



**DEEPHAVEN PLANNING COMMISSION  
MEETING MINUTES**

**TUESDAY, JULY 21, 2020**

**CALL TO ORDER:** Chair John Studer called the meeting to order at 7:00 p.m.

**PRESENT:** Commissioners Jeff Eaton, Doug Nagle, Cindy Hunt Webster, Bob Werneiwski, Josh Wilcox, and Chair John Studer

**ABSENT:** Commissioner John Daly

**OTHERS PRESENT:** Planning Director Pat Smith and City Council Liaison Kent Carlson

**1. APPROVAL OF MINUTES  
Minutes of June 16, 2020**

Motion by Commissioner Nagle, seconded by Commissioner Eaton, to approve the minutes of June 16, 2020. Motion carried 6/0.

**2. PUBLIC HEARINGS**

**a) 19390 Walden Trail – Variance/Preliminary Plat/Final Plat**

Smith presented the staff report. Andrew Mahoney is proposing to replat three properties, which requires variances from the minimum road frontage standard and minimum lake frontage standard.

Commissioners Wilcox and Webster questioned vacating the pedestrian easement. Smith stated that at its current located it runs in the middle of proposed Lot 2, making that lot unbuildable. Also, it is not used because it is narrow (at 10 feet), not maintained, difficult terrain to cross, and is not a direct line to the lake, unlike the many fire lanes in the rest of the city. The City Council vacated a portion of Dale Street in order to make snow plowing easier. That eliminated public access to the pedestrian easement. Wilcox asked if the applicant considered relocating the pedestrian easement.

Chair Studer opened the public hearing. No one spoke. Studer closed the public hearing.

Councilmember Carlson explained the difference between the fire lanes, which are between 30-50 feet wide and are large enough for people to have picnics by the lake and this easement, which is only 10 feet wide. Nagle is concerned about vacating the public easement, but supports the replat.

Studer motioned to accept the recommendation and findings of staff and recommend the City Council approve the preliminary and final plat and



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variance requests of Andrew Mahoney for a reduced lake frontage of 109 feet and reduced road frontage of 15 feet in conjunction with replatting three properties located at 19390 Walden Trail, 19270 Dale Avenue and 19235 Dale Avenue as proposed. Wilcox seconded. Motion carried 6/0.

**b) 5180 Hooper Lake Road – Front Yard Setback Variance and Canopy Encroachment Variance**

Smith presented the staff report. Tim Alt is proposing to encroach into the front yard setback and exceed the overhead canopy encroachment in conjunction with the construction of an addition to the existing home at 5180 Hooper Lake Road.

Tim Alt, applicant, addressed the Planning Commission. He indicated that the house was constructed in the wrong location that is why the 2000 site plan was inaccurate.

Chair Studer opened the public hearing. No one spoke. Studer closed the public hearing.

The Commission all supported the variance request.

Commissioner Eaton motioned to recommend the City Council approve the variance requests of Tim Alt to encroach one foot into the minimum required front yard setback and exceed the permitted eave encroachment by 2 feet in conjunction with enlarging the entry to the house located at 5180 Hooper Lake Road, as proposed. Chair Studer seconded. Motion carried 6/0.

**3. DISCUSSION ITEMS**

**a) Accessory Dwelling Units**

Smith presented the staff report. Three families are either contemplating or submitted building plans for what staff would define as Accessory Dwelling Units. The single-family zoning district permits one family living together. The two building permits that were submitted had two separate living areas that are not designed for families to live together. Smith stated that some communities have more detailed definitions of what constitutes a family. This includes terms like living, sleeping and eating together; maintaining a common household and using common cooking and kitchen facilities; using a single common cooking facility in a living arrangement usually characterized by sharing living expenses, food costs; sharing common living, sleeping, cooking and eating facilities.



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The City Council discussed Accessory Dwelling Units at their meeting on July 20, 2020 and wanted Planning Commission feedback on the idea.

Commissioner Eaton has viewed ADUs in open houses and thought it was a novel idea. Not sure if the City would care if ADUs are rented or not. Commissioner Nagle asked about second electrical meters. Commissioner Webster is opposed to houses having second kitchens. Commissioners Nagle and Wilcox recommend limiting the second unit to a family member.

Commissioner Werneiwski believes this is an evolving idea and is not against renting or limiting it to family members. Commissioner Nagle stated that many homes already have multiple kitchens. Chair Studer and Commissioner Wilcox both believe the Conditional Use Permit process is most appropriate and prefer to limit the ADUs to family members. Commissioner Nagle said it depends on the definition of a family.

Commissioner Nagle was concerned that these end up being multi-family. Smith stated that the communities that he surveyed limit the number of ADUs per property to one. Smith also stated that he contacted the City Planner at Minnetonka, which has allowed ADUs for over 20 years, had the Planner said they haven't been much of an issue for the city.

The Commission generally favored making sure design of the house with the ADU still looked like a single-family residence. Smith stated that the two communities (White Bear Lake and Minnetonka) that were also concerned with the design of the house with the ADU process ADUs as Conditional Use Permit because design is not black and white and is better controlled through the Planning Commission and City Council.

Commissioners Eaton and Nagle think that allowing for a family member is a good first step. The Commission did not favor allowing ADUs in separate structures and was not concerned about the size of the ADUs as long as variances were not required to accommodate the ADU. Commissioner Wilcox liked the affidavit requirement and CUP process.



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b) Construction Review Timeline

The Commission discussed the construction of 18970 Azure Road at their June meeting. Smith put together a construction timeline of that project. Smith highlighted the changes that should ensure grading issues are resolved in the future.

**4. LIAISON REPORT**

Carlson presented the Liaison Report. There were a couple City Council meeting between Planning Commission meetings. The most significant discussion revolved around the location of new bathrooms at the Deephaven Beach.

**5. ADJOURNMENT**

Motion by Commissioner Studer to adjourn the meeting at 8:35 p.m. Motion seconded by Commissioner Eaton. Motion carried 6/0.

Respectfully submitted,

Patrick Smith  
Planning Director