

CALL TO ORDER: Chairman Carlson called the meeting to order at 6:00 p.m.

PRESENT: Chairman Kent Carlson and Commissioners Barbarajeane Brandt, Brandon Gustafson, John McGary, Gen McJilton and Pete Onstad

ABSENT: Commissioner Scott Hemink

OTHERS PRESENT: Council Liaison Darel Gustafson and Zoning Coordinator Gus Karpas

MINUTES OF April 15th and Special Minutes of June 30th 2014

Motion by Commissioner Onstad, seconded by Commissioner Carlson, to approve the minutes of April 15, 2014. Motion carried 4-0-2. Commissioners Gustafson and McGary abstained.

Motion by Commissioner McGary, seconded by Commissioner Gustafson, to approve the special minutes of June 30, 2014. Motion carried 6-0.

PUBLIC HEARINGS

Variance Request - Willow Creek Development Group, LLC, 3850 Virginia Avenue – Request for a variance of the minimum required north side yard setback in conjunction with the construction of a new single family home.

Section 1310.02 of the Zoning Ordinance requires a minimum north side yard setback of fifteen feet. The proposed single family home would be setback eight feet, two inches from the north side property line. A variance of six feet, ten inches of the required north side yard setback is being sought.

Zoning Coordinator Karpas summarized the request. He said the proposed single family home would be constructed on a fifty foot wide by one hundred and forty nine foot deep lot. The existing home is non-conforming in that it encroaches nine feet into the required fifteen foot north side yard setback and eleven feet into the required front thirty-five foot front yard setback. The applicant proposes to decrease the proposed north side yard encroachment by two feet and to bring the property into compliance with the required front yard setback.

The proposal complies with the remaining setback requirements outlined in Section 1302.05(3), the height limitations outlined in Section 1302.05(4) and the maximum permitted grade alteration permitted in Section 1312.04.

Karpas said he recommended approval of the request based on the criteria that the request is in harmony with the purpose and intent of the ordinance, is consistent with the comprehensive plan, puts the property to a reasonable use, that there are unique circumstances attached to the property not created by the landowner and the variance will not alter the essential character of the neighborhood.

Chairman Carlson opened the public hearing. Zoning Coordinator Karpas read the letter from Molly Schwanz, 3860 Virginia Avenue, opposed to the project, into the record.

Howard Bennis, 18650 Minnetonka Boulevard, said he was concerned with the height and showed pictures of recent projects and the impact the height had on adjacent properties. He is concerned what granting a variance for this property says to the two property owners to the south about their ability to develop in the same manner. He feels the proposal would be out of character with the property and that there are better alternatives for the lot.

Paul Skrede, 18875 Azure Road, discussed the practical difficulty standard and the reasoning for granting variances. He does not believe those standards fit in this instance. He feels if the existing home is being torn down, the applicant should construct a structure that complies with the ordinance. He thinks applicants should more aggressively work on meeting the standards of the ordinance rather than trying to place structures that do not fit on properties and then seek variances.

Mr. Bennis noted the ordinance was changed a number of years ago to reduce the side yard setbacks in the R-3 district to allow them to be more easily developed. He said a large part of the city was developed prior to the adoption of zoning and adhering to the required setbacks permits a diversified housing stock.

Cindy Barland, 3875 Monaltrie Avenue, agreed with the comments made by others and believes the setbacks should be maintained. She's also concerned about emergency vehicle access between structures given the narrow distance between the structures.

Hearing no further public comment, the hearing was closed.

Zoning Coordinator Karpas discussed the practical difficulty standard, stating the review process had a lesser standard than the previous hardship criteria. He said his recommendation was based on the improved setback on the north side and the removal of the front yard encroachment. The height of the structure is in compliance with the new ordinance requirements and the photos distributed were based on the previous average roof measurement. Regardless of that, Karpas said he understands that a variance request opens all aspects of a structure to discussion and it is up to the Planning Commission to consider the comments of the public and the ordinance in determining its recommendation to the Council.

Commissioner Gustafson said he was concerned about the height and the water run-off which, as he has learned, due to the construction of a larger house near him, increases with taller buildings. He is leaning towards a revision of the plan.

Commissioner Onstad shares the same concern as a number of the resident's and added the house has a large profile from the street and seems like it is a large home on a small property. He asked about the appearance of the home being skewed on the lot. Applicant Dave Lundy said the lot line is not square so the lot is not a perfect rectangle, so the home was squared to the street, skewing it along the side property line.

Commissioner McGary noted skewing the house helped preserve the tree mentioned in Ms. Schwanz's letter read into the record earlier. He said there are two main issues; the height and setbacks. The applicant is improving the setbacks and he complies with the more restrictive height requirements.

Commissioner Brandt is also concerned about the proposed height and its proximity to the property line. She agrees the applicant should try and adhere to the ordinances since the home is being removed and does not see a practical difficulty with this request. The applicant needs to build to the lot and she disagrees to any argument there would be no negative impact on the adjacent neighbors. She raised additional concerns about trees, though the city does not directly regulate their removal. She is inclined to support the ordinance and vote against the request.

Commissioner McJilton is concerned about water run-off and the extension of the length for the proposed home. She feels it will create a sheer wall along the property lines with a great massing effect. She has a tendency not to support the request as presented.

Chairman Carlson said he struggled with the request since there is some practical difficulty given the width of the lot. He pointed out that the applicant could redesign the structure to comply with the required setbacks and still build to the same height without any approvals required by the city.

Chairman Carlson discussed the options with the applicant given the fact it appeared the request would go to the Council with a recommendation for denial. He said the applicant could continue on with that recommendation or withdraw his request and redesign the home and submit a variance application at a later date or design a home that complies with the ordinance requirements.

Applicant Dave Lundy withdrew the request and asked that no action be taken.

Appoint Chair/Vice-Chair – Appoint Chair and Vice-Chair to serve until April 2015.

Motion by Commissioner Onstad to appoint Kent Carlson to serve as Chairman and John McGary to serve as Vice-Chair of the Commission until April 2015. Commissioner McGary seconded the motion. Motion carried 6-0.

LIAISON REPORT

Council Liaison Gustafson said the Council approved the variance request at 3470 Crest Avenue on a 3-2 vote. He voted against the request based on a number of issues, but one of the main issues was the fact the lot could be built on without a variance and that being the case, there is no practical difficulty.

The Commission held a general discussion on practical difficulty and how it applies on properties where the existing home is being removed, thus the lot is essentially vacant. Some felt structure should be built to the lot and variances should be issued only in cases where they could not meet the requirements. It was suggested if exceptions were desired for situations like undeveloped platted rights-of-way, then changes should be made in the ordinance rather than using the variance process to grant a lesser setback.³

ADJOURNMENT

Motion by Commissioner Carlson to adjourn the meeting, McJilton seconded. The meeting adjourned at 8:10 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator