

1. CALL TO ORDER/ROLL CALL

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

Members Present: Chairman Lucking and Commission members John Beal, Bill Cook, David Paeper and Alternate members Kristi Conrad and Douglas Reeder

Absent: None

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

2. APPROVE AGENDA

Commissioner Paeper moved to accept the agenda for tonight's meeting. Commissioner Cook seconded the motion. Motion carried 5-0.

3. MINUTES OF December 21, 2011.

Commissioner Beal moved to approve the minutes of December 21, 2011. Commissioner Reeder seconded the motion. Motion carried 3-0-2. Commissioners Cook and Paeper abstained.

4. LIAISON REPORT

Council Liaison Fletcher informed the Commission on a number of issues including an update on the concept plan for the Old Log Theater, the action to approve the Cook variance request, the adoption of the new definition for yard, the adoption of an ordinance requiring licensing for tree trimmers, an amendment of the variance fee, the arrest of a suspect in the recent burglaries in the city, the new agenda parsing offer by the LMCC, the upcoming discussion on a sump pump ordinance, the joint discussion held with the City of Excelsior regarding the St. Alban's Bay bridge, the approval by the LMCD to permit dock extension due to the low lake levels and the appointment of Zoning Coordinator Karpas as the Assistant Weed Inspector.

5. PUBLIC HEARINGS

Keith and Stacy Carlson, 20965 Channel Drive, request to expand a lakeside deck and construct a cantilevered fireplace which would encroach into the required lake yard setback and exceed the maximum permitted impervious surface area by 6.5%.

Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measured from the ordinary high water level. The applicants propose a lake yard setback of thirty-six feet, two inches for the proposed deck expansion. The proposal requires a variance of thirteen feet, ten inches of the required lake yard setback.

Section 1120:15 of the Zoning Ordinance requires a lake yard setback of fifty feet as measured from the ordinary high water level. The applicants propose a lake yard

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 18, 2012
7:00 P.M.

setback of twenty-five feet for the proposed fireplace. The proposal requires a variance of twenty-five feet of the required lake yard setback.

Section 1176.04(3)(3) permits a maximum permitted impervious surface area of 30%. The applicants are seeking a variance to exceed the maximum permitted impervious surface area by 6.5%.

Zoning Coordinator Karpas presented his staff report outlining the request.

Chairman Lucking opened the public hearing.

Tom Betz, Betz Builders, discussed the proposal noting the request to expand the deck would not impede lake views from adjoining properties. He said the intent was to cantilever the fireplace the same amount permitted for eave extensions. He said the project would also reduce the overall impervious surface area by removing plastic landscaping material.

Stacy Carlson said the impervious surface variance was necessary due to the long driveway caused by the configuration of the lot as a flag lot.

Commissioner Beal asked about the estimated area of the "flagpole" containing driveway. Ms. Carlson said there was about 1,039 square feet of impervious surface in that area. Beal said he thinks it would be reasonable to remove the flagpole impervious surface and the total flagpole area from the hardcover percentage calculation. Commissioner Conrad asked about the use of permeable pavers. Zoning Coordinator Karpas said they are counted as impervious surface area. Ms. Carlson said she feels the request is pretty modest and the intent is to maintain the existing structure rather than tearing it down.

Commissioner Conrad asked about the proposed entryway. Ms. Carlson said it would just be a roof structure on some pillars. She said it would not have walls.

Commissioner Beal noted there were no overhangs on the gabled end of the roof. He said the city has had a tendency to permit extensions under the eave.

Commissioner Conrad asked if the fireplace would count as impervious surface area. Chairman Lucking said it usually is not since water can reach the ground beneath it.

Commissioner Paeper said he was confused by the survey. He asked about the exact location of the deck. Ms. Carlson said the survey shows the deck with the existing patio below it. Commissioner Cook asked if the screen porch would be removed. Ms. Carlson said it would. Commissioner Beal asked if there would be a room under the deck. Ms. Carlson said there would not.

Commissioner Paeper asked why the deck needed to be expanded. Ms. Carlson said the existing deck is small. Chairman Lucking asked if it was an at grade deck. Ms. Carlson said it was a second floor deck. Paeper asked if there was pavement under the deck and whether the deck was included in the impervious surface area. Ms. Carlson said there was some type of hard surface under it and the deck did not alter the impervious surface calculation since it was built over existing hardcover.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 18, 2012
7:00 P.M.

Commissioner Cook said he had no concerns about the hardcover request and feels there has been some precedence set with the fireplace proposal, but he has concerns about the increased encroachment of the deck. He suggested there may be a way to reconfigure the deck and gain the desired space without encroaching closer to the lake. Chairman Lucking suggested the deck could be extended across the face of the house and not encroach any further into the required setback while gaining the additional space.

Commissioner Cook said he did some calculations and it doesn't appear that impervious surface changed with the removal of the driveway area.

Commissioner Beal commented he didn't believe the deck was constructed at the same time as the house. Ms. Carlson said the deck is small and there's very little hardcover area left. She said the outdoor space is tight and they want a nice area to enjoy the views.

Commissioner Conrad asked if the patio would be removed. Ms. Carlson said it wouldn't but that the wood border would be replaced. Conrad commented that the patio already serves as an outdoor space.

Hearing no further public comment, the hearing was closed.

Commissioner Beal said he was not bothered by the fireplace and front entry and liked the idea of reducing the impervious surface area, but didn't support placing the deck closer to the lake. He felt this could create precedence. Commissioner Paeper agreed.

Chairman Lucking also agreed.

Commissioner Paeper asked if there was an option of extending the deck along the lakeside of the home. Chairman Lucking didn't believe there would be an issue. Commissioner Beal said he didn't want to micro-manage the applicant's design. City Attorney Kelly discussed a past request that included a similar situation. He said in that case, the city said the encroachment could not be increased since it deviated from the interpretation of the Shoreland ordinance. Commissioner Beal clarified that the deck could not be extended even if it didn't increase the encroachment. Mr. Kelly said no.

Ms. Carlson commented that the Commission was basically telling them they are stuck with the deck as it exists. Commissioner Beal said the Commission is not allowed to expand the non-conformity. Council Liaison Fletcher discussed the sale price of the property, noting the value of the property was based on the limitations of the lot.

Ms. Carlson asked about the process since it makes sense to continue the deck portion of the request. City Attorney Kelly said extending the request an additional month gives greater flexibility to the Planning Commission in the review process otherwise they would have to make a recommendation on the request as presented.

Ms. Carlson said she would like to continue the deck portion of the request, but seeks a recommendation for the variance requests related to the proposed cantilevered fireplace and front entryway. City Attorney Kelly clarified the applicant wanted no action on the proposed deck. Ms. Carlson said that was correct.

GREENWOOD PLANNING COMMISSION
WEDNESDAY, APRIL 18, 2012
7:00 P.M.

Motion by Commissioner Paeper to recommend the City Council approve, the request by Keith and Stacy Carlson for variances to encroach twenty-five feet into the required lake yard setback for the proposed cantilevered fireplace, to encroach fifteen feet into the required lake yard setback for the proposed front entryway and the request to exceed the maximum permitted impervious surface area by an amount equaled to what was presented minus the area of the deck expansion, as presented for 20965 Channel Drive. Cook seconded the motion. Motion carried 5-0. It was noted the applicant granted a sixty day extension for official action of the proposed deck.

6. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Paeper seconded the motion. The meeting was adjourned at 8:08 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator