

**CALL TO ORDER:** Chairman Werneiwski called the meeting to order at 7:00 p.m.

**PRESENT:** Chairman Bob Werneiwski, Commissioners Barbarajean Brandt, Kent Carlson, Dan Dyb, Scott Hemink, Walter Linder, and John McGary

**ABSENT:** Council Liaison Keith Kask

**OTHERS PRESENT:** Zoning Coordinator Gus Karpas

**MINUTES OF April 21, 2009**

Motion by Commissioner Dyb, seconded by Commissioner Linder, to approve the minutes of May 19, 2009 as presented. Motion carried 6-0-1. Commissioner Carlson abstained.

**PUBLIC HEARINGS**

**VARIANCE – Chris and Diahann Potter, 19685 Lakeview Avenue, (R-3, 20,000)** variance request to demolish the existing non-conforming home and construct a new home on the non-conforming footprint with an additional garage addition onto the south side and a screened porch addition on the north side of the footprint which would exceed the maximum permitted impervious surface area and would encroach into the required front and lake yard setbacks.

Section 1350(2)(a) of the Shoreland Ordinance permits a maximum impervious surface area of twenty-five percent. The proposal is to exceed the permitted impervious surface area by five percent.

Section 1310.02 of the Zoning Ordinance requires a minimum front yard setback of thirty-five feet in the R-3 Residential District. The proposed construction would be setback thirteen feet, five inches from the front property line. A variance of twenty-one feet, seven inches is sought of the required front yard setback.

Section 1310.02 of the Zoning Ordinance requires a minimum lake yard setback of one hundred feet in the R-3 Residential District. Council action on July 5, 1972 granted a reduced setback for Lots 7 through 11 of Grandview Point Second Addition. The amended lake setback requirement is sixty-seven feet, six inches. The proposed construction would be setback forty-four feet from the ordinary high water level. A variance of twenty-three feet, six inches is sought of the required lake yard setback.

Zoning Coordinator Karpas presented his staff report. He said the request is similar to what was before the Commission in April. The applicant has been able to lower the overall height by seven feet, nine inches based on the methodology used by the city to measure height. In addition they reduced the impervious surface on the property, bringing the total percentage to 29.9%. He noted that the 4.9% overage is equal to the amount of Association owned impervious surface on the property, meaning the impervious surface coverage they can control is within the city's requirements.

Karpas drew the Commission's attention to photographs submitted by the applicant, showing their home would not be out of character with the rest of the neighborhood when viewed from the lake. He said he recommended approval for the request and outlined his findings.

Chairman Werneiwski opened the public hearing.

Mark Warren, Warren Home Restoration Inc., said the goal has always been to comply with the height requirements, and never envisioned there would be an issue with massing. He said the plan before the Commission lowers the height and decreases the massing through changes in the roof.

Commissioner Hemink asked about the large dormer proposed for over the garage noting that is the area closest to the road, which magnifies the mass. Has asked was use was proposed for that space. Mr. Warren said the dormer was driven by the design. He said they felt this was an aesthetically good solution for the need of space. He said the area will be used for a bedroom and bath.

Chairman Werneiwski noted the additional information submitted by applicant regarding neighboring homes included information on footprint area and impervious surface, but no information on setbacks from the road and the lake. Mr. Warren said he got the information from the house files from the city and said some of the information on setbacks was kind of sketchy.

Doug McDougal, 19705 Lakeview Avenue, said he was initially concerned with the height and massing with the original plan, but feels they have been addressed in the amended plans. He is supportive of the new request. He asked why members of the Grandview Point Association were not allowed to count common space in the calculations for impervious surface area. Commissioner Dyb said impervious surface area is based solely on the lot area.

Jim Strampe, 19700 Lakeview Avenue, said he appreciates the process which has allowed him to voice his concerns. He said at this time he has no objections to the new plan.

Hearing no further public comment, the public hearing was closed.

Commissioner Hemink feels the new plan presents a better scale to fit into the neighborhood and is similar to other homes in Cottagewood. He's still concerned about the large gable proposed for the garage, since it is the closet portion of the structure to the street. He would like to see the plan flip flopped to minimize the impact of the garage on the street. He said the photos were helpful and the he feels good about the approach used in the design.

Commissioner McGary said he had concerns about massing on the previous plan, but always felt torn because the height was in compliance with the ordinance. He feels this design fits better into the neighborhood and has reduced the visible roof line. He is supportive of the request.

Commissioner Carlson noted he wasn't involved in the discussion on the initial plan but said he sounds like the applicant did a good job working with the Planning Commission and neighbors to come up with a compromise. He asked about the patio shown on the site plan and why it differed from the one shown on the footprint of the house, which is larger. Mr. Warren said the one shown on the survey is correct and that the area would contain only a landing.

Commissioner Carson asked about the catch basin in the corner of the property and noted it discharges directly to the lake. He wanted to know if there was a plan to mitigate runoff in that area. Mr. Warren said they have been working with the Minnehaha Creek Watershed District on that issue and have come up with a solution which will keep construction runoff from that area. Commissioner Carlson asked if a landscape plan has been developed for the area, stating he was concerned about erosion. He would like to see a grading plan that would control runoff from the site. Mr. Warren said the intent was to limit the disturbance on the lakeside of the structure to that area immediately adjacent to the foundation. He said the area would be restored once construction was completed. Zoning Coordinator Karpas explained the options were limited in that area since it is a bluff.

Commissioner Carlson said he was supportive of the plan and would like to see a landscaping plan submitted addressing the erosion and runoff issues.

Commissioner Dyb said he was supportive of the plan as submitted. He was also concerned about massing on the previous plan, though he didn't have any concerns about expanding the footprint to enlarge the garage or create the porch. He feels the larger gable on the garage helps break up the façade of the home. Mr. Warren explained that if the garage were placed on the other side of the home, it would be more prominent since the property "falls" off, exposing more of the structure.

Chairman Werneiwski feels the applicant has done a good job addressing the concerns previously raised about the height and massing. He asked about the trees on the front of the property, concerned that a number may be lost in the construction. Mr. Warren said there would be one lost, right next to the foundation, but the plan was to save the others as much as possible.

Chairman Werneiwski said he was still concerned about the structure's closeness to the street. He is still opposed to the plan and feels it is too much house for the lot.

Commissioner Linder said he had past concerns about the height and massing so close to the street, and feels the applicant's have done a lot to alleviate this, but he still feels the proposed home is more than what is appropriate for the lot. He doesn't feel the house is necessarily out of character with the neighborhood, but feels it's too much house. He is opposed to the request as proposed.

Commissioner Brandt agreed, stating that even though the overall height has been reduced, it appears to be too much house for the lot. She understands the issues associated with the bluffs, but would still like to see the home pushed further from the road. She expressed concern about excavating lower into the bluff. Mr. Warren said they were matching the existing lowest elevation in the basement and not going any lower and noted that the narrowness of the lot did not give them the flexibility of moving it further from the lake or the road.

Commissioner Carlson discussed some of the history of the area. He said he is sensitive to the massing and height issues, but the homes, as originally built on these lots, do not meet today's standards for family living. He considers the lot dimensions a hardship.

**ACTION:** Motion by Commissioner Dyb to recommend the City Council approve the variance requests to construct a new single family home on the existing non-conforming footprint with an

additional one hundred and seventy-eight square foot garage addition onto the south side of the new structure and a one hundred and seventy-three square foot screened porch addition on the north side of the new structure that would encroach twenty-one feet, seven inches into the required thirty-five foot front yard setback, encroach twenty-three feet, six inches into the required sixty-seven foot, six inch lake yard setback, encroach thirty feet into the required thirty foot bluff setback and which would exceed the maximum permitted impervious surface area by five percent, as shown on the submitted site plan at 19685 Lakeview Avenue, based on the findings of staff. The motion is conditioned that the applicant submit grading plan for the City's Engineer review controlling runoff and erosion. Commissioner Hemink seconded the motion. Motion carried 4-3. Upon roll call vote on the motion to approve, Commissioners Carlson, Dyb, Hemink and McGary voted aye. Commissioners Brandt, Linder and Werneiwski voted nay.

**VARIANCE – Brian and Jennifer Abraham, 20235 Linden Road, (R-3, 20,000)** variance request to demolish the existing non-conforming screened porch and construct a new kitchen addition which would encroach into the required south side yard setback.

Section 1310.02 of the Zoning Ordinance requires a minimum side yard setback of ten feet in the R-3 Residential District. The proposed construction would be setback two feet, one inch from the south property line. A variance of seven feet, eleven inches is sought of the required south side yard setback.

Zoning Coordinator Karpas presented his staff report. He said the request would pull the structure an additional ten inches off the property. He said he recommended conditional approval for the request and outlined his findings. He said the condition would be that the addition not exceed one story.

Chairman Werneiwski opened the public hearing.

Jennifer Abraham spoke to the request. She said they were careful to keep the plan modest. She said the screened porch is an eyesore and it would be nice to replace it. She said the kitchen in the existing home is the original size it was when the house was constructed, though the living space has been expanded over the years. She said the addition was designed to maintain the privacy of the neighbors and also not to block their view of the park. She said, based on the topography of the lot, this location seemed to make the best sense for the addition. The addition would also permit them to construct a main floor bathroom, were currently none exist.

John Duroscher, Ashland Builders, said they tried to create a project that fit into the neighborhood, while still being functional. He noted the proposed addition is smaller than the existing screened porch. He explained that the plumbing also played a role in locating the addition in its proposed location.

Nicole Duroscher, Ashland Builders, noted there was a steeper decline on the other side of the home that prevents expansion of the structure. She said the location of the interior stairway also limited the placement of the proposed addition. Their intent was to construct something that was functional and tasteful.

Hearing no further public comment, the public hearing was closed.

Commissioner Brandt said she was in favor of the request. She noted the existing structure already encroached into the required setback and the proposed addition would not increase that encroachment. She supports the proposed condition limiting the height to one story. She feels it's fair and consistent with past actions taken by the city.

Commissioner Linder expressed support for the request given the difficulty of expanding on the other side of the home. He noted the addition is smaller than what currently exists and doesn't feel it would change the character of the neighborhood.

Chairman Werneiwski commented on the proposed setback, noting it didn't provide enough space to work on that side of the home without going on the neighbor's property. He understands the issues related the construction and the plumbing, but said they can't be the sole basis for approval. He feels there are design alternatives available to the applicant and is not supportive of the request.

Commissioner Dyb said he was kind of supportive of the request. He asked how much the screened porch was used by the family. Ms. Abraham said they typically sit on the deck and use the porch for storage in the winter. Dyb felt there was a practical difficulty in the location of the existing home and noted the reduction in the encroachment. He was supportive of the request.

Commissioner Carlson reviewed the floor plan. He likes to see people invest in their homes. Though he shares the concerns about the minimal setback, he's supportive of the request since the addition faces the garage side of the neighboring home.

Commissioner McGary supported the request. He said he had some initial hesitation, but after visiting the neighbor's property, he's comfortable with the actual setback from the neighbor's garage. He doesn't see a negative impact on the adjacent property and feels it would be difficult to pull the addition back from the line further.

Commissioner Hemink was concerned about how close the addition was to the property line and would like to see it bumped back to minimize the impact on the property line. He noted the one window currently existing on the back side of the home would be removed leaving basically a solid wall facing the neighbors. He is supportive of the concept, but would like to see some mitigation on the corner.

Commissioner Brandt noted the whole corner of the existing home already encroaches into the setback. Commissioner Hemink said he would still like see it pulled back of the line. He's not supportive of the request.

**ACTION:** Motion by Commissioner Brandt to recommend the City Council approve the variance request to demolish the existing non-conforming screened porch and construct a new kitchen addition which would encroach seven feet, eleven inches, as shown on the submitted site plan at 20235 Linden Road, based on the findings of staff. The motion is conditioned that the addition be limited to one story. Commissioner Dyb seconded the motion. Motion carried 5-2. Upon roll call vote on the motion to approve, Commissioners Brandt, Carlson, Dyb, Linder and McGary voted aye. Commissioners Hemink and Werneiwski voted nay.

**NEW BUSINESS**

There was no new business.

**LIAISON REPORT**

There was no report.

**ADJOURNMENT**

Motion by Commissioner Dyb to adjourn the meeting. Commissioner Werneiwski seconded. The motion carried 7-0. The meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Gus Karpas  
Zoning Coordinator