

**APPROVED**  
**Minnetonka Beach Planning Commission Meeting Minutes**  
**January 24, 2022**

Mayor Lindstrom determined that an in-person Planning Commission meeting was not practical or prudent because of the COVID 19 health pandemic and that this meeting was held remotely using Zoom Teleconferencing. This was done in accordance with MN State 13D.02

1. Call to Order

Chair Breazeale called the meeting to order at 7:00 pm.

2. Roll Call

Present: Commissioners Anderson, Blodgett, Breazeale, Halverson, Steinfeld, Swanson and Council Liaison Enlow. Absent: Moriarty

Staff in attendance: Phil Carlson, Zoning Administrator and Heidi Honey, City Administrator

3. Approve Agenda

Breazeale asked to add 2022 Work Priorities to the agenda as Old Business. Anderson asked to add Item 5.2 Use of Northview Road for Construction to follow 5.1 and have the others follow.

**(Halverson motion, Steinfeld second to approve the agenda with additions of 5.2 Use of Northview Road During Construction, and 2022 Priorities List. Roll call vote: Anderson – aye, Blodgett – aye, Halverson – aye, Steinfeld – aye, Swanson – aye, Breazeale – aye. All ayes.)**. Motion passed.

4. Approve Minutes: November 22, 2021

Honey noted that Moriarty was absent and will amend that.

**(Halverson motion, Swanson second to approve the minutes of the regular Planning Commission meeting of November 22, 2021 as amended. Roll call vote: Anderson – aye, Blodgett – aye, Halverson – aye, Steinfeld – aye, Swanson – aye, Breazeale – aye. All ayes.)**. Motion passed.

5. New Business

5.1. 3104 Northview Road – Variance Request and Public Hearing – Front, side and lake side setbacks, hardcover

Carlson stated the request is for variances to the front street, side, and lake side setbacks to build a new home on the footprint of the existing home with a second story and also remove and replace a deck and screen porch. Most homes do not meet the front (street) or lake setbacks in that area. The buildable area is a very slim strip of land. The deck would be the same setback to the lake as the existing one. Line of sight is noted by the applicant but not a standard in city code. Hardcover is proposed to be reduced from 43% to 35%. The existing garage is 9 ft from the lot line and the deck is 15ft from the side lot line. The initial proposal has the porch 10' from the lot line. Carlson recommended reducing the porch to 15 ft from the lot line and sloping the garage roof back. Instead of sloping the garage roof, the architect redesigned the garage and moved the roof in 10 feet from the street so the façade would be smaller than it is right now. Carlson's recommendation is to approve with the change in the side setback for the new porch/deck and the change in the garage roof. The hardcover calculation does not reflect the decrease in porch size, but it would not get to 30%.

Breazeale opened the public hearing at 7:25 pm.

Andre LaTondresse, Architect for Thul – LaTondresse stated the intention is replace the foundation and build a new home. He went on to discuss the screen porch and deck. He used the established line of the garage as his guide. He did not agree with using an existing deck at ground level as the established line. He requested the commissioners to accept the change of the garage roof but keep the screen porch as they proposed. He stated that Carlson has been great to work with, but he does not agree with using the deck as the established line and his recommendation is to move it back. He stated they could cut the deck back a little bit. He stated they have gone a long way in improving the hardcover and asked again that they consider leaving the porch as proposed as he does not think it impacts the neighbors. Swanson asked if the screen porch was an expansion. LaTondresse stated it is a relocation of an existing porch from the lake side of the house to the west side of the house, resulting in an expansion to the west, and pulling it in from the lake. Swanson referred to zoning code and stated legal non-conforming uses and structures shall not be expanded and shall eventually come into conformity. LaTondresse stated there is no way to come into conformity on the site because the buildable area is a three ft wide strip.

Nell Mathews – 2643 Arcola Lane – Mathews stated she appreciates the proposed improvements however, she stated, the code is clear that if something is torn down and reconfigured or expanded, it needs to come into conformity with the code. She went on to say she would expect that they come into conformity with hardcover, and they could meet the 20 ft side yard setbacks. She stated that reduction in hardcover is important to the lake and it is to be protected according to the comprehensive plan. She stated she appreciates their efforts, stated this is a three-story house, and with new construction, a non-conformity analysis is not appropriate. Mathews urged the commission to consider that this lot is wider than minimum standards, side setbacks could be easily met, and hardcover should be met as well.

Breazeale closed the public hearing at 7:36 pm

Swanson asked if the structure meets height requirements. Carlson stated it does.

Steinfeld asked why the house cannot meet setbacks since it is new construction and could be moved over on the lot.

Breazeale had the same idea of moving the house over to meet side setbacks. He discussed proposed side setbacks of 33 ft on one side and 9 ft on the other. He stated their interest is to move things into conformity when they can. Halverson asked if they are trying to save a 40” tree by not moving the house to the east. She wanted to be considerate of good use of the property but noted the house could be moved over. Carlson stated the same shape of the house could be moved east so side setbacks could be met at 17.7’ but front, lake side setbacks need to be met. He asked if it is reasonable to have a hole the size of this house and then dig out another 8-9 ft to the east and fill 8-9 ft to the west. This would solve the issue with the porch because it would meet the side setback.

Breazeale allowed Thuls to respond to a question. Todd Thul stated it is a great idea to center the home and they were trying to comply with the existing footprint. Schwarz supported moving the home. LaTondresse stated there is additional cost for excavation but

there is no other reason to not move the home. It would accomplish the side yard setback issue. He added that hardcover could be reduced incrementally but it would be difficult to get to 30% because of how close the home/driveway is to the street and does not allow for much parking. They reduced the driveway 40% and removed just about everything they could remove concrete walks and other hardcover.

Halverson asked if they are using pervious pavers. Schwartz stated they can look at that for the driveway to further reduce hardcover. Carlson stated the driveway is 1,100 sq ft so they would get 25% credit of 250 sq ft = 2% of hardcover. It would help reduce the hardcover to 33%. Schwarz stated that is an excellent suggestion.

Swanson stated is the lot is 119 ft, so the side setback should be 20ft. Carlson stated that standard had been changed and any property less than 133 ft wide has 15% side setbacks of 15% of the lot width = 17.7'. Breazeale stated there was consensus to moving the house 10 ft to eliminate a need for the side setback variance.

He then discussed hardcover. He stated they should meet 30% hardcover and then the property would be in conformance in two of the three areas. Carlson discussed the deck at the main level (300 sq ft) and that there is an opportunity for additional reduction of 75 sq ft = .5%. Steinfeld discussed the deck by the lake. LaTondresse stated the deck is already receiving some credit per the surveyor. Breazeale asked to get clarity on the hardcover, which decks are getting credits, and credit for pervious pavers. The survey was a bit confusing without the decks separated out. The commissioners discussed that they have been consistent about requiring 30% hardcover and had consensus on requiring that.

Breazeale then discussed lake and street setbacks and the fact that there is no buildable area. Swanson discussed moving the garage away from the street but it was not feasible. Breazeale stated the proposal is keeping in line with what was there and is comparable to other homes in the area. Commissioners agreed. They also stated they would rather have the house more within the street side than lake side setback. Breazeale stated if they can get the house into conformance with the side setbacks and the hardcover, it makes sense the garage would be oriented the way it is proposed, and it is a narrow lot so this would be a win overall. Breazeale asked Planning can recommend approval without a final plan by explaining they approve of the footprint from a lake and street setback conditional on the house shifting to the east so no side setbacks are required and hardcover is at 30% or less. Enlow stated they make a recommendation to council and the plan provided to council would show these modifications. They would be requesting front and lake side setbacks. Carlson suggested they say the approve variances to lakeshore and front setbacks and the revised design would meet side setbacks of 17.7 ft, that the house and deck be no closer to the lake than what the existing house is, that the new garage be no closer to the street than the existing garage is, and the front of new house be no closer than front of the existing house. This defines the edges to place limits on and that it meets 30% hardcover. LaTondresse discussed establishing lines that if they move the house parallel to those lines, it meets that intent. He stated moving the house straight east, they will end up closer to the road by a small amount, so he asked to move it along lines. Carlson showed how the line of sight is angled to the street. They discussed respecting the line of sight, the existing front setback of the garage. Breazeale liked following the line of sight and tilting it slightly. Commissioner discussed moving the house along the line of sight documented on the survey.

Swanson stated that the city's zoning code requires that credits can only total 5% of the lot area. Carlson summarized that the request is to follow the line of sight, front no closer than existing garage, front of house no closer than existing front, and 30% hardcover. LaTondresse asked if pervious pavers count toward credits. Carlson stated they do. LaTondresse asked if they installed an underground tank to manage stormwater would be limited as credits. He suggested the city look at ways people could manage stormwater that may not be used because there are no credits to do so.

**(Halverson motion, second to recommend approval of the lake and front setback variances as requested with the conditions that the roofline of the garage be pushed back as shown in updated drawing, that the structure is moved to allow for a 17.7ft side setbacks, that the hardcover is 30% or below, and the footprint of the home respects the line of sight with the findings of fact 1,5,7,8.**

Steinfeld stated the home moves within the setback as it follows the line of sight. Carlson stated that the commissioners were agreeing to the line of sight being respected so for the lake shore setback the occupied spaces be no closer to the lake than the line of sight identified on the survey.

There was discussion about not needing to reference the side setbacks because the structure would no longer need the variance if moved. Steinfeld suggested denying the variance for the side setbacks and they can make the change. Breazeale preferred it be in the motion. Carlson summarized that they are saying is that they would be allowed to maintain the size and shape of the footprint of the home as long as it is moved to respect the line of sight on the survey and the 17.7 ft side setbacks. Commissioners agreed. Honey then read the motion.

**(Halverson motion, second to recommend approval of the lake and front setback variances as requested with the conditions that the roofline of the garage be pushed back as shown in updated drawing, the hardcover is 30% or below, the size and shape of the footprint of the structure is maintained as long as it respects the line of sight on the survey and the 17.7ft side setbacks.**

Breazeale stated they do not want the structure to move closer to the road either. By respecting the line of sight, someone could move the structure two feet toward the street. LaTondresse suggested "on the line of sight" instead of "respect the line of sight". Breazeale suggested shifting the house east along the line of sight such that it is in conformance with the side setbacks. Carlson asked if they meant the structure would be no closer to the lake than the line of sight on the survey. Breazeale's concern is to hold them to the line of sight, not stay behind the line of sight. Honey then read the motion.

**(Halverson motion, second to recommend approval of the lake and front setback variances as requested with the conditions that the roofline of the garage be pushed back as shown in updated drawing, the hardcover is 30% or below, the size and shape of the footprint of the structure is maintained and is shifted along the line of sight on the survey and the 17.7ft side setbacks.**

Carlson stated they do not want to use "along the line of sight" and they want to say the same size and shape of the footprint of the existing home will be allowed as long as it is no

closer to the lake than the line of sight as shown on the survey and that it meets the 17.7 ft side setbacks. The final amended motion reads as follows:

**(Halverson motion, Anderson second to recommend approval of the lake and front setback variances as requested with the conditions that the roofline of the garage be pushed back as shown in updated drawing, the hardcover is 30% or below, the size and shape of the footprint of the existing will be allowed as long as it is no closer to the lake than the line of sight as shown on the survey and that it meets the 17.7ft side setbacks, with the following findings of facts:**

- 1) The proposed use of the property to build a new home and garage is reasonable.**
- 2) Allowing a new home with an upper floor similar in height to the adjacent homes in the area is reasonable, even though that added height expands the structure into the required setbacks.**
- 3) The new home would remove paved area along Northview Road, significantly improving the streetscape.**
- 4) The request meets the criteria for granting a variance in Section 2.4(C)(4) of the Zoning Code.**

**(Roll call vote: Anderson – aye, Halverson – aye, Steinfeld – aye, Breazeale – aye, Blodgett – aye, Swanson – aye. All ayes.). Motion passed.**

Carlson will work with staff on an extension if one is needed depending on the date of the February City Council meeting.

#### 5.2. Construction on Northview Road

Anderson asked how the road can be protected so residents can use the road with three homes under construction. She expressed concerns about emergency vehicles getting through. Vehicles park on the berm, streets, and edge of the yards. Honey explained that there is no on street construction parking and residents should contact police and City Hall if there are problems. She discusses this with homeowners and builders prior to issuing permits and they sign a performance agreement that they understand and will follow these rules. When the city receives complaints, they contact the builder and police. Residents are encouraged to call police so there is record of the problems. Contractors are told they may want to work with the church for parking and shuttle workers to the site. Reminders will be sent out in the Beachcomber and Weekly SPLASH! Schwarz stated he will be on site daily and very aware of the parking restrictions. Honey stated the builders are aware of the requirement.

#### 5.3. 2201 Huntington Point Road East – Variance Request and Public Nearing – Front and Corner Street Side Setback

Carlson stated the applicants want to move the existing shed to the garage and create one structure. They want to rehabilitate the existing garage and change the roof pitch to be more compatible with their new home. Both existing structures are located in the setback. Carlson reviewed variance criteria. His opinion is this is reasonable use of the property and the key issue is essential character of the locality.

Breazeale opened the public hearing at 8:46 pm. No discussion. Closed at 8:47pm.

Steinfeld stated the current garage and shed are an eyesore and this would be a great improvement. The shed is 10' x 19' and would be moved 6-7 ft. Breazeale stated this moves it away from the setback. There will not be any living quarters in it. Swanson stated non-conforming uses should be brought back into conformity and expansions are not acceptable. She did not think anything should be located in the setback due to the size of the property.

Halverson asked if it would have a different setback if it was just a shed. Outbuildings and storage sheds need to meet same setbacks if on street or front. Breazeale stated the roof pitch is minor and it is moving away from the setback so that is an improvement. Halverson stated they need to be cognizant of the individual characteristics of each property.

**(Steinfeld motion, Halverson second to recommend that city council the approve the variances as requested to the Front and Corner Street Side setbacks at 2201 Huntington Point Road East because it reduces encroachment, the structure is being maintained in the same basic footprint only moving the shed over to the existing garage, the modification in roof pitch is minor, and the tradeoff is the design is an improvement in quality of constructure and the present structure is in disrepair and will be greatly improved as planned, and based on the following findings of fact:**

- 1) The proposed use of the property to combine shed and garage space, as well as improved design aesthetics for an increased roof pitch and more attractive building materials, is reasonable.**
- 2) The existing garage and shed are existing structures located on the site, circumstances not created by the applicants.**
- 3) The project would improve the appearance of the garage and shed to be more compatible with the architecture and materials of the house on site. The variance would not alter the essential character of the locality.**
- 4) The request meets the criteria for granting a variance in Section 2.4(C)(4) of the Zoning Code.**
- 5) Improves nonconformity by moving the shed further in from the 50 ft front setback.**

**Roll call vote: Anderson – aye, Blodgett – nay, Halverson – aye, Steinfeld – aye, Swanson – nay, Breazeale – aye.**) Motion passed.

Swanson objected stating it violates the spirit of Chapter 6 Non-Conformities of the Zoning Code. Blodgett objected stating the corner would look better with nothing there.

#### **5.4. 2022 Planning Commission Meeting Dates**

Commissioners discussed changing the following dates: March 28 to March 21, July 25 to July 18, and December 26 to December 19. The other meetings remain as proposed.

**(Anderson motion, Halverson second, to approve the meeting dates as proposed with changes as noted. Roll call vote: Anderson – aye, Blodgett – aye, Halverson – aye, Steinfeld – aye, Swanson – aye, Breazeale – aye. All ayes.)** Motion passed.

## 6. Old Business – Priorities for 2022 Work

Breazeale stated that the commissioners previously identified:

1. Alignment of city code with DNR
2. Landscape/Tree Pres. in Zoning Code
3. Enforcement and Monitoring
4. Grading and Filling - Building Up Lots
5. Review unused and unopened street right of way (Carlson recommended)
6. Bury power lines – costs/feasibility. Enlow was asked to refer this to Utilities. They also discussed better internet.

Susan Enlow suggested they remove landscape and consider it part of tree preservation that was approved in 2021. Commissioners each gave their priorities to Breazeale. He will tally and send to Enlow and Honey. Honey will send the list to the commission, and it will be presented to Council. Priorities as follows:

Anderson – 3,1,5,2,4

Breazeale – 1,3,5,4,2

Blodgett – 5,4,2,3,1

Halverson – 1,2,4,5,3

Steinfeld – 3,2,1,4,5

Swanson – 3,4,1,5,2

## 7. Reports

- 7.1. Chair Report – no report
- 7.2. Commissioner Reports – no report
- 7.3. Council Liaison Enlow – Enlow stated Council approved a 2.8% tax increase. The city has significant tax capacity and reserves. There will be water rate increases. She then reported back on variances request decisions by council. Council approved amendments to the noise ordinance to allow the Lafayette Club to begin maintenance activities at 5:30 am. Senator Osmek was asked to support the city in obtaining water treatment plant funding but he did not commit. Zinn reported that the city is in great financial shape.
- 7.4. Building Permit Report – received and filed

## 8. ADJOURNMENT

**(Halverson motion, Anderson second to adjourn; Roll call vote: Anderson – aye, Blodgett – aye, Halverson – aye, Steinfeld – aye, Swanson – aye, Breazeale – aye. All ayes.)** Motion passed.

Chair Breazeale adjourned the meeting at 9:39 p.m.

PUBLIC IN ATTENDANCE – The following individuals were in attendance: Nell Mathews, Kurt Schwarz, Andre LaTondresse, Todd and Megan Thul

Minutes respectfully submitted by City Administrator Heidi Honey

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Heidi Honey, City Administrator