

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

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

ABSENT: Commissioner Scott Hemink

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

MINUTES OF October 18, 2011

Motion by Commissioner Werneiwski, seconded by Commissioner Onstad, to approve the minutes of October 18, 2011 as presented. Motion carried 5-0-1. Commissioner Linder abstained.

PUBLIC HEARINGS

VARIANCE - Request of Thomas and Aija Meehan, 20350 Lakeview Avenue, to remodel an existing non-conforming single family home which would encroach into the minimum required lake yard setback.

Section 1310.02 of the Zoning Ordinance requires a minimum lake yard setback of one hundred feet in the Shoreland District. The proposed single family home modification would be setback seventy-five feet from the Ordinary High Water Level. A variance of twenty-five feet is sought of the required lake yard setback.

Zoning Coordinator Karpas presented his staff report noting the City Council approved a variance request to permit the construction of the home within the required lake yard setback in 1980. He said he recommended approval of the request because the proposed use is in harmony with the purpose and intent of the ordinance, that the applicant proposes to use the property in a reasonable manner, and the alteration of the existing home is consistent with adjacent single family homes would not be permitted by the zoning ordinance, that the plight of the landowner is due to circumstances unique to the property and not created by the homeowner, due to the approval by the city for the placement of the home within the required lake yard setbacks, that The existing structure exists as a non-conforming structure and the proposed alteration and addition would not increase any existing encroachment and the requested variance would not alter the essential character of the locality. The applicant has maintained the existing lake setback.

Chairman Werneiwski opened the public hearing. Zoning Coordinator Karpas said he had received emails indicating the two adjacent neighbors were supportive of the project. Hearing no further public comment, the hearing was closed.

Tom Meehan thanked staff and the Commissioner for their consideration. He said he and his wife are thrilled to be part of the community and the intent is to personalize the home while maintaining the existing style of the home. He said the design is the same as how the home exists now only two feet higher. In addition to reconstructing the existing home, they intend on adding an eight hundred square foot addition on the east side of the home which complies with the required setbacks. He said they are trying to be good stewards of the property.

Commissioner Linder asked if all the proposed walls were going to be in the same location. Mr. Meehan said they were going to be exactly the same since the existing foundation was going to be used. Linder asked if the existing patio would remain. Mr. Meehan said it would.

Commissioner Brandt commented that she was surprised a variance was originally issued to place the house in its current location. Zoning Coordinator Karpas agreed and said it may have been because the Shoreland Ordinance was not in effect when the home was built, so the restrictions may have been less restrictive. Brandt said given the fact a previous variance had been granted for the location, she was supportive of the request.

Commission Linder noted the request is for a minor alteration which is reasonable and would fit into the existing neighborhood. He is supportive of the request. Chairman Werneiwski agreed and also supported the request.

Commissioner Carlson welcomed the Meehan's to the city and said he was supportive of the request.

Commissioner Onstad agreed the request was minor and feels it would be a good addition to the neighborhood. He was supportive of the request.

Commissioner McGary agreed, but asked about future garage on the property. Mr. Meehan said it's not part of the current request, but would comply with the setback requirements if and when it is built. McGary stated the proposal was a good plan and that he was in favor of the request.

Motion by Commissioner Carlson, seconded by Commissioner Werneiwski, to recommend the City Council approve the variance request to encroach twenty-five feet into the required one hundred foot lake yard setback for the structural modification of the existing non-conforming home as presented for 20350 Lakeview Avenue. Motion carried 6-0.

ORDINANCE - Public Hearing for the proposed amendment of Section 13 of the Deephaven Code, to regulate uses related to liquor licenses. Changes will include adding permitted liquor uses into the schedule of uses, setbacks from residential structures, hours of operation, signage and parking requirements.

Zoning Coordinator Karpas said the proposed ordinance amendment would amend several sections of the existing Zoning Ordinance to accommodate liquor oriented businesses within the city. The proposed amendments have been discussed by the Planning Commission and City Council and are ready for a public hearing.

The Commission discussed the proposed setback from principal structures on residentially zoned properties. The proposed ordinance was written to either have a two hundred or three hundred foot setback from structure to structure. Chairman Werneiwski felt that three hundred feet was too restrictive. Commissioner Carlson agreed noted such a setback would eliminate most of the commercial properties in Chowen's Corner. Zoning Coordinator Karpas said the Commission could recommend any distance they liked. The Commission agreed that the required setback should be one hundred feet structure to structure.

The Commission discussed the required parking for restaurants selling intoxicating beverages. The proposed ordinance was drafted to require one space for either forty, fifty or seventy-four square feet of gross floor area. Commissioner Brandt asked what the current requirements are for restaurants. Zoning Coordinator Karpas said one space for each three hundred square feet of gross floor area. The Commission agreed that was too restrictive. Commissioner Linder discussed the concept of using the city owned parking lot for complying with the parking requirement. Karpas said that concept has been used in the past. Brandt expressed concern that if the requirements were too low there could be a negative impact on surrounding residential streets. The Commission agreed to require one space per seventy-four square foot of gross floor area.

Motion by Commissioner Werneiwski to recommend the City Council adopt Ordinance 13-58 as amended, an Ordinance Amending Section 1300 of the Deephaven City Code to regulate uses pertaining to the sale of intoxicating liquor, as presented. Commissioner McGary seconded the motion. Motion carried 6-0.

NEW BUSINESS

DISCUSSION – Discuss existing fence ordinance as it pertains to defining the maximum permitted height and how that height is measured.

Zoning Coordinator Karpas reminded the Commission that they agreed to review the fence ordinance as it pertains to maximum permitted height and how height was measured. He presented an ordinance adopted by the City of Greenwood in 2010. He said the Commission could look at amending the fence ordinance to contain some of the same provisions.

The Commission discussed a number items related to the height of fences in the city. Commissioner Brandt expressed concern about the construction of berms prior to the placement of a fence, noting that was contrary to the ordinance. Zoning Coordinator Karpas noted one of the proposed amendments was limit the alteration of grade to six inches and in a worst case scenario the height of a fence could only be nine inches above existing grade giving the maximum separation of the fence panel to grade of three inches. He acknowledged that a resident could try to get around the ordinance by placing a berm one year and constructing a fence at a later date.

The Commission agreed to keep the existing setback requirements which allow a fence up to thirty-six inches on the property line and a graduated setback as the fence increases in height. The setback could be waived with an agreement submitted in writing to the city.

The Commission agreed to permit the post of a fence to extend six inches above the fence panel to allow for decorative caps.

The Commission agreed to limit the height of fences in front yards to three feet. It was felt there may be situations where a higher fence would be warranted, but a property owner has the right to go through the variance process if necessary.

The Commission directed staff to amend the ordinance per their discussion and schedule a public hearing for the December meeting.

LIAISON REPORT

Council Liaison Hackney said the Council took action on two variance request and unanimously approved the request by Doug McNaught. The Council made a number of changes to the style of detached garage request by Karl Forsman before ultimately approving the request.

ADJOURNMENT

Motion by Commissioner Onstad to adjourn the meeting. Commissioner Werneiwski seconded. The motion carried 6-0. The meeting adjourned at 7:56 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator