

**Minnetonka Planning Commission
Minutes**

Jan. 3, 2019

1. Call to Order

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

2. Roll Call

Commissioners Knight, Luke, Powers, Sewall, Hanson, and Kirk were present. Henry was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Dec. 6, 2018

Powers moved, second by Hanson, to approve the Dec. 6, 2018 meeting minutes as submitted.

Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Henry was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Dec. 17, 2018:

- Adopted a resolution approving a 12-month time extension of a conditional use permit for a telecommunications tower at 4525 Williston Road.
- Adopted a resolution approving a 12-month time extension of the site and building plan and conditional use permit approval for Bauer's Custom Hitches at 13118 Excelsior Blvd.
- Review of a resolution approving park credits for Ridgedale Center Tenth Addition was pulled from the agenda at the request of the applicant.
- Tabled action on a resolution approving the preliminary plat of Dorn Estates at 5524 Nantucket Road.
- Adopted a resolution amending and replacing a resolution for a conditional use permit for a special education school at 11140 Bren Road West.
- Adopted an ordinance rezoning 5517 and 5525 from B-1 and R-1 to R-3 for Villas of Glen Lake and adopted a resolution approving preliminary and final plats with variances.

- Adopted an ordinance rezoning the property to PUD and a master development plan and adopted a resolution approving a site and building plan with variances for Marsh Run at 11650 and 11706 Wayzata Blvd.

The next planning commission meeting is scheduled for Jan. 17, 2019.

Gordon thanked Collieran for her 17 years of service to the city and her commitment to protecting the city's natural resources.

6. Report from Planning Commission Members

Powers thanked Wischnack for meeting with him to help him learn more about affordable housing. He encouraged commissioners to do the same.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Resolution denying a front yard setback variance for a porch addition at 16324 Highwood Drive.

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

Ingvalson reported. He recommended denying the application based on the findings.

Chair Kirk noted that the porch has already been constructed. He asked what would happen if the application would be denied. Ingvalson answered that the applicant could appeal denial of the application by the planning commission to the city council. If the application would not be approved, then the porch would have to be demolished and rebuilt to meet ordinance requirements.

Chair Kirk confirmed with Ingvalson that the proposal's current overall right-of-way distance is 66 feet which is larger than the typical distance. The right of way equals the distance from the curb to the property line. A right of way is required to be a minimum of 50 feet.

Knight confirmed with Ingvalson that the porch was constructed without a building permit.

Austin and Lauren Gnomes, 16324 Highwood Drive, applicants, introduced themselves. Mr. Gnomes apologized for doing the project out of order. Mr. and Mrs. Gnomes stated that:

- The houses in the neighborhood are unique, but all fit together. He provided an illustration with measurements he recorded. Of the 88 houses he measured, 65 houses are located closer to the road than his front porch is now and 27 of the 65 houses are closer by five feet or more.

- He hoped for a larger, functional porch that can be used to entertain on.
- It would look inviting, not obtrusive.
- A chair and table would not fit on a porch that would meet ordinance requirements.
- He is not building the porch to sell the house for a profit.

In response to Powers' question, the Gnomes explained that a building permit was pulled for the project in the rear of the house, siding was removed, and the porch was done to allow the siding to be replaced. Mr. Gnomes knew that he should have gotten a building permit for the porch before building the porch.

Ms. Gnomes submitted a petition from neighbors who are in favor of the porch.

Luke asked when the rear project was done. Mr. Gnomes stated that the inside of the rear project was completed this summer and the outside is being done now.

Sewall asked if the porch is made of brick. Mr. Gnomes explained that it is a metal support system that holds brick. The brick is waiting on a pallet to be installed. There would be one step. The distance from the edge of the house to the front of the brick is now eight feet.

Knight asked if he knew the location of the front property line before starting the project. Mr. Gnomes answered in the affirmative. He had a survey done before doing the rear project. He was three feet off of the front setback measurement.

The public hearing was opened.

Larry Alderink, 16410 Canterbury Drive, stated that he supports the applicant's request. The new porch would be the same as several in the neighborhood. The project would improve the house's functionality and appearance. The proposal would improve the appearance of the neighborhood. He was grateful for the opportunity to comment.

No additional testimony was submitted and the hearing was closed.

Luke noted that Highwood Drive previously handled more traffic and the front yard setback requirement may have been larger than is required for a street with less traffic. Ingvalson explained that Baker Road and Shady Oak Road are collector roads and have a 50-foot minimum front yard setback requirement. Highwood Drive is a typical, neighborhood road with a minimum 35-foot front yard setback requirement.

Chair Kirk noted that the 66-foot right of way is unique.

Hanson found the request to be reasonable. He appreciated the letters from neighbors in support of the project. From a practical standpoint, a four-foot porch would not be functional. The owner did create a practical difficulty, but he found the application reasonable.

Powers agreed that a four-foot porch would be impractical. The property is a unique circumstance and it is reasonable to allow a porch deeper than four feet in the 21st century. He supports the application.

Knight concurred with Hanson and Powers.

Powers visited the site and likes the design of the porch. The porch fits in well and enhances the character of the area.

Sewall stated that the larger-than-normal right of way is unique to this property and situation. That is the deciding factor for him.

Chair Kirk agreed with commissioners. The findings to support the application include that the property is unique due to its larger-than-typical right of way which allows enough distance between the proposed porch and the paved street to not be an obstruction; the neighborhood character would be maintained and enhanced; and the size of the property almost equals a small lot designation.

Sewall moved, second by Hanson, to adopt a resolution approving a front-yard-setback variance to construct an open, covered porch addition onto the single-family house at 16324 Highwood Drive.

Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Henry was absent. Motion carried.

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

9. Adjournment

Knight moved, second by Powers, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary