
3. The Applicants are responsible for all fees incurred by the City in review of this application; and
4. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

This resolution was adopted by the City Council of the City of Minnetrista on the 20th day of July, 2026 by a vote of ___ Ayes and ___ Nays.

Lisa Whalen, Mayor

ATTEST:

Ann Meyerhoff, City Clerk

EXHIBIT A

Legal Description of 3900 Kings Point Road:

That part of Lot 29 lying Southerly of the North line of the Southeast Quarter of the Southeast Quarter of Section 27. Township 117. Range 24; The East 255.0 feet of lot 31 except the South 66.0 feet thereof, Auditor's Subdivision Number 219. Hennepin County, Minnesota.
Torrens Property Certificate of Title No. 1435039

AND

That part of Lot 30, Auditor's Subdivision Number 219, Hennepin County, Minnesota lying East of the Northerly extension of the West line of the East 255.0 feet of lot 31, Auditor's Subdivision Number 219, Hennepin County, Minnesota.
Abstract Property