

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

PRESENT: Chairman Kent Carlson and Commissioners Brandon Gustafson, John McGary and Pete Onstad

ABSENT: Commissioners Barbarajeane Brandt, Scott Hemink and Gen McJilton

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

MINUTES OF June 18, 2013

Motion by Commissioner McGary, seconded by Commissioner Onstad, to approve the minutes of June 18, 2013. Motion carried 4-0.

PUBLIC HEARINGS

Variance requests - Bob and Karen Berman, 20260 Cottagewood Road – request to encroach into the minimum required north side and lake yard setbacks and to exceed allowable impervious surface area to re-construct an existing boathouse.

Section 1310.02 of the Zoning Ordinance requires a north side yard setback of ten feet and a minimum lake yard setback of one hundred feet from the Ordinary High Water Level. The existing non-conforming boathouse is setback zero feet from the north property line and zero feet from the Ordinary High Water Level. A variance of ten feet of the required north side yard setback and one hundred feet of the required lake yard setback is being sought.

Section 1350.06(2)(a) of the Shoreland Management Ordinance permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 27.1%. A variance to exceed the maximum impervious surface area by 2.1% is being sought.

Zoning Coordinator Karpas summarized the request. He said the applicants have made application for variances to remove and reconstruct a sixty square foot boathouse which encroaches into the required ten foot north side yard setback, one hundred foot lake yard setback and exceeds the twenty-five percent maximum permitted impervious surface area. He said he recommended approval conditioned that the structure be set back a minimum of three feet from the north side yard property line to permit the structure to be constructed and maintained without trespassing onto the adjacent property.

Chairman Carlson asked what the permitted setback was for smaller accessory structures in the R-3 District. Karpas said the city permits a reduced setback of four feet from the side and rear property lines for structures under 120 square feet.

Commissioner Gustafson asked if the structure was currently used. Mr. Berman said the condition of the structure prohibited it from being used at this time. Commissioner Onstad asked what the intended use of the structure was. Mr. Berman said it would be used to store boat related items such as oars and life jackets.

Chairman Carlson agreed with moving the structure off the north line and asked the applicant if they would also be agreeable to move it further away from the lake. Mr. Berman said he would.

Commissioner McGary noted the accessory structure already exists and he believes it is a reasonable use for the property. He supports the request provided the structure is moved off the north property line and further from the lake.

Commissioner Gustafson asked if there were any comments submitted by adjacent neighbors. Karpas said he had not received any. Chairman Carlson opened the public hearing. Hearing no public comment the hearing was closed.

Chairman Carlson agreed the request was reasonable and said the applicant has the right to repair an existing non-conforming structure, but since the request is to replace it, the city can ask that it be relocated. He's in favor of the request with a modified setback.

Motion by Commissioner McGary to recommend the council approve the variance request, as amended, to encroach six (6) feet into the required ten (10) foot north side yard setback, ninety-six (96) feet into the required one hundred (100) foot lake yard setback and to exceed the maximum permitted impervious surface area by 2.1% for the proposed boathouse at 20260 Cottagewood Road based on Staff's recommendation.

Motion based on the following findings: (a) the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated dimensional requirements and impervious surface standards of the ordinance; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development of residential property within the city; (c) the reconstruction of the existing boathouse is a reasonable use of the property. It permits the continued use that has existed on the property for a number of years. The footprint reduces the current encroachments and the relocation along the north property line permits the construction and maintenance of the structure without impacting the adjacent property; (d) the placement of the boathouse proceeds the existing home and is a very unique characteristic on the Lake. The boathouse appears to be beyond normal maintenance and repair which would be permitted without a variance. Non-conforming structures are protected by state statute provided they are not expanded; and (e) the proposal would not alter the essential character of the locality since it would have no additional visual impact beyond what currently exists.

Motion Seconded by Chairman Carlson. Motion carried 4-0.

Variance requests - Dan Feidt, 20180 Lakeview Avenue – request to encroach into the minimum required front, exterior east side and west side yard setbacks and to exceed allowable impervious surface area to replace a roof on an existing non-conforming detached garage, to construct a lakeside deck and to construct multiple additions.

Section 1310.02 of the Zoning Ordinance requires a minimum front yard setback of thirty-five feet, a minimum exterior east side yard setback of twenty-five feet and a west side yard setback of fifteen feet. The existing non-conforming garage is setback one foot, six inches from the front property line and one foot, one inch from the west property line. A variance of thirty-three feet, six inches of the required front yard setback and thirteen feet, eleven inches of the required west side yard setback is being sought for the proposed garage alteration. The proposed addition would be setback eight feet, eleven inches from the east property line. A variance of sixteen feet, one inch is being sought for the proposed addition.

Section 1310.02 of the Zoning Ordinance requires a minimum lake yard setback of one hundred feet from the Ordinary High Water Level (OHWL). The proposed lakeside deck would be setback fifty-five feet from the OHWL. A variance of forty-five of the required lake yard setback is being sought.

Section 1350.06(2)(a) permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 37.8%. A variance to exceed the maximum impervious surface area by 12.8% is sought.

Zoning Coordinator Karpas summarized the request, noting the applicants were granted variances to demolish the existing non-conforming structure and construct a new single family home which would have encroached into the required lake yard setback and exceed the maximum permitted impervious surface area in 2012. Since that approval, the homeowners have decided to scale back the project and are submitting a new variance application.

He said the new proposal is to remodel the existing home which includes an interior remodel, the removal and reconfiguration of the lakeside deck and the construction of an addition within the required lake yard setback, the construction of a new addition within the required exterior east side and lake yard setbacks and the replacement of a flat roof and addition of a parapet wall around an existing non-conforming detached garage which encroaches into the required front and west side yard setbacks. The entire proposal exceeds the maximum permitted impervious surface area.

Dan Feidt said he was available to answer any questions.

Chairman Carlson opened the public hearing. Zoning Coordinator Karpas said he received written comments from Lloyd Sigel, 20140 Lakeview Avenue, stating he had no objections. Hearing no further public comment, the hearing was closed.

Commissioner McGary asked about what looked like an egress window on the plan. Mr. Feidt said that was a concrete pad that covers the well. It was noted the pad was not included on the impervious surface calculations. McGary asked about the purpose of the parapet wall. Mr. Feidt said the existing soffit on the garage has deteriorated and the addition of a sloped roof didn't look good aesthetically. McGary confirmed the height of the garage would be fourteen feet with the parapet wall. Mr. Feidt said that was correct.

Commissioner Onstad believes the proposed improvements are a reasonable use of the property and he's not sure the exclusion of the concrete pad in the impervious surface calculation will have that much of an impact of the overall percentage. He is generally supportive of the request.

Chairman Carlson noted, in terms of the exterior side yard requests, the platted right of way is fifteen feet in width and most likely will never be developed. He would like to see the impervious surface calculations verified and corrected noting it didn't appear that some stone steps included in both plans were counted in the second plan. Mr. Feidt said he brought that up to the surveyor himself and was told that they were, but that they were labeled differently. He said he would have the tabled clarified for the Council. Carlson feels the applicants have done their best to comply with the ordinances and have taken steps to remove encroachments from city property with the removal of retaining walls from the right-of-way. He said he's in favor of the request.

Commissioner McGary is in favor of the request, he believes the proposal falls within the intent of the ordinance.

Motion by Chairman Carlson to recommend the City Council accept the recommendation of staff to approve the variance requests of the required lake setback for the deck reconstruction and east and west additions, the variance request of the required exterior east side yard setback for the east addition, the variance requests of the required front and west side yard setbacks for the proposed detached garage alteration and the variance request to exceed the maximum permitted impervious surface area as presented for the property located at 20180 Lakeview Avenue.

Motion based on the following findings: (a) the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when these standards cannot be met, it outlines the procedures to vary from these standards. In this instance, the applicant is seeking to vary from the stated dimensional requirements of the ordinance; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development of residential property within the city; (c) the interior remodel and expansions, including the lakeside deck reconfiguration continue the reasonable use of the property. The proposed exterior alterations do not increase any of the existing setback encroachments and the project as a whole will

reduce the existing non-conforming impervious surface coverage; (d) the placement of the home within the required exterior east side and lake yard setback creates a practical difficulty in altering the footprint of the structure. The proposed east and west additions and reconfiguration of the deck, though they alter the footprint of the structure, do not increase the existing encroachments in the required exterior east side and lake yard setbacks. The location of the existing detached garage within the required front and west side yard setbacks creates a practical difficulty in modifying the structure. The proposal to replace the existing flat roof does not require a variance, but the addition of a parapet wall constitutes a structural change and requires city approval. The impervious surface area currently exceeds the maximum permitted percentage, the proposal would reduce this non-conformity; and (e) the proposal would agree with the essential character of the neighborhood since it would be consistent with what currently exists and the steps taken by the applicants to reduce the impervious surface area on the property can do nothing but improve the character of the neighborhood.

The motion is conditioned that the applicants revise the impervious surface table to reflect the correct impervious surface area.

Motion Seconded by Commissioner Onstad. Motion carried 4-0.

OLD BUSINESS

None

LIAISON REPORT

Council Liaison Gustafson summarized the Council's discussion on the proposed ordinance regulating non-conforming lots. He said further discussion will be held on how height should be measured. He discussed the concept of modeling on how that would be helpful in determining the impact of new structures in cases where variances are being sought.

He said the Council approved the conditional use permits requests for the Medlin's single family home on Linwood Road and the sign on Minnetonka Boulevard and approved the conditional use permit and variance request for the Olmsted's new home, also on Linwood Road. He discussed his concerns about grade alterations and the city's need to have a greater grasp on enforcement, especially after the fact. He feels the city needs to be able to approach a property owner in the future if their grading plan does not perform as anticipated. The Commission discussed the issue and agreed this type of provision may need to be added to the ordinance.

ADJOURNMENT

Motion by Commissioner Gustafson to adjourn the meeting, Commissioner Onstad seconded. The meeting adjourned at 8:10.

Respectfully submitted,
Gus Karpas
Zoning Coordinator