

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

PRESENT: Chairman Bob Werneiwski, Commissioners John Daly, Melissa McNeill, Doug Nagle, Bill Sharpe, John Studer and Cindy Hunt Webster.

ABSENT: None.

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

MINUTES OF JANUARY 16, 2018

Motion by McNeill, seconded by Webster, to approve the minutes of January 16, 2018 as written. Motion carried 7-0.

PUBLIC HEARINGS

Consider the variance request of Jeff and Pam Konen to exceed the maximum permitted grade alteration in conjunction with the construction of lower level windows and an in-ground swimming pool at 4693 Vine Hill Road.

Werneiwski introduced the agenda item.

Cooney presented his staff report. He said that Jeff and Pam Konen, property owners, are requesting a variance to exceed the maximum permitted grade alteration in conjunction with the construction of lower level windows and an in-ground swimming pool at 4693 Vine Hill Road. Cooney noted that the property is zoned R-2 and is 105,773 square feet in size. He said that Section 1312.04 of the zoning ordinance requires a variance for any land alteration greater than three feet at any point, that the applicant is proposing land alteration of up to 6 feet, and is seeking a variance of 3 feet from the maximum permitted land alteration.

Cooney said that the property previously had a house in the southwest portion of the property, directly south of the existing garage and that the applicant chose to relocate the house further back on the property towards the natural high point on the property. He said that the significant majority of the proposed house is compliant with the 3 foot zoning limitation, and a building permit has been issued for the house with construction well underway.

Cooney said that two relatively small areas on the property are proposed to exceed the grading limitations:

1. Lower level windows: The applicant would like to include lower level windows on the downhill side of the property. This area would alter the grade by approximately 4 feet.
2. The northeast corner of the swimming pool: The grade on the property begins to sharply drop away at this point, with proposed fill areas of up to 6 feet. Double retaining walls are proposed to limit the scale of the overall grade change.

He said that the principal justifications for land alteration restrictions are to limit properties from circumventing the house height limitations by building up the grade around a property, or altering overall drainage patterns in a significant or detrimental way and pointed out that neither of these concerns are the case in this proposal. Cooney said that the applicant has worked hard to meet the grading limitations for the undulating property, and has largely achieved that goal except for the two small variance areas.

Cooney said that a portion of the property contains a wetland which will not be impacted by the building area. The Minnehaha Creek Watershed District has reviewed the proposal survey and issued erosion control permits for the project.

Cooney said that he recommends approval of the variance request to exceed the maximum permitted grade alteration by 3 feet for the property at 4693 Vine Hill Road, as presented based on the following findings:

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

Yes. The purpose and intent of the ordinance is to limit properties from circumventing the house height limitations by building up the grade around a property or altering overall drainage patterns in a significant or detrimental way, neither of which is the case in this proposal.

(b) Is the variance consistent with the comprehensive plan?

Yes. The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage safe, healthy and quality housing that respects the natural environment of the community.

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

Yes. The proposed house and grading are reasonable for the property, and are comparable in scope and scale to surrounding properties. The grading changes are minor in comparison to the overall project and the property size.

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

Yes. The property undulates, and has steep drop-offs towards wetland areas. The applicant has been able to meet the grading limitations except for two small variance areas.

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

The proposed grading alterations would not alter the essential character of the locality. The overall proposal is of a scope and scale similar to what exists today.

Cooney concluded his staff report.

Jeff Konen, applicant, said that there were limitations as to where the home can be. He said that he is also dealing with the fact that the property to the south drains onto his property. He said that the slopes and grades on the property are challenging.

Sharpe asked if the drainage was changing for the property. Konen said that the drainage will continue to go where it has always gone which is to the soccer pit. He said that it is a 2.5 acre property.

Webster asked what the material would be between the pool apron and the retaining wall. Konen said that it would be landscape rock.

Werneiwski opened the public hearing.

Tom Tallakson of 4640 Maple Hill Drive said that the house is an improvement and that the other house sat vacant for some time. He said that he supports the proposal.

Hearing no other public comments, Werneiwski closed the public hearing.

The commissioners expressed their support of the project.

Motion to approve by Werneiwski. Motion was seconded by Studer. Motion carried 7-0.

Consider the variance requests of Summerville LLC to exceed the maximum permitted grade alteration and to exceed the maximum allowable roof eave encroachment for the property at 20350 Lakeview Avenue.

Werneiwski introduced the agenda item.

Cooney presented his staff report. Cooney said that the applicant will be building an addition and completing a remodel for the nonconforming property at 20350 Lakeview Avenue. He said that they are requesting variances to exceed the maximum permitted grade alteration in conjunction with the construction of an accessory structure and the house addition, and to exceed the maximum allowable roof eave encroachment for the realigned garage.

Cooney noted that many of the existing improvements on the property are nonconforming. He said that portions of the house and pool area are within the 100 foot lake yard setback, while patio and other landscaping areas are within the 30 foot bluff setback. Cooney said that the applicants are only proposing to rehab these nonconforming areas, and the main body of the house will remain as is. Cooney said that, beyond the nonconforming areas, the proposed improvements include a new addition at the southeast corner of the house, a realignment of the attached garage, and a new detached accessory structure.

Cooney said that Section 1312.04 of the zoning ordinance requires a variance for any grade alteration greater than 3 feet at any point, that the applicants are proposing land alteration of up to 8 feet, and are seeking a variance of 5 feet from the maximum permitted grade alteration. He said that the most severe grade change would be to allow lakeside lower level access to the proposed accessory structure. Cooney noted that two other areas exceeding the 3 foot limitation are adjacent to the proposed addition, and both of these areas are proposing less than 4 feet of grade change.

Cooney said that the principal justifications for land alteration restrictions are to limit properties from circumventing the house height limitations by building up the grade around a property, or altering overall drainage patterns in a significant or detrimental way and that neither of these concerns are the case in this proposal.

Cooney said that he questions whether the lower level lakeside entrance for the proposed garage would make the height of the garage exceed the 15 foot maximum accessory structure height. He said that, based on how the access is designed, it was his judgement on the issue is that it does not exceed the height limit as the feature is comparable to an excavated basement access door or a large window well.

Cooney said that Section 1310.02 of the zoning code allows roof eaves to encroach into a setback by as much as 3 feet and that, as proposed, the roof eaves would encroach 5.6 feet into the side yard. He said that the garage is being realigned to be perpendicular with the front of the house, bringing the existing roof eaves closer to the property line. Cooney noted that the existing house has 6 foot roof eaves, and the applicant would like to be architecturally consistent with the new garage eaves. He said that the garage itself remains compliant with the required setbacks, and the roof eave encroachment is minor.

Cooney said that the property is an R-2 property with a lot size of 93,174 square feet. He said that for those R-2 lots that exceed minimum lot size of and R-1 lot, city code allows an increased structural footprint of up to 8,000 square feet with council approval. (He noted that a variance or CUP is not required for this allowance.) Cooney said that with a proposed structural footprint of 7,997 square feet, the applicant is near the limit of this additional structural footprint allowance.

Cooney said that the property has a number of existing terraced patio areas in the lake yard and that the patios, since they are built on-grade, are not regulated as structures. Cooney noted that, due to the terracing, portions of patios have concrete or stone "railings". He said that these elements are typically restricted within the lake yard, and as they currently exist are considered nonconforming encroachments. Cooney said that he is inclined not to consider these as part of the overall structural footprint (since staff

considers them similar to railings or walls). He noted that in most cases this discrepancy could be ignored, but since the property is near the maximum structural footprint allowance, the city should make a determination on this issue.

Cooney said that he recommends approval of the variance requests to exceed the maximum permitted grade alteration by 5 feet, and to exceed the maximum allowable eave encroachment by 2.6 feet, for the property at 20350 Lakeview Avenue, as proposed and based on the following conditions:

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

Yes. The purpose and intent of the ordinance is to limit properties from circumventing the house height limitations by building up the grade around a property, or altering overall drainage patterns in a significant or detrimental way. Neither of those issues are the case in this instance. The roof eave encroachment would be virtually unnoticeable and is an attempt to match the existing style of the house.

(b) Is the variance consistent with the comprehensive plan?

Yes. The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage safe, healthy and quality housing that respects the natural environment of the community.

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

Yes. The proposed use of the property is reasonable, and the variance requests are both minor (based on square footage).

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

Yes. The existing roof eaves were built to a 6 foot depth for the home, and the encroachment is an attempt to match that style. The grading near the addition is necessary to make the drainage work in light of the surrounding grading. While the grading for the accessory structure seems discretionary, the area is minimal and the impacts are negligible.

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

No. The proposed variances would not alter the essential character of the locality. The variances will create a negligible impact.

Cooney concluded his staff report.

Andrea Swan, project architect, said that the property owners need garage storage, and that the lower level creates access for that storage. She said that the realigned garage is more clean and appealing, and that they are only asking for the eaves to encroach.

Todd Irvine, project landscape architect, said that the garage itself would still be 2.4 feet beyond the setback. He also pointed out the areas of grade alteration for the variance.

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

Werneiwski asked if there was space to access the lower level storage from the upper level garage. Irvine said that there was not since that would increase the accessory structure size. He said that the grade change would not add any massing and would be invisible from the lake.

Webster asked about the garage setback. Cooney said that it was 100.6 feet. Swan said that there were no eaves on the garage and that it would be a green roof.

The commissioners expressed their support of the project.

Motion to approve by Werneiwski. Motion was seconded by Webster. Motion carried 7-0.

OTHER BUSINESS

Planning Commission Reappointments and Approve 2018 Planning Commission Chair & Vice-Chair

Werneiwski introduced the agenda item.

Cooney presented his staff report and said that both Bob Werneiwski's and Bill Sharpe's terms will expire on April 1, 2018. He said that if both desire to return for a second term, the Planning Commission must make a formal recommendation to the City Council for reappointment to second three-year terms expiring on April 1, 2021.

Werneiwski said that he was willing to serve again, but if the commission wanted new blood, he would be fine with that as well. Sharpe said that he would not serve another term. He said that he may seek out another city volunteer opportunity such as park board.

Cooney said that Bob Werneiwski and John Studer currently serve as Planning Commission Chair and Vice Chair respectively and that the Planning Commission should determine if they would like to recommend reappointment of both commissioners to these roles, or if there is a desire to reshuffle these positions for 2018.

Werneiwski and Studer expressed their willingness to stay on in their respective positions if that was the wish of the other commissioners.

Motion by McNeill recommending reappointment of Bob Werneiwski to the Deephaven Planning Commission for an additional term ending on April 1, 2021, and recommending the reappointment of Bob Werneiwski and John Studer as Planning Commission Chair and Vice Chair, respectively, for another year. Motion was seconded by Sharpe. Motion carried 7-0.

LIAISON REPORT

Councilmember Jewett said that the February 5 City Council meeting was the only meeting that took place since the last Planning Commission meeting.

He said that the council reviewed changes to the variance request at 19365 Lake Avenue. He said that there were some changes to the chimney and hardcover totals from the variance approval. Jewett said that the city approved the chimney but required that the applicant stick to the approved hardcover amount.

Cooney said that the city allowed them to reconfigure the hardcover footprint to suit their needs, but not expand the total hardcover. Jewett said that he felt that any hardcover expansion should come back before the Planning Commission.

Jewett said that for the variance request at 3244 Robinsons Bay Road, the council allowed for the additional impervious areas but that they had to be a product called Grasspave. He said that the Grasspave areas and the raingardens would be part of the maintenance agreement.

Jewett said that the council held the first reading for several ordinances.

Kent Carlson said that he was in the audience to see if there would be any discussion on the Pines neighborhood. Daly said that he would have the building drawings by the end of the week and expected the issue to be on the next Planning Commission agenda.

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Carlson said that, after the analysis by the Planning Commission, he would like them to make a recommendation to the City Council.

ADJOURNMENT

Motion by Werneiwski to adjourn the meeting. Motion seconded by Studer. Motion carried 7-0. The meeting adjourned at 7:45.

Respectfully submitted,
Dale Cooney
Zoning Coordinator