

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**AUGUST 25, 2005**

**1. CALL TO ORDER**

Chair Hart called the meeting to order at 6:30 p.m.

**2. ROLL CALL**

Commissioners Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart were present.

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, and Planning Intern David Abel.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted with the modification provided in the change memo dated August 25, 2005.

**4. APPROVAL OF MINUTES:** August 11, 2005

***Allendorf moved, second by Dahl, to approve the August 11, 2005 meeting minutes as submitted with the changes from the change memo dated August 25, 2005:***

Page 21, Item 8C – Lutz Construction:

- b. Prior to issuance of a building permit, complete the following:
  - (1) Submit for staff review and approval:
    - (a) Final grading, drainage, and erosion control plans.
    - (b) An updated soils test and soils compaction test. Any test conducted in conjunction with the 2001/2002 variance request will not be considered valid.
    - (c) Submit proof of having recorded this resolution with the county.
    - (d) Submit proof of having recorded the conservation easement and hold harmless agreement with the county.

- (e) Pay any delinquent utility bills.
- c.**\_\_\_\_(2) A wetland buffer must be maintained 16.5 feet upland of the delineated edge of the wetland on the property.
- d.**\_\_\_\_(3) Minimum lowest floor elevation is 893.5.
- e.**\_\_\_\_(4) No fill is allowed below the 891.5 elevation.
- f.**\_\_\_\_(5) If a front yard setback variance is not approved for the existing garage, the garage must be removed within 30 days of the city's final decision on the variance request.
- g.**\_\_\_\_(6) The new garage must match the new house in design, materials, and color.
- h.**\_\_\_\_(7) These variances will end on December 31, 2006, unless a building permit for the house has been issued or the city has approved a time extension.

***Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes.  
Motion carried.***

## 5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of August 22, 2005:

- Adopted a resolution approving a preliminary plat with the planning commission's recommendation for a three-lot subdivision at 18517 Ridgewood Road for Rod Peterson (05041.05a).
- Adopted a conditional use permit with a setback variance in accordance with the planning commission's recommendation for a second detached garage at 16560 Gray's Bay Boulevard for Bob Pillsbury (05056.05a).
- Adopted a conditional use permit and a site and building plan review for a parking ramp at the southwest corner of the I-394/Hopkins Crossroad Intersection for the Metro Transit Parking Ramp. The city council waived the letter of credit requirement, but will contribute \$200,000 to the landscaping of the project if the project meets the city's requirements as an incentive. The city

council discussed options to address the traffic hazards in that area.

Olson announced that the next planning commission meeting will be held September 8, 2005.

**6. REPORT FROM PLANNING COMMISSION MEMBERS: None**

**7. PUBLIC HEARINGS: CONSENT AGENDA**

No items were removed from the consent agenda for discussion or separate action.

***Dahl moved, second by Chaleen, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:***

**A. Front yard setback variance from 35 feet to 32 feet to add a screen porch to the home at 16707 Cottage Grove Avenue for Molly and Fotios Tlas (05059.05a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 32 feet to construct a 19-foot by 13-foot screen porch at 16707 Cottage Grove Avenue. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
  - a. The location of the existing home and the angle of the front property line.
  - b. The 40-foot right-of-way for Cottage Grove Avenue in front of the home.
- 2) The variance would meet the intent of the ordinance since:
  - a. The variance requests are for a reasonable use of the property.
  - b. The addition would have a greater front yard setback to the north than the existing home.
  - c. The proposed addition would not alter neighborhood character.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 2) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 3) The building material and color of the screen porch must match the existing home.
- 4) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

**B. Variances for a new house at 3118 Beverly Place for John Boyer (05061.05a):**

- 1) **Lot area variance from 22,000 square feet to 16,000 square feet;**
- 2) **Lot width at right-of-way variance from 80 feet to 55 feet; and**
- 3) **Lot width at building setback variance from 110 feet to 74 feet.**

Adopt the resolution on pages A1–A4 of the staff report, which approves: (1) a lot area variance from 22,000 square feet to 16,000 square feet; (2) a lot width at right-of-way variance from 80 feet to 55 feet; and (3) a lot width at setback variance from 110 feet to 74 feet for a new house at 3118 Beverly Place. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
  - a. The property is a legal, non-conforming lot of record. Lot area and width variances would be required to construct *any* new home on this property.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The proposed house would meet all setback requirements.

- b. The property is a substandard, corner lot that is oddly shaped. While there are other similar lots in the immediate area, this is a unique circumstance not common to all R-1 lots in the city.
- c. The variances would not alter the unique character of the Beverly Place area.

Staff approval is based on the following conditions:

- 1) Before the city issues a building permit:
  - a. Submit proof of having recorded this resolution with Hennepin County; and
  - b. Install erosion control and tree protection fencing for staff review. This fencing must be maintained throughout the course of construction.
- 2) The driveway must be paved.
- 3) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

**C. Sign setback variance to relocate the Bunker Indoor Golf Center sign at 14900 State Highway 7 for Signart Co., Inc. (86091.05a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance from 10 feet to 7 feet to construct a monument sign for Bunker Indoor Golf Center at 14900 State Highway 7. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
  - a. The construction of the Highway 7 frontage road, and the sidewalk in front of the store.
- 2) The variance would meet the intent of the ordinance since:
  - a. The variance request is for a reasonable use of the property.
  - b. The proposed sign would not alter neighborhood character.

- c. The signage would meet all size requirements.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a sign permit.
- 2) This variance will end on December 31, 2006, unless the city has issued a sign permit for the project covered by this variance or approved a time extension.

***Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes. Motion carried and the items on the consent agenda were approved as submitted.***

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

## **8. PUBLIC HEARINGS**

### **A. Variance to allow a semi-circular driveway at 1901 Timberline Spur for Peter and Diana St. Peter (05060.05a)**

Chair Hart introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Peter St. Peter, 1901 Timberline Spur, applicant, thanked staff for their creative solution.

The public hearing was opened. No testimony was submitted and the hearing was closed.

***Frisque moved, second by Chaleen, to adopt the resolution on pages A1–A3 of the staff report, which approves a variance to allow a semi-circular drive at 1901 Timberline Spur for Peter and Diana St. Peter. This resolution is based on the following findings:***

- 1) The proposal meets the variance standards, because:

- a. The proposed drive would have no negative impact on public safety, convenience, or general welfare.
- b. The proposed use meets the intent of the ordinance and is reasonable. It would not impact traffic safety or snow storage
  - (1) The proposed drive would have a total access width of 21 feet. This is less than the 35 feet allowed by code.
  - (2) The total access width of the proposed drive would be proportionally the same as a 35-foot-wide access on a lot with 110 feet of frontage.

Approval is subject to the following conditions:

- 1) Submit a grading permit application for staff review and approval.
- 2) Total driveway access width cannot exceed 21 feet.
- 3) Prior to issuance of the grading permit:
  - a. Submit proof of having recorded this resolution with the county.
  - b. Install erosion control fencing for staff inspection. This fencing must be maintained throughout the course of construction.
- 4) This variance will end on December 31, 2006, unless the City has issued a grading permit for the project covered by this variance or approved a time extension.

***Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes.  
Motion carried.***

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

**B. Side yard setback variance to build an addition to the existing two-stall garage at 4416 Briarwood Drive for Bob and Leah Moore (05037.05a)**

Chair Hart introduced the proposal and called for the staff report.

Teague reported. He recommended denial of the application based on the findings listed in the staff report.

Bonoff asked how much of the easement would need to be vacated. Teague illustrated the area on the screen. Chair Hart estimated the area to be two feet. A setback variance would still be needed.

Bob Moore, 4416 Briarwood Drive, applicant, stated that:

- The utilities are located on the other side of the house.
- The neighborhood is fully developed, so there is no chance of the need for additional utilities. If utilities were to be added, they would be added on the same side as the current utilities.
- In regard to creating a precedent, he asked that his application be considered on its own merits and look at each case individually. If it is the right thing to do, it should be granted.
- He appreciated the effort to create an alternate plan, but it would be more costly. Moving five feet would require greater structural changes. An additional five feet would not be worth the cost.
- All neighbor responses were positive.
- He requested staff's recommendation be reconsidered and the variance approved.

Chair Hart explained that the commission does not consider economic hardship justification to approve a variance. Setting a precedent is very important. The commission needs a rationale for its decisions. A 24-foot by 24-foot garage is what the city considers a reasonable use.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Allendorf asked staff to explain the importance of setting a precedent. Olson explained the importance of a precedent as advised by the city attorney. Chair Hart mentioned a similar situation denied by the planning commission and city council in July.

Britain appreciated the applicant's well presented argument.

***Bonoff moved, second by Allendorf, to deny the proposed side yard setback variance from 10 feet to 5 feet at 4416 Briarwood Drive. Denial is based on the following findings:***

- 1) The property does not contain any unique physical circumstance to justify a hardship for the variance.
- 2) The applicant has reasonable use of the property with the current single-family home and two-car garage.
- 3) Granting of the variance may set a precedent for similar variances for third-stall garage additions in the neighborhood.
- 4) The easement vacation would make it difficult for any future public drainage and/or utility work along this lot line.
- 5) The easement vacation would set a precedent for future requests to build within drainage and utility easements.

***Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes.  
Motion carried.***

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

## 9. ADJOURNMENT

***Cheleen moved, second by Dahl, to adjourn the meeting at 7:00 p.m.  
Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary