

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
January 31, 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 Breazeale. Absent: Moriarty

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

3. Approve Agenda

(Anderson motion, Halverson second to approve the agenda. Roll call vote: Anderson – aye, Blodgett – aye, Halverson – aye, Steinfeld – aye, Swanson – aye, Breazeale – aye. All ayes.). Motion passed.

4. Old Business

4.1. 3104 Northview Road – Variance Request– Front, side and lake side setbacks, hardcover

Breazeale stated there was an error in the side setback requirements when the variance was reviewed at the last meeting. Carlson stated the purpose of discussing this again is that when they previously met, he thought the code had been updated with side setback requirements of 15% of the lot width (17.7ft) but the code was not changed and current code requires the setback of 20 ft. Carlson showed new graphics showing existing and proposed conditions, 20 ft setbacks and the line of sight considered at the meeting January 24, 2022. The line of sight was a visual used at the last meeting but is not a zoning code requirement. The existing setback is angled 3’ 4” toward the lake from the line of sight, and the garage is six feet from the street. Carlson’s graphic also showed the dripline of an existing 40” oak tree. The original plan was to build on the existing footprint, adding a deck and porch with a 12 ft setback for the porch and meet the 20 ft setback on the east. Planning Commission suggested moving the home to the east to meet the side setbacks. The architect provided an overlay keeping the footprint behind the line of sight and shifting slightly east to keep distance from the oak resulting in a 15.5’ setback on the west at the porch and 11 ft at the garage. There are two lines on the lake side because there are two levels shown with the upper level a foot closer to the lake. The line of sight is not parallel with the house and the angle creates issues as options are explored in moving the house east. Carlson then discussed several options for moving the footprint east and try to meet the line of sight with 18.5ft setback at the porch and 18 ft at the garage, and then meeting the 20 ft setbacks at the porch and east but the garage would be 18 ft setback. Carlson then described the option of moving the house straight east to meet setbacks. The architect proposed moving the house east to have a 15.5’ set setback at the porch, 11ft side setback at the garage, and 27 ft setback on the east to protect the tree.

Breazeale opened public input to allow comments from the builder and anyone else who wished to speak at 7:15pm.

Andre LaTondresse – LaTondresse stated they can meet 30% hardcover with the 5% credit limit. The request is now for lakeside, street and side setbacks. By rotating the footprint as requested, they cannot meet the setbacks. He asked to keep the porch as designed and move the footprint to the east with minimal amount of encroachment into the dripline because feeding roots are along the dripline. He stated they can meet the original goal of sliding the home over to relate to the neighbor as the current deck does, rotate the home to meet everyone's goal with the line of sight, and remove some parking area and retaining walls and slope the property to meet 30% hardcover. LaTondresse added that the current home has broad overhangs of three feet with a low roof. The proposed roof has no overhang and projected construction will be further from the road. LaTondresse stated they are proposing the best option respecting the neighbors' impact by sliding the house over four ft to meet the line of the deck and not impact the dripline of the tree. They are asking front, lake and side setback variances. Hardcover has been met.

Nell Mathews - 2346 Arcola Lane – Mathews stated that she thought the intent of the meeting was to correct the error made by the planning administrator in determining the side setback requirement. Breazeale stated that the intent of the meeting was to address the error and he was looking for comments on the side setback issue. Mathews encouraged them to design the home to meet the other city regulations.

Breazeale closed public comments at 7:25pm.

Breazeale stated the intention of this meeting was to correct the error of the 17.7 ft side setbacks. They now have additional information on the dripline of the tree.

Swanson stated she feels they are obsessing about replicating the current foundation, but there is flexibility since they are starting from scratch. Steinfeld stated they have already paid for design and probably do not want to spend more on redesigning it. He added they are willing to move it and it is up to the commissioners to decide if they want to accept it.

Anderson stated that they are dealing with a 20 ft side setback tonight.

Halverson stated they could either approve with 20 ft setbacks or approve a variance to it. She does not think it is appropriate to support killing a tree with a moratorium in place. They need to be considerate of that when making these decisions. Preserving the trees is one of the most important things they can do for the community. Anderson agreed.

Steinfeld stated they should discuss if they are concerned about killing the tree or not. Breazeale does not know the impact of moving the house. The architect provided the information about the possibility of killing the tree with the proposed 20 ft side setback. Breazeale stated council would want them to have information from an arborist.

Carlson discussed Mathews' comment on process and suggested they send an advisory comment about the tree to city council when they make their determination and in between the city arborist inspect the location and provide council with a recommendation. Swanson agreed with the necessity of an opinion of a professional arborist.

Liaison Breazeale stated Council would want an arborist inspection and recommendation from Erik Paulsen, the city arborist.

Chair Breazeale stated the timely thing to do would be to make a recommendation and have the arborist provide additional information to council. Steinfeld stated they should approve the variance request with 20 ft side setbacks with an arborist report and if they have to reconsider after they get the report, they will do it then.

Halverson referred to discussion earlier by Carlson and noted that the house is compressed with the 20 ft setbacks and following the line of sight resulting in an 18 ft setback at the garage corner. Breazeale stated that their intention was to discuss the side setbacks but due to the angle when moving along the line of sight it either compresses the house or goes in front of the line of sight. The line of sight is not a code requirement. Breazeale, Steinfeld, Halverson agreed with moving the home east 20 ft and it will go in front of the line of sight and it is already in front of the line of sight.

LaTondresse commented that the overall width of the home could have fit in the 17.7 ft side setbacks but he stated they need 6 inches to fit in the 20 ft side setbacks if squared to the setbacks.

Breazeale stated they agreed upon requiring 20 ft setbacks with the home squared to the setbacks which would cause the east corner to go in front of the line of sight. The city does not use a line of sight as a city standard. Everyone reviewed the final location of the proposed home.

Halverson motion, 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 3.5ft the line of sight as shown on the survey and that it meets the 20ft side setbacks subject to approval from the city arborist.

Carlson asked if the commission is willing to allow a variance for the distance the arborist finds acceptable. The commission asked for this to come back to the Planning Commission if the arborist does not think the 20 side setback on the east is acceptable. Staff will work with the city arborist on getting a report on the dripline location and the line of encroachment that would not endanger the tree. The commission can review the information to revise their recommendation.

Halverson suggested tabling the discussion so they can review the request with the arborist report. Breazeale summarized that they want to center the home on the property, hardcover is 30%, the depth of the house remains approximately six feet from the street and 3.5 ft ahead of the line of sight (not an official control). Staff notified a 60 day extension.

(Steinfeld motion, Anderson second to table the consideration of variances requested pending a report from the city arborist on how close to the east property line the house can be positioned and not adversely affect the oak tree. Roll call vote: Anderson – aye, Halverson – aye, Steinfeld – aye, Breazeale – aye, Blodgett – aye, Swanson – aye. All ayes.).
Motion passed.

(Halverson motion, Steinfeld second that due to an error in side setback calculations, the Planning Commission is rescinding the January 24, 2022 motion regarding 3104 Northview Road. Roll call vote: Anderson – aye, Halverson – aye, Steinfeld – aye, Breazeale – aye, Blodgett – aye, Swanson – aye. All ayes.). Motion passed.

5. 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 7:54 p.m.

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

Minutes respectfully submitted by City Administrator Heidi Honey

Heidi Honey, City Administrator