

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

PRESENT: Commissioners Barbarajean Brandt, Kent Carlson, John McGary and Pete Onstad

ABSENT: Commissioners Scott Hemink, Walter Linder and Bob Werneiwski

OTHERS PRESENT: Council Liaison Josh Hackney and Zoning Coordinator Gus Karpas

MINUTES OF July 19, 2011

Motion by Commissioner Onstad, seconded by Commissioner McGary, to approve the minutes of July 19, 2011 as presented. Motion carried 4-0.

PUBLIC HEARINGS

Ordinance Amendment – Public hearing on Ordinance 15-57, amending Section 1315 of the Zoning Ordinance as it pertains to the criteria for approving variances.

Zoning Coordinator Karpas said the proposed ordinance amendment is basically a re-write of the existing ordinance. The main change is to bring the ordinance into compliance with State Statute changes as they pertain to the approval of variances, moving away from the Undue Hardship standard to the Practical Difficulty standard.

The proposed amendment also expands the Scope of the ordinance, outlines what a variance can be granted for, defines the Practical Difficulty standards, lists the required findings for approval and authorizes the city, by code, to attach reasonable conditions in the granting of a variance.

Commissioner Brandt said for a number of years, the city has not held applicants to the hardship standard as stated in the current ordinance for the grant of a variance, so she questioned how it would determine a practical difficulty. She doesn't really see a difference in the amendment since the city has basically been the practical difficulty standard on variance requests for years. She said decisions are made based on how the term practical difficulty is defined, which is very vague. She feels that most decisions are made on personal judgment and the proposed ordinance amendment does not resolve that issue.

Zoning Coordinator Karpas discussed some of the issues the zoning code, as originally adopted, caused, including making a large number of existing lots non-conforming requiring continual variance for any type of development.

Commissioner Brandt said that most of Cottagewood exists under variances and the decision of which variances are approved is very subjective. Zoning Coordinator Karpas agreed saying that the objective is to remain somewhat consistent in the subjectivity. The problem is that the members of the Planning Commission and City Council are static which continually injects new points of view.

Chairman Carlson opened the public hearing. Hearing no public comment, the hearing was closed.

Commissioner Onstad agreed with Brandt that the change is confusing and that the language change is minimal. He said the goal of the city is to be consistent and fair.

Commissioner McGary believes the city is back to where it originally was in terms of criteria used for the granting of variances. He feels it's good to have the provisions in writing and agrees decision making is subjective. He said the proposed change in the criteria is good for residents looking to maintain or redevelop their non-conforming properties.

Commissioner Carlson sought minor clarification on some the provisions.

ACTION: Motion by Commissioner McGary to recommend the City Council adopt Ordinance 13-57, an Ordinance Amending Section 1315 of the Deephaven City Code as it pertains to variances, as presented. Commissioner Brandt seconded the motion. Motion carried 4-0.

NEW BUSINESS

Zoning Coordinator Karpas said he was unable to meet with Commissioner Carlson regarding zoning changes to coincide with the liquor control ordinance. He will work with Mr. Carlson and Councilmember Hackney to have something for the Commission's review at their September meeting.

LIAISON REPORT

Council Liaison Hackney said he had nothing to report.

ADJOURNMENT

Motion by Commissioner Onstad to adjourn the meeting. Commissioner McGary seconded. The motion carried 4-0. The meeting adjourned at 7:35 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator