

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
AUGUST 3, 2015**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Chair Vanderheyden called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Vanderheyden, Gonzalez, Ramy, Young, and Gruber. Absent and excused was: Commissioner Iverson and Gnos. Director of Planning and Building Gadow, Intern Peters, and City Attorney Schelzel were also present.

Chair Vanderheyden stated there were no minutes of the previous meeting to review, and they would be reviewed at the next meeting.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

- a. **133 Ridgeview Drive E – Graham and Nancy Gnos**
 - i. **Sidyard Setback Variance for Garage Addition**

Mr. Gadow stated Graham and Nancy Gnos have submitted a development application requesting approval of a variance to construct a 4-foot wide by 25-foot long (100 square foot) expansion to an existing attached garage at 133 Ridgeview Drive E that would encroach 5.6-feet into the 10-foot sidyard setback to allow for the location of a driveway to a side-loading garage. He reviewed the site plan and building plans.

Mr. Gadow noted that Commissioner Gnos had informed the Chair of his Application, and had recused himself from discussing or voting on this item as a commissioner.

Mr. Graham Gnos, 133 Ridgeview Drive E, Wayzata, provided background on the home and reasons for requesting a variance at this time. He explained the objective of bumping the garage out by 4-feet is to bring the garage and home back into rhythm of the neighborhood where every house has a two car garage. He explained there would be no trees removed from the property.

Commissioner Gruber asked Mr. Graham to explain the reactions of potential buyers of the property with the home only having a single car garage.

Mr. Gnos stated several potential buyers had told them they would have made an offer on the home if it had a two car garage. Having only a one car garage has prevented them from selling the home.

Commissioner Gonzalez asked if the black top would need to be expanded in front of the addition.

1 Mr. Gnos stated the existing apron and black top would remain the same. The existing door is a
2 two car garage door and this would be shifted over to allow for two cars to be parked in the
3 garage.

4
5 Commissioner Gonzalez asked if the applicant had talked with the neighbors regarding the
6 expansion.

7
8 Mr. Gnos stated he had discussed the plans with neighbors and they have stated they are open to
9 the expansion. He also let them know the Planning Commission would be holding a public
10 hearing on the application today.

11
12 Commissioner Gonzalez asked if the height of the existing structure would change.

13
14 Mr. Gnos clarified the existing structure height would not change.

15
16 Chair Vanderheyden asked if there was a formal easement for how the neighbor's driveway sits
17 on Mr. Gnos' property.

18
19 Mr. Gnos stated he was not aware of a formal easement.

20
21 Chair Vanderheyden opened the public hearing at 7:12 p.m.

22
23 There being no comments from the public, Chair Vanderheyden closed the public hearing at 7:13
24 p.m.

25
26 Commissioner Ramy asked if there had been other situations in the City where the building had
27 created the hardship. He stated the situation was an economic one because the owner still had
28 reasonable use of the land and building.

29
30 Commissioner Gonzalez clarified the Planning Commission's role was to determine if there were
31 practical difficulties, not a hardship, and if the request is reasonable.

32
33 City Attorney Schelzel stated the Commissioner should focus on the standards in the Zoning
34 Ordinance. He stated the Ordinance states that a variance can be granted if the applicant
35 establishes that there are practical difficulties in complying with the Ordinance, and there are
36 three criteria outlined in the Ordinance that must be met in order to establish practical
37 difficulties. He clarified if the applicant was requesting the variance for economic
38 considerations only, then the variance should be denied; but if the applicant establishes there are
39 additional reasons for the variance request then the Commission may chose to grant the variance.

40
41 Commissioner Gonzalez recommended approval of the variance request for the following
42 reasons: there are practical difficulties because it is an existing building and the applicant has no
43 alternatives for expansion, the existing setback is currently non-conforming and the request will
44 not affect the neighboring property, the trees on the property will remain, the height of the
45 structure will not change, the difficulties are unique to the property because all of the homes in

1 this neighborhood have double garages and this property does not have alternatives for this, the
2 variance will not alter the essential character of the neighborhood and the request is reasonable.

3
4 Commissioner Ramy stated the house was designed with a two car garage, and the home could
5 be a two car garage if the applicant were to put the kitchen back to the way the original design
6 had been and moved the kitchen from the garage.

7
8 Commissioner Gonzalez clarified that her decision is not based on knowing the applicant. The
9 application as presented meets the standards in the Ordinance for granting a variance. The
10 practical difficulties are established.

11
12 Commissioner Young stated the previous owner made the change and the applicant bought the
13 house knowing of the change. But based on the application, he would support the variance.

14
15 Chair Vanderheyden stated he would also support the request. The current landowner did not
16 create the practical difficulties. He understands there could be cascading effects that may occur
17 with this over time if the Commission sets a precedent by granting the variance. But the request
18 does not alter the character of the locality. This is a neighborhood of two car garages, and the
19 applicant has a single stall garage. Further, being able to park two cars inside is beneficial to the
20 neighborhood in that it keeps more cars off the street and out of sight.

21
22 Commissioner Gruber stated she would not support the request because of the language “the
23 plight of the landowner is due to circumstances unique to the property, and not created by the
24 landowner”. In this case, a landowner created the circumstances, and the applicant has lived in
25 the home for 12-years and has known about the situation and lived with a single stall garage for
26 that time. She stated economic considerations have become paramount for the applicant, as he
27 has been unable to sell the home with a single stall garage. This is an opportunity to negotiate on
28 the price of the property. She expressed concerns about setting a precedent for future applicants
29 that may have unique circumstances created by previous landowners.

30
31 Commissioner Ramy stated this is a reasonable request and would improve the aesthetics of the
32 neighborhood as pointed out by the Chair. He stated he would support the variance request.

33
34 Commissioner Young made a motion, Seconded by Commissioner Gonzalez, to direct Staff
35 prepare a Planning Commission Report and Recommendation of approval for a sideyard setback
36 variance at 133 Ridgeview Drive E for reasons discussed by the Planning Commission. The
37 motion carried 4 ayes; 1 nay (Gruber).

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40 **AGENDA ITEM 3. Other Items:**

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42 **a. Review of Development Activities**

43
44 Mr. Gadow stated the August 17 meeting would start with a joint workshop with the City
45 Council at 5:30 to discuss the proposed Telecommunications Ordinance. The regular agenda
46 would include a variance application for a fence at 324 Bushaway Road. The City received an

1 application for design review of a medical office building at 1120 Wayzata Boulevard and this
2 may be presented in September.

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4
5 **b. Other Items**
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7 Mr. Gadow informed the Commission that he would be leaving his position with the City of
8 Wayzata at the end of August to take a position in Wisconsin. The consulting firm of WSB may
9 be asked to assist with the transition to a new City Planner.

10
11 Mr. Gadow provided an update on City Council actions including a denial for a subdivision at
12 250 Bushaway Road and parking study discussion. There would be a Lake Effect celebration
13 and review on August 19.

14
15 Commissioner Gruber stated she would attend the August 11 Heritage Preservation Board
16 meeting.

17
18 Commissioner Ramy asked if there had been a review of the success of the temporary docks and
19 if there had been any proposal to put in permanent docks.

20
21 Mr. Gadow stated they are looking at the possibility of permanent docks as part of the Lake
22 Effect. Currently the City is seeing more boat traffic at the Broadway docks than the Depot
23 docks. The City is planning to have the temporary docks next season and will reevaluate at that
24 time.

25
26 Commissioner Gruber stated the three (3) finalists (Civitas, Perkins+Will, and Coen+Partners),
27 for firms interested in working with the City on the Lake Effect project will be interviewed
28 August 18.

29
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31 **AGENDA ITEM 4. Adjournment.**
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33 There being no further business, Commissioner Gruber made a motion, seconded by
34 Commissioner Ramy, to adjourn the meeting. The motion passed unanimously.

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36 The meeting was adjourned at 7:38 p.m.

37
38 Respectfully submitted,

39
40 Tina Borg
41 *TimeSaver Off Site Secretarial, Inc.*