

**MINNETONKA PLANNING COMMISSION
MINUTES**

JULY 7, 2011

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, and Natural Resources Manager Jo Colleran.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with modifications provided in the change memo dated July 7, 2011.

4. APPROVAL OF MINUTES: June 16, 2011

Adams moved, second by Sjeklocha, to approve the minutes of the June 16, 2011 meeting as submitted with the following change:

Page 9: She was in a CVS retail store in Pittsburgh . . .

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

5. REPORT FROM STAFF

Gordon reported on items reviewed by the city council at its June 20, 2011 meeting:

- Adopted an amendment to the variance ordinance.
- Adopted an amendment to the telecommunications ordinance regarding monopoles.
- Introduced an ordinance to rezone floodplain property for the Rutledge Circle project.
- Discussed the concept plan for the YMCA. A public meeting will be held July 19, 2011.
- Took action to require removal of equipment associated with a home occupation.

The planning commission's next meeting is tentatively scheduled for July 21, 2011. Ten items are currently on the agenda.

Wischnack will reward the commissioner with the best question of the evening with a frisbee provided by the Metropolitan Consortium of Community Developers.

6. REPORT FROM PLANNING COMMISSION MEMBERS

Chair Cheleen reported on a meeting held by Westside Development Company. Staff met with Carl Robertson, the architect for the proposal, who walked those present through where the stakes were laid out. The building would be five stories in the front and six stories in the back with commercial use underneath and condominiums above. His biggest concern was what would be done with the property rear of the site, close to the creek. A formal plan would need to be submitted next and then reviewed by the planning commission and city council.

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

A. Setback variance for a residential development identification sign near the intersection of Smetana Road and Sanibel Drive (11008.11a)

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

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

Adams asked if the sign would be illuminated. S. Thomas directed the question to the applicant.

Adams noted that there is an identification side on the north side of Smetana Drive. S. Thomas confirmed that sign was administratively approved by staff, met ordinance requirements, and was able to be located without a variance.

A. Thomas asked if the proposed sign would be about the same size as the existing sign. S. Thomas answered affirmatively. The intent is that the signs would complement each other.

A. Thomas asked if the ordinance restricts the number of signs allowed for one site. S. Thomas responded positively. The ordinance allows residential developments one-identification sign unless there are multiple entrances. In this case, Beachside has one identification sign and the proposal sign would identify Beachside II.

Sandal Hart, 5450 Sanibel Drive, president of the Beachside II Homeowners Association, applicant, stated that the proposed sign would be much smaller than the one at the corner. The existing sign is 20 feet long. The proposed sign would be 8 feet by 3.5 feet. The same design, stonework, and font would be used. It would not be illuminated. She was available for questions. Adams favored it being illuminated because he has driven down there at night and it is difficult to identify the entrance. Ms. Hart explained how the townhomes are platted and the different associations. The sign would say "Beachside" rather than "Beachside II" to prevent confusion.

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

Adams moved, second by A. Thomas, to adopt the resolution on pages A11–A14 of the staff report with the modifications provided in the change memo dated July 7, 2011, which approves the proposed setback variance from 10 feet to 1 foot for location of a monument sign near the intersection of Smetana Road and Sanibel Drive. Approval is based on the following findings:

- 1) There are practical difficulties in complying with the required 10-foot setback:
 - a. REASONABLENESS:
 - (1) It is reasonable to identify a residential development of over 300 units with a monument sign.
 - (2) The proposed sign would be set back just 1 foot from the Beachside property line, but 24 feet from the paved surface of Smetana Road. This setback to pavement is reasonable, as it is similar to other townhome development identification signs in the community.

- b. UNIQUE CIRCUMSTANCE: There are several circumstances unique to the Beachside property in the area of the proposed sign that were not caused by current owners of Beachside Two-1.
 - (1) The county removed the development's existing identification sign as part of the Shady Oak Road project.
 - (2) Excessive Smetana Road right-of-way results in a 23-foot wide boulevard area between the northern Beachside property line and the Smetana Road pavement. Meeting the required 10-foot setback would place the sign over 30 feet from the traveled portion of the road, essentially negating its identification purpose.
 - (3) There are several mature trees located just at the required 10-foot setback. A sign meeting setback would be "lost" amongst these existing trees.
 - (4) The requested setback variance is not based on economic considerations.
 - c. CHARACTER OF LOCALITY: The requested setback variance would not alter the essential character of the area. The setback of the proposed sign would be similar to several utility structures along Smetana Road, which are permitted without any required setbacks.
- 2) The proposal is in harmony with the general purposes and intent of the zoning ordinance.
 - a. The sign is reasonably sized and provides appropriate identification.
 - b. The sign is not anticipated to cause any safety issues, as it would be located over 20 feet from the paved surface of Smetana Road and 17 feet from an adjacent sidewalk.
 - c. The proposed sign would be located no closer to the property line than other utility boxes along roadway.
 - 3) The proposed variance is consistent with the comprehensive plan. The sign would not negatively impact the surrounding, existing residential

neighborhood. Rather, it would aide in identification of an area providing an attached housing option within the community.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. The following documents must be prepared by an attorney knowledgeable in the area of real estate and must be submitted for the city attorney's approval:
 1. An easement encroachment agreement.
 2. A hold harmless agreement, noting that the city will not be responsible for any damage to the sign.
 - b. A copy of this resolution must be recorded with the county and a copy of the recorded document returned to the city.
 - c. Install erosion control and tree protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.
- 2) The constructed sign must be in relative conformance with the sign elevation date-stamped April 25, 2011 and must be located as depicted on the submitted survey date-stamped April 25, 2011.
- 3) This variance will end on December 31, 2012, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

An appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

B. Side yard setback variance for construction of a deck at 16341 Temple Terrace. (06043.11a)

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

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

Sjeklocha asked where she could find the city's comprehensive guide plan. Thomson explained that the entire comprehensive guide plan is on the city's website: eminnetonka.com and is divided by sections. The land use section provides land use designations for each property, and outlines overall policies and guiding principles.

A. Thomas asked if the deck had been started. Thomson said that the boards in the photo had been left since the addition was done.

Lehman asked Thomson to explain why this application requires a variance rather than an expansion permit and why a variance is needed when a setback variance for 5 feet was already granted. Thomson explained that an expansion permit would apply to legal, nonconforming uses. A property is legally nonconforming if it met ordinance requirements when constructed and a change in the ordinance made the property nonconforming. In this case, it is not a legal, nonconforming use and, therefore, not eligible for an expansion permit. Variance approval is specific to the project which the planning commission reviewed. Any future improvement that wants to maintain that setback would need its own variance. The intention is to not grant a setback variance for the entire property for all structures, but only for the project proposed and approved because it was found to meet variance standards.

Adams asked for the expected life span of a silver maple tree. As much as he likes trees, he questioned whether it made sense to preserve the 50-year old maple tree. Colleran explained that silver maples live from 75 years to 125 years. Normally, silver maples will have breakage of limbs, but will withstand storms.

David Kiner, 16341 Temple Terrace, applicant, stated that the deck would be 10 feet from the fence which has been there 20 years. He hired a surveyor who discovered the property line is located 2 feet closer than he thought. The ledger board was put up when the siding was done. It will be removed when the deck is done.

Chair Cheleen noted it would not be difficult to build around the maple to save it at this time as long as some of the bigger limbs are trimmed. It is a good idea to try to save it. Mr. Kiner stated that it provides a lot of shade.

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

Lehman moved, second by Adams, to adopt the resolution on pages A15-A18 of the staff report with modifications provided in the change memo dated July 7, 2011, which approves the proposed side yard setback variance from 10 to 8 feet at 16341 Temple Terrace. Approval is based on the following findings:

- 1) There are practical difficulties in complying with the side yard setback requirement:
 - a. REASONABLENESS: The proposed side yard setback variance is reasonable. It is reasonable to construct a deck to provide outdoor living space for the homeowners. It is also reasonable to construct a deck on the property which maintains the same setback as the existing house, and does not encroach any further into the setback.
 - b. UNIQUE CIRCUMSTANCE: There are several circumstances unique to the property. The first circumstance unique to the property is the width of the lot. The lot is 92 feet wide, whereas 110 is the minimum standard for lots in the city. The second unique circumstance is the location of the house on the lot. The existing house is setback 6 feet from the east property line, which is not common to every single-family property. These unique circumstances provide practical difficulties in constructing the deck to meet the setback requirement. These circumstances were not created by the homeowner, and are not based on economic circumstances.
 - c. CHARACTER OF LOCALITY: The proposed deck would not adversely impact neighborhood character. The deck would be setback further from the side property line than the existing garage. As such, the deck would not have any adverse visual or encroachment impacts on surrounding properties.
- 2) The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the side yard setback requirement is to provide adequate separation between structures. Since the proposed deck would not extend any closer to the adjacent structure than the existing house, it meets the intent of the requirement.
- 3) The proposed variance is consistent with the comprehensive plan. The property is guided for low density residential uses. The guiding principles

in the comprehensive plan provide for maintaining, preserving and enhancing existing single family neighborhoods. The variance would preserve the residential character of the neighborhood and would provide investment in the property to enhance its use.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.
- 2) This variance will end on December 31, 2012, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

An appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

C. Shoreland setback variance and floodplain setback variance for the construction of a deck at 5658 Seven Oaks Court. (10017.11a)

Removed from the agenda at the applicant's request.

D. Conditional use permit and variance for reconstruction of a garage and construction of an accessory apartment at 3013 Lakeshore Boulevard. (11010.11a)

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

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

Sjeklocha confirmed with Thomson that the conditional use permit and variance would remain with the property regardless of the property's owner. Thomson explained that the conditional use permit conditions must be met regardless of the owner of the property.

Sjeklocha asked if it would be allowed for the accessory apartment to not be used as an accessory apartment. Thomson explained that if the use would be discontinued for more than one year, then the conditional use permit would expire. Sjeklocha questioned how the city could know if the use had not been utilized for more than one year. Thomson said that the city would be notified if the structure would be removed or improved by the building permit process.

Lehman questioned if the occupant of an accessory apartment is required to be related to the property owner or if any renter would be allowed. Thomson explained that zoning standards deal with the use of a structure. There are no requirements on who could live there, with the exception that the owner of the property must live in one of the units. The owner is free to rent the accessory apartment to anyone.

Lehman asked what steps the city takes when a property violates setback requirements. Thomson answered that the setbacks are verified during the building permit process. A violation would be caught during the building permit process or when the building inspectors visit the site. In this case, when the structure was built 40 years ago, the city would not have been aware that no variances were granted. This is a good opportunity for the property owner and city to grant reasonable variances to make the structure a conforming structure when it would be rebuilt.

Lehman asked if the city ever takes action to require a property owner to remove a structure in violation of the setback ordinance. Thomson stated that if a structure was built in violation of the setback ordinance, then the city would require the owner to acquire a variance or remove the structure.

Richard Kopy, 3013 Lakeshore Boulevard, applicant, has lived there since 1981, but not when the garage was built in 1966. Mr. Kopy stated that the original house was constructed in 1913. It was renovated in the 1940s and remodeled three times. A fire damaged the garage. He was bothered by the driveway width condition. His driveway is wider than 20 feet at one point, but it is necessary because of the skew of the garage entrance. At the garage door, the driveway is 20 feet in width.

Chair Cheleen visited the site and understood the driveway dilemma. He asked if the condition could allow the width necessary to make a safe turn. Thomson answered affirmatively. Mr. Kopyy has been a civil engineer his entire life. He is happy to make 20 feet at the street width and garage doorway, but in between there is a curve. There is not a lot of room in the driveway.

A. Thomas asked for the rationale behind requiring 20 feet. He thought of accommodating fire trucks and emergency vehicles. Thomson felt the main intent is to establish a maximum width at the property line to minimize the amount of improvements within the right of way to allow for maintaining roads.

Adams asked for the width of the driveway at the street now. Thomson was unsure. The condition was provided by engineering staff. Adams did not think it is wider than 20 feet.

Lehman asked if driveway reconstruction requires a permit. Thomson stated that reconstruction of the driveway between the street and the property line would require a permit from the city. Reconstruction of the portion of the driveway not in the right of way does not require a permit from the city.

Sjeklocha confirmed with Thomson that once the driveway reaches the property line, it could be oriented however the owner would want it. The proposed site is located in a shoreland district, so hard surface requirements would need to be met.

Sjeklocha asked for the hard surface requirements. Thomson explained that the maximum hard surface allowed is 30 percent within the first 150 feet of the lake. Building permits would be reviewed to ensure the requirement would be met.

In response to Sjeklocha's question, Thomson drew an illustration demonstrating that the width of a driveway located in a street right of way is the part of the driveway the city regulates. The owner may change the driveway located within the property lines, excluding the right of way, as long as hard surface requirements for the property are met. If the planning commission is comfortable with the current footprint of the driveway, then the condition could be amended to prevent the current footprint of the driveway located within the right of way from being expanded.

Chair Cheleen asked if that would be okay with the applicant. Mr. Kopyy agreed with that condition. It was never his intention to reduce the driveway width at the street. The right of way extends a good distance into his front yard. Mr. Kopyy said that maintaining the existing driveway would be fine.

Chair Cheleen confirmed with Colleran that the hard surface requirement includes the entire property. Anything within 150 feet of the ordinary high water level is maximum impervious coverage is 30 percent. A condition of approval requires the property to meet the impervious surface coverage requirement.

The public hearing was opened.

David Olshansky, 16901 Grays Bay Boulevard, supports the proposal. He stated that it would complement the area and be good for the neighborhood. The applicant is a very good neighbor.

No additional testimony was submitted and the hearing was closed.

A. Thomas did not have a problem with the driveway staying the same size. He wanted to make sure that the property did not exceed 30 percent hard surface coverage. Thomson said that initial calculations indicate that the site would not exceed the requirement. A condition of approval requires that a surveyor provide a final calculation and the site not exceed the 30 percent requirement. A. Thomas was comfortable with that.

Lehman asked if it would be reasonable to require the applicant to meet the 30 percent hard surface requirement if the site did not currently. Thomson explained that the condition states that if the plans include any additional hard surface then a survey must be included with the building permit showing that the 30 percent requirement would be met. If no hard surface would be added, then the requirement would not be triggered. Lehman felt that would be reasonable.

Adams moved, second by Magney, to recommend that the city council adopt the resolution on pages A19-A24 of the staff report with the modifications provided in the change memo dated July 7, 2011. This resolution approves the following items for reconstruction of the garage at 3013 Lake Shore Boulevard:

- 1) Conditional use permit for an accessory apartment
- 2) Front yard setback variance from 35 feet to 13 feet
- 3) Side yard setback variance from 10 feet to 9 feet

Approval is based on the following findings:

- 1) The proposal meets the required conditional use permit standards
- 2) There are practical difficulties in complying with the front and side yard setback requirements:
 - a. **REASONABLENESS:** The proposed addition is reasonable. It is reasonable to construct a new garage in the same location as the existing garage that was damaged by fire. Pushing the garage further back to meet the front yard setback would be difficult due to the existing slope on the back of the garage. It potentially would also have negative impacts on the site resources as it would require more impervious surface for the longer driveway necessary to access a garage in that location.
 - b. **UNIQUE CIRCUMSTANCE:** The circumstances unique to the property include the substandard lot size and width, and the location of the house on the lot. The lot is only 12,000 square feet in size and 80 feet in width, which is less than the minimum lot standards for single family residential properties. Additionally, the existing garage does not meet the front and side yard setback requirements. These circumstances are not common to every single-family property, were not created by the property owner, and are not based on economic considerations alone. These circumstances provide practical difficulties in constructing the proposed addition to meet the setback requirements.
 - c. **CHARACTER OF LOCALITY:** The proposal would not adversely impact the character of the locality. The addition would be architecturally integrated into the existing house with similar materials and design, which provides a cohesive appearance of a single structure. Secondly, the addition would be consistent with the existing building line along Lakeshore Boulevard. All of the homes along Lakeshore Boulevard except for one have nonconforming front yard setbacks, which range from 8 to 33 feet. Additionally, all of the homes on the north side of Lakeshore Boulevard have nonconforming setbacks of less than 10 feet. The proposed setbacks would be consistent with the setback characteristics of nearby properties and would not adversely impact the surrounding neighborhood.
- 3) The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front and side yard setback

requirement is to provide adequate separation between structures. The proposed addition would maintain the setbacks and building height of the existing house, and would not extend any closer to adjacent structures. As such, it meets the intent of the setback requirements.

- 4) The proposed variance is consistent with the comprehensive plan. The property is guided for low density residential uses in the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The comprehensive plan also encourages the development of accessory apartments to provide a more efficient utilization of the existing single-family house stock in the city. The proposed addition would preserve the single-family neighborhood, provide investment in the property, and provide flexible housing options.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. If the plans include any changes to the amount of hardsurface on the property, a certificate of survey must be submitted. The plans must not exceed the maximum hardsurface requirements outlined in the shoreland zoning district.
 - c. Submit a grading and erosion control plan for staff review and approval. The plan must not re-grade the property to change the drainage direction adjacent to the reconstructed garage.
 - d. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.
- 2) The accessory apartment must be constructed and maintained in substantial conformance with the plans date-stamped May 11, 2011.
- 3) The driveway width within the right-of-way may not be expanded.

- 4) The owner of the property must reside in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
- 5) The accessory apartment must comply with all applicable building, housing, electrical, plumbing, heating and related codes of the city.
- 6) All other provisions of the city code relating to single family dwelling units must be met.
- 7) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
- 9) The variance approval will end on December 31, 2012, unless the city has issued a building permit for the project covered by this resolution or approved a time extension.
- 10) The applicant must agree to the above conditions in writing.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

The city council is tentatively scheduled to review the item August 1, 2011.

E. Amendment to the expansion permit for construction of a new house at 16901 Grays Bay Blvd. (10007.11a)

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

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

Adams asked how adding the part shown in red did not increase the square footage. Thomson explained that the original second floor extended out to the dashed line. The proposal would pull in the second floor. It would create an equal swap of square footage.

Paul Vogstrom, 26 Kingsview Lane, and David Olshansky, 16901 Grays Bay Boulevard, introduced themselves. Mr. Vogstrom stated that 120 square feet would be reduced on the second floor. He described how the height would be minimized.

Chair Cheleen agreed the proposal would decrease the massive look of it.

The public hearing was opened.

Richard Koppy, 3013 Lakeshore Boulevard, applauded Mr. Olshansky for his proposal. It is a small lot and big house. He wanted to note that the proposal would allow a complete deck on the roof. He did not want to say that he should not have a deck on the third floor, but he had never seen a house this big with a deck on the entire roof of the house. He is a little nervous because he lives very close and lighting and the activity from the deck would be visible from his windows. He applauded bringing the house in to make the house look more presentable. He applauded Mr. Olshansky for the great investment he is making in the neighborhood. Mr. Olshansky will be a great neighbor. He just hopes the deck on the roof would be considered closely. He was not speaking negatively regarding the effort for the proposal, but he is nervous about that one design feature.

No additional testimony was submitted and the hearing was closed.

Adams noted that the deck was not there before. Thomson explained that there was a deck included in the previous house design. There is a staircase leading from the second floor up to the roof. The roof structure is a partial parapet wall. A roof-top terrace was approved with the original design.

Adams asked if any restrictions can be put on the deck. Thomson stated that the zoning ordinance allows a roof structure to be used as a terrace or deck area. There are code provisions that regulate lighting that would apply.

Magney moved, second by Sjeklocha, to adopt the resolution on pages A19-A23 of the staff report, which rescinds and replaces Planning Commission Resolution No. 2010-12 and approves an amendment to the expansion permit for construction of a new house at 16901 Grays Bay Boulevard. Approval is based on the following findings:

- 1) The applicant has met the burden of proof outlined in City Code §300.300.29 Subd. 7(c).

- a. **REASONABLENESS:** The proposed expansion is a reasonable use of the property. The new house would increase the shoreland and front yard setbacks from the previous house. The setbacks of the new house would increase from 20 feet to 38 feet from the shoreland channel, and from 11 feet to 20 feet from Grays Bay Boulevard.
- b. **UNIQUE CIRCUMSTANCE:** The circumstances justifying the expansion are unique to the property. The nonconforming rights of the property and the substandard buildable area are not common to every single-family property. These circumstances are not caused by the property owner, are not solely for the property owner's convenience, and are not based on economic factors.
- c. **NEIGHBORHOOD CHARACTER:** The expansion would not adversely affect or alter the essential character of the neighborhood. The properties along Grays Bay Boulevard in the immediate area have varying front yard setbacks. Many of the homes along the street have nonconforming front yard setbacks today, ranging from 12 feet to 28 feet. The proposed expansion would maintain the existing building line along Grays Bay Boulevard.

Approval is subject to the following conditions:

- 1) The site must be developed in substantial conformance with the following plans:
 - Survey and site plan date-stamped July 27, 2010
 - Floor plans date-stamped June 9, 2011
 - Building elevations date-stamped June 9, 2011
 - Stormwater plans date-stamped June 8, 2010
- 2) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.

- c. Record a restrictive covenant against the property indicating that no additional impervious surfaces can be added to the site unless it meets the 30 percent maximum impervious surface requirement outlined in the shoreland ordinance.
 - d. Submit final stormwater plans meeting the standards outlined in Appendix A of the Water Resources Management Plan for review and approval by city staff.
 - e. The proposed house must meet fire access requirements as determined by the fire marshall.
 - f. A driveway permit must be obtained from the city for the new driveway access on Lake Shore Boulevard.
 - g) Cantilevered building areas must meet all setback requirements.
- 3) The house must have a minimum low floor elevation of 933.5.
 - 4) This expansion permit approval will end on December 31, 2011, unless the city has issued a building permit for the project covered by this resolution or approved a time extension.
 - 5) This resolution rescinds and replaces Planning Commission Resolution No. 2010-12

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

An appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

9. ADJOURNMENT

Magney moved, second by Adams, to adjourn the meeting at 7:55 p.m. Motion carried unanimously.

By: _____
Lois T. Mason

Planning Secretary