

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

PRESENT: Chairman Bob Werneiwski and Commissioners John Daly (arrived at 7:05), Walter Linder, Melissa McNeill, Bill Sharpe, John Studer, and Cindy Hunt Webster.

ABSENT: None.

OTHERS PRESENT: City Council Liaison Tony Jewett and Zoning Coordinator Dale Cooney

MINUTES OF July 18, 2017

Motion by Linder, seconded by Studer, to approve the minutes of July 18, 2017 as written. Motion carried 6-0.

PUBLIC HEARINGS

Variance request of Chrisy and Pat Hughes, property owners, to encroach 15 feet, 2 inches into the minimum required lake yard setback in order to add an additional floor to a legal nonconforming porch 19960 Lakeview Avenue.

Werneiwski introduced the agenda item.

Zoning Coordinator Cooney presented the staff report. He said that Chrisy and Pat Hughes are requesting a variance in order to expand their lake yard porch from two levels to three levels. He said that the porch, which is 84 feet 10 inches from the OWHL of Lake Minnetonka, was approved via a variance in 1981. Cooney noted that the proposed expansion would maintain the existing footprint of the porch and that much of the porch area would be converted to year-round living space and fully integrated into the main floor plan of the house.

Cooney said that even although the footprint is not changing, a variance is required since the encroachment is expanding upwards. He said that Section 1302.05(3) of the zoning ordinance requires a lake yard setback of 100 feet and the applicant proposes a lake yard setback of 84 feet, 10 inches. He said that the applicant is seeking a variance of 15 feet, 2 inches from the minimum required lake yard setback.

Cooney noted that the property is currently at 31.3% impervious surface coverage and that city code limits impervious surface coverage for the property to 25%. He said that since the footprint of the impervious area is not changing, the legal nonconforming impervious area is not impacted and therefore neither an impervious surface variance nor mitigation is required.

Cooney said that recommends approval of the variance request to encroach 15 feet, 2 inches into the minimum required lake yard setback for the proposed home addition at 19960 Lakeview Avenue, as presented based on the following findings:

a) Is the variance in harmony with the purpose and intent of the ordinance?

Yes. The setback of the addition is comparable to that of adjacent properties. The modest expansion upward of a previously approved encroachment will have minimal impact, and the setback towards the lake yard remains unchanged.

b) Is the variance consistent with the comprehensive plan?

Yes. The request is consistent with the Comprehensive Plan which seeks to encourage re-investment in existing single family housing.

c) Does the proposal put property to use in a reasonable manner?

Yes. The proposal is a reasonable and modest expansion of existing conditions on the property.

d) Are there unique circumstances to the property not created by the landowner?

Yes. The footprint of the porch is an existing condition of the property dating back to 1981, and the encroachment was previously approved via a variance.

e) Will the variance, if granted, alter the essential character of the locality?

No. The size of the addition is a modest expansion of existing conditions and is compatible in scope and scale with other single family houses within the community.

Cooney concluded his staff report.

Werneiwski opened the public hearing. Hearing no public comments Werneiwski closed the public hearing.

Chrisy Hughes, applicant, said that they have lived in the house for 10 years and that they have 3 kids. She said the house was built in 1965 and the expansion was in 1981. She said that the house needs work to be updated and maintained.

Webster said that it is important to note that the request is within the existing footprint of the variance. She said that it makes sense to enclose this third floor area and that it will improve the structure.

Linder said that the house is fairly large and has two porches already, so that he did not see the hardship. But, he said that he was not opposed to the request.

McNeill said that she was hesitant about the expansion, but that she does not oppose it.

Werneiwski said that he did not have a problem with the proposal and asked for a motion.

Motion by Sharpe to recommend City Council approve the variance request based on the recommendation and findings of staff. Motion was seconded by Webster. Motion carried 7-0.

OTHER BUSINESS

Linder said that this would be his last Planning Commission meeting. He said that he has sold his house and was moving out of Deephaven. The remaining planning commissioners thanked him for his service.

LIAISON REPORT

Councilmember Jewett said that, at the August 7 City Council meeting, the CUP application for Minnetonka Glass to operate their business and install a sign was approved.

He said that the CUP for the off-sale liquor store at 18281-G Minnetonka Boulevard was approved as well as the liquor license for the store.

Jewett said that several members from the Pines neighborhood showed up at the City Council meeting. He said that the City Council will discuss this matter further at their next meeting and come up with some direction for the Planning Commission.

Webster asked what the residents want. She asked if they do not want to allow expansions. Jewett said that he thinks they want height restrictions. Webster said that it sounded like they also wanted to restrict the values of the properties. Jewett said that a large percentage of neighbors want the neighborhood to remain unchanged.

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Webster said that Deephaven could alter their rules, but that the Minnetonka side of the neighborhood would still operate under a completely different set of rules.

ADJOURNMENT

Motion by Werneiwski to adjourn the meeting. Motion seconded by Sharpe. Motion carried 7-0. The meeting adjourned at 7:16.

Respectfully submitted,
Dale Cooney
Zoning Coordinator