

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, Brain Malo and Alternate members Kristi Conrad and Douglas Reeder

Absent: Commissioner David Paeper

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

Due to the absence of Commissioner Paeper, Commissioner Conrad was a voting member of the Commission.

2. APPROVE AGENDA

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

3. MINUTES OF October 19, 2011.

Commissioner Reeder moved to approve the minutes of October 19, 2011. Commissioner Cook seconded the motion. Motion carried 5-0.

4. OATH OF OFFICE

City Attorney Kelly administered the Oath of Office to Commissioner Malo.

5. LIAISON REPORT

Council Liaison Fletcher informed the Commission that the actual increase in annual dock fees was \$100, not the \$150 he reported last month, that the Council extended the approval for Robert Schmitt for an additional year, voted 3-2 not to pursue Hennepin County in providing police services, held a first reading on the ordinance to amend the uses in the C-2 district and hired a private contractor to plow the LRT trail.

In response to a question about property taxes, Fletcher discussed the recent changes in the state's taxing process which has led to Hennepin County shifting a greater burden of the tax load to cities like Greenwood.

6. PUBLIC HEARINGS

VARIANCE - Bill and Tish Cook, 5195 Greenwood Circle, request to construct a lakeside deck which would encroach into the minimum west exterior side yard setback, required east side yard setback and to exceed the permitted impervious surface area by 2%.

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Section 1120:10 of the Zoning Ordinance outlines the required setbacks. The applicants are seeking a variance to encroach twenty-one feet, six inches into the required thirty foot exterior side yard setback and a variance to encroach two feet, nine inches into the required fifteen foot east side 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 2%.

Zoning Coordinator Karpas summarized his staff report, noting that the proposed deck previously received variance approval when the home was originally constructed but was never built. The dimensions of the proposed deck are smaller than what was originally approved by the Council in 1999.

Commissioner Cook recused himself from voting on this matter.

Chairman Lucking opened the public hearing. Hearing no comments the hearing was closed.

Chairman Lucking asked about the dimensions of the deck and the proposed hardcover. Mr. Cook said the deck would extend across the lakeside of the home, as to square off the structure. Lucking confirmed the home was built on the previous foundation. Mr. Cook said it was.

Commissioner Beal asked if there was a deck prior to the construction of the existing home in 1999. Mr. Cook said there was one that extended beyond the bump out on the lakeside of the home. Beal asked if that deck extended closer to the lake than the one that's being proposed. Mr. Cook said it did. Beal commented that the existing home and proposed deck created less hardcover than the previous development on the property. Mr. Cook agreed stating that the previous impervious surface area on the property was 45% and they received a conditional use permit in conjunction with the variance to have an impervious surface area of 32%.

Commissioner Beal discussed the criteria necessary for the granting of a variance and felt a lakeside deck on this property was a reasonable use noting that other homes in the neighborhood already have them. He said the deck was previously approved and this can be shown by looking at the design of the home which has a 2X10 running the length of the home and three sets of double doors opening onto a non-existing deck.

Commissioner Malo asked about the proposed dimensions of the deck in relation to the previously approved deck. Mr. Cook said it would be approximately three feet shorter extending towards the lake. Malo asked if it would not extend beyond the corners of the existing home. Mr. Cook said it would not.

Commissioner Reeder asked what type of historic action has taken on such requests. Zoning Coordinator Karpas said there have been a few, but they mostly relate to replacement of existing non-conforming deck and he referenced the recent Ostrander request. City Attorney Kelly noted another issue with that request was an encroachment into the required shore impact zone. He said the pivotal issue with this request is the change in the ordinance which required an additional variance.

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Commissioner Malo asked if there would be basement area under the deck. Mr. Cook said there would be under a portion of it as there was in the previous plan.

Motion by Commissioner Beal to recommend that the City Council approve the variance request to encroach twenty-one feet, six inches into the required thirty foot exterior side yard setback and a variance to encroach two feet, nine inches into the required fifteen foot east side yard setback for the proposed deck construction as presented for 5195 Greenwood Circle. A practical difficulty exists in the location of the existing structure and the dimensions of the lot. It was noted the request is keeping in the spirit and intent of the ordinance and would not negatively impact the character of the neighborhood. Commissioner Malo seconded the motion. The motion passed 5-0.

7. OTHER BUSINESS

Zoning Coordinator Karpas informed the Commission that Don Stolz of the Old Log Theatre was going to approach the City Council at their December 6th meeting to discuss the potential development of his property. The Planning Commission is invited and encouraged to attend to gain knowledge on the issue.

8. ADJOURN

Motion by Commissioner Beal to adjourn the meeting. Commissioner Cook seconded the motion. The meeting was adjourned at 7:27 p.m.

Respectively Submitted
Gus Karpas - Zoning Administrator