

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

PRESENT: Chairman Bob Werneiwski, Commissioners Barbarajean Brandt, Kent Carlson, Scott Hemink, Walter Linder, Pete Onstad and John McGary

ABSENT: None

OTHERS PRESENT: Council Liaison Keith Kask and Zoning Coordinator Gus Karpas

MINUTES OF June 15, 2010

Motion by Commissioner Carlson, seconded by Commissioner Onstad, to approve the minutes of June 15, 2010 as amended. Motion carried 4-0-3. Commissioners Hemink, Linder and Werneiwski abstained.

PUBLIC HEARINGS

VARIANCE – Jim and Karen Gemmill, 19080 Azure Road, (R-3, 20,000)

Request to demolish the existing non-conforming single family home and construct a single family home and detached garage which would encroach into the required west side corner lot setback and to encroach into the required east side yard setback.

The requested variances are for the proposed single family home to encroach eleven feet into the required twenty-five foot west side corner lot setback and to encroach five feet into the required fifteen foot east side yard setback. The requested variances are for the proposed detached garage to encroach ten feet into the required twenty-five foot west side corner lot setback and to encroach five feet into the required east side yard setback.

Zoning Coordinator Karpas presented his staff report, noting that the proposed encroachments are less than what currently exist. He said he recommended approval for the request and outlined his findings.

Jim Gemmill addressed the Commission stating the house was built in the early 1900's and in a state of disrepair. He said he worked with city staff to design a house that would fit the property. He said the required setbacks create a fifteen foot wide building pad. The house was designed from the inside out trying to minimize the encroachments and feels the proposed design is a vast improvement over what exists. He noted the letter from his neighbor regarding the water issues in the neighborhood and said he hired an engineer to look at the drainage situation on the property. He said the water currently flows from the road, east across his property onto the adjacent neighbor's property. He said his plan would not disrupt the existing water flow and the plan is to try and direct the water to the catch basin on Rutledge. He noted the elevation of the catch basin is two feet lower than his neighbor's property. He stated the only way water

would reach his neighbor's property is if his lot filled up first. He said his engineer advised him that creating a holding pond on site would create problems since the ground would be saturated, not allowing any water to infiltrate down.

Chairman Werneiwski opened the public hearing.

Joe DeCarli, 19405 Rutledge Road said he is very concerned about the water issue. He said the rear of the applicant's property has filled with water in the past deep enough that a canoe could be run through it. He has made a significant investment in upgrading his sump pump and purchasing a generator to keep water out of his basement. He doesn't believe there's a hardship for requesting the detached garage which would give the property four garage stalls and create a second driveway. He doesn't believe the garage is consistent with the neighborhood. He said prior to him remodeling four or five years ago he was given the impression by the city the applicant's lot was unbuildable due to the drainage the property took on. He noted the amount of impervious surface on the property would increase from approximately 20% to over 40%. He informed the Commission that he has obtained legal counsel regarding this issue and would pursue legal action if the existing drainage is impacted by the approval of this project.

Chris Bearg, 19115 Rutledge Road, said he likes the proposed design, but also had concerns about the detached garage. He thinks it is out of character with the neighborhood, though he agrees it's a hardship to have a long narrow lot, he's not supportive of the garage. He said the owners knew of the need for a variance prior to purchasing the property.

Zoning Coordinator Karpas noted there is case law stating that prior knowledge of the need for variances is not grounds for denial of a variance request.

John Jaffray, 19040 Azure Road, said he supports the house in principle, but agrees there are a number of water issues in the neighborhood that need to be addressed. He would like to see if there could be a neighborhood solution to the issue.

Zoning Coordinator Karpas noted for the record that a letter in support of the request was submitted by Edward and Ellie Kinne, 19100 Azure Road.

Chairman Werneiwski said he liked the plan and feels it's an improvement to the property. He feels an engineer report is warranted on this request. He agrees with the applicant that the proposal would not impact the drainage onto the adjacent property. He noted the proposed deck stairs could be relocated to lessen the encroachment.

Commissioner Carlson agreed the City Engineer should review the drainage issue and questioned whether there are plans in the works by the city to improve the drainage situation. He supports the plan and is appreciative whenever a resident seeks to improve their property.

Commissioner Onstad likes the plans and agrees it is an improvement to the property. He did raise concerns about the impact on water flow with the request for a detached garage and second driveway on the north side of the property. He's also a little concerned about having two driveways on a single property. He noted if the house was already in place, it would be difficult to get a variance on the detached garage as proposed. Overall he liked the proposal.

Commissioner McGary liked the plan. He said that even though height is not an issue in the request, he noted the proposed home would be ten feet higher than the existing home. He has no problem with the request other than the proposed deck stairs which could be moved. He also doesn't see any issues with water flow based on the plan.

Commissioner Hemink asked about the future screened porch shown on the plan and whether that would require a future variance. Zoning Coordinator Karpas said it would. Hemink said he was concerned that the proposed house would encroach three feet closer towards Deephaven Avenue, noting that and the proposed height of the home created a scale not compatible with the surrounding neighborhood. He agreed with others that an engineer assessment was needed regarding the drainage. He was also concerned about having two driveways to one property, stating he felt that was a bit excessive. He was not supportive of the request.

Commissioner Brandt said the city has to address the water problems in the neighborhood. She said the city does not exempt corner lots from its set back requirements therefore she does not view this situation as a hardship. She feels the size of the proposed house is an issue. She's opposed to the request.

Commissioner Linder questioned the need for a second structure on the property and said he has an issue with two driveways on the property. He feels the proposed house is too large for the lot. Even though it is a narrow lot, scale, and in particular the height of the house, is still an issue. He said that the house is close to the size he would be comfortable with for the lot, but coupled with the detached garage, it seems too much for the lot.

Commissioner Carlson said drainage is a big issue with this request. Commissioner Hemink feels an engineer's report is the key to the request. Carlson said he would love to see a storm water plan.

Chairman Werneiwski said it appears if a vote was taken there would be three for and four opposed to the request. Zoning Coordinator explained the options available to the applicant, including withdrawing the request, modifying it and bringing it back to the Commission or continuing onto the Council with a recommendation for denial. He said if that happens, the applicant would have to wait six months before they could submit a new application on the property.

Mr. Gemmill asked for clarification on the issues, noting he heard concerns about the drainage, the height of the house and detached garage. He noted the height of the proposed structure is within the city's ordinances.

Chairman Werneiwski said drainage is the big issue, stating the proposed detached garage seems to make drainage a bigger issue.

Commissioner Hemink said his concerns also include the height of the home and the impression it makes along Deephaven Avenue. Mr. Gemmill commented they took this into consideration and dropped the roof along the north portion of the home.

Mr. Gemmill asked that his request be continued to August Planning Commission meeting.

LIAISON REPORT

Council Liaison Kask said the Council voted to approve the Baldwin variance request with conditions.

Commissioner Linder asked about the proposal for permitting intoxicating liquor. Zoning Coordinator Karpas explained the informal request in front of the Council. He said a review of city files show that the city is a dry community and in order to accommodate the request, if that is the desire of the Council, the city would have to hold a referendum to permit licensing of intoxicating liquor. It has yet to be decided if that is what the Council wants to do.

ADJOURNMENT

Motion by Commissioner Werneiwski to adjourn the meeting. Commissioner Linder seconded. The motion carried 7-0. The meeting adjourned at 8:10 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator