

GREENWOOD PLANNING COMMISSION
WEDNESDAY, January 15, 2014
7:00 P.M.

1. CALL TO ORDER/ROLL CALL

Chairman Lucking called the meeting to order at 7:00 p.m.

Members Present: Chairman Pat Lucking and Commissioners John Beal, Kristi Conrad and David Paeper

Absent: Commissioner Douglas Reeder

Others Present: Council Liaison Bill Cook, City Attorney Mark Kelly and Zoning Administrator Gus Karpas.

2. MINUTES – December 18, 2013

Commissioner Beal moved to approve the minutes of December 18, 2013 as presented. Commissioner Conrad seconded the motion. Motion carried 4-0.

3. PUBLIC HEARING

Variance Requests, Sam and Jenny Rogers, 5050 Greenwood Circle – Request to construct garage and porch additions and a new open front porch on an existing home which would encroach into the minimum required front yard setback and exceed the maximum permitted impervious surface.

Section 1120:15 of the Zoning Ordinance requires a minimum front yard setback of thirty feet. The applicant proposes a front yard setback of twenty-five feet, eight inches for the proposed open front porch addition. The proposal requires a variance of four feet, four inches of the required front yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicant is proposing an impervious surface area of 38% and is seeking a variance to exceed the maximum permitted impervious surface area by 8%.

Chairman Lucking summarized the request and opened the public hearing. Zoning Coordinator Karpas explained the applicant was seeking to exceed their existing impervious surface to avoid the provision outlined in 1176.07.05(4), which does not permit them to exchange impervious surface area for structures on a one for a one basis since they cannot prove the impervious surface area existing prior to the adoption of the Shoreland Management Ordinance.

Karpas noted he received a letter signed by the Bible's, 5175 Greenwood Circle, supporting the request.

Sam Rogers addressed the Commission. He submitted additional letters of support from the Wright's, 5040 Greenwood Circle, the Timm's, 5060 Greenwood Circle, Regnier's, 5115 Greenwood Circle, the Myhran's, 5130 Greenwood Circle, the Kickhafer's, 5170 Greenwood Circle, the Blanchard's, 5055 Highview Place, the residents at 5075 Highview Place, the Levine's, 5040 King's Court and the residents at 5045 King's Court.

Mr. Rogers said that, though the application seeks an impervious surface area of 38%, the proposal would have a percentage of 36% since they intend on removing an existing parking space. He said this is not just an attempt to reduce impervious surface, but also an aesthetic issue for them.

The proposed garage would expand the existing one-stall garage to a modern two-stall garage with modest dimensions of 24x24. Their intent is to build a bedroom over the garage which would

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allow them to reconfigure the existing second floor of the home. By seeking to gain needed space over the proposed garage rather than proposing an addition, they are able to maintain greenspace on the property and not impact the hydrology. He noted the design of the home prevents the placement of a garage in front of the home.

The proposed front porch permits the structure to have a protected front entry and also adds curb appeal to the home. He feels it maintains the feel of the home.

The request meets the massing requirements and the main issue with the impervious surface is due to the fact that the driveway accounts for 50% of the properties allowable impervious surface area.

Brian Malo, 5070 Greenwood Circle, asked about the hydrology. Mr. Rogers said there would be no change in the grade or impervious surface on the property so the impact on the drainage would be minimal.

City Attorney Kelly asked if the dimensions of the driveway would be changing. Mr. Rogers said it would not increase, but most likely would decrease with the removal of the parking space.

Hearing no further comment, the hearing was closed.

The Planning Commission discussed the provisions of Section 1176.07.05(4), and questioned the wisdom of counting driveway as landscaping material counting against impervious surface area that could not be exchanged for structural impervious surface area and the provision requiring a homeowner to "prove" the existence of excess impervious surface area prior to the adoption of the Shoreland Management ordinance.

City Attorney Kelly felt Section 1176.07.05 did not apply in this instance.

Commissioner Beal felt, visiting the site, that the actual project appeared to be a lot less than what is shown on the drawings. He feels the request is reasonable. He said the front of the house is flat and anytime you open the door, the elements enter the house so he understands the need for a covered entry. He believes the garage proposal is reasonable. City Attorney Kelly asked if Mr. Beal would condition his support on the parking space being removed. Beal said he would. He said the three season porch is also reasonable and would not add additional impervious surface area.

Commissioner Paeper also felt the request was reasonable and didn't have any issues with the impervious surface area. Though he understood the need, he was concerned about setting a precedent with approving a front porch within the required front yard setback.

Commissioner Conrad agreed, stating there are other homes in the area that may try and take advantage of such an approval.

Zoning Coordinator Karpas said the ordinance permits a thirty inch eave encroachment into the required setback. The Planning Commission discussed this provision in conjunction with the proposed overhang noting it could be a cantilevered entryway before it was contrary to the code requirement. Through the discussion it was noted that most of the adjacent property did have some type of front entryway. City Attorney Kelly said the Planning Commission could approve the request with the caveat that the front porch remain open and never be enclosed.

Motion by Commissioner Beal to recommend the city council conditionally approve the application of Sam and Jenny Rogers for variances to Greenwood Ordinance Code sections 1120.15 and 1176.04(3)(3) to permit the construction of garage and porch additions and a new open front porch which would encroach into the required front yard setback and exceed the maximum permitted impervious surface area. The motion is conditioned that the applicant remove a

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minimum of 215 square feet of impervious surface area from the existing driveway and that the front porch may never be enclosed in any manner.

The motion is based on the following findings: (a) the proposal maintains the spirit and intent of the zoning ordinance by maintaining the low density nature of the R-1A single-family district; (b) the proposal is consistent with the Comprehensive Plan in that it seeks to maintain the character of the city through the maintenance of the existing housing stock; (c) the proposed manner of use is reasonable since it seeks to maintain the existing use of the property by updating a home while maintaining the character of the structure; (d) the plight of the homeowner is due to the size of the lot and location of the existing garage on the rear of the home which requires a driveway that runs nearly the whole length of the lot and comprises approximately fifty percent of the permitted impervious surface area of the lot; and (e) the proposal maintains the essential character of the neighborhood.

Commissioner Conrad seconded the motion. Motion carried 4-0.

Commissioner Beal suggested the Planning Commission strongly recommend the Council remove the inclusion of driveways as a landscaping material counting against impervious surface area that cannot not be exchanged for structural impervious surface area and the provision requiring a homeowner to "prove" the existence of excess impervious surface area prior to the adoption of the Shoreland Management ordinance. The Planning Commission generally agreed they were referring to landscape material and not driveway area when they made their recommendation to the Council.

ORDINANCE NO. 228 - An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1155.10 Regarding Practical Difficulties Considerations

Chairman Lucking summarized the proposed ordinance and opened the public hearing. Hearing no comment, the hearing was closed.

Motion by Commissioner Paeper to recommend the City Council approve Ordinance No. 228; An Ordinance of the City of Greenwood, Minnesota Amending Greenwood Ordinance Code Section 1155.10 Regarding Practical Difficulties Considerations. Conrad seconded the motion. Motion carried 4-0.

4. LIAISON REPORT

Council Liaison Cook said the Council passed the first reading of an ordinance limiting the number of times a variance extension can be granted and attaches a fee to each request. The Council continued its discussion on the uniform animal ordinance which is intended to be enforced throughout the South Lake Minnetonka Police District. There has been no action taken on the ordinance since the Council still has some concerns about some of the provisions. The Council also unanimously approved the variance request of Kam Talebi for the placement of a swimming pool in the yard between the principal structure and the lake.

5. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 7:50 pm.

Respectively Submitted
Gus Karpas - Zoning Administrator