

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
November 18, 2014**

**CALL TO ORDER**

Chair Solomonson called the November 18, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following Commissioners were present: Chair Solomonson; Commissioners, Ferrington, McCool, Proud, Schumer, Thompson.

Commissioner Peterson was absent.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to approve the November 18, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 6 Nays - 0

**APPROVAL OF MINUTES**

Reference to Chair Solomonson should be changed to Acting Chair Schumer, as Chair Solomonson was absent from the October 28th meeting.

Under Roll Call the reference to Commissioner Thompson being absent should be deleted and only the reference of her arrival at 7:05 p.m. remain.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the October 28, 2014 Planning Commission meeting minutes, as amended.

VOTE: Ayes - 5 Nays - 0 Abstain - 1 (Solomonson)

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Kathleen Castle reported that the City Council approved the following matters heard by the Planning Commission at the October 28, 2014 meeting:

- Conditional Use Permit for George & Justine Greene, Jr. at 5875 Kitkerry Court South
- Preliminary Plat/Planned Unit Development for Lexington Estates II Townhome Association, Inc.
- Upheld the Planning Commission decision to deny a variance that was appealed by Mike Morse at 1648 Lois Drive

- Held the public hearing and approved the Preliminary Plat for Tom & Barg Novotny/Moser Homes, Inc.

## **NEW BUSINESS**

### **MINOR SUBDIVISION**

**FILE NO: 2552-14-42**

**APPLICANT: THOMAS HIPKINS**

**LOCATION: 4693 HODGSON ROAD**

#### **Presentation by City Planner Kathleen Castle**

This application is to divide 19,939 square feet off the rear portion of the property at 4693 Hodgson Road and combine it with the adjoining property at 4694 Mackubin Street to use as yard area. The property at 4693 Hodgson consists of 1.31 acres with a lot width of 109.82 feet. It is developed with a single-family home, detached garage and other site improvements. The property at 4694 Mackubin consists of 0.49 acres with a lot width of 120.37 feet and is also developed with a single-family home with attached garage and other improvements. The two properties are surrounded by single-family residential use to the north, west and south. To the east is high density senior housing.

The properties are in Policy Development Area (PDA) #9, the Hodgson Road Residential Area, which has a land use designation of low and medium density residential. The PDA recognizes that residential uses may transition to other uses with changes in the transportation corridor and redevelopment. This proposed subdivision will not compromise redevelopment in the area. The larger lot for 4694 Mackubin may act as a buffer in the future. The two properties are zoned R1, Detached Residential. Both comply with lot area and setback requirements. Drainage easements are required over property lines and on drainage ways.

Property owners within 350 feet were notified of the proposal. No comments were received. Staff is recommending the Planning Commission forward the application to the City Council for approval.

Chair Solomonson opened the discussion to public comment.

Chair Solomonson asked if an angled boundary line was considered rather than a straight line. **Mr. Thomas Hipkins**, 4707 232nd Street, Forest Lake, stated that he is representing his mother who owns the property. This is a division that she has long wanted to make. In response to Chair Solomonson's question, he explained that the surveying company recommended the straight line division, but it is not critical.

**Ms. Deb Resch**, 4694 Mackubin Street further explained that there is a large pine tree that she does not want to lose.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to recommend the City Council approve the Minor Subdivision submitted by Mr. Thomas Hipkins for the property at 4693 Hodgson Road. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
3. Said parcel shall be combined with the property to the west at 4694 Mackubin Street.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Said approval is based on the following findings of fact:

1. The subdivision is consistent with the policies of the Comprehensive Plan regarding land use.
2. The proposed lots conform to the adopted City standards for the R1, Detached Residential Zoning District.

**VOTE:**                      **Ayes - 6**                      **Nays - 0**

**MINOR SUBDIVISION**

**FILE NO:**                      **2553-14-43**  
**APPLICANT:**                **SANDRA MARTIN/DONALD ZIBELL**  
**LOCATION:**                    **444 LAKE WABASSO COURT/3244 CHANDLER ROAD**

**Presentation by Senior Planner Rob Warwick**

The application is to adjust the side lot line between 3422 Chandler Road and 444 Lake Wabasso Court. Both properties are riparian lots on Lake Wabasso. The Martin property would be reduced to approximately 4.1 acres (above the OHW). The Zibell property would be increased to 4.3 acres of upland (above the OHW). The new lot line would align his property line with Chandler Road. The property at 444 Lake Wabasso Court would be divided into two lots, Parcels A and B. Parcel B would be transferred to the Zibell property at 3244 Chandler Road. Parcel B would consist of 65 feet north/south and 140 to 150 feet of upland area, with an upland area of about 9600 sq. ft.. The proposed new line would bisect the existing tennis court. A sketch plan showing future plans for subdivision of the Zibell property was also submitted.

The Martin property is accessed from Lake Wabasso Court. A hammerhead turnaround has been developed on the Martin property. There is also storm water structure along the west lot line. The property has a single-family home with attached garage. There is also a fenced dog run. In the southwest corner, there is a tennis court and boat house of approximately 240 square feet.

Both properties are located in the R1 Detached Residential District and in the Shoreland Overlay District of Lake Wabasso. Frontage on a public road with municipal services is not necessary for the subdivision because it will not be a buildable lot. Both properties conform to City standards for riparian lots in the Shoreland District.

Both existing homes will remain. The tennis court must be removed to comply with the 5-foot setback that applies to this type of structure. The accessory structure near the tennis court will be transferred to the Zibell property. It will meet the required 20-foot setback, but it will bring the number of accessory structures on the Zibell property to 3, which exceeds the 2 allowed. Staff suggests that the removal of the tennis court and accessory structures be addressed in the Subdivision Agreement.

There are no environmental impacts with this proposal, and no trees will be impacted. A grading permit is required with removal of the tennis court. A grading and drainage plan must be prepared for City review and approval. Erosion control is also required. Shoreland Mitigation is required and recommended to be addressed in the Subdivision Agreement. There will be no Public Recreation Use Fee because no new homesite is being created.

Property owners within 350 feet were notified of the application. One response was received with no concerns. One telephone call was received regarding future subdivision. However, this application is only in regard to Parcel B. The application complies with the standards of the Development Code. Staff recommends the application be forwarded to the City Council for approval with the conditions listed in the staff report.

Commissioner Proud asked if there are any outstanding issues with either property. Mr. Warwick responded that there are no known issues at this time.

Commissioner McCool asked the setback of the boathouse and the timing for completion of the work. Mr. Warwick stated that the setback for the boathouse is more than 10 feet from the Ordinary High Watermark (OHW), which meets Code. The project schedule will be stipulated in the Subdivision Agreement.

Chair Solomonson opened the discussion to public comment.

**Mr. Don Zibell**, 3244 Chandler Road, Applicant, stated that this action will straighten the boundary between the two properties. He anticipates a subdivision plan for future residential development by summer, but he does not intend to sell the lots immediately.

**Mr. Vin Gupta**, 456 Lake Wabasso Court, asked about grading and how drainage will be impacted. His concern is that existing drainage not change with removal of the tennis court. Mr. Warwick explained that there are existing drainage and utility easements on the west end of the tennis court. Those will remain for the storm water management of Lake Wabasso Court. Any grading must be sensitive to the storm water system that exists. There is a Best Management Practice (BMP) area just north of the tennis courts. When they are removed, the work must be done carefully so the BMP continues to exist.

**Mr. Kamran**, 464 Lake Wabasso Court, expressed concern about drainage and future subdivision and the number of houses that will be built and the aesthetics of the neighborhood for those who have lived in the area for a long time.

Commissioner Proud asked how the water accumulates. **Mr. Kamran** stated that it appears to back up from the lake. His property and Mr. Gupta's property are approximately 10 feet higher than the proposed lots. Any building on new lots will have to have a better drainage system. Mr. Warwick stated that the tennis court sits several feet above Lake Wabasso and the back yards of Mr. Cameron and Mr. Gupta are 10 feet above that. He is trying to envision flooding with the drainage system. The BMP is to create an infiltration area. **Mr. Kamran** stated that the flooding occurs around the tennis courts. Mr. Warwick explained that water standing in an infiltration area is different from water flowing onto private property. The drainage easement is the most depressed area where water begins ponding. The infiltration system is to have water sit rather than drain directly into Lake Wabasso.

**Mr. Gupta** stated that his property slopes and where it ends is actually below the tennis court. The drainage system has not been maintained. There is a lot of vegetation so the water does not flow properly.

Commissioner Ferrington urged staff to correct drainage issues with the removal of the tennis courts.

Commissioner McCool suggested that water may be spreading further than intended and encroaching on other properties. He would like the City to retain the right to work on the property at 444 Lake Wabasso Court if needed to address drainage problems. Mr. Warwick stated that at the end of Lake Wabasso Court there is a 35-foot wide drainage and utility easement that runs along the west lot line of 444 Lake Wabasso Court. Commissioner McCool stated that once the tennis court is removed, he would like to see the easement extended to include additional property at 444 if needed. Mr. Warwick will bring the issue to the Public Works staff.

Commissioner McCool offered an amendment to condition No. 5 that would require removal of the tennis court and additional accessory structure within a one-year period. He would also add to the motion to have staff address whether additional easement may be needed onto the property at 444.

Mr. Warwick stated that the subdivision as a whole is subject to preservation of existing drainage. These issues will be reviewed by staff before review by the City Council.

Commissioner Proud stated that removal of the tennis court and mitigation affidavit are tied to the performance of the Subdivision Agreement. He agreed a plan for easements is needed, but he does not believe there is enough information to for an amendment. If the easement is tied to the Subdivision Agreement, the application can move forward. The need for easements must be considered and resolved before review by the City Council.

Chair Solomonson clarified that this application is only regarding Parcel B. If there is a drainage problem, it needs to be addressed. If additional easements are needed, he would anticipate that with future development.

**MOTION:** by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the minor subdivision submitted by Donald Zibell on behalf of Sandy Martin to subdivide the property at 444 Lake Wabasso Court, in order to adjust the property boundary with the adjoining property located at 3422 Chandler Road. Said recommendation for approval is subject to the following conditions with the stated amendments to condition Nos. 5 and 6 as shown in the brackets:

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
4. Resulting Parcel B shall be combined with the existing property at 3422 Chandler Road for tax purposes, creating a single lot.
5. Removal of the tennis court and accessory structures shall be addressed in the Subdivision Agreement provided, however, removal must occur within one year of execution.
6. An erosion control and grading plan shall be submitted and approved by the City Engineer prior to issuance of a grading permit application for removal of the tennis court. [City staff will further review drainage needs in the area, and may require additional drainage easements to be conveyed by the owners of 444 Lake Wabasso Court and 3422 Chandler Court prior to the City approving the Subdivision Agreement and endorsing deeds for recording.
7. A Mitigation Affidavit is required for both parcels. For 444 Lake Wabasso Court, this Affidavit shall be executed prior to the City's release of the deed for recording. For 3422 Chandler, this Affidavit shall be addressed with the Subdivision Agreement.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings:

1. The proposed development plan will not adversely impact the planned land use of the surrounding property.
2. The preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

**VOTE:**                      **Ayes - 6**                      **Nays - 0**

**VARIANCE**

**FILE NO: 2554-14-44**

**APPLICANT: JAMES CLOUTIER**

## **LOCATION: 925 ISLAND LAKE AVENUE**

### **Presentation by City Planner Kathleen Castle**

This application is for a variance to reduce the minimum 26-foot setback to 13.5 feet from the side lot line adjacent to the street for the construction of a 140-foot storage shed. The property is over 13,000 square feet and is a standard corner lot with 98.6 feet of width on Island Lake Avenue and 150 feet of depth along Milton Street. The property is developed with a single-family home and tuck under garage. The driveway is to the east of the home along Milton Street.

The proposed structure complies with Code requirements. The variance would allow it to sit 13.5 feet from Milton Street rather than the required 26 feet. Code requires that an accessory structure on a corner lot must be set back the same distance as the principal structure, which is 26 feet.

The applicant states that there is a grade change on from the driveway to the back yard. The property is on a dead end street with no home facing the driveway. The requested placement of the shed would make it less visible and allow easier access to the tools and equipment stored in the shed. Placement of the shed in the back yard would impact the extensive landscaping and irrigation system that has been put in. The requested placement of the shed does not encroach on any neighboring properties or create any hardship. The quality of life or property value of neighbors is not negatively impacted.

Staff finds that practical difficulty is present, and the requested location for the shed would be a reasonable use of the property. Imposing the required 26-foot setback would create accessibility issues for the maintenance equipment to be stored because of the 5-foot grade change between the back yard and driveway. The requested location will minimize site disturbance. The character of the neighborhood will not be changed because of the minimal visibility of the proposed shed. The proposed shed complies with the City's size requirements. The properties to the east are riparian and allowed to have detached structures in their yards abutting Milton Street.

Property owners within 150 feet were notified of the proposal. One comment indicated that the shed will hardly be seen. The second comment approved the proposal. One telephone call was also received and that person has no problem with the proposed shed. Staff is recommending approval with the conditions listed in the staff report.

Chair Solomonson asked if the shed could be expanded to a garage. Ms. Castle stated that any increase in height or area would have to be reviewed through the variance process.

Commissioner McCool noted that a side yard setback for the shed would be 5 feet. Because of the corner lot and Milton Street, Code requires the setback of the principal structure.

Chair Solomonson opened the discussion to public comment.

Chair Solomonson asked the height of the proposed shed. **Mr. Jim Cloutier**, 925 Island Lake Avenue, answered that it will be approximately 9 feet. It will sit on the concrete of the driveway offshoot. He added that there is a pond and waterfall in the back yard near a trail. He receives many compliments on the landscaping and a shed in back would not make sense.

**MOTION:** by Commissioner Ferrington, seconded by Commissioner Schumer to approve the variance request submitted by James Cloutier for their property at 925 Island Lake Avenue, reducing the minimum 26 foot structure setback from a side property line of a corner lot to 13 ½ -feet and adopt Resolution No. 14-103, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.
5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This motion is based on the following findings:

1. The request to locate the shed in the proposed location represents a reasonable use of the property. City Code permits detached structures as an accessory use. Locating the proposed shed to the required setback would result in accessibility issues for the maintenance equipment stored in the shed because of the 5ft grade change between the back yard and driveway. Relocating it within the required setback would require a concrete pad and relocating of the existing irrigation system.
2. Practical difficulty is present as the topography of the parcel and layout of the split-level house on the corner lot is such that you cannot locate the shed in an area allowed by code that is easily accessible for the proposed use. The 5ft grade change and rock wall along the driveway area do not allow access to the backyard from the driveway area.
3. The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing screening and the style will match the existing home. Additionally, the properties to the east are riparian lots and as such are allowed to have detached structures in their yards abutting Milton Street.

**Discussion:**

Chair Solomonson stated that he would normally support placement in the front yard, but because it is a dead end street, the shed will be well screened and for the reasons outlined by staff, he supports this application.

**VOTE:**                      **Ayes - 6**                      **Nays - 0**

**RESIDENTIAL DESIGN REVIEW/VARIANCE**

**FILE NO:**                      **2555-14-45**  
**APPLICANT:**                **ANDREW AND MEGAN GAILLARD/CYNTHIA KULP**  
**LOCATION:**                    **230 E. OWASSO LANE**

**Presentation by City Planner Kathleen Castle**

This proposal is to demolish the existing home and detached garage and construct a new home with new detached garage. A variance is requested to increase the maximum 52-foot structure setback to 227 feet. Immediately to the south of the property are two lots--one riparian and one non-riparian. It is the non-riparian lot adjacent to the North Owasso Lane that is used to calculate the front setback for the applicant's property.

The property consists of 24,938 square feet with a lot width that ranges from 75 feet at the lakeshore to 35 feet at the street. The property is a substandard riparian lot due to the lot width. Land uses surrounding the property are single-family residential. Both the existing home and garage are nonconforming. The current home is 217 feet from the front property line, exceeding the 52 feet allowed. The proposed new garage would be 50 feet from the front property line; the house is proposed at 227 feet from the front property line.

The new home would be 1.5 stories with a basement. The foundation area is 1,484 square feet with covered porch on the street side and deck on the lakeside. The proposed garage reflects the design of the home and would be 728 square feet. The structures comply with the minimum side yard setbacks.

The property is zoned R1, Detached Residential and is in the Shoreland Overlay District for Lake Owasso. The proposal complies with established design standards for lot coverage, structure height, foundation area and architectural mass. The setback requirements for the front property line and OHW are determined by the average of the two adjoining properties, plus or minus 10 feet. The proposed OHW setback is 170 feet which complies with the allowed range of 163 to 183 feet. The variance is for an exception to the maximum front yard setback for the new home at 227 feet. The home does comply with the 10-foot setback required for side lot lines.

The applicant states that there is practical difficulty because of the configuration of the lot to the south, which has been subdivided into two parcels with a non-riparian lot. This circumstance creates difficulty in meeting the front setback requirement. The proposed home would be in the same area as the existing home and in line with other homes on the lake.

Staff finds that practical difficulty does exist. The proposal is consistent with the Comprehensive Plan and Development Code. Placement of the home is practical due to the configuration of the adjoining properties to the north and south. The property to the north has an odd configuration due to the curve of Woodbridge Avenue transitioning into East Owasso Lane.

This impacts the determination of the front setback. Use of the non-riparian lot to the south in determining the front setback is use of a lot that is not similarly situated. It is not feasible to construct a home that would comply with both the lakeside and street setback requirements. Staff believes the increased front setback will not alter the character of the neighborhood. Two shoreland mitigation practices are required. Architectural mass will be used with the color of gray. The second practice is to be determined.

Property owners within 150 feet were notified of the proposal. One comment was received in support of the application. Other comments were received expressing concern about the proposed location and obstruction of lake views. Staff is recommending approval of the variance subject to the conditions listed in the staff report.

Commissioner Ferrington requested further comment on the proposed enclosed porch in regard to the comments received noting that there is a basement under the porch. Also, the neighbor to the north is worried about lakeview obstruction. She is trying to determine whether placement of the new home is reasonable and that the enclosed deck on the lakeside will not obstruct the view even though closer to the lake. Ms. Castle explained that the measurement for the OHW measures to the closest point of the structure, including attached decks. The measurement for the house to the north is 179 feet. The setback to the house is 197 feet. For the property to the south, the deck measures 167 feet and the house at 176 feet. The new home would be at 170 feet or 13 feet closer to the lake.

Commissioner McCool asked if there has been discussion with the applicant about shifting the home further east away from the lake to match the existing location. Ms. Castle stated that the home was shifted further east from the original plan.

**Mr. Todd Hines**, builder for the applicants, stated that the basement of the new home will sit on the exact same site as the current house. The porch extends 12 feet closer to the lake than the existing house and 4 feet closer than the existing deck. There is no basement under the porch on the lakeside. He explained that the reason the proposal is not on the exact same site as the current house is because of the covered deck to be in line with neighbors' properties.

Commissioner McCool asked if the porch has four walls. **Mr. Hines** stated that one wall would be the patio doors. The posts holding the roof of the open air porch would be the only obstruction. Screens are being discussed but not enclosure.

Commissioner Proud asked if a comparative analysis was done to address the concerns about view obstruction. Further, he asked about moving the garage to address visual impact. **Mr. Hines** showed on the map the large pine tree on the lakeside of the existing home. He believes that the only view obstruction with the new house closer to the lake would be a view of the tree. The new house will not obstruct view of the lake in any way. As to the garage, it has been moved in further. The proposal is the best for the narrowness of the lot.

Chair Solomonson asked the setback of neighbors' decks. **Mr. Hines** stated that he would estimate within one or two feet of the existing deck.

Chair Solomonson opened the discussion to public comment.

**Ms. Dorothy Borgstrom**, 234 E. Owasso Lane, stated that she is excited about a new home and its design, but she is very opposed to the variance. The house is too close to the lake. The comparison being done is from the corner of her deck on the lakeside. The comparison should be house to house or at least deck to deck. Comparing a deck to a house is not the same. She and her husband applied to have their deck 5 feet closer to the lake but were denied. It is her understanding from staff that there is a basement under the lakeside porch/deck. This house will sit closer to the lake than any other of the 20 properties on this side of the lake. All properties have a 180-degree view toward the lake. She will not have this wide view with the proposed placement of the new home. Her request is for the new house to be in line house-to-house, not house to deck. She distributed photos showing windows in her home that will have a blocked view of the lake and that the new house will be 33 feet closer to the lake.

Commissioner Proud asked how the 180-degree view was determined. Mrs. Borgstrom explained that the line compared is from the corner of her house to the existing home and to the proposed home, which will be a 45-degree angle. **Mr. Bob Borgstrom**, Mrs. Borgstrom's son, stated that the 33-foot measurement is an estimate. In the summer outside, the view is wonderful. However, six months of the year the reference point for the view is inside and so should be measured from the house.

Commissioner Ferrington verified that the existing foundation will be used for the new home. The new deck is 12 feet, which puts it 12 feet closer to the lake than the current home.

Chair Solomonson clarified that the measurement is that the new deck is 13 feet closer to the lake from the new home. The new home is not 13 feet closer. Ms. Castle added that a revised site plan was received last week that moved the house further back.

**Mr. Borgstrom** stated that the proposal will be a huge upgrade to the neighborhood. From his family's perspective, they would request that the applicants consider moving the home further away from the lake with the homes in line on the lakeside disregarding the decks.

Commissioner Proud suggested tabling this application to allow the applicant to make a more professional assessment of impact to neighbors' views and time to consider the objections expressed.

Chair Solomonson stated that the request is for a variance from the street. What is proposed on the lakeside is within the range of what is allowed. The height proposed is modest. He would find it difficult to deny what is allowed. The difference in proximity to the lake is not 33 feet but 13 feet. Tabling would not change anything and he supports the plan as presented.

Commissioner McCool stated that except for the variance needed for the street setback, there would be no discussion of impacts of views. By permitting the variance from the street setback, the issue of views is created. His assessment is that the proposed deck will extend 4 feet further toward the lake than the existing deck, which will not be a significant impact to the neighbor's view. There is no drawing on what the roof of the deck will look like. The applicant objects to

moving further back because it would increase digging for the foundation. Commissioner McCool would be more persuaded if the same foundation were to be used. He would like more information and does not feel the Planning Commission is boxed in because what is proposed is legal.

Commissioner Ferrington stated that part of the issue is the confusion in measurements. It would be best for the applicant and neighbors if accurate measurements and better drawings can be presented.

**Mr. Hines** stated that the applicant would prefer not to table the request. From the south the measurement to the existing home is 176 feet. Mrs. Borgstrom's home is at 197.7 feet. The proposal is for 170 feet. The distance from her house to the corner of the covered deck would be 27.7 feet. The applicant is willing to compromise and line the new deck up with the existing setback of 176 feet, which is still well within code requirements. The street setback would then change to 221 feet. There would be no side setback issues. Tabling the application would mean it will be harder to build, as winter has already come.

Ms. Castle stated that if the matter is tabled, the Planning Commission would review the plan again at its December 16, 2014 meeting. She suggested the Planning Commission consider whether the 6-foot change is significant in light of what is being requested. The variance requested is for the front yard. The change would mean the variance is reduced and brings the proposed home more in compliance.

City Attorney Kelly stated that the best thing is to act on the variance presented. That is what was presented in the notice to property owners. Whether the change is minimal is a judgment of the Commission.

Commissioner Proud noted that since the variance would be reduced, he asked if the public notice given would be misrepresented. It is difficult for him to see a legal issue and any harm to the community.

Commissioner McCool agreed with Commissioner Proud. The six feet is a nice compromise and would like to support it.

Commissioner Ferrington noted that the notice sent to neighbors was a variance at 231 feet from the street; the plan presented is at 227 feet. With the offer at this meeting to move back another six feet, she would propose that the variance be changed to 221 feet in the motion.

Commissioner Thompson stated that the compromise proposed is very reasonable and puts the new home in line with the neighbors' home.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Ferrington to approve the variance submitted by Andrew and Megan Gaillard and adopt Resolution 14-108 increasing the maximum 52-foot front yard setback permitted to 221-feet for the construction of a new home on the property at 230 East Owasso Lane. Approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The applicant shall execute a mitigation affidavit prior to issuance of a building permit for the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The detached garage is subject to review and approval of a Riparian Lot - Detached Accessory Structure Permit.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.

Said approval is based on the following findings of fact:

1. The proposed single-family residential use of the property is consistent with the low density residential land use designation proposal and the R-1, Detached Residential Zoning District.
2. Practical difficulty is identified in Resolution 14-108. The proposed use of the property for single-family residential use is reasonable. Placement of the same general location as the existing home. Unique circumstances are present due to the lot configuration of the properties to the south and configuration of Woodbridge Avenue/East Owasso Lane. The neighborhood character will not be altered with this variance.

**VOTE:**                      Ayes - 6                      Nays - 0

## **MISCELLANEOUS**

### **Council Meeting Assignments**

Chair Solomonson and Commissioner Schumer will respectively attend the December 1, 2014 and December 15, 2014 City Council meetings.

Commissioners Ferrington and Schumer will respectively attend the January 5, 2014 and January 20, 2014 City Council meetings.

### **Workshop**

Chair Solomonson noted that the Planning Commission held a workshop immediately previous to this meeting.

### **Commission Chair**

Chair Solomonson informed Commissioners that anyone interested in serving as Chair or Vice Chair for 2015 needs to submit a letter to the City by December 3, 2014.

Commissioner Proud stated that anyone selected to serve on the Planning Commission should be willing to serve as Chair or Vice Chair. All Commissioners are better members for having served as Chair.

Chair Solomonson responded that anyone on the Commission could serve as Chair or Vice Chair. If someone is interested, a letter can be submitted. Then it is up to the City Council to make the appointment.

**Next Meeting**

The next Planning Commission meeting will be December 16, 2014, at 7:00 p.m.

**ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 9:35 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

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Kathleen Castle  
City Planner