

APPROVED
Minnetonka Beach Planning Commission Meeting Minutes
August 22, 2022

1. Call to Order

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

2. Oath of Office – Joann Anderson, Colleen Finnegan, Jennifer Halverson

3. Roll Call

Present: Commissioners Anderson, Blodgett, Breazeale, Finnegan, Halverson, Steinfeld, and Council Liaison Enlow.

Absent: Commissioner Swanson

Staff in attendance: Heidi Honey, City Administrator

4. Approve Agenda

(Halverson motion, Anderson second to approve the agenda; all ayes.) Motion passed.

5. Approval of Minutes

4.1. Regular Meeting of July 18, 2022

(Anderson motion, Halverson second to approve the minutes; all ayes.) Motion passed.

6. Public Hearing

6.1. Variance Request – Lake side, rear and side setbacks – 2322 Huntington Pt Rd W – Jim and Cathy Dudley

Breazeale explained they would first listen to public comments, then close the public hearing and commissioners will deliberate the variance requests. He opened the public hearing at 7:03 pm.

Jim Dudley, 2322 Huntington Point Road West – Dudley stated this is their forever home. He provided a presentation summarized as follows. They have lived in Minnetonka Beach since 1998 and extended family has been there since 1980 so they understand what is consistent with the community. Their understanding was a legal non-conforming entity can be remodeled on the same footprint. They want to improve the property in the least disruptive way, and they worked hard to stay within the current lines. The variances requested do not redefine setbacks for the current or future AMLS for adjoining properties, the garage is the only variance request outside of the current footprint, the structure mass is improved, and hardcover is improved. Eight surrounding neighbors supported the variance requests.

Dudley then reviewed each variance request:

Garage rear yard setback – Goal was to reduce mass, improve approach to the garage and enhance neighbor sightlines. With garage rebuild, current side yard variance will be cured, current rear yard variance will be improved by 5.3 ft, mass will be significantly reduced with less height and flat roof, and hardcover will be reduced.

Roof Lakeshore Setback – Goal was to have consistent, attractive architecture throughout. The existing roof overhang will be extended to 4 ft to improve architectural effect and protect balcony, windows and egress. Overhang does not redefine structure’s foundation setback and in line with balcony.

Balcony Setback – Goal was to have consistent, attractive architecture and make the balcony functional. The exiting balcony would be widened but distance to lake reduced by one ft to improve architectural effect, the existing balcony would be unusable with internal design, and the proposed balcony would not redefine structure’s foundation setback.

Southeast Corner Setback – Goal was to maximize interior space for improved functionality. The increased mass is a trade with the decreased mass on the southwest deck change, the proposed space matched footprint of current deck, allows for expanded living space and improved views, and does not redefine the structure’s foundation setback.

Deck AMLS – Goal is to utilize space, maximize outdoor living area and reduce overall mass of the deck. The current stairs are five ft wide and defined as a structure, but they are trading sloped stairs for flat deck space in same footprint, removal of four-season porch and chimney reduces mass, raised grade integrates with neighbor property and facilitates drainage, and deck does not define structure foundation setback.

Raised roof side setback – Goal is to have consistent architecture. Raised roof and eave are consistent with house design, single story minimizes mass, roof does not cross encroachment plane or redefine structure’s foundation setback.

Nell Mathews, 2346 Arcola Lane – Mathews stated a revised zoning report regarding the southeast corner was not sent out until late in the day, she did not have time to review it. She complimented the Dudleys on discussing the proposed plans with their neighbors and addressing any of their concerns. She suggested the commission consider the following in their review: approval should not be based on longevity and service in the community, limit runoff to the lake because impervious surfaces closer to the lake impact it by minimizing filtration, reduce impervious surfaces, and minimize hardcover. She added that Dudley’s have done an excellent job of keeping the hardcover at 29.4% without the pervious paver credit and adding the pervious pavers to the expansion street side helps stormwater management on the street side. Mathews said she is not saying what is right or wrong, but these are just things to consider in reviewing the request. She expressed concerns about access stairs from a house not allowing for a landing but access stairs to the lake do. Mathews went on to say that grading and filling within the 75 ft setback is prohibited by the DNR and city code and this proposal has partial filling. She asked for clarification of what is being put in there to ensure they are capturing complete hardcover on the lot. She then stated to Dudley’s that she is pleased with what they are proposing.

Peter Eskuche – Architect for Dudleys – Eskuche stated Dudleys wanted to disturb as little on the property as possible. He addressed concerns from Mathews stating their understanding is they are following the existing foundation except for the garage, so there was already structure under the deck stairs and the decking and stairs hardcover has not changed. The retaining walls are behind the setback and due to the three tiers of retaining walls on the O’ Grady property which are quite high and behind the 75’ setback. There was discussion about the height difference between the top of O’Grady’s wall and Dudley’s wall. Dudley’s proposed wall is four ft from existing grade to be flush with the bottom retaining wall of the neighbor. Eskuche then stated he is not aware of any part of the house being closer to the lake. The current balcony sticks out 5 ft, proposed is 4 ft. The eave is flush with the balcony at 4 ft.

John Daly –Revision – 153 Lake Street, Wayzata. – Daly stated they tried to work within the zoning codes as much as possible. Most of the lot is legally non-conforming. The buildable area is tight so they knew they would need to ask for variances and wanted to be reasonable. He referred to city code 3.1 R-1 Single Family Residential District intent to: build upon and sustain the community’s long-standing

character, maintain residential tranquility, promote strong residential cohesiveness and sense of community, foster citizen involvement in the community and interaction between neighbors, facilitate improvements to existing properties so as not to encourage tear-down rebuilds, and preserve and enhance the aesthetic quality of the community. They followed this intent when designing the project. They worked with the city's hardcover requirements and had an opportunity to not use the pervious pavers and still be under 30% but Dudleys wanted pervious pavers to make an improvement to the property. He added that if further investigation is needed on the survey, they will do that. The AMLS goes through the center of the house and they are not asking to encroach any further into the AMLS with the balcony and overhang being one ft less from the lake. Daly then stated that by definition, the stairs that are currently there are considered a structure by city zoning code because of their width, and they are trying to work within those requirements.

Breazeale closed public hearing at 7:38 pm

Commissioners discussed the variance requests with rear first, then lakeside.

Garage 9.4 ft rear variance and 6. Raised Roof by adding a gable. Moving the garage away from the road by 5 ft, moving it inside the setback, and lowering the roof and reducing mass are improvements. The proposed gable is an encroachment. Hardcover is reduced by redesigning the driveway. Breazeale considered these a strong move into conformance. Halverson thought they were reasonable requests. Steinfeld said it improves the look and makes it more consistent with others on the street. The gable does not significantly affect the view. Anderson stated these are two good improvements.

Landscape steps and deck. Carlson explained that there are different standards in the code for what happens from 75 ft from the lake and the AMLS. City code allows grading past the 75 ft line to create a yard higher than it is now but cannot put a patio on it. Their proposal is to build up the ground 4 ft and have landscape stairs instead of pavement that would be like a patio. They also want to raise the existing stairs to a deck. They need a variance to build up the corner of the deck but do not need a variance for the landscape steps. His interpretation of the shoreland code is not limited to right by the lake. Stairs can be allowed anywhere on a steep slope to help someone get to the lake. The hard surface of the stairs is included in hardcover. Carlson stated the stairs are allowed in the steep slope and no variance is required. Enlow discussed rules for access to a home. Carlson stated they are creating a land form and they need the landscape stairs to get down the slope to the lake. They are proposed to meet the setbacks and are not in 75 ft of lakeshore. Enlow stated they are located in the side setback, discussion revealed they are not located in the setback. Removing the steps and increasing the deck requires a variance. Steinfeld stated it is not affecting anyone. Breazeale stated the existing deck will be removed and the addition is small to the right side. Seems like a net improvement with the garage improvements.

Breazeale discussed Mathews' concerns and verified that grading is not allowed in 75 ft setback, but it can occur in the AMLS. The architect confirmed that the stairs were included in the hardcover and correct as stated.

Steinfeld asked if this project changes runoff compared to how it currently is. He suggested they plant a few trees to help with runoff to the lake.

Anderson verified the roof overhang does not stick out any further than the current balcony.

Breazeale asked about runoff into the lake on this property. They are proposing to reduce hardcover and also installing pervious pavers. Regardless of where the water is running, eventually it goes to the lake.

Carlson explained that detailed stormwater requirements and any required mitigation is part of the building permitting process. Moving the driveway 30 ft created ground for a swale to function better and benefit with decreased flowage to the street.

Enlow asked about the egress windows. Carlson stated are below grade so they are not a structure needing to meet setbacks and are true health and safety requirements. They are included in hardcover.

Commissioners summarized their recommendations.

Steinfeld – Overall very favorable. They look at each project independently and decide if it improves the property and doesn't set enough of a precedent. This is a difficult lot and the garage is a terrific improvement. The other improvements are tradeoffs.

Anderson – Approves of the variances requested.

Halverson – There are tradeoffs. Pulling it back from the lake one foot a huge improvement. The relocation of the garage is a huge improvement. She was ok the raising the grading because of the 9 ft difference between them and the neighbor who is higher. Overall supportive of the variances requested.

Blodgett – Nice project. Variances are a good use of the property, landscaping goes well with the property, and does not adversely affect the neighbors.

There was discussion about evaluating each request independently, but at times it may be weighed with the impact of the other requests.

Finnegan – Likes that the garage reduces the mass on the property but that is not a criteria. Criteria is setback. Grading makes a big difference for the project but that is not for them to discuss.

Commissioners discussed what would happen if the owner chose to do only some of the variances. They decided to recommend approval with the condition the overall project is completed as presented.

(Halverson motion, Steinfeld second to recommend approval of variances 1 through 6 with their findings of fact for each one as presented; and with the condition the overall project is completed as presented. The findings of fact that were amended are shown underlined below:

1 – Garage, Rear Yard Setback Variance

Recommend approval of the rear yard setback variance for the garage at 2232 Huntington Point Road West as submitted, with the following Findings of Fact:

Findings of Fact for Approval of Rear Setback Variance

- 1) The existing garage is built partly within the rear yard and side setbacks, an existing condition not created by the applicant.
- 2) The proposed new garage would decrease the non-conformity of the property by increasing the rear yard setback to the street and by meeting the side yard setback.
- 3) The proposed new garage would decrease the nonconformity by lowering the roof line compared to the existing garage, improving the view from the street and for neighbors.
- 4) Rebuilding or replacing a garage would either encroach in the rear setback or encroach on the existing living spaces of the home, a practical difficulty in meeting the code.

- 5) The request meets the criteria for granting a variance in Section 2.4(C)(4).

2 – Roof, Lakeshore Setback Variance (75 ft Minimum & AMLS)

Recommend approval of the lakeshore setback variance for the roof overhang on the lake side of 2232 Huntington Point Road West as submitted on plans from Eskuche Design Group dated 8-8-2022, with the following Findings of Fact:

Findings of Fact for Approval of Roof Lakeshore Setback Variance

- 1) The existing roof is within the lakeshore setback, a condition not created by the applicant.
- 2) The existing roof overhangs the second-story balcony by only 1 ft, which does not provide protection from rain for the balcony, a reasonable desire.
- 3) Covering of steps and landings and similar architectural features is allowed by Table 3-5 of the City's Zoning Code but only 4 ft in length. Limiting the length of the overhang to the width of the existing balcony would create a practical difficulty in this situation.
- 4) The roof overhang would not interfere significantly with views from neighboring properties and would be part of an overall attractive design aesthetic that would not alter the essential character of the locality.
- 5) The request meets the criteria for granting a variance in Section 2.4(C)(4)

3 – Balcony, Lakeshore Setback Variance (75 ft Minimum & AMLS)

Recommend approval on the proposed balcony variance.

Findings of Fact for Approval of Balcony Lakeshore Setback Variance

- 1) The existing balcony is within the lakeshore setback, an existing condition not created by the applicant.
- 2) The existing balcony is not as wide as the portion of the house it is attached to. A lakeside balcony to take full advantage of lake views is a very desirable feature for a home in this location.
- 3) The proposed balcony is shallower by one foot than the existing balcony and so improves the extent of the non-conforming setback of the structure towards the lake.
- 4) The proposed balcony would not interfere significantly with lake views of neighboring properties and would be part of an overall attractive design aesthetic that would not alter the essential character of the locality.
- 5) The request meets the criteria for granting a variance in Section 2.4(C)(4).

4 – Lakeside Addition, AMLS Variance

Recommend approval of the variance request for the new two-story addition on the SE side of the house. The addition would be no closer to the lake and is setback further from the side lot line than the minimum required. The enclosed porch on the SW side is being converted to a deck without a roof, so there is a balance that makes sense. The footprint of the new SE addition is about half the footprint of the one-story enclosed porch being removed on the SW side.

Findings of Fact for Approval of AMLS Setback Variance for Lakeside Addition

- 1) The project proposes to remove enclosed space on the SW part of the house and add enclosed space in the SE addition, in approximately equal amounts – 60 sq ft per floor or 120 sq ft total for the new space vs. 110 sq ft of enclosed space in the SW porch.
- 2) The house currently has two lakeside decks, a condition not created by the applicant. Combining them into one larger deck is reasonable and overcomes a practical difficulty.

- 3) The proposed addition would be no closer to the lake than the existing house.
- 4) The addition would likely not be significantly noticed by neighboring properties.
- 5) The request meets the criteria for granting a variance in Section 2.4(C)(4).

5 – Added Deck, AMLS Variance

Recommend approval of the variance request for the added deck on northwest corner of the deck within the AMLS.

Findings of Fact for Approval of AMLS Setback Variance for Added Deck

- 1) The existing deck and stairs are within the lakeshore setback, an existing condition not created by the applicant.
- 2) The existing deck is an awkward shape, not square or rectangular, an existing condition.
- 3) The proposed deck does not increase the footprint of structure within the setback – it replaces stairs with deck space.
- 4) The proposed deck space would not interfere significantly with lake views of neighboring properties and would be part of an overall attractive design aesthetic that would not alter the essential character of the locality.
- 5) The request meets the criteria for granting a variance in Section 2.4(C)(4).

6 – Raised Roof, Side Setback Variance

Recommend approval of the proposed raised roof side setback variance.

Findings of Fact for Approval of Roof Side Setback Variance

- 1) The existing roof is within the side setback, an existing condition not created by the applicant.
- 2) Extending the roof to match the roof lines of the rest of the project is a reasonable request and would add to the overall design aesthetic of the house and the character of the area.
- 3) The proposed extended roof would not interfere significantly with views from the neighboring property.
- 4) The request meets the criteria for granting a variance in Section 2.4(C)(4).

Roll Call Vote – Anderson – aye, Blodgett – aye, Breazeale – aye, Finnegan – aye, Halverson – aye, Steinfeld – aye; all ayes. Motion passed.

6.2. Amendments to City Code Appendix A (Zoning) – Section 5.3 (B) – Accessory Use Standards, Table 5.2 Permitted Accessory Uses, and Chapter 8 – Definitions

Breazeale opened and closed the public hearing at 8:33 pm. No comments.

Blodgett asked what is allowed in an ADU in a secondary structure or in the primary structure. Carlson stated having a full kitchen usually makes it an accessory dwelling unit.

Enlow reviewed the process. The moratorium expired August 15, 2022. In 1996 the city told the DNR it would not allow ADUs. While reviewing a request for an ADU, the city realized it was out of compliance. The city is recommending no detached ADUs and attached ADUs would have limitations. The DNR accepted the preliminary draft ordinance and have given conditional approval. The city council will make a recommendation at the September meeting, and they will go back to the DNR with the final draft.

Commissioners confirmed that they read August 15, 2022 letter to Susan Enlow from Megan Moore, DNR District Manager, in the packet. Anderson-yes, Blodgett-yes, Breazeale-yes, Finnegan-yes, Halverson-yes, Steinfeld-yes.

Blodgett recommended all utilities be allowed to be connected directly and not from the principal unit. Enlow explained that this language was already in the ordinance. Blodgett has a detached ADU and wants to have the gas connected and metered directly at the ADU. Halverson stated he would need a variance to do this. Blodgett again stated the accessory unit should not run utilities off the main structure. Commissioners did not want to change this language.

(Anderson motion, Steinfeld second to recommend approval of the ordinance Amending the Zoning Ordinance Regarding Accessory Dwelling Units. Roll Call Vote – Anderson – aye, Blodgett – no, Breazeale – aye, Finnegan – aye, Halverson – aye, Steinfeld – aye). Motion passed.

7. Reports

- 7.1. Chair Report – no report
- 7.2. Commissioner Reports – no reports
- 7.3. Council Liaison Enlow – Updated commission on the August 15 city council meeting. Discussed location of organics recycling container and decided to leave where it is with screening. Considered no parking on Northview Rd and they determine to not change it. Tree preservation ordinance was approved with council adding a definition of hedge since arborvitae and hedge planting was a concern.
- 7.4. Building Permit Report – received and filed

8. ADJOURNMENT

(Halverson motion, Anderson second, to adjourn; all ayes.) Motion passed.

Chair Breazeale adjourned the meeting at 8:55 p.m.

PUBLIC IN ATTENDANCE – The following individuals were in attendance: Nell Mathews, Jim and Cathy Dudley, Wayne Ramaker, John Daly, Peter Eskuche.

Minutes respectfully submitted by City Administrator Heidi Honey

Heidi Honey, City Administrator