





Planning Commission Agenda

September 8, 2016—6:30 P.M.

City Council Chambers—Minnetonka Community Center

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Minutes: August 18, 2016**
- 5. Report from Staff**
- 6. Report from Planning Commission Members**
- 7. Public Hearings: Consent Agenda**

No Items

8. Public Hearings: Non-Consent Agenda Items

- A. Side yard setback variance for an entry and living space addition at 3133 Shores Boulevard.

Recommendation: Adopt the resolution approving the request (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Susan Thomas

- B. Expansion permit for a second story addition on a home at 3177 Lake Shore Boulevard.

Recommendation: Adopt the resolution approving the request (5 votes)

- Final Decision Subject to Appeal
- Project Planner: Drew Ingvalson

9. Adjournment

Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the September 22, 2016 Planning Commission meeting:

Project Description: 1) LeCesse Development Corporation is proposing to redevelop the property at 10101 Bren Road East. The project consists of removing the existing buildings in order to construct a six story, 322 unit apartment building with underground parking. The proposal requires approval of: (1) rezoning to PUD; (2) preliminary and final plats; (3) master development plan; (4) site and building plans and (5) easement vacations.

Project No.: 88095.16b

Staff: Ashley Cauley

Ward/Council Member: 1—Bob Ellingson

Section: 36

Project Description: TCF National Bank and Solomon Real Estate Group are proposing to redevelop the existing property at 1801 Plymouth Road. The existing, two-story bank building would be removed and a new, 1-story, 10,200 square foot building would be constructed. TCF would occupy the westerly portion of the building and various retailers would occupy the easterly portion. The proposal requires approval of: (1) a major amendment to the site's existing master development plan; (2) site and building plans, with variances; (3) a conditional use permit for the bank drive-thru; and (4) preliminary and final plats.

Project No.: 16021.16a

Staff: Susan Thomas

Ward/Council Member: 2—Tony Wagner

Section: 03

Project Description: R&R Construction of Minneapolis, Inc is proposing to remove the existing home and detached garages and subdivide the property into three single-family residential lots. The properties would have access onto Highwood Drive and would require lot width at setback variances. By ordinance, the minimum lot width at setback is 110 feet. The applicant is requesting variances to reduce the lot width at setback from 110 feet to 104 feet for each lot.

Project No.: 05039.16a

Staff: Ashley Cauley

Ward/Council Member: 3—Brad Wiersum

Section: 27

Project Description: The applicant, on behalf of the homeowners, is requesting an expansion permit to add a front entry, covered porch, and second story storage space to the existing home at 12815 Linde Lane. The proposed additions would be within the required front and side yard setbacks, but the proposed additions would not encroach further into the setbacks than the existing structure.

Project No.: 16022.16a

Staff: Drew Ingvalson

Ward/Council Member: 1—Bob Ellingson

Section: 15

Project Description: The applicant is proposing to divide the existing property at 14700 Copperfield Place into three, single-family lots. The proposal requires: (1) preliminary plat approval.

Project No.: 16023.16a

Staff: Susan Thomas

Ward/Council Member: 1—Bob Ellingson

Section: 14

Project Description: Federal Emergency Management Agency (FEMA) has updated flood insurance maps which will become effective on November 1, 2016. As a result, the Minnesota Department of Resources (MNDNR) has mandatory ordinance updates for local governments and water management agencies. Floodplain ordinance updates to the city's floodplain ordinance are required to reflect the federally and state mandated changes in order to remain a participant in the National Flood Insurance Program.

Project No.: NA

Staff: Ashley Cauley

WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The Commission will then discuss the proposal. No further public comments are allowed.
10. The Commission will then make its recommendation or decision.
11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.

**Unapproved
Minnetonka Planning Commission
Minutes**

August 18, 2016

1. Call to Order

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

2. Roll Call

Commissioners Calvert, Knight, Odland, Powers, and Kirk were present. Hanson and O'Connell were absent.

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, Natural Resources Specialist Aaron Schwartz, and Water Resource Technician Tom Dietrich.

3. Approval of Agenda

Odland moved, second by Calvert, to approve the agenda as submitted with modifications to Item 8B, items concerning a townhome development at 11901 Minnetonka Boulevard, as provided in the change memo dated August 18, 2016.

Calvert, Knight, Odland, Powers, and Kirk voted yes. Hanson and O'Connell were absent. Motion carried.

4. Approval of Minutes: August 4, 2016

Odland moved, second by Powers, to approve the August 4, 2016 meeting minutes as submitted with a modification on Page 10 to change "the neighborhood meanders" to "the neighborhood character is meandering."

Calvert, Knight, Odland, Powers, and Kirk voted yes. Hanson and O'Connell were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of August 8, 2016:

- Adopted a resolution approving items for a home improvement project on Bantas Point Lane.

- Adopted a resolution approving a conditional use permit for telecommunications dishes on Marion Lane.
- Adopted a resolution approving the Williston Woods West final plat.
- Introduced the Eldorado Trail proposed ordinance amendment.
- Adopted a resolution approving vacation of an easement on Stewart Lane.
- Adopted a resolution approving items for the Islamic Community Center.
- Adopted a resolution the preliminary plat for the Highview subdivision.
- Reviewed the Glen Lake Neighborhood Study.

The next planning commission meeting is scheduled for September 8, 2016.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

Item 7A, items for Hopkins Middle School West, was removed from the consent agenda for discussion and separate action.

Odland moved, second by Calvert, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Expansion permit to increase the height of the existing building at 5605 Green Circle Drive.

Adopt the resolution on pages A15-A18 of the staff report which approves an expansion permit to increase the height of the existing building for a gymnasium at 5605 Green Circle Drive.

Calvert, Knight, Odland, Powers, and Kirk voted yes. Hanson and O'Connell were absent. Motion carried and the item on the consent agenda was approved as submitted.

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

8. Public Hearings

A. Conditional use permit and site and building plan review for a cold storage building for the Hopkins Middle School West at 3830 Baker Road.

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

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

In response to Knight's question, Gordon stated that the storage building would require a building permit to become a refrigerated building. It makes no difference to the current approvals if the structure would be refrigerated or not.

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

Calvert moved, second by Powers, to recommend approval of the resolution on pages A9-A15 of the staff report which approves a conditional use permit and final site and building plans for a storage building for Hopkins Middle School West at 3820 Baker Road.

Calvert, Knight, Odland, Powers, and Kirk voted yes. Hanson and O'Connell were absent. Motion carried and the item on the consent agenda was approved as submitted.

B. Items concerning a townhome development at 11901 Minnetonka Boulevard.

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

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

David Carlson, applicant, thanked commissioners and staff for their efforts. He stated that:

- A neighbor to the site told him that she got water in her basement quite often. He offered to have his excavator look at the grading around her property and provide a retaining wall to prevent her basement from flooding, but that was not received well so he would

gladly remove that portion of the retaining wall. He is frustrated that he cannot satisfy everyone's desires. He did his best.

- The project would meet the needs of the market. The townhomes would provide one-level living. There would be a loft option over the garage. The price point would be below most other one-level living townhomes in the area.
- The proposal would fit in the area well.

In response to Chair Kirk's questions, Mr. Carlson stated that:

- During the first meeting he had with the Big Willow Group, he floated an idea which neighbors said would not work because the area would be too steep. He found a solution to decrease the slope and provide four parking spaces and an attractive boulder retaining wall. He did not like to remove trees, but the original concept plan would be met.
- He would be agreeable to removing some parking stalls to save trees if that would be agreeable to staff.

Chair Kirk confirmed with Cauley that tree removal would be reviewed by staff when the grading permit would be submitted.

Chair Kirk noticed that the proximity between the west unit and driveway would be tight. Cauley provided that fire code requires a street to be at least 20-feet wide.

Chair Kirk suggested creating a short cut. Mr. Carlson explained that there would be an easement to allow pedestrians to walk from this property to Big Willow. He explained the conditions of the declaration enforced by the homeowners' association. Cauley stated that before the final plat is released, staff reviews the homeowners' association requirements to make sure that the common areas including drive accesses and storm water areas would be maintained. Groveland is an example of a recent townhome development with a homeowners' association.

Cauley reviewed the existing declarations for Big Willow Townhomes beginning on Page A30 of the staff report. Mr. Carlson stated that the declaration addresses the driveway concerns.

Mr. Carlson was open to locating the mailboxes wherever the neighbors preferred.

The public hearing was opened.

James Reichert, 4517 Saddlewood Drive, stated that:

- He reviewed what was in the staff report.
- The Windmill Ridge Road association declaration page includes a dedicated non-exclusive use easement to the public.
- The deed is signed giving an easement to the public.
- He questioned what the city attorney meant by "opened."
- The easement has been used and maintained by the properties.
- He does not care if the city attorney is not interested in the easement. Law has to do with what the documents state.
- There was an access already provided for on Windmill Ridge Road.
- His clients would have no choice of the rules or who is on the association.
- There is no problem. The developer has all the access needed. He did not care if Windmill Ridge residents object.
- The documents speak for themselves.
- There is no need to put in a new driveway.

Karmen Nelson, 11895 Minnetonka Boulevard, stated that:

- She is the president of the Windmill Ridge Homeowners' Association.
- Safety is a concern. The private drive is narrow with only room for two vehicles to pass.
- The private easements are not recorded and do not exist.
- The association requires the mortgagees to give permission to allow for any encumbrance on the property. That did not happen at the time. There is no common-law easements on Torrens property. Whatever was supposed to happen in the 1980s did not happen. Nothing is effective. This remains private.
- The association is not willing to grant access.
- The association has no overall objection to the proposal. It looks attractive.
- The city cannot allow the developer to use this.

Gary Feldhege, 11909 Minnetonka Boulevard, stated that:

- Adding four parking stalls would cause the removal of trees that buffer Minnetonka Boulevard.

- He wanted to maintain the parking in the area.
- Widening the drive would disturb the root system of a beautiful tree.
- He does not want to see Minnetonka Boulevard.
- He was concerned with space for large and emergency vehicles to turn around.
- He questioned where trash containers would be located for pick up.
- He questioned how the two associations would be responsible, make decisions, and get things done. He did not want to spend a lot of time in litigation. He wanted to keep good relations with the neighbors.
- He questioned what materials would be used in the retaining wall.
- He questioned if the low mow grass seed would attract rodents.

Jackie Regan, 11871 Minnetonka Drive, stated that:

- Windmill Ridge has maintained the drive for 30 years. The owners of the two single-family houses have not contributed to the cost of maintenance. Five more households would cause more traffic and impact.
- Mailboxes and garbage cans have been located at the access drives for 30 years. Relocation would cause more traffic and impact.

Nancy Kazalunas, 11907 Minnetonka Boulevard, stated that:

- She has lived there for 12 years. Some of the owners did not follow the bylaws. She was concerned additional owners may not agree with how often to mow and clear snow.
- The seller told her there would be four additional units built and the access would be on the side road.
- She was concerned with marrying two entirely separate communities.
- The proposal would have too much hardscape.
- Use the existing driveway. It is steep, but she is fine with it and wants to keep the trees.
- The proposal would have an impact on the resale value.
- The proposal was “shoved down her throat” at the first neighborhood meeting with the developer.
- She feels like she was bullied into this when the solution is to use the existing driveway.
- She does not want to be “legally bound” to new neighbors.

Mr. Reichert agreed that the property is Torrens property. The documents recorded count.

No additional testimony was submitted and the hearing was closed.

Calvert confirmed with Cauley that locating the access on Windmill Ridge Road would provide a better access option in terms of safety and sight preservation, but would cause loss of trees. Schwartz stated that, based on the proposed drive access, seven trees would be lost along Minnetonka Boulevard. The Big Willow property would lose five healthy trees initially and two or three that would be lost due to grading. There could be additional tree loss due to installation of sewer and water services.

Cauley explained that the storm water treatment of the site would impact tree loss. If the drive would be moved to the east, then the storm water pond may need to be relocated.

In response to Odland's question, Cauley explained that the footprint of the buildings would still cause the loss of high-priority trees. The existing driveway would not meet city standards for providing access to three houses. In order to get the driveway to meet minimum standards, there would be significant tree loss and shifting of everything else.

In response to Chair Kirk's question, Cauley clarified that the Big Willow Townhome development came in, the declaration was recorded, and then the townhomes were constructed. Cauley explained that staff located private access documents from 1986 which were never recorded with the county. In 1987, the public easement was drafted and recorded with Hennepin County.

Gordon noted that the application is consistent with the 2004 master development plan which shows the one driveway on the property as it is now. The declarations from 2004 contemplated this happening. All of the owners have the documentation as part of the bylaws and title records. The city has no ability to build a public road to public standards within the easement to provide access. The proposal is consistent with what was previously approved.

Calvert saw no problem reducing the number of townhomes from four to three. She was concerned with the acrimony in the neighborhood. She was not happy with the tree loss.

As a commissioner, Powers considered the proposal's best use of land. The city does not regulate how neighbors get along. Legal issues do matter. Calvert did not feel well enough informed to make a judgement on the legal issues without the city attorney.

Gordon reiterated that the city does not have the ability to require the applicant to connect to the driveway to the Windmill Ridge private drive. Staff has spent numerous meetings and hours with Big Willow and Windmill Ridge property owners and the applicant trying to resolve access issues. It is not the role of the commission to broker a deal between two private properties.

Chair Kirk did not think access for eight townhomes should be located within 10 feet of each other on Minnetonka Boulevard. The parcels were married in 2004. It is not necessary to resolve the location of mailboxes and where garage pick up would occur at this meeting. The proposed access point is the most logical location. He agrees with the site plan and amendment. Calvert agreed.

Powers moved, second by Knight, to recommend that the city council adopt the following items pertaining to 11901 Minnetonka Boulevard with modifications provided in the change memo dated August 18, 2016:

1. ***An ordinance approving a major amendment to the existing Minnetonka Townhomes master development plan (see pages A45-A47 of the staff report).***
2. ***Resolution approving final site and building plans for the proposed townhomes (see pages A48-A57 of the staff report).***
3. ***Resolution approving preliminary and final plats (see pages A58-A60 of the staff report).***

Calvert, Knight, Powers, and Kirk voted yes. Odland voted no. Hanson and O'Connell were absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council September 12, 2016.

9. **Adjournment**

Odland moved, second by Calvert, to adjourn the meeting at 8:26 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

September 8, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
September 8, 2016

Brief Description Side yard setback variance for an entry and living space addition at 3133 Shores Boulevard

Recommendation Adopt the resolution approving the variance

Background The subject property was platted in 1916 and the original home was constructed on the site in 1920. Both the property and the home existed well before adoption of the city’s first subdivision and zoning ordinances. Both are non-conforming. (See page A1–A2.)

		REQUIRED	EXISTING*
LOT	Area	22,000 sq.ft.	11,300 sq.ft.
	Buildable Area	3,500 sq.ft.	8,250 sq.ft.
	Width at Right of Way	80 ft	50 ft
	Width at Setback	110 ft	50 ft
	Depth	125 ft	225 ft
HOUSE	Front Yard	35 ft	35 ft
	Side Yard	10 ft	1 ft (N) 14 ft (S)
	Aggregate Side Yard	30 ft	15 ft
	Rear Yard	40 ft	140 ft

* rounded down to nearest 5 sq.ft. or 5 ft.

Proposal Homzik Remodeling, on behalf of the property owners, is proposing the following additions to the home:

- 1) A 32-square foot, enclosed entry addition on the east side of the home. This addition would meet all setback requirements.

- 2) An approximately 32-square foot, unenclosed entry addition and a 50-square foot living space addition on the south side of the home. These areas would require an aggregate side yard setback variance from 30 feet to 14 feet. A variance, rather than expansion permit, is

necessary because the proposed additions would decrease the existing, non-conforming aggregate setback (See pages A3–A8.)

Staff Analysis

Staff finds that the proposed unenclosed entry and living space addition would meet the variance standard outlined in city code:

- **Reasonableness and Unique Circumstance.** The subject property is just 11,300 sq.ft. in size and just 50 feet in width. However, because there are several larger lots in the area, the property cannot be considered a “small lot” by city code definition. Were the property classified as a “small lot,” a minimum side yard setback of 7 feet would be required and no aggregate side yard setback requirement would be applied. In other words, the proposed setback would meet code requirements and no variance would be necessary. Given this unique circumstance, the proposed aggregate side yard setback is reasonable.
- **Neighborhood Character.** The proposed setback would not negatively impact the existing character of the neighborhood. In fact, the proposed setback would be similar to others already existing in the area. Fifteen properties on Shores Boulevard have reduced side yard setbacks based on approved variances, approved expansion permits, or simply due to existing non-conformities. (See page A9.)

Staff Recommendation

Adopt the resolution approving an aggregate side yard setback variance for an entry and living space addition at 3133 Shores Boulevard. (See pages A10–A13.)

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

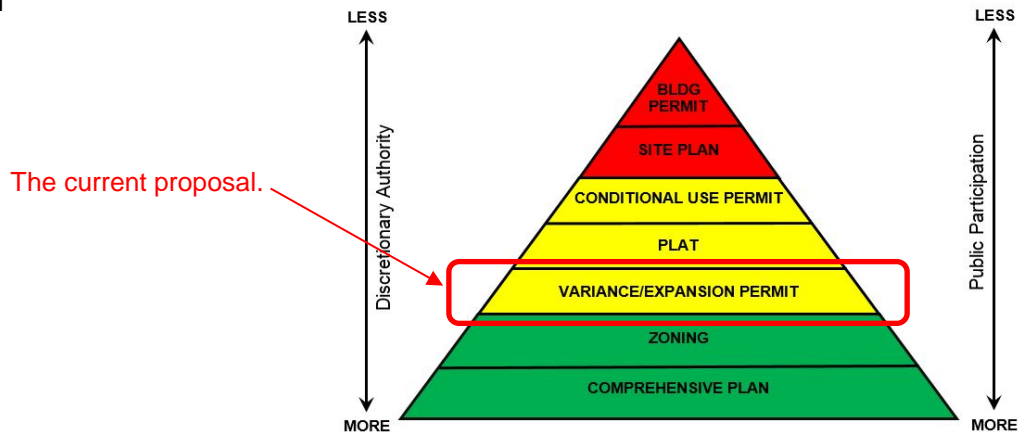
Supporting Information

Surrounding Land Uses	The subject property is surrounded by single-family properties zoned R-1
Planning	Guide Plan designation: Low-density residential Zoning: R-1
Small Lots	<p>“Small lots” qualify for reduced structural setbacks. By city code, a “small lot” is one that:</p> <ul style="list-style-type: none">• Is less than 15,000 square feet;• Was a lot of record as of February 12, 1966; and• Is located in an area in which the average size of all residential lots within 400 feet is less than 15,000 square feet. <p>Average lot size within 400 feet of the subject property is 16,150 square feet. As such, the subject property is not considered a “small lot” by city code definition.</p>
Variance v. Expansion	A variance is required for any alteration that will intrude into one or more setback areas beyond the distance of the existing, non-conforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity. The applicant’s proposal requires a variance because the proposed additions would decrease the existing, non-conforming aggregate setback.
Variance Standard	A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)
Reduced Setbacks	Several properties on Shores Boulevard have been granted variances or expansion permits for reduced setbacks. Several others appear to have non-conforming setbacks. (See page A9.)

Natural Resources Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance erosion control fencing

Neighborhood Comments The city sent notices to 45 area property owners and received no comments to date.

Pyramid of Discretion



Motion Options The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the request is denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

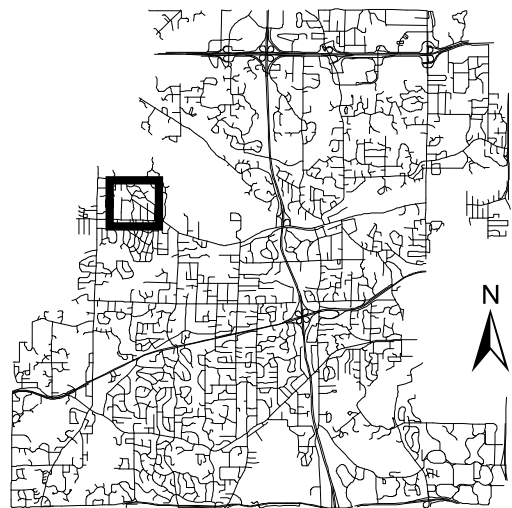
Appeals Any person aggrieved by the planning commission's decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Deadline for Decision **December 5, 2016**



Location Map

Project: Homzik Remodeling
 Address: 3133 Lake Shore Blvd
 Project No. 05051.16a



This map is for illustrative purposes only.

EXISTING CONDITIONS

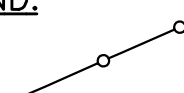
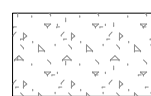

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

LOT 41, BLOCK 15, THORPE BROS GROVELAND SHORES, HENNEPIN COUNTY, MINNESOTA

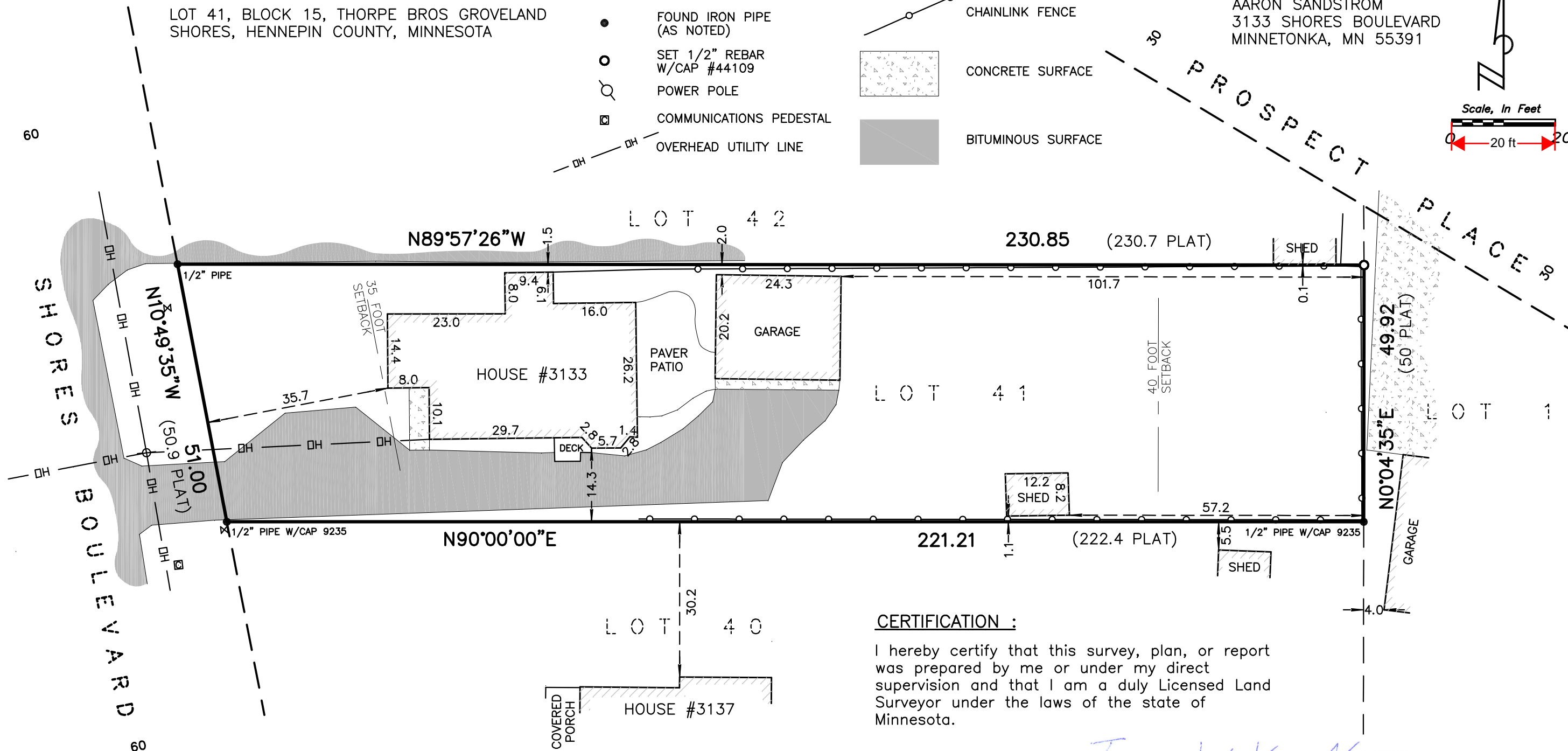
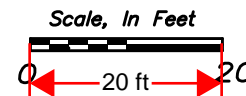
LEGEND:

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- ⊙ POWER POLE
- ⊠ COMMUNICATIONS PEDESTAL
- DH — DH — OVERHEAD UTILITY LINE

-  CHAINLINK FENCE
-  CONCRETE SURFACE
-  BITUMINOUS SURFACE

PREPARED FOR:

AARON SANDSTROM
3133 SHORES BOULEVARD
MINNETONKA, MN 55391



CERTIFICATION :

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

SIGNED :

Travis W Van Neste

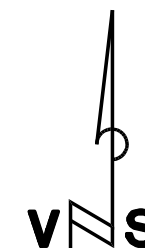
Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695

JOB # 2016033	ISSUED: 6-29-2016
DRAWN BY: TWWN	REV:
SCALE: 1" = 20 FEET	

VAN NESTE SURVEYING

PROFESSIONAL SURVEYING SERVICES

85 WILDHURST ROAD EXCELSIOR, MN 55331
PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120
WWW.VANNESTESURVEYING.COM



NOTES:

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.I.D.:17-117-22-24-0055
- 3) PARCEL AREA: 11,303 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 6-13-2016

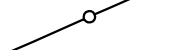
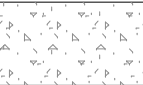

CERTIFICATE OF SURVEY

**PROPOSED
CONDITIONS**

LEGAL DESCRIPTION:

LOT 41, BLOCK 15, THORPE BROS GROVELAND SHORES, HENNEPIN COUNTY, MINNESOTA

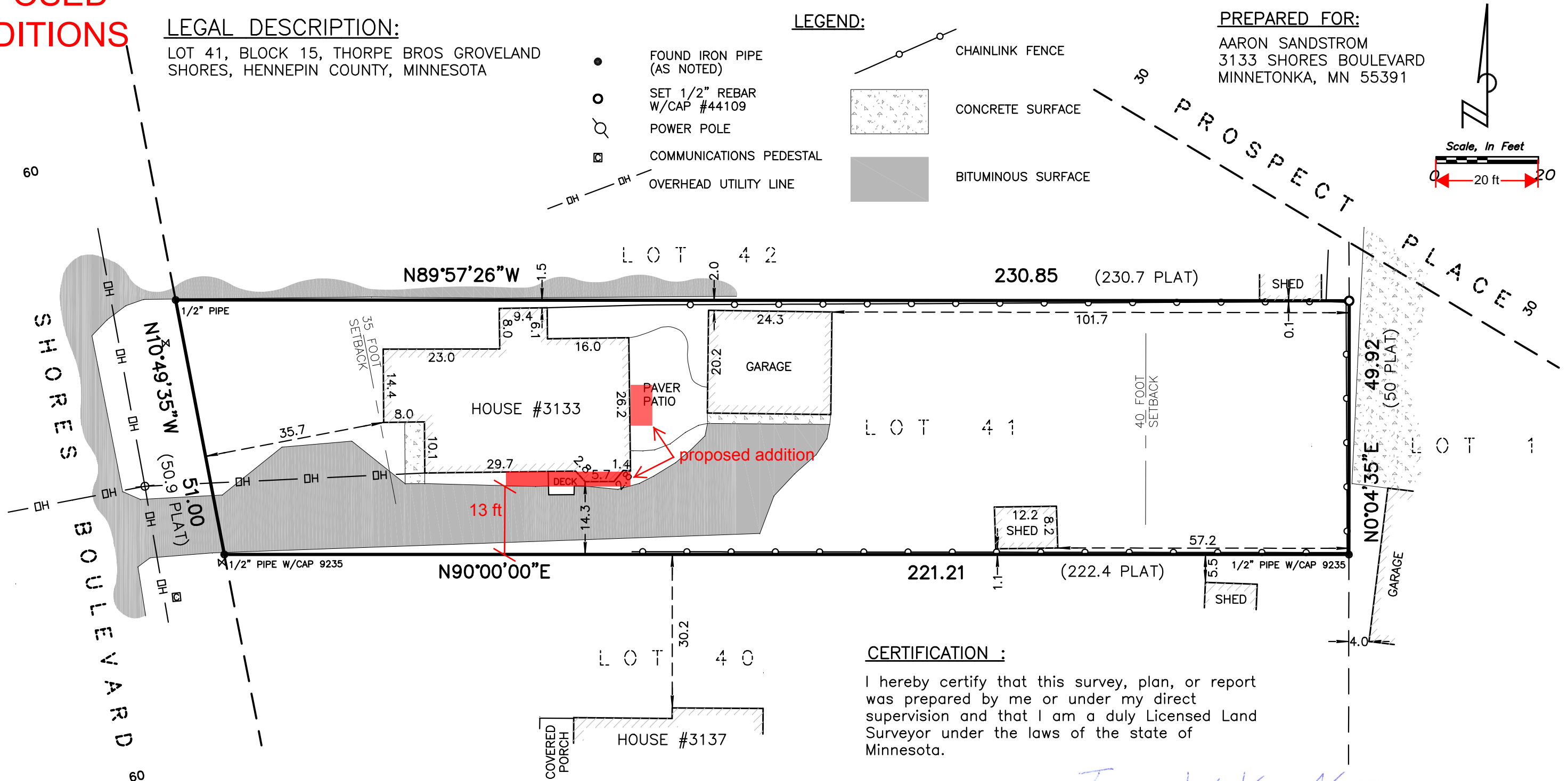
LEGEND:

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- ⊙ POWER POLE
- ⊠ COMMUNICATIONS PEDESTAL
- DH — DH — OVERHEAD UTILITY LINE
-  CHAINLINK FENCE
-  CONCRETE SURFACE
-  BITUMINOUS SURFACE

PREPARED FOR:

AARON SANDSTROM
3133 SHORES BOULEVARD
MINNETONKA, MN 55391

Scale, In Feet
0 20 ft 20



CERTIFICATION :

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

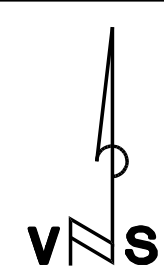
SIGNED :

Travis W Van Neste

Travis W. Van Neste, Minnesota Professional Surveyor #44109
Michigan Professional Surveyor #46695



JOB # 2016033	ISSUED: 6-29-2016
DRAWN BY: TWWN	REV:
SCALE: 1" = 20 FEET	

VAN NESTE SURVEYING
PROFESSIONAL SURVEYING SERVICES
85 WILDHURST ROAD EXCELSIOR, MN 55331
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WWW.VANNESTESURVEYING.COM



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- 2) P.I.D.:17-117-22-24-0055
- 3) PARCEL AREA: 11,303 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 6-13-2016

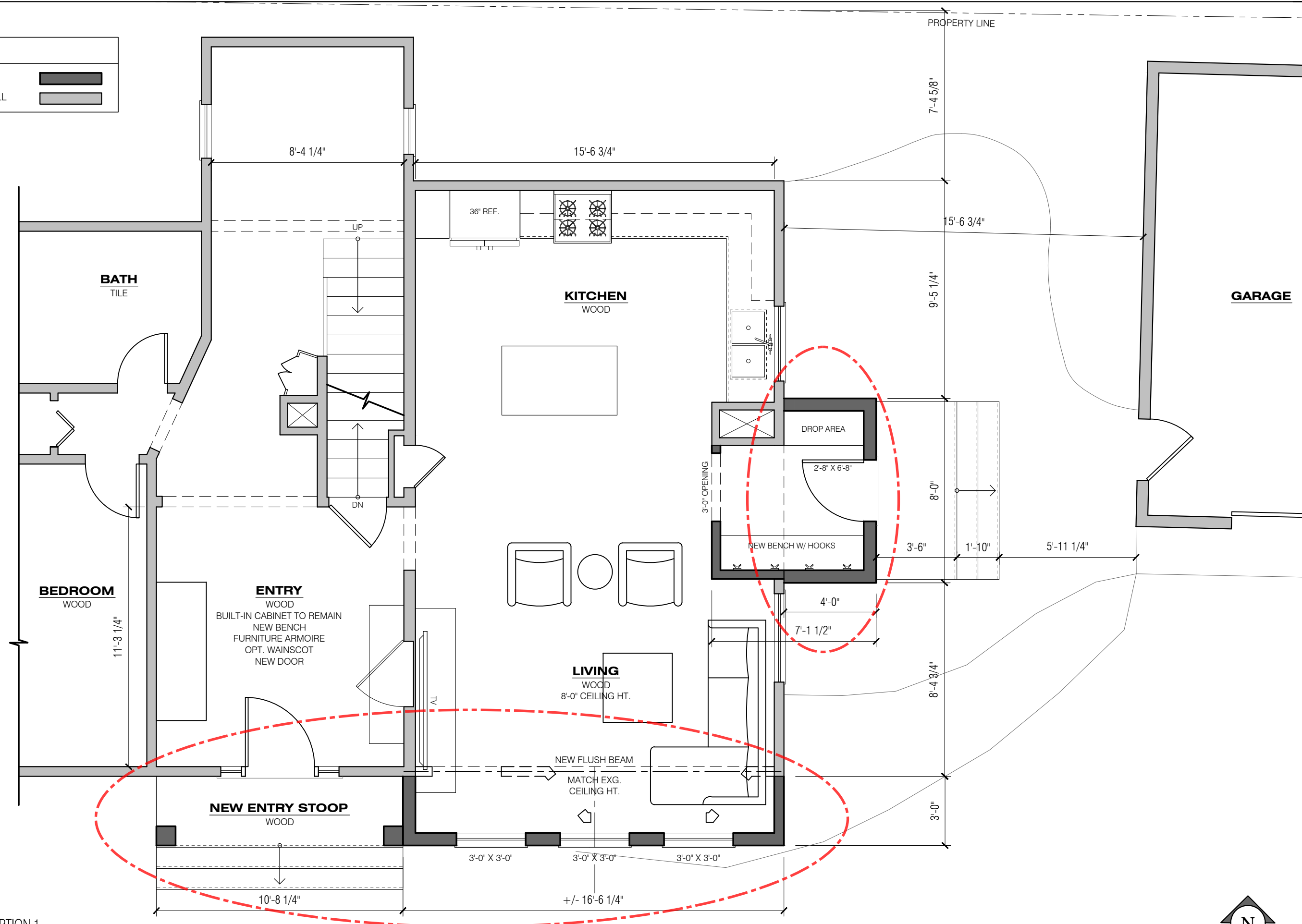
DRAWING KEY:	
NEW STUD WALL	
EXISTING STUD WALL	



SANDSTROM RESIDENCE
 3133 Shores Blvd Minnetonka, MN

ISSUE DATE
8.3.16

A1.1
 MAIN FLOOR
 Homzik Remodeling
 3133 Shores Blvd
 #05051.16a

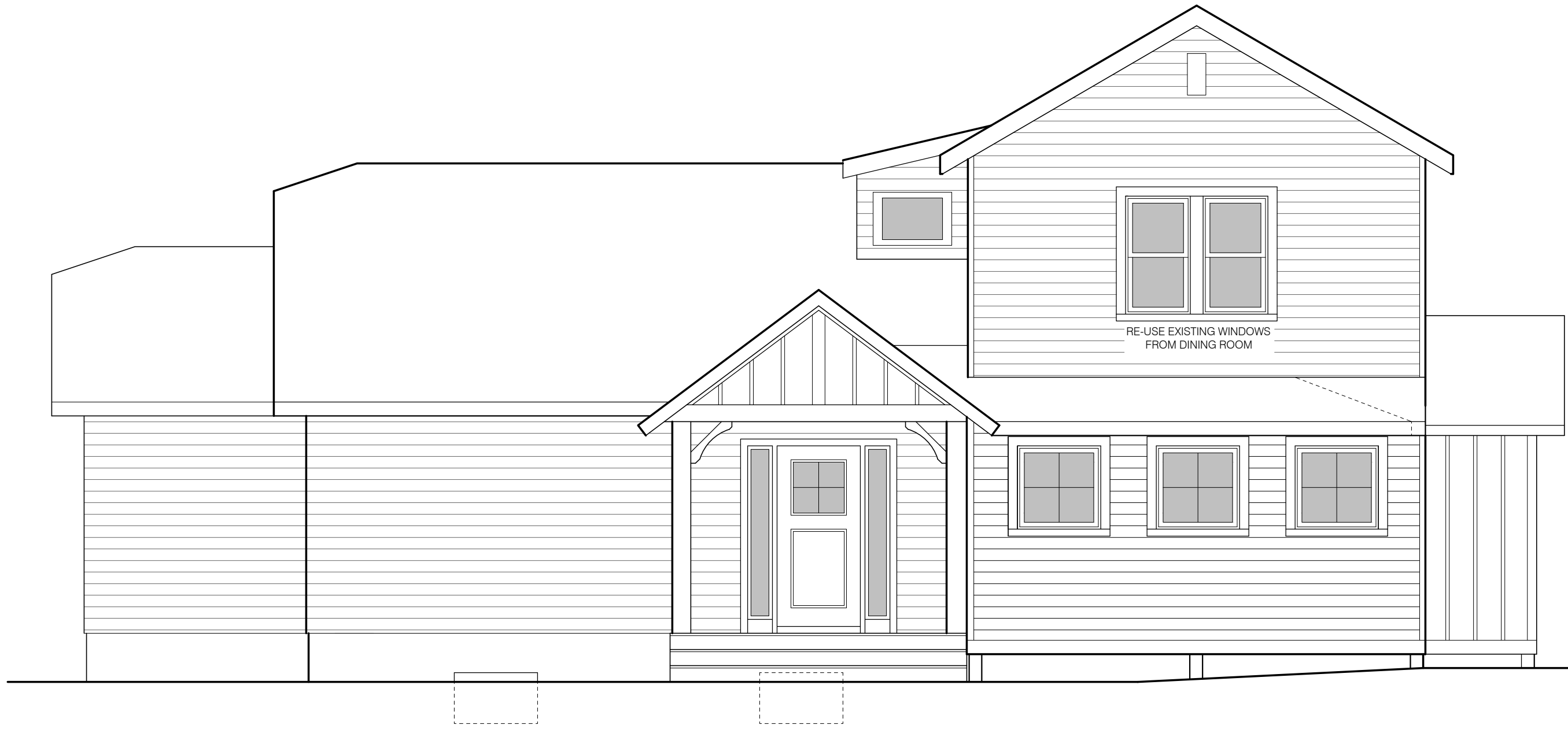


1 PLAN- OPTION 1
 A1.1 1/4" = 1'-0"

A4

NOT FOR CONSTRUCTION





SANDSTROM RESIDENCE
3133 Shores Blvd Minnetonka, MN

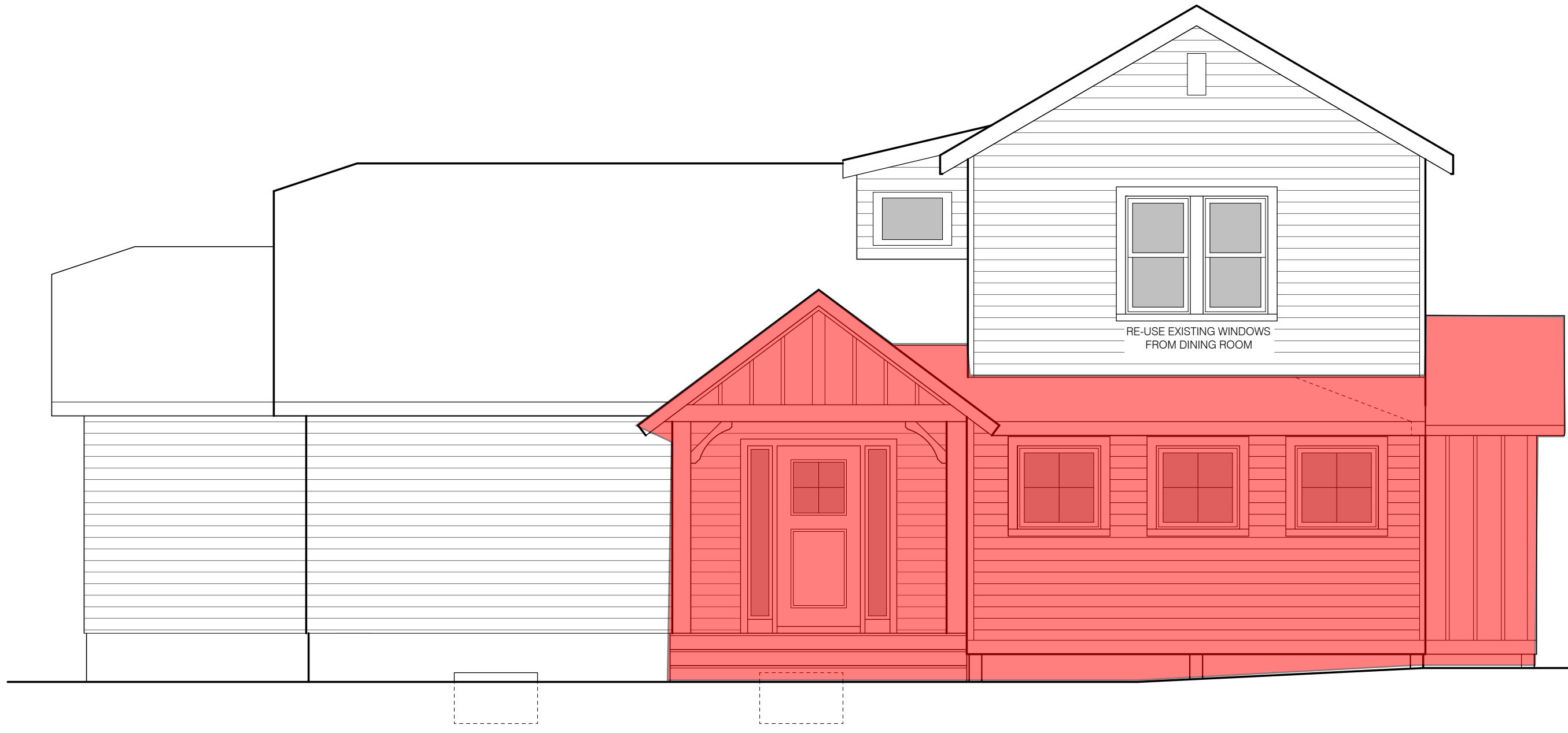
1 ELEVATION- SIDE
A2.0 1/4" = 1'-0"

ISSUE DATE
8.3.16

A2.0

A5

SANDSTROM RESIDENCE
 3133 Shores Blvd Minnetonka, MN

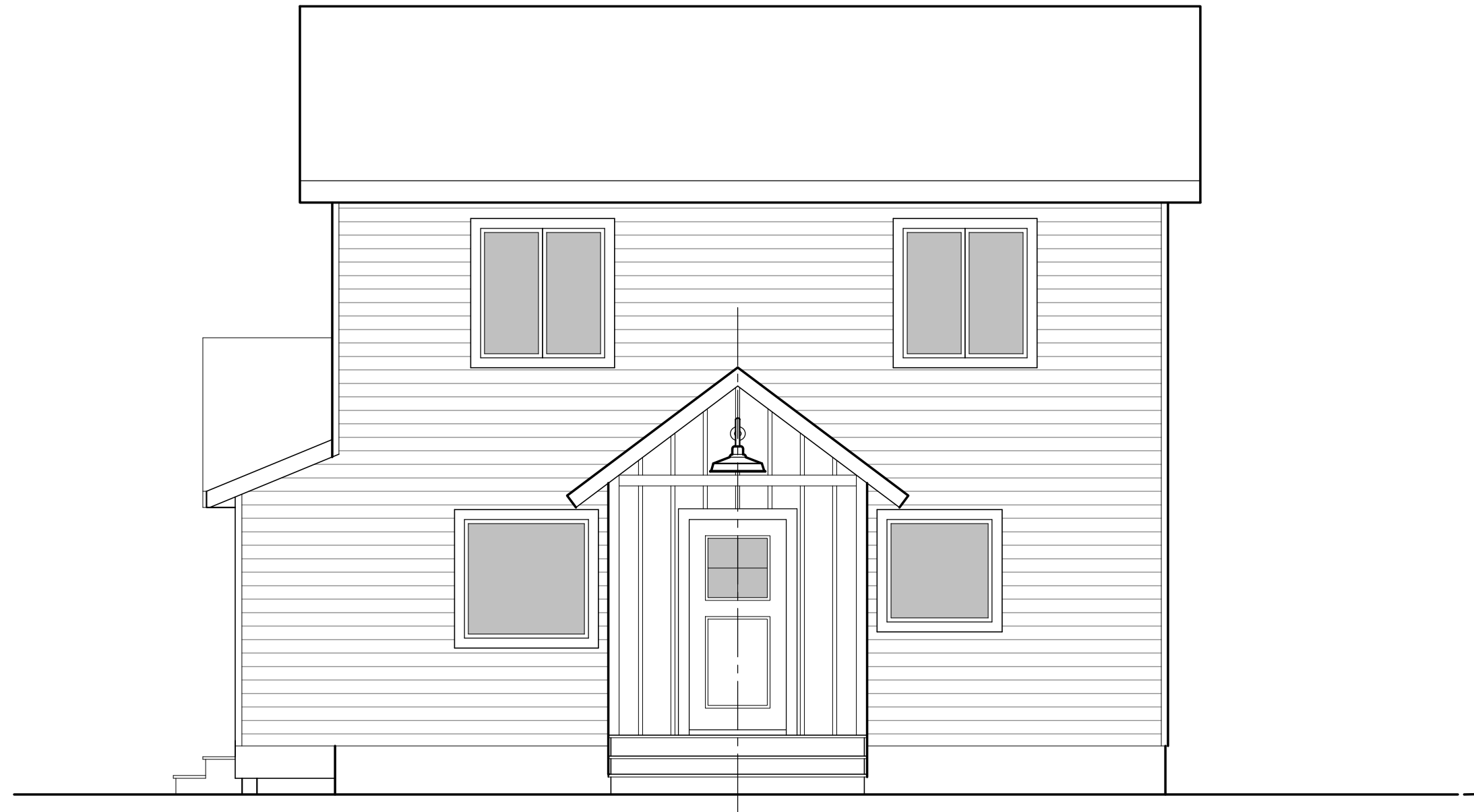


1 ELEVATION- SIDE
 A2.0 1/4" = 1'-0"

ISSUE DATE

8.3.16

A2.0



1 ELEVATION- BACK
A2.1 1/4" = 1'-0"

SANDSTROM RESIDENCE
3133 Shores Blvd Minnetonka, MN

ISSUE DATE

8.3.16

A2.1

A7



1 ELEVATION- BACK
A2.1 1/4" = 1'-0"

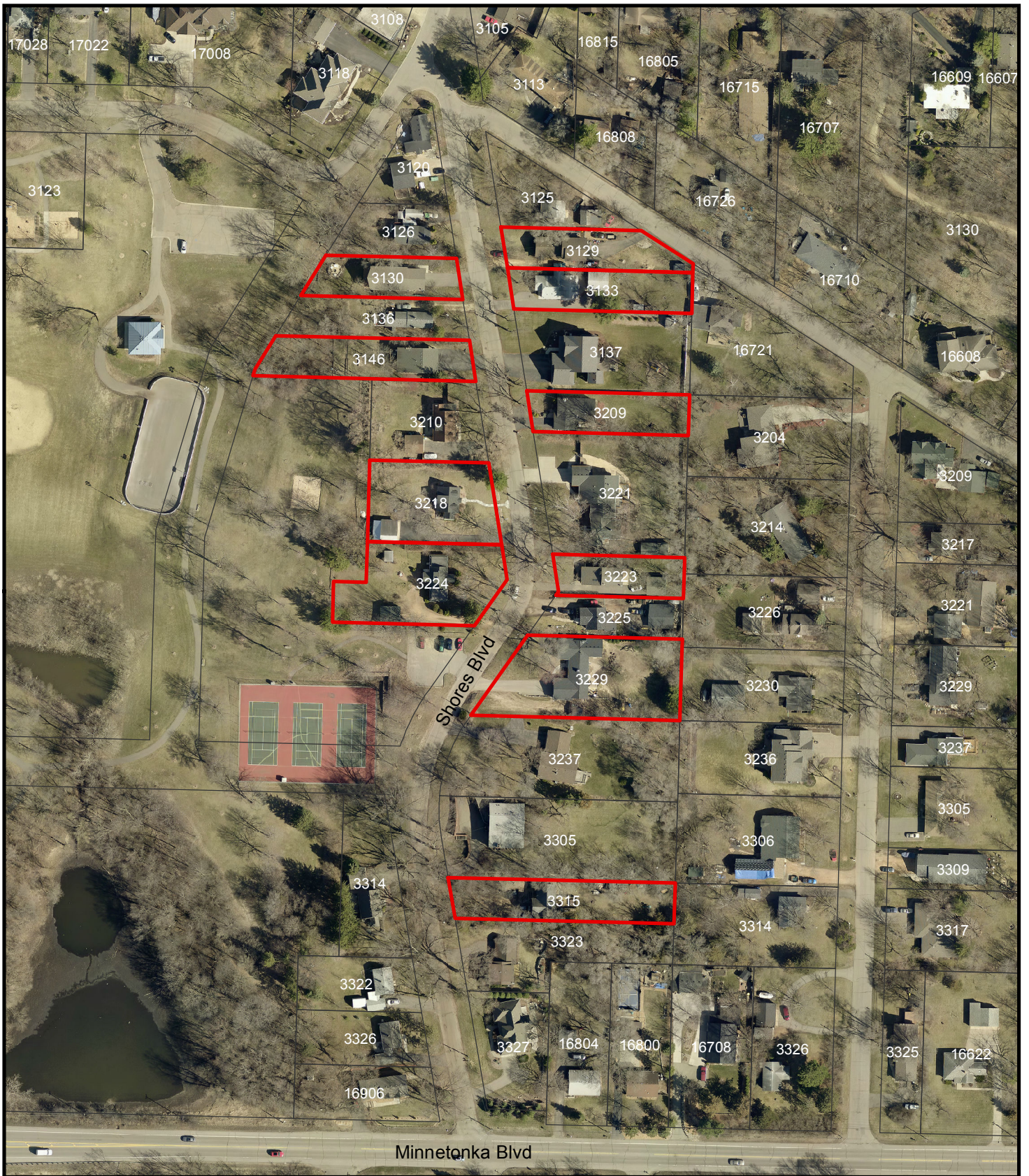
SANDSTROM RESIDENCE
3133 Shores Blvd Minnetonka, MN

ISSUE DATE

8.3.16

A2.1

A8



**SHORES BOULEVARD:
PREVIOUSLY APPROVED
VARIANCES and EXPANSION PERMITS**



Planning Commission Resolution No. 2016-

Resolution approving an aggregate side yard setback variance for an unenclosed entry and living space addition at 3133 Shores Boulevard

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The subject property is located at 3133 Shores Boulevard. It is legally described as: Lot 41, Block 15, THORPE BROS GROVELAND SHORES, HENNEPIN COUNTY, MINNESOTA.

1.02 The property was platted in 1916 and the original home was constructed on the site 1920. Both the property and the home predate the city's first subdivision and zoning ordinances. Both are non-conforming.

		REQUIRED	EXISTING*
LOT	Area	22,000 sq.ft.	11,300 sq.ft.
	Width at Right of Way	80 ft	50 ft
	Width at Setback	110 ft	50 ft
HOUSE	Side Yard	10 ft	1 ft (N) 14 ft (S)
	Aggregate Side Yard	30 ft	15 ft

* rounded down to nearest 5 sq.ft. or 5 ft.

1.03 By City Code §300.10, residential structures must maintain a minimum aggregate side yard setback of 30 feet and minimum side yard setback of 10 feet.

1.04 Homzik Remodeling, on behalf of the property owners, is proposing an approximately 32-square foot, unenclosed entry addition and a 50-square foot living space addition on the south side of the existing home.

1.05 An aggregate side yard setback variance from 30 feet to 14 feet is required.

1.06 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The intent of the aggregate side yard setback requirement is to: (1) ensure structures are centrally located within property width; and (2) to provide appropriate and consistent setbacks between individual structures. The proposed setback would meet this intent. The entry and living space addition would be located 13 feet from the south property line and over 40 feet from the closest adjacent home.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood, and would provide investment in the property to enhance its use.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS and UNIQUE CIRCUMSTANCE:** The subject property is just 11,300 sq.ft. in size and just 50 feet in width. However, because there are several larger lots in the

area, the property cannot be considered a “small lot” by city code definition. Were the property classified as a “small lot,” a minimum side yard setback of 7 feet would be required and no aggregate side yard setback requirement would be applied. In other words, the proposed setback would meet code requirements and no variance would be necessary. Given this unique circumstance, the proposed aggregate side yard setback is reasonable.

- b) NEIGHBORHOOD CHARACTER: The proposed setback would not negatively impact the existing character of the neighborhood. In fact, the proposed setback would be similar to others already existing in the area. Fifteen properties on Shores Boulevard have reduced side yard setbacks based on approved variances, approved expansion permits, or simply due to existing non-conformities.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

- 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, excepted as modified by the conditions below:
 - Staff-notated site plan attached to staff report dated September 8, 2016
 - Building elevations and floor plans dated August 3, 2016
- 2. Prior to issuance of a building permit:
 - a) A copy of this resolution must be recorded with Hennepin County.
 - b) Install erosion control fencing as required by staff for inspection and approval. The fencing must be maintained throughout the course of construction.
- 3. This variance will end on December 31, 2017, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on September 8, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 8, 2016.

Kathy Leervig, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
September 8, 2016

Brief Description Expansion permit for a second story addition on a home at 3177 Lake Shore Boulevard

Recommendation Adopt the resolution approving the requested expansion permit

Project No. 16021.16a

Property 3177 Lake Shore Boulevard

Applicant John MacEachern

Proposal The applicant, John MacEachern, is proposing to construct a second story addition on his home. The existing home was constructed prior to adoption of the aggregate side yard setback requirement. It has a non-conforming aggregate side yard setback of 20 feet. The proposed addition would maintain the existing aggregate side yard setback. (See plans on pages A1-A10)

This proposal requires:

	Required	Existing	Proposed
Aggregate side yard setback	30 ft.	20 ft.	20 ft.*

* requires expansion permit

Approving Body

The planning commission action will be final action subject to the right of appeal. (City Code §300.07.4)

Staff Analysis

Staff finds that the applicant's proposal is reasonable:

1. Reasonableness:

The request for a second story addition is reasonable and the addition would enhance the existing single-story home. The proposed addition would maintain the existing setback from the home to the side property lines. Also, the height of the proposed addition would be more than 10 feet shorter than what would be allowed if the structure met the aggregate side yard setback requirement.

2. Circumstance Unique to the Property:

The absence of a second level, current non-conformity of the home, lot shape, and lot size are unique characteristics of the property.

The subject home was originally constructed in 1969 without a second story. The home currently has a 20-foot aggregate side yard setback, encroaching 10 feet into the 30 foot aggregate side yard setback. (See page A2). There are limited expansion options due to the home's proximity to property lines.

The subject lot was platted in 1916. The lot is approximately 10,700 square feet in area, which is 11,300 square feet smaller than what is required for lots within the R-1 district. Also, the subject lot is only 50 feet in width. Current R-1 district standards require properties to have at least 110 feet in width at the front yard setback line. These property characteristics create a practical difficulty for the property owner when attempting to achieve their reasonable goal of constructing a second story addition.

3. Neighborhood Character:

The area has a long history of variances and non-conformities due to the early platting of the land (1916). The city has approved 16 variance requests on properties within 400 feet of the subject property. Eleven of the variances approved by the City were for side yard setbacks. (See pages A9-A10).

Multiple story homes are not uncommon in the subject neighborhood. Of the 26 homes within 400 feet of the subject property, approximately half are either a split level, 1.5-story, or 2-story homes.

If the applicant's variance request is approved, the proposed project would not alter the essential character of the neighborhood.

Staff Recommendation

Adopt the resolution on pages A11-A14. This resolution approves an aggregate side yard setback expansion permit for a second story addition at 3177 Lake Shore Boulevard.

Originator: Drew Ingvalson, Planner

Through: Loren Gordon, AICP, City Planner

Supporting Information

**Surrounding
Land Uses**

Northerly: Public Waterbody (Libb's Lake)
Easterly: Low density residential
Southerly: Low density residential
Westerly: Low density residential

Planning

Guide Plan designation: Low Density Residential
Zoning: R-1 Single Family Residential

Small lot

By City Code §300.10 Subd. 7, properties that are defined as qualifying small lots are allowed lesser setbacks from property lines than "typical" properties. To be defined as a small lot, a property must be less than 15,000 square feet; have been a lot of record prior to February 12, 1966; and must be located in an area in which the average size of residential lots is less than 15,000 square feet.

Despite the property's "smaller" lot size and old lot of record standing, it does not qualify as a small lot. The average lot size of properties in the surrounding neighborhood is approximately 18,000 square feet, exceeding the maximum average lot area to be considered a small lot.

**Variance v.
Expansion**

A variance is required for any alteration that will intrude into one or more setback areas beyond the distance of the existing, non-conforming structure. An expansion permit is required for any alteration that maintains the existing non-conformity. The applicant's proposal requires an expansion permit because the proposed additions would maintain the existing, non-conforming aggregate setback.

Expansion Permit

By city code (City Code §300.29), an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

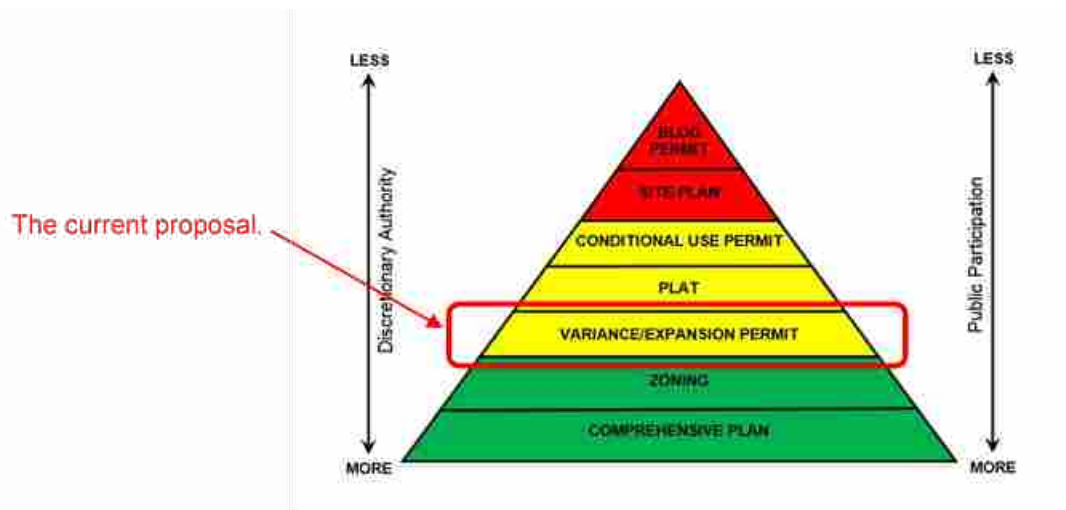
1. The proposed expansion is reasonable use of the property, considering such things as:
 - Functional and aesthetic justifications for the expansions;
 - Adequacy of off-street parking for the expansion;
 - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
 - Improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Neighborhood Comments

The city sent notices to 33 area property owners and received zero comments.

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the expansion permit.
2. Disagree with staff's recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the proposal. This motion must include findings for denial.
3. Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

Appeals

Any person aggrieved by the planning commission's decision about the requested permit may appeal such decision to the city

council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

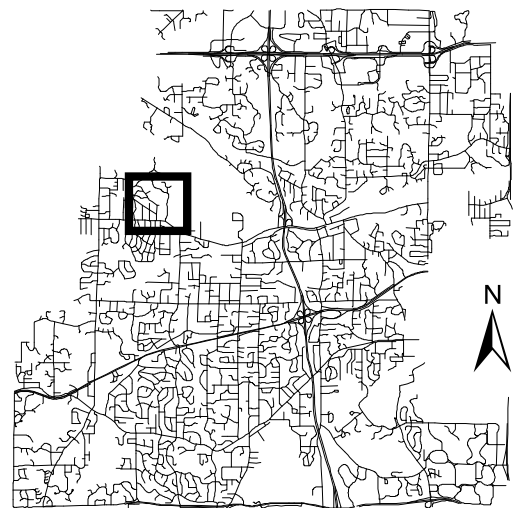
**Deadline for
Decision**

September 8, 2016



Location Map

Project: John MacEachern
 Address: 3177 Lake Shore Blvd
 Project No. 16021.16a

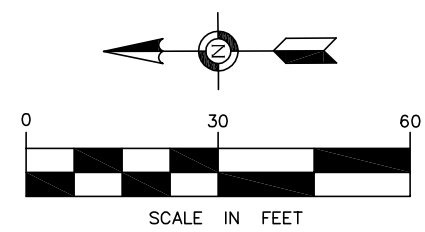
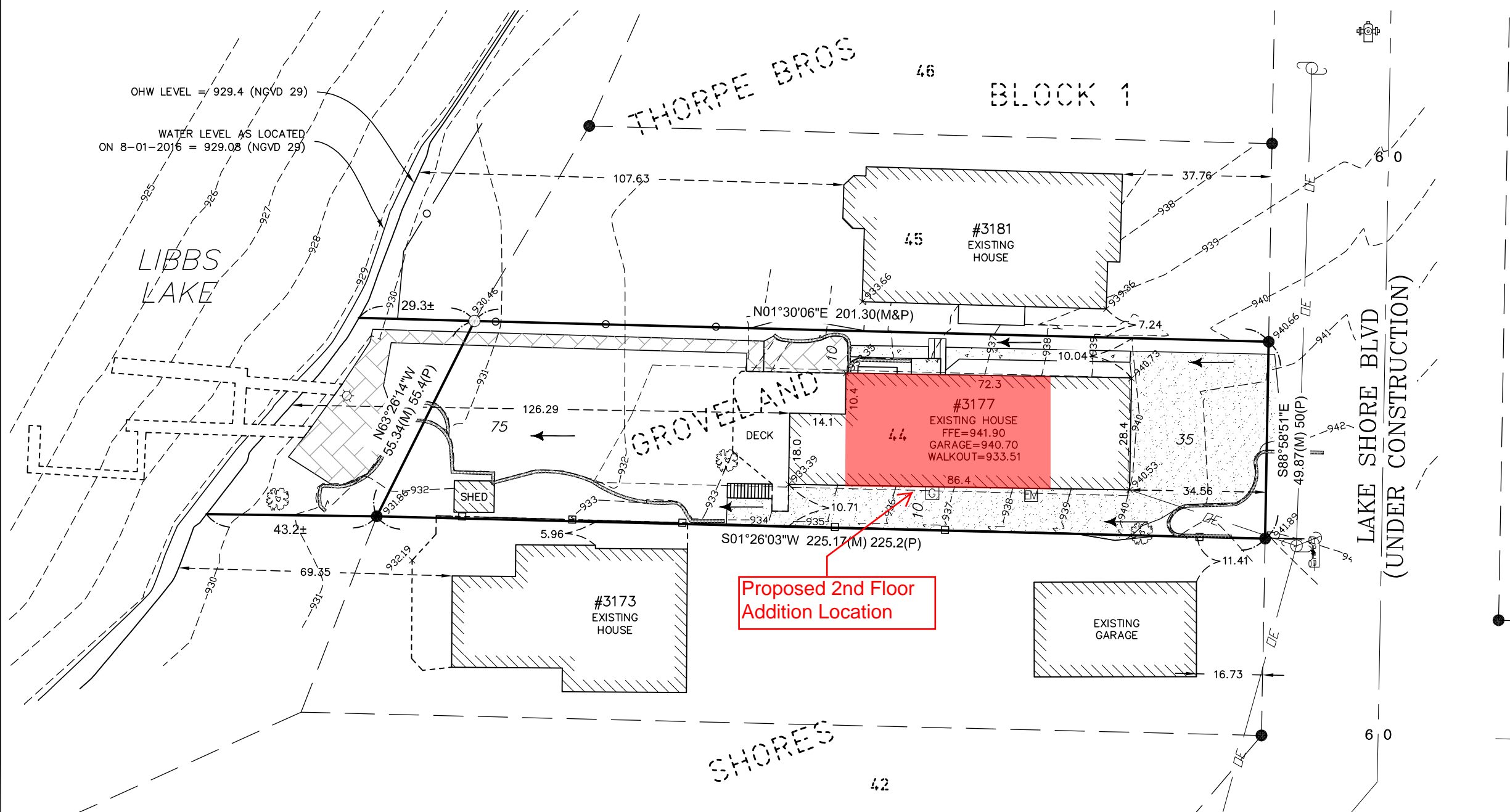


This map is for illustrative purposes only.

CERTIFICATE OF SURVEY

-for-
BRIAN MUELLER

Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166



- LEGEND**
- DENOTES FOUND PROPERTY IRON
 - DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
 - DENOTES BOUNDARY LINE
 - - - DENOTES LOT LINE
 - - - DENOTES SETBACK LINE
 - - - 999 DENOTES EXISTING CONTOUR LINE
 - x999.99 DENOTES EXISTING ELEVATION
 - [Stippled] DENOTES CONCRETE SURFACE
 - [Cross-hatched] DENOTES BITUMINOUS SURFACE
 - [Grid pattern] DENOTES PATIO PAVER SURFACE
 - [Hatched] DENOTES RETAINING WALL
 - DENOTES CHAINLINK FENCE
 - DENOTES WOOD FENCE
 - OE — DENOTES OVERHEAD ELECTRIC
 - DENOTES ELECTRIC POWER POLE
 - DENOTES GUY ANCHOR
 - DENOTES TELEPHONE PEDESTAL
 - [EM symbol] DENOTES ELECTRIC METER
 - [GM symbol] DENOTES GAS METER
 - [Tree symbol] DENOTES DECIDUOUS TREE
 - DENOTES DRAINAGE FLOW
 - FFE DENOTES FINISH FLOOR ELEVATION
 - (M) DENOTES MEASURED DISTANCE
 - (P) DENOTES PLATTED DISTANCE

LEGAL DESCRIPTION

Lot 44, Block 1, THORPE BROS. GROVELAND SHORES, Hennepin County, Minnesota, according to the recorded plat thereof.

BUILDING SETBACKS

ZONING: R1 = LOW-DENSITY RESIDENTIAL
HOUSE: FRONT = 35 FT
SIDE = 10 FT, SUM NOT LESS THAN 30 FT
REAR = 75 FT FROM OWHL

NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
4. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

REFERENCE BENCHMARK

ELEVATION = 1015.13 (NGVD 29)
MNDOT DISK "FAHIL" AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF TH7 & FAIRHILLS RD.

HARDCOVER

EXISTING BUILDINGS & DECK	2,985 SQ. FT.
EXISTING PAVED SURFACES	3,675 SQ. FT.
TOTAL LOT AREA	12,677 SQ. FT.
EXISTING HARDCOVER	52.5 %

NO.	DATE	DESCRIPTION	BY

EDS ENGINEERING DESIGN & SURVEYING
6480 Wayzata Blvd. Minneapolis, MN 55426
OFFICE: (763) 545-2800 FAX: (763) 545-2801
EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Vlad Sivriver
VLADIMIR SIVRIVER L.S. NO. 25105 DATED: 08/03/16

JOB NAME: BRIAN MUELLER

LOCATION: 3177 LAKE SHORE BLVD
MINNETONKA, MN 55391

FIELD WORK DATE: 08/01/16

FIELD BOOK NO.: EDS-15

DRAWN BY: EP

CHECKED BY: VS

PROJECT NO.: 16-105

SHEET NO. 1 OF 1

John MacEachern
3177 Lake Shore Boulevard
Project #16021.16a

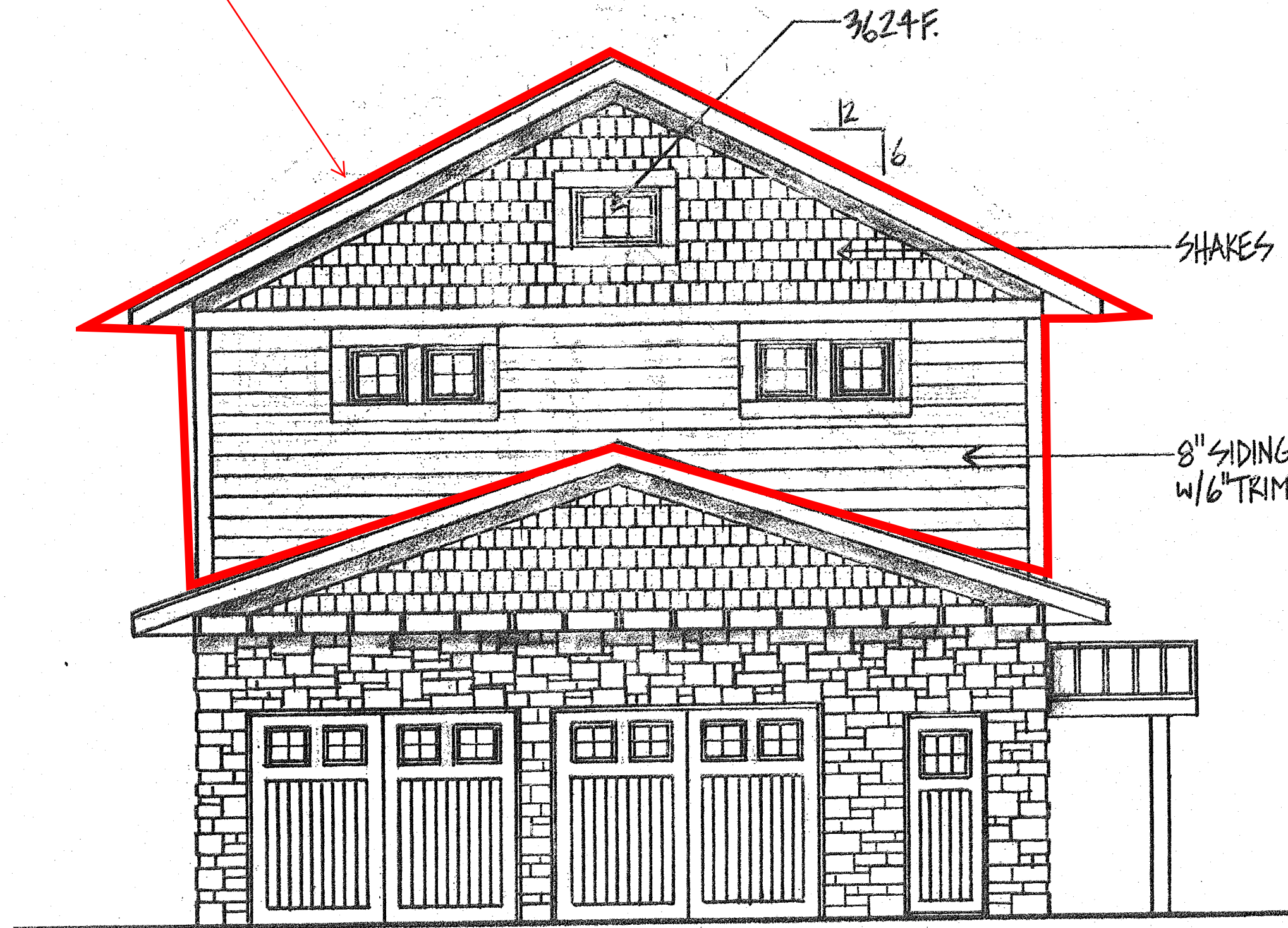
Existing Home



A3

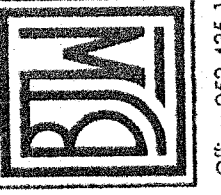
John MacEachern
3177 Lake Shore Boulevard
Project #16021_16a

Proposed Second Floor Addition



FRONT ELEVATION
SCALE 1/4" = 1'-0"

BRITT J. WILLIS
DESIGNER OF HOMES
FINE HOME DESIGN / REMODELING



Office: 952.435.1099

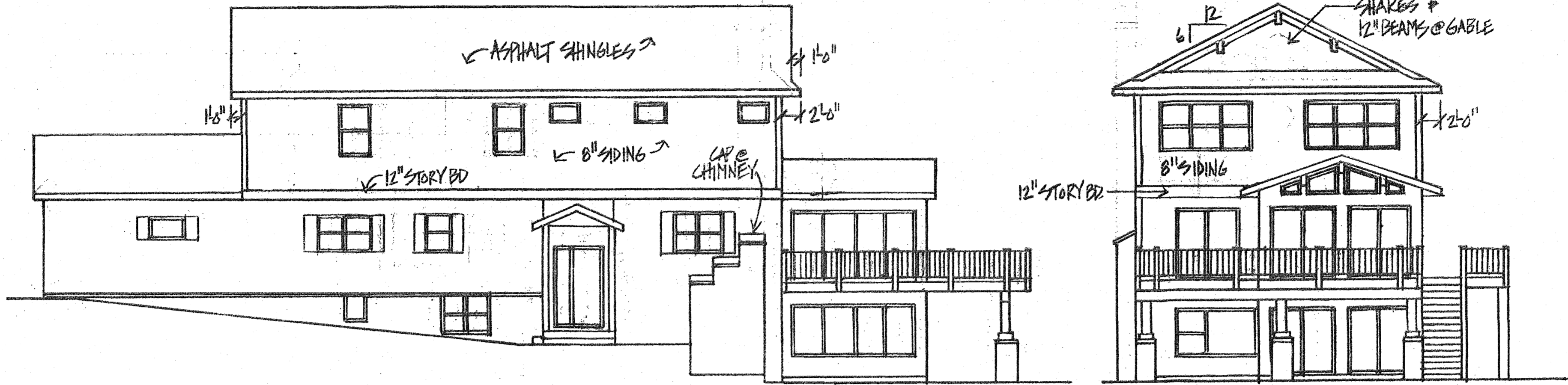
brittjwillisdesigner@gmail.com

JOHN MACEACHERN & JANET HOGGE RESIDENCE

3177 LAKE SHORE BLVD., WAYZATA, MN

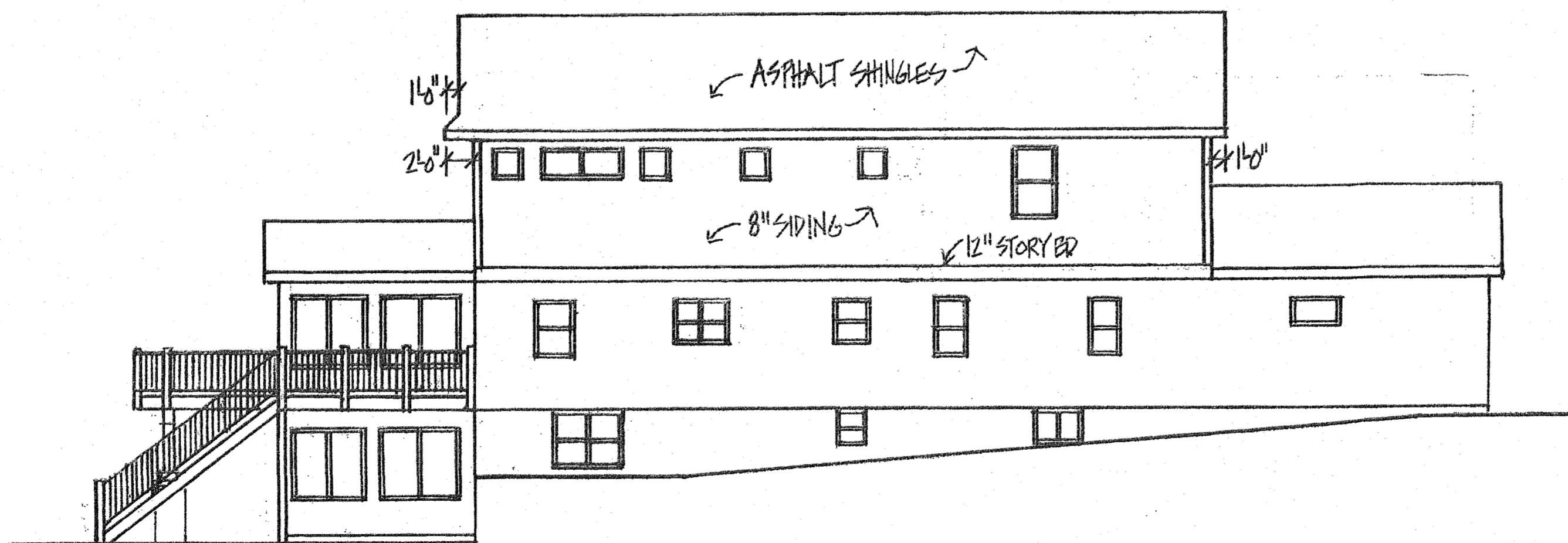
PLAN #1610Z 8/24/16

SHEET - 1 OF 5



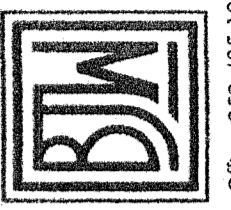
RIGHT ELEVATION
SCALE 1/8" = 1'-0"

REAR ELEVATION
SCALE 1/8" = 1'-0"



LEFT ELEVATION
SCALE 1/8" = 1'-0"

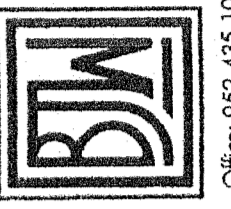
BRITT J. WILLIS
DESIGNER OF HOMES
FINE HOME DESIGN / REMODELING
Office: 952.435.1099
brittwillisdesigner@gmail.com



JOHN MACEACHERN & JANET HOGGE RESIDENCE
3177 LAKE SHORE BLVD., WAZATA, MN

PLAN # 16102 8/2/16

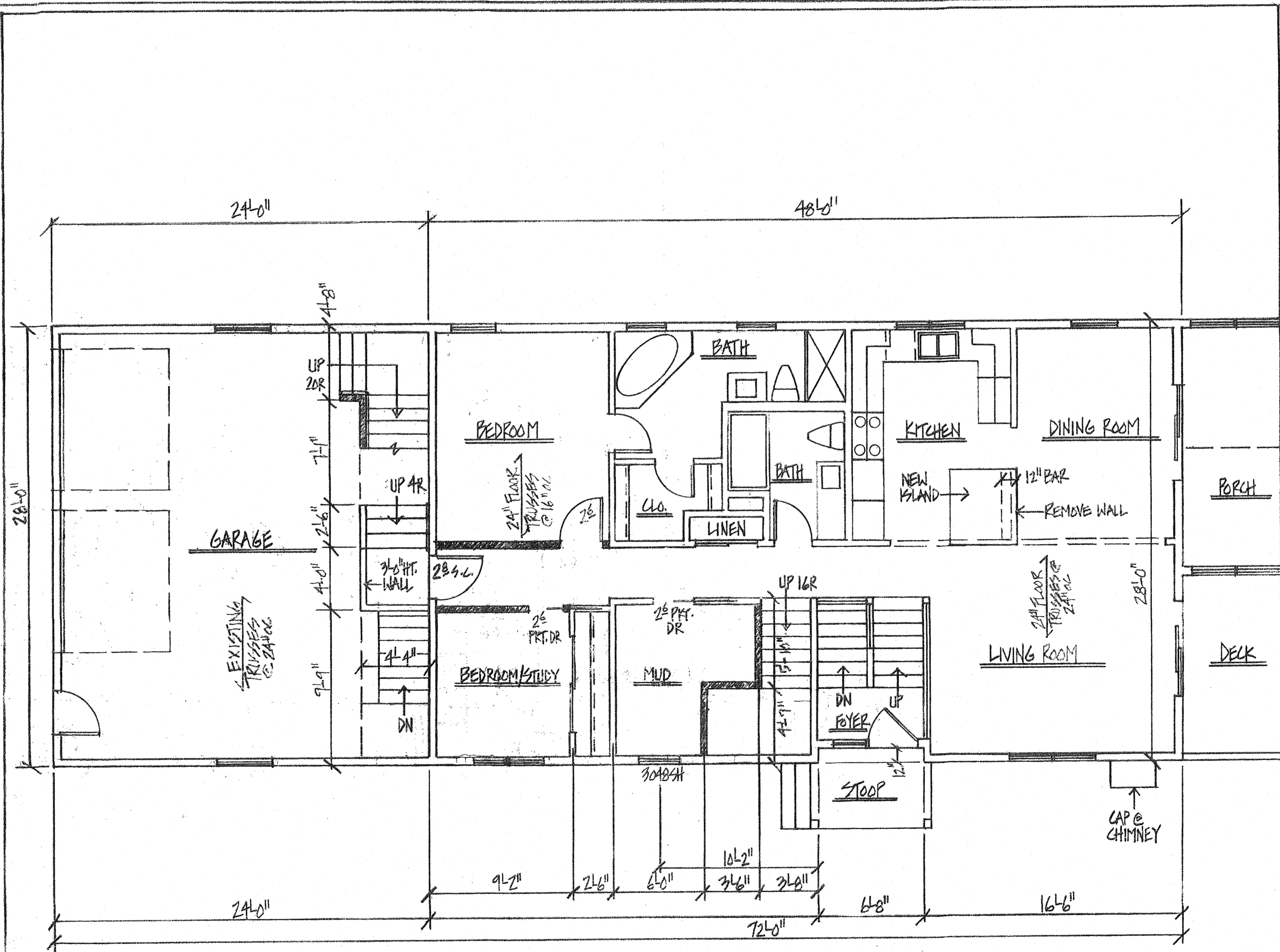
SHEET 2 OF 5



JOHN MACEACHERN & JANET HOGGE RESIDENCE
3177 LAKE SHORE BLVD, WAYZATA, MN

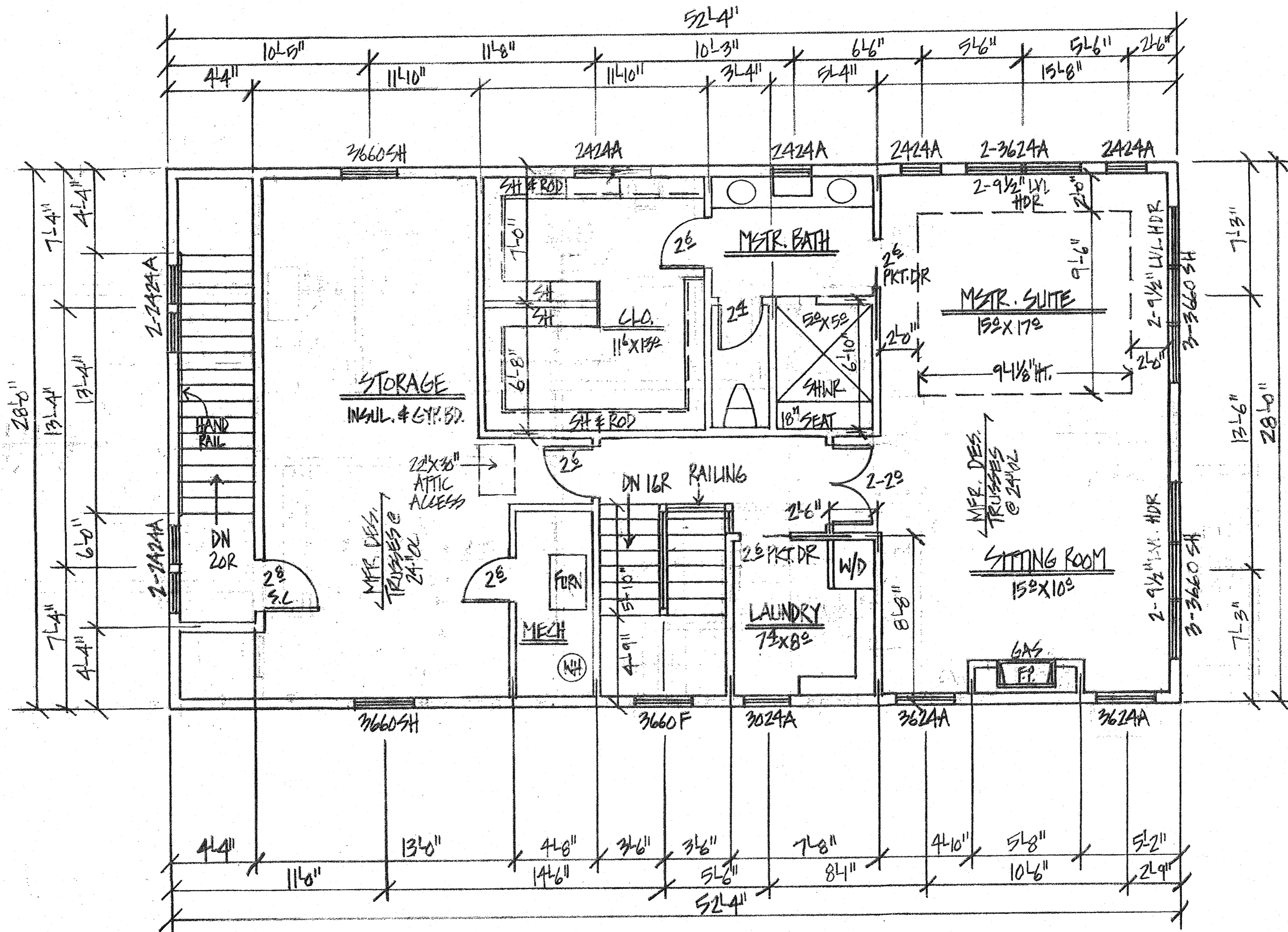
PLAN # 16102 8/21/16

SHEET - 3 OF 5



EXISTING
MAIN LEVEL PLAN - 13370
SCALE 1/4" = 1'-0"

NOTE - ALL HEADERS 2-2X10
- FIELD VERIFY ALL DIMENSIONS & CONDITIONS
NEW WALLS
EXISTING WALLS



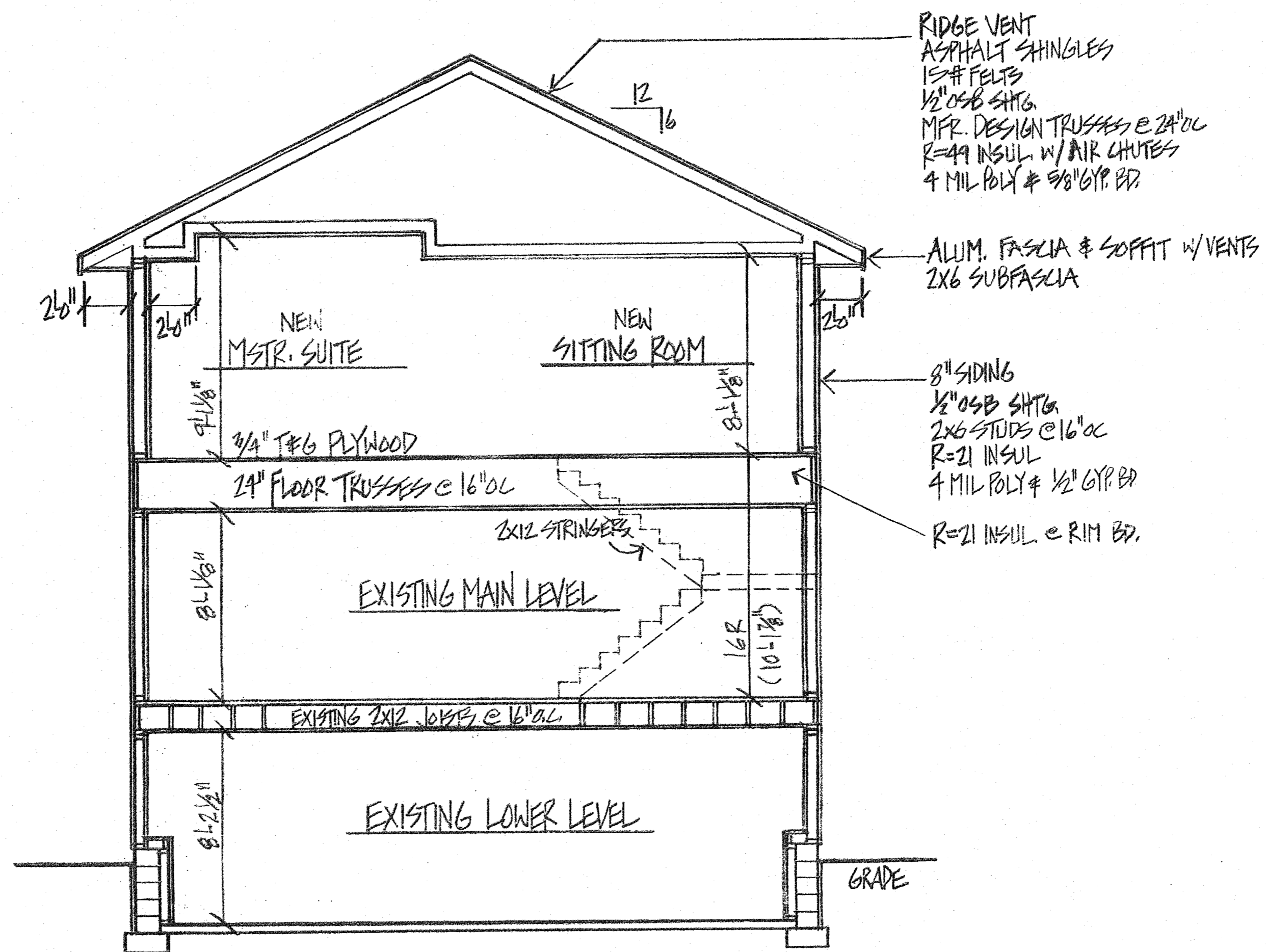
UPPER LEVEL PLAN - 9/28/02 FIN. NOTE - 2-2X10 HDRS. UNLESS NOTED
 SCALE 1/4" = 1'-0"

JOHN MACEACHERN & JANET HOGGE RESIDENCE
 3177 LAKE SHORE BLVD., WAZATA, MN

PLAN # 16102
 SHEET - 4 OF 5



JOHN MACEACHERN & JANET HOGGE RESIDENCE
3177 LAKE SHORE BLVD. WAYZATA, MN



CROSS SECTION
SCALE 1/4" = 1'-0"

PLAN #16102	8/2/16
SHEET - 5 OF 5	

Variances Granted within 400 feet of the Subject Property

Year	Property	Request	Result
1973	3173 Lake Shore Blvd.	Reduce side yard setback from 15 ft. to 10 ft.	Approved
1973	3222 Lake Shore Blvd.	Reduce side yard setback from 15 ft. to 4 ft.	Approved
1973	3226 Lake Shore Blvd.	Reduce front yard setback from 35 ft. to 15 ft.	Approved
1975	3153 Lake Shore Blvd.	Reduce side yard setback from 15 ft. to 5 ft.	Approved
1975	3227 Lake Shore Blvd.	Reduce side yard setback from 15 ft. to 8 ft.	Approved
1975	3169 Lake Shore Blvd.	Reduce side yard setback from 15 ft. to 5 ft.	Approved
1977	3186 Lake Shore Blvd.	Reduce front yard setback from 35 ft. to 10 ft. to construct 34 x 22 ft garage	Approved
1978	3166 Lake Shore Blvd.	Reduce front yard setback from 35 ft. to 11 ft. to build 24 x 24 ft addition	Approved
1978	3169 Lake Shore Blvd.	Reduce side yard setback from 15 ft. to 4.5 ft. for an addition; reduce side yard setback from 15 ft. to 7.5 ft.	Approved
1985	3165 Lake Shore Blvd.	Reduce side yard setbacks from 15 ft. to 9 ft. & 5 ft.; reduce front yard setback from 35 ft. to 4 ft. for detached garage	Approved
1987	3165 Lake Shore Blvd.	Reduce front yard setback from 20 ft. to 13 ft, reduce east side yard setback from 7 ft. to 4 ft for garage	Approved
1988	3219 Lake Shore Blvd.	Reduce front yard setback from 35 ft. to 20 ft. & floodplain setback from 35 ft. to 28 ft. to construct house	Approved
1995	3219 Lake Shore Blvd.	Reduce front yard setback from 35 ft. to 20 ft. for principal structure	Approved
1997	3153 Lake Shore Blvd.	Reduce side yard setback from 10 ft. to 4 ft., floodplain setback from 35 ft. to 31 ft. 15 in., and shoreland setback from 50 ft. to 40 ft.	Approved
2005	3149 Lake Shore Blvd.	Reduce side yard setback from 10 ft. to 5 ft., aggregate side yard setback from 30 ft. to 20 ft., and floodplain separation from 1 ft. to 0 ft.	Approved
2005	3173 Lake Shore Blvd.	Reduce side yard setback from 7 ft. to 6 ft. for 2nd story eaves	Approved
		11 side yard/ 7 front yard/ 4 shoreland or floodplain	16 Total Requests 16 Approved/0 Denied

*Side yard setback variances highlighted yellow



Key

- Subject Property
- Side Yard Setback Variance Granted
- Other Variance Granted

Planning Commission Resolution No. 2016-

**Resolution approving an expansion permit for construction
of second story addition at 3177 Lake Shore Boulevard**

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background

1.01 John MacEachern is proposing to construct a second story addition on his home. The addition would be within the footprint of the home. The existing house was built in 1969 and has a non-conforming aggregate side yard setback. The applicant is requesting an expansion permit because the proposed addition would encroach into the aggregate side yard setback.

Setback	Required	Proposed/Existing
Aggregate Side Yard	30 ft.	20 ft.

1.02 The property is located at 3177 Lake Shore Boulevard. It is legally described as:

Lot 44, Block 1, Thorpe Bros. Groveland Shores, Hennepin County, Minnesota.

1.03 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

1.04 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.05 City Code §300.29 Subd. 7(c) authorizes the city to grant expansion permits.

1.06 On September 8, 2016, the planning commission held a hearing on the application. The applicant was provided the opportunity to present

information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings

3.01 The proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd. 7(c):

1. **REASONABLE EXPANSION:**
 - a) The proposed construction of a second story addition is reasonable.
 - b) The proposed addition would maintain the existing non-conforming setbacks and would not intrude into the required setbacks beyond the distance of the existing structure.
 - c) The proposed height of the structure would be less than the maximum height allowed by city ordinance.
2. **CIRCUMSTANCES UNIQUE TO THE PROPERTY:**

- a) The existing house was built in 1969 prior to adoption of the aggregate side yard setback requirement.
- b) The subject lot width is non-conforming and limits the development opportunities due to its narrow shape.
- c) The existing house has non-conforming aggregate side yard setbacks.

3. NEIGHBORHOOD CHARACTER:

- a) The proposed addition would maintain the essential character of the surrounding neighborhood, which is characterized by homes with reduced side yard setbacks.

Section 4. Planning Commission Action

4.01 The above-described expansion permit and variance are hereby approved. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Survey date stamped August 5, 2016
 - Building elevations date stamped August 5, 2016
 - Floor plans date stamped August 5, 2016
2. This resolution must be recorded with the county prior to issuance of a building permit.
3. This expansion permit and variance approval will end on December 31, 2017, unless the city has issued a building permit for the project covered by this expansion permit and variance approval or the city has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on September 8, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 8, 2016.

Kathy Leervig, Deputy City Clerk