

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

PRESENT: Commissioners John Daly, Jeff Eaton, Doug Nagle, John Studer, and Cindy Hunt Webster.

ABSENT: Chairman Werneiwski, Commissioner Melissa McNeill

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

MINUTES OF JULY 17, 2018

Motion by Webster, seconded by Eaton, to approve the minutes of July 17, 2018. Motion carried 5-0.

PUBLIC HEARINGS

Variance request of Marcy Wicka, property owner, to encroach into the exterior side yard setback in order to build a new house at 18710 Azure Road

Acting Chairman Studer introduced the agenda item.

Zoning Coordinator Cooney presented the staff report. Cooney said that Marcy Wicka, property owner at 18710 Azure Road, is requesting a variance to build a new house on the property. He said that the new house would replace the existing nonconforming house on the property which was built in 1920 according to Hennepin County Records. Cooney noted that the property is an 8,750 square foot R-3 lot.

Cooney said that Section 1302.05(3) of the zoning ordinance requires a 25 foot exterior side yard setback, and the applicant proposes a 19 foot exterior side yard setback and is seeking a variance of 6 feet from the minimum required side yard setback. He said that, as proposed, the wraparound porch, entryway, and a small portion of the stairwell would encroach into the setback.

Cooney noted that the existing house encroaches 6.3 feet into the exterior side yard setback. He noted that the front entryway and the front of the existing house encroach into the front yard setback. Cooney said that the front encroachment would be eliminated as part of the proposed house. He said that, overall, the proposed encroachment area is comparable to existing conditions while all encroachments are reduced or eliminated.

Cooney said that the property is 62.5 feet wide, and the combined setback requirements would limit the overall house width to 27.5 feet wide. He noted that while the majority of the house meets this requirement, the entry area and porch are, in his opinion, reasonable encroachments that allow for a better functioning main living area and an outdoor area. Cooney said that the reasonableness of the encroachment is further enhanced by the fact that it is only the first level of the house that encroaches and that the encroachment faces the street.

Cooney said that, while the property exceeds 25% impervious area, it is located beyond the Shoreland Management District, and therefore a mitigation proposal is not required as part of the variance request. He said that the property owner will be required to submit a mitigation plan at the time of building permit to mitigate the property to the equivalent of existing impervious area or less.

Cooney said that he recommends approval of the variance request to encroach 6 feet into the minimum required exterior side yard setback for the new house at 18710 Azure Road, as proposed, based on the following findings:

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

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. The applicant is seeking to vary from the stated setback and dimensional standards of the ordinance in order to replace a non-conforming house built in 1920 on a substandard lot with a new house that has comparable encroachments. The objectives are in harmony with the purpose and intent of the ordinance.

Is the variance consistent with the comprehensive plan?

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

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

The proposal puts the property to use in a reasonable manner. The proposed house is a modest house on a substandard lot and the overall encroachment is comparable to what exists today. The first floor encroachment faces a street which minimizes the impacts to adjacent neighbors.

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

Yes. The property is 43% of the minimum lot size for the zoning district and is 62 feet wide. The exterior side yard setback requirement for a lot of this width creates unique circumstances that restrict the buildable area on this substandard property.

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

The proposal would not alter the essential character of the locality. The proposal is consistent with the single-family character of the neighborhood and is compatible with the size and scale of the surrounding houses.

Cooney concluded his staff report.

Webster asked what is considered the front yard for a corner lot. Daly said that it was the address. Jewett said that an address could be changed.

Cooney said that typically with new houses the city considers the front yard the yard with the driveway. He said that the city has been flexible based on the lot to allow something to fit best within the lot as this property is attempting to do.

Jewett asked about mitigation plan and said that it is not required as part of the variance request. Cooney said that was correct since it is not part of the variance request and the mitigation plans would be required prior to building permit.

Webster asked about the slope of the driveway. Studer said that the garage floor is at 1000 feet, which is over 2 feet higher than existing which creates slope.

Studer opened the public hearing.

Rick Storlien of RDS Architects, architect for the applicant, said that the house was designed as an age-in-place house and designed for wheelchair access and the garage was designed to accommodate this. He said that there are no steps required for the garage or the front door. He said access is not currently an issue for the property owner. He said that the garage could be lowered if need be.

Webster asked about the location of the front door. Storlien said that there were two: one on Azure Road and one in the screened porch on Virginia Avenue.

Studer asked about drainage and how that would be handled. Storlien said that the way they have handled it in the past is downspouts that go into underground drainage.

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Webster asked where Storlien thinks the raingarden would be. Storlien said the north end of the property.

Webster asked about the engineer's stormwater comments. Storlien said that they would provide a plan to address the issues raised by the city engineer. Cooney noted that some of the engineer's stormwater comments are standard comments.

Studer said that this would be addressed at the staff level at the time of building permit.

Webster said that she wanted to make sure that there was enough room to manage drainage on the property. She said it was a lot of house on the lot and would there be a consideration to not have the screened porch.

Storlien said they looked at a 4 foot porch, but it was unusable. He said that a screened porch was a high priority for the property owner such that the house footprint had been reduced to accommodate the porch.

Rick Vogt of 18780 Lake Avenue said that he tried to get a variance for his porch and was denied. He said that he was curious as to what was being proposed. Daly showed him the plan for the property.

Brian Tursi of 18745 Rutledge asked about the variance request and why this is a unique case. Studer said that is was a narrow lot. Webster said that is was a substandard lot and said that corner lots are a little problematic. Jewett said that, by virtue of having a corner lot, there are additional setback requirements. Cooney said that it is a small lot for the zoning district that has a minimum lot size of 20,000 square feet.

Webster said that Deephaven Park is unique and that there are a lot of small cottages. She said that the new houses on Rutledge didn't need variances since the lots were big enough.

Tursi thanked the planning commission for explaining the uniqueness of the property. He said that he has concerns about water management.

Studer closed the public hearing.

Daly said that it was good to hear from the architect on the water management issue. He said that they are reducing the legal nonconformities and that this is a win. He said that the narrowness of the lot creates challenges.

Studer said that it was a good attempt at being reasonable. He said to be mindful of the water management and that the house is a nice design.

Webster said that she doesn't want cookie cutter lot line to lot line houses. She said that she appreciates that the porch area is stepped back. Webster said that her concern was water management and would like to see the planning commission make a recommendation on that matter.

Nagle said that it is a nice design. He asked about the roof overhangs. Cooney said that they were 2 feet beyond what is shown on the survey and are allowed to be as deep as 3 feet. Nagle said that his primary issue is water and wants to make sure the problem is not passed along to someone else.

Eaton said that he likes that the house is stepped back to reduce the massing. He asked if plans are available prior to the meeting or if people need to come to the planning commission meeting.

Cooney said that the plans are available anytime during regular city office hours.

Motion by Webster to approve the variance request as proposed with the Planning Commission recommendation that the applicants submit mitigation plan to mitigate the impervious area to existing conditions or less. Motion was seconded by Nagle. Motion carried 5-0.

LIAISON REPORT

Jewett said that the variance requests at 20545 Carson Road and 19370 Lake Avenue were approved at the August 6 meeting. He said that the Lake Avenue driveway was widened since there were concerns about the function and safety of the garage. He said that the issue is having two cars on the street or in the driveway.

Eaton said that most people do not know about the mitigation in place for these houses and they react to the size.

Webster asked if these things are being maintained. Jewett said that this will come up in 2020.

Jewett said that there are new stop signs on Linwood Road at Bayview Court.

Jewett said that the application to consider the 20430 Lakeview Avenue accessory structure was withdrawn.

He said that a levy increase of 4.3% was approved and Minnetonka Boulevard would be redone north of the bridge. He said that the proposal would improve approximately 4 miles of road or 12% of total road miles.

Jewett said that the council asked the Planning Commission to look into short term rental regulations and make a recommendation. He said that the issue was raised by a resident at the City Council meeting.

Webster asked if it was a problem. Nagle said that he sees endless parties at the current Airbnb house. Cooney said that Greenwood regulates the issue. Cooney said that his preference would be to either regulate the nuisance impacts or ban short-term rentals altogether since the middle way has been difficult to enforce based on his experience. Nagle said that he would not want to ban short term rentals.

Jewett said that there will be a ribbon cutting at the new warming house on October 13 at 2:00 p.m.

ADJOURNMENT

Motion by Nagle to adjourn the meeting. Motion seconded by Eaton. Motion carried 5-0. The meeting adjourned at 8:12.

Respectfully submitted,
Dale Cooney
Zoning Coordinator