

DELLWOOD PLANNING COMMISSION

FEBRUARY 17, 2026

6:30 pm – Willernie City Hall

AGENDA

1. Call to Order
2. Adopt Agenda
3. Election of Officers
4. Approve Minutes – September 16, 2025
5. Open Forum
6. PUBLIC HEARING – 25 Peninsula Avenue Variance
7. New Business
8. Old Business
9. Adjourn

Notice of Interactive Meeting: In accordance with the requirements of Minn. Stat. Section 13D.02, Commissioner Keith White will appear remotely via interactive technology from 273 Buckingham Place, Palm Harbor, Florida.

Members of the public may monitor the meeting by attending in person at Willernie City Hall or via this link: <https://wsbeng.zoom.us/j/99976287964>

**Minutes of the  
Dellwood Planning Commission Meeting  
September 16th, 2025**

The Dellwood Planning Commission Meeting was held on September 16th, 2025, at the city offices located at 111 Wildwood Road, Willernie, MN. The meeting also was held for the purpose of holding a public hearing to consider a proposed amendment to the Shoreland Management Ordinance.

Chairperson Lin Lindbeck called the meeting to order at 6:34 PM.

**Attendance**

- **Commission Members Present (in person):**
  - Keith White
  - Rylan Juran
- **Commission Members Absent:**
  - Driscoll
  - Vadnais
- **Staff Present:**
  - City Administrator Joel Holstad
  - City Attorney Richard Copeland
  - City Planner Nate Sparks

**Agenda.** White moved to approve the Agenda for this meeting, with Item Number 9 added: "Cannabis." Green seconded and the Agenda was approved with the addition of Item No. 9, Cannabis.

**Minutes of Prior Council Meeting.** The proposed draft of the minutes of the June 17, 2025 Planning Commission meeting were reviewed. Juran stated that his comments at that session were missing, wherein he stated that in his opinion, fences provide greater security for a swimming pool than automatic pool covers. A fence is always there at all times, whereas a pool cover may not be closed at all times when no person is present.

White moved to approve the June 17th minutes with those comments added, and Juran seconded. Upon vote, the minutes were approved, with the additional comments.

**Public Comment:**

There were no persons present for Public Comment.

**Public Hearing.** At 6:40 pm Lindbeck opened the Public Hearing to consider adoption of an amended Shoreland Management Ordinance. There were no persons present for objections or comments.

City Planner Nate Sparks explained that the amended Ordinance is intended to update the current Shoreland regulations, as well as to separate the Shoreland section from the general zoning regulations, which are to be covered by a separate amended zoning ordinance.

Mr. Sparks explained that the Shoreland and zoning regulations had been combined into a Comprehensive Ordinance years ago because the statewide standards for management of shoreland areas extends 1000 feet from lakes and certain water basins. That measurement includes practically all of the City of Dellwood.

Minnesota DNR prefers that the City have a separate Shoreland Management Ordinance and a separate general zoning ordinance. The proposed Shoreland Ordinance adopts the most recent version of the statewide model ordinance, with some sections deleted which have no application to Dellwood.

Mr. Sparks presented a map showing the shoreland area to be governed by the new ordinance. Regulations requiring a Conditional Use Permit for additional detached garages and pool houses are removed. Those requests will be addressed by way of the building permit. If the building meets the setbacks and other requirements of the ordinance, no CUP is needed. He noted that the definition of water basins needs to be clarified. The general zoning ordinance will delete all references to shoreland uses. Sparks noted that boathouses, *per se*, are no longer allowed as water-oriented structures.

Chairman Lindbeck closed the Public Hearing at 7:02 P.M.

Lindbeck moved to approve the Amended Ordinance as presented, for recommendation to the City Council. White seconded, and the Commissioners voted unanimously to approve the motion.

**Cannabis.** Lindbeck asked about the status of cannabis licenses in the City. Mr. Copeland stated that the City has enacted an ordinance which allows for a cultivation license only. No retail sales of cannabis products is allowed.

Holstad and Sparks discussed special cannabis events and indoor cultivation. Nate noted that indoor growing is defined by law as being a commercial endeavor and not allowed as such in Dellwood.

**Adjournment.** There being no further business at hand, and on motion by Juran, second by White, the meeting was adjourned by unanimous vote at 7:13 P.M.



# City of Dellwood

## PLANNING MEMO

TO: Dellwood Planning Commission  
FROM: Nate Sparks  
DATE: February 13, 2026  
RE: Variance Request – 25 Peninsula Road

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### Background

Steve Whitaker has made an application for a variance at 25 Peninsula Road. He's seeking to build a porch over an existing patio and connect it to an existing porch as part of a remodeling project. The resulting construction would be within the setback and increase a non-conforming condition. The existing house is about 50 feet from the ordinary high water mark of White Bear Lake. The new construction would place this at about 45.75 feet from the OHW. The side yard setback encroachment would increase from 28.6 to 25.4 feet.

### Site Description

The property is located at 25 Peninsula Road. The lot is over 3 acres in size. The existing home is currently located 50.1 feet from White Bear Lake and 28.6 feet from the side yard. The required setback for the rear is 75 feet from the OHW and 30 feet from the side. The current impervious surface percentage is about 10%. The property is zoned Rural Residential.

### Proposed Addition

The applicant is proposing an addition onto the existing porch over the existing patio on the southeastern portion of the lot. The construction would put the new porch area 45 feet from the OHW and 25 feet from the side property line.

Patios are permitted as a landscaping type feature, provided that they are not within the shore impact zone. Converting a patio into a porch or living space would require the setbacks to be met. In this case the house is already within the setback and any addition would require a variance.

### Review Criteria

In Minnesota State Statutes 462.357 Subd. 6 (2) states that variances from the requirements of the Zoning Ordinance shall only be permitted in the following instances:

1. The proposed variance is consistent with the Comprehensive Plan.

- a. The proposed variance is in harmony with the general purposes and intent of the ordinance.
- b. A variance may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute a practical difficulty. In order for a practical difficulty to be established, all of the following criteria shall be met:
  - I. The property owner proposes to use the property in a reasonable manner. In determining if the property owner proposes to use the property in a reasonable manner, the board shall consider, among other factors, whether the variance requested is the minimum variance which would alleviate the practical difficulty and whether the variance confers upon the applicant any special privileges that are denied to the owners of other lands, structures, or buildings in the same district.
  - II. The plight of the landowner is due to circumstances unique to the property not created by the landowner
  - III. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
- c. The variance does not involve a use that is not allowed within the respective zoning district.

The City may impose conditions in granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Staff Review**

The existing house is within the setback. The proposed construction would result in the non-conformity to be increased from about 50 feet to 46 feet to the lake and then 28 to 25 feet on the side.

There are several houses within the immediate vicinity that have side yard setbacks that are nonconforming to the requirements. The two houses to the south are at about 10 feet or so to the side yard setbacks.

The setbacks to the lake vary in this area. The requirement is 75 feet but houses within the immediate area vary from about 48-65 feet. Across the street there is a house at about 46 feet to the lake. There are also many within the greater area that meet or exceed the setback. This variance would make this one of the more reduced setbacks within the area at 46 feet.

Address	Lake Setback	Side Setback
1 Gardner	57 feet	10 feet
3 Gardner	75 feet	10 feet
25 Peninsula	46 feet	25 feet
21 Peninsula	53 feet	25 feet
19 Peninsula	48 feet	13 feet

The above table is the four closest houses along the lake in this area.

While the construction seems somewhat reasonable in terms of comparison with neighboring properties, one could argue that it would be more reasonable if the existing setback was not being increased. However, the setback reduction is due to extending the existing walls of the house, though, and not merely an encroachment going outwards.

### **Planning Commission Action**

The Planning Commission should hold a public hearing. After the hearing, the Commission should determine if there are practical difficulties in place to permit the granting of a variance. If so, then the Commission should consider the site plan and any amendments or conditions necessary.

### **Staff Recommendation**

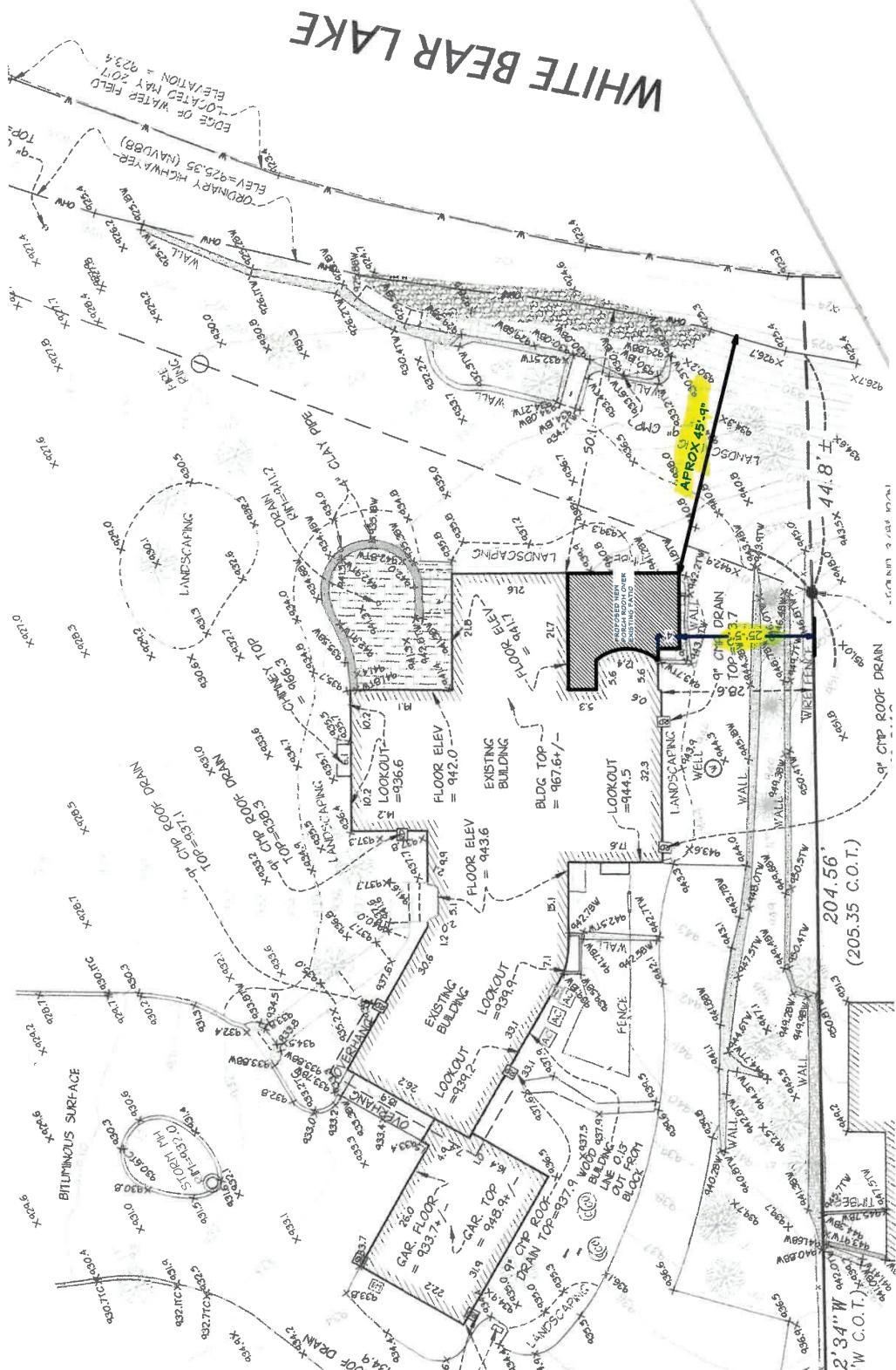
Staff would suggest that the lot itself has a unique shape and the existing location of the house create practical difficulties in placing an addition. If the Commission is inclined, that may be found as a practical difficulty. The construction is generally over an existing patio and connects to an existing porch. The construction is also generally not out of character with the vicinity, which could be findings of a reasonable use. If the Commission concurs with those sentiments, a recommendation of approval could be forwarded to the City Council.

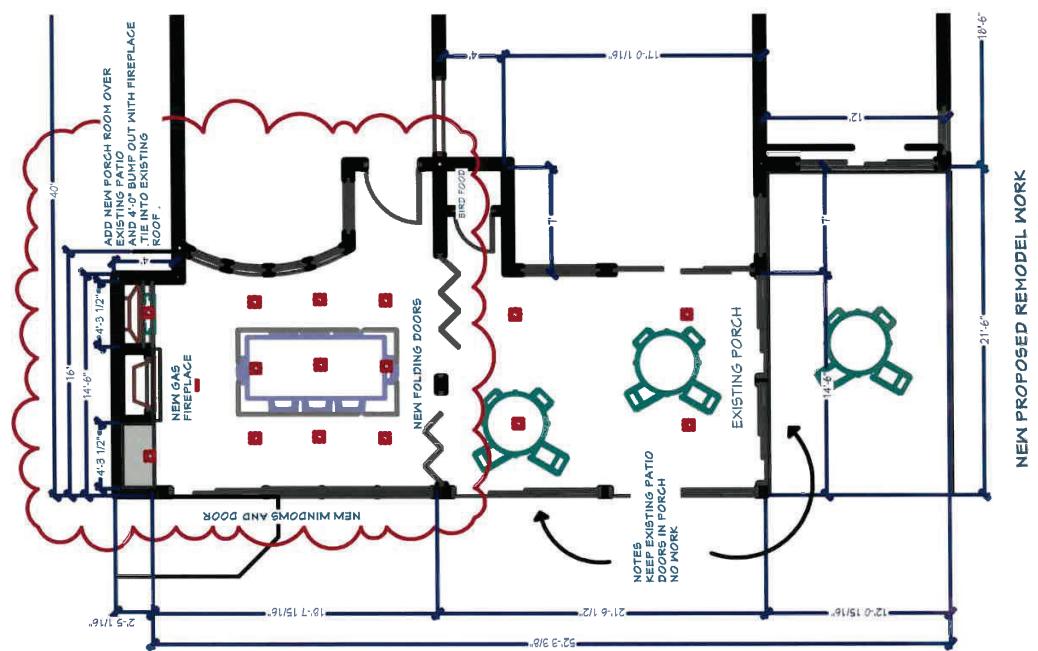
WHITAKER RESIDENCE  
DELLWOOD, MINNESOTA

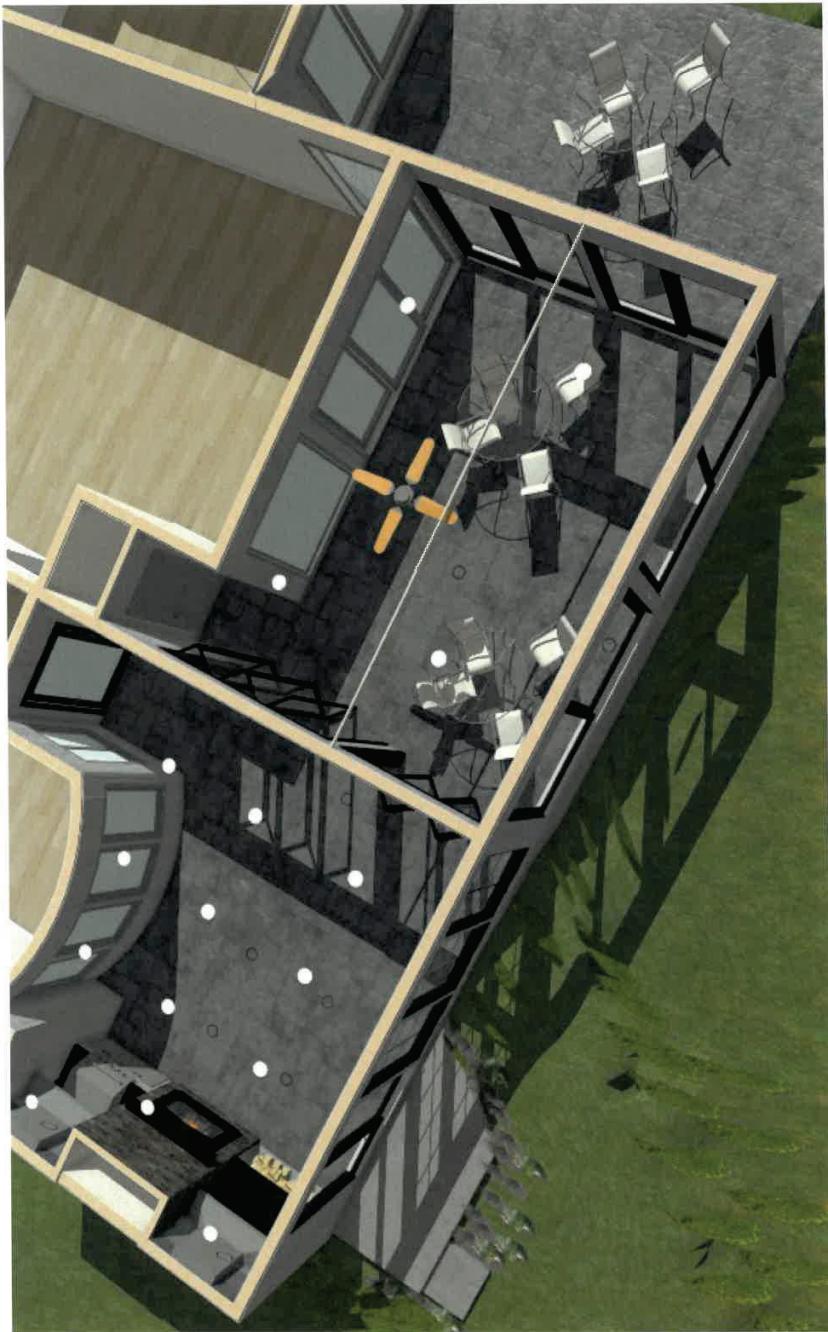
**LEGAL DESCRIPTION:**  
(LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 50097)  
Block No. 2, and part of Block No. 5 of REARRANGEMENT OF WILDWOOD PARK,  
In the Village of Dellwood, Washington County, Minnesota, described as follows:

SCALE: 1/4" = 1'-0" (UNLESS OTHERWISE NOTED)

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SCALE: 1/4" = 1'-0" (UNLESS OTHERWISE NOTED)



**LAND USE AND VARIANCE APPLICATION**  
**CITY OF DELLWOOD**  
**111 WILDWOOD ROAD, WILLERNIE, MN 55090**  
**Phone: (651) 429-1356**

**Please complete the entire form to ensure proper application and publication. (See attached for further information). Allow for sufficient time for publication of Notice of Public Hearing.**

Owner/Applicant: Steve Whitaker

Site Address: 25 Peninsula Rd.

Daytime Phone Number(s): 612-940-8216

Email/Fax Number: stevewhitaker@whitakerauto.com

Mailing Address: 25 Peninsula Rd. Dellwood, MN 55110

Legal Description: Blk 2 & prt blk 5 Wildwood park

Total Area of Property in Acres: 3.18

Description of Request: Lake Setback Variance and Sidelot Setback Variance



12-11-2025

Property Owner's Signature

Date of Application

**NATURE OF REQUEST:**

- Conditional Use Permit
- Conditional Use Permit Amendment
- Variance
- Interim Use Permit
- Lot Split
- Rezoning & Text Amendment
- Planned Unit Development
- Grading Plan
- Grading Plan Amendment
- Plats
- Vacation of Street
- Permitted Home Occupation
- Special Home Occupation (with CUP)

**FOR OFFICE USE ONLY**

Case No. \_\_\_\_\_  
Fee: \$ \_\_\_\_\_

Zoning: \_\_\_\_\_  
Receipt No. \_\_\_\_\_

Updated September 29, 2015

## **NOTICE**

### **To Applicants for Variances, Use Permits and other Land Use Requests**

Variances, Use Permits, and other Land Use Requests which require Council approval are not taken lightly. To assure that the Planning Commission and City Council members are fully informed of your request, please furnish as much information as possible.

It is your responsibility to establish that, due to circumstances beyond your control and the unique conditions present on your property, you should be granted and receive treatment which is not generally allowed by the City Codes.

Economic considerations alone do not meet the requirements for a Variance. The fact that your project can be completed at a lower cost with a Variance, as opposed to meeting the requirements of the Code, is not a factor which would justify a Variance. Subdivision of a lot for the purpose of obtaining an additional lot site requires a Variance unless each resulting lot meets all requirements of the City Zoning and Septic Sewer Ordinances.

The Council will require a showing that there is no reasonable alternative action available which would not require the granting of a Variance.

Please furnish all information available concerning your property, including lot size, existing structures, setbacks from property lines and shorelines, contours, wetlands and other features which may affect your request.

Owners of properties within 350 feet of your land will be notified of your request and of the time and place of the Public Hearing, if needed. You should discuss your plans with your neighbors prior to the Planning Commission Meeting or City Council Meeting in order to avoid last minutes delays.

If the Planning Commission or City Council does not have all of the information which is required, the request may be denied.

An Application may not be withdrawn after a Public Hearing has been held and the Planning Commission has made a recommendation to the City Council. Reconsideration of any matter may be granted only upon 4/5<sup>th</sup>s vote of the City Council.

Please review the Application carefully and provide all of the information referred to in the form, plus any additional information you may wish the City to consider.

The Planning Commission and City Council meet regularly only once per month. If a Public Hearing is required, you must file your Application with the City Clerk in sufficient time to allow for publication of the Notice of Hearing.

**APPLICATIONS FOR VARIANCE AND CONDITIONAL USE PERMITS (CUP) WILL NOT BE PROCESSED WITHOUT THE FOLLOWING:**  
**Submit with all requests:**

**Two copies of Site Plan of proposed request, drawn to scale (1" = 20") showing the following:**

- a. Arrow indicating north;
- b. Location of structure(s) and parking on lot;
- c. Adjacent Street names;
- d. Setbacks from all lot lines, ordinary highwater mark, septic system and wells;
- e. Use of proposed structure(s) and parking;
- f. Setbacks and use of adjacent structures;
- g. Dimensions of proposed structure including square footage of all useable space;
- h. Impervious surface calculations;
- i. Other information as required by the Zoning Code.
- j. Ponds and Wetland Areas.

**Proposed building elevations and floor plans for all levels.**

**Landscaping, lighting, utility, and grading and drainage plans for most new development.**

**\_\_\_\_\_ photographs of above described plans, reduced to 11"x17".**

**A written narrative describing the request and why the City should approve the request.**

**For a Variance, please cite the specific Code deviation being requested and list the conditions unique to the subject property which prevent compliance with the Zoning Code. Variances from zoning standards may be granted in cases of practical difficulty, which means that the property in question cannot be put to a reasonable use under the conditions allowed in the Zoning Code due to circumstances unique to the property and not created by the landowner. Economic considerations alone shall not constitute a practical difficulty. Please address the standards listed in the Comprehensive Zoning/Shoreland Management Ordinances, Chapter 152.**

**Applications for Variances and Conditional Use Permits require a public hearing after published and mailed notice.**

**An Abstractor's Certificate of Ownership for all properties within 350 feet of the above property must be furnished showing property owners' names and mailing addresses.**

**If a Lot Split, please provide a Certificate of Survey.**

**NOTES:**

1. The Applicant shall pay for additional mailings and publication costs when the Applicant requests a tabling or continuation of his/her case.
2. You are encouraged to discuss your proposal with adjacent property owners before you submit a formal application.
3. In most cases, the City will direct the City Sewer Inspector to submit a written report concerning the effect, if any, which the requested action, if approved, may have upon the proper working of the on-site septic system.

**LAND USE AND VARIANCE APPLICATION**  
**CITY OF DELLWOOD**  
**111 WILDWOOD ROAD, WILLERNIE, MN 55090**  
**Phone: (651) 429-1356**

**SITE SURVEY REQUIREMENTS**

The Zoning/Shoreland Management Ordinance, Chapter 152, may require a Certificate of Survey for lots proposed for development in the City. In order to avoid problems and delays which may occur due to lack of adequate survey information, the following must be included in each certified survey submitted by a licensed land surveyor for a proposed permit. Incomplete surveys will be rejected and the permit will be held until all information has been included.

- All lot property lines with bearings and distances to scale (show scale of drawing)
- All lot corner elevations
- A directional north arrow
- Property building location(s) with dimensions from all lot lines
- The Street and Street name on which the lot fronts
- The proposed driveway access location(s), width and type of surfacing
- The garage floor and lowest floor elevations
- First floor elevations of adjoining structures
- Proposed spot elevations of finished grade around all structures
- Property legal description
- Site address and owner/builder
- Land surveyors stamp and signature with address/telephone number
- All existing structures and utilities, as well as proposed utility locations (specify easement types)
- Proposed drainage arrows or grade contours
- Invert elevations for storm and sanitary sewers
- Locations and elevations of all ponds/lakes/low areas and wetlands.
- Denote 100 year high water elevation of ponds and lakes (check with Engineering Department for high water levels)
- Proposed locations of well and/or septic systems with a spot elevation at the septic system locations, primary and secondary.
- Retaining walls with spot elevations at each side along wall
- All other lot improvements
- Contours of neighboring properties to ensure proper drainage
- Front setbacks of neighboring structures
- Attach Abstractor's Certificate of Ownership for all properties within 350 feet of the above property.

**CITY OF DELLWOOD**  
**LAND USE APPLICATION ESCROW AGREEMENT**

Date: 12-10-2025

Property Address: 25 Peninsula Rd.

## Description of Project: Porch Addition

Property Owners Name Steve Whitaker  
Address 25 Peninsula Road, Dellwood, MN 55110  
Phone Number 612-940-8216

Amount of Escrow Deposited With City: \$

Pursuant to Ordinance # 152.13

The escrow funds deposited with the City may be refunded to the property owner only after final completion of all work to be done at the property address, and final approval by the City Building Commissioner and/or City Building Inspector.

I will expect to receive a refund if actual costs incurred by the City are less than the escrow deposit.

I agree to pay actual costs incurred by the City over and above the \$ \_\_\_\_\_ basic escrow deposit, if required. The City Clerk has the authority to require a higher escrow amount at any time while the work is still in progress.

The provisions of Ordinance - # 152.13 are made a part of this agreement.

Property Owners: x

x *Schwartz*

Shannon M. Whittaker

### City Clerk:

Final Date: \_\_\_\_\_

Payment Refund Date:

Amount Refunded:

CITY OF DELLWOOD  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

**ORDINANCE NUMBER 152.13**

**AN ORDINANCE ESTABLISHING AN ESCROW DEPOSIT PROCEDURE AND FEE SCHEDULE RELATED TO  
ZONING AND LAND USE APPLICATIONS.**

**WHEREAS**, the City of Dellwood, Minnesota wishes to establish an Escrow Deposit requirement as a part of the Code of Ordinances relating to fees, costs and expenses which may be incurred by the City in connection with Zoning and Land Use requests.

**NOW THEREFORE**, The City Council of the City of Dellwood, County of Washington, State of Minnesota, does hereby ordain as follows:

Section 1. The City Council of the City of Dellwood hereby adds Section 152.13 of the Comprehensive Zoning and Shoreland Management Ordinance to read as follows:

**Section 152.13 FEES.** The costs of the City for receiving, analyzing, processing, hearing and final process for requests of changes, modification, or special consideration under this Ordinance, such as requests for amendments (map or text), site and building plan reviews, Conditional Use Permits, Interim Use Permits, and Variances are considered to be unique to the Applicant requesting such consideration, and it is the intent of this Section to provide that all costs of the City occasioned by such requests shall be borne by the Applicant. The reimbursement to the City shall be limited to actual costs of the City. Actual costs shall include all engineering, legal, planning, or other consultant fees or costs paid by the City for other consultants for expert review of a development application.

- A. **Base Zoning Fee.** To defray administrative costs of processing requests for Conditional Use Permits, Interim Use Permits, Amendments, Variances, Appeals, or any other land use or zoning permit application, a base fee as determined from time to time by Resolution of the City Council per application shall be paid by all Applicants. Each Applicant shall pay a non-refundable base zoning fee at the time an application is presented to the City for a zoning change of any nature, site and building plan review, a conditional use, an interim use, variance, or land use request of any kind. The fee is intended to reimburse the City for its costs for administrative processing an application. If this fee proves to be insufficient to cover such costs, such additional costs shall be charged as a part of the Escrow Deposit, or the Supplemental Zoning Deposit.
- B. **Escrow Deposit.** In addition to the non-refundable Base Zoning Fee, each Applicant shall pay an escrow deposit in an amount established by the City Council as of the time of application. All actual costs including, but not limited to, planning, engineering, legal, or other consultant fees or costs, incurred by the City in the processing of the application and not fully paid or reimbursed from the Base Zoning Fee shall be paid or reimbursed from this Escrow Deposit or Supplemental Deposit.

- C. Supplemental Deposit. At any time while the application is pending and before its final conclusion, if the City Clerk determines that the amount of the Escrow Deposit required is or is estimated to be insufficient to pay for present or anticipated actual costs of the application, a supplementary deposit shall be required by the City Clerk to be paid by the Applicant. The one (1) or more Supplemental Deposits shall be in an amount sufficient to pay all actual costs of the City.
- D. Refunds – Administrative Costs. The Base Zoning Fee, intended to cover administrative costs, is non-refundable.
- E. Refunds – Direct Costs. If the direct costs of the City in processing the application are less than the amount of the Escrow Deposit and any Supplemental Deposit, any such unexpended amount shall be refunded to the Applicant upon the conclusion of the proceedings; and any such costs in excess of the Supplemental Deposits on hand with the City Clerk shall be paid by the Applicant prior to completion of the proceedings by the City.
- F. Assessment. In order to recoup the additional cost of processing Zoning Applications, the City shall have the option of assessing all Applicants the total excess cost of staff and/or consulting time spent exclusively in review, consideration, research or production of materials for the Applicant's request, and all materials for such request not covered by the Application Fee or other collections.
- G. Costs incurred by the City are payable whether or not the application is approved, modified or denied.

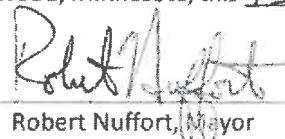
Section 2. The Fee Schedule is hereby established to include the following:

Conditional Use Permits, Interim Use Permits, Variances, Zoning Amendments (Text or Rezoning) and Subdivisions shall submit an Escrow Deposit in the amount of \$500.00 unless otherwise waived by the City Clerk, in addition to the Base Administration Fee.

The Fee Schedule may be amended from time to time by Resolution of the City Council.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED by the City Council of the City of Dellwood, Minnesota, this 13 day of October, 2015.



Robert Nuffort, Mayor

Attest:



Joanne Frane  
Joanne Frane, City Clerk