WAYZATA PLANNING COMMISSION
MEETING MINUTES
APRIL 21, 2025

AGENDA ITEM 1. Call to Order

Chair Cameron called the meeting to order at 6:30 p.m.

Chair Cameron read a prepared statement that outlined multiple options for joining remotely or submitting comments and questions.

AGENDA ITEM 2. Roll Call

Chair Cameron asked Community Development Director Sharpe to take roll call.

Present at roll call were Commissioners: Plantan, Schwalbe, Severson, Elg, Cameron, VanLoy, and Ankeny. Community Development Director Alex Sharpe, Planning Consultant Eric Zweber, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

Chair Cameron asked for a motion to approve the agenda for the meeting.

Commissioner Severson made a motion, seconded by Commissioner Ankeny, to approve the April 21, 2025, agenda, as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the April 7, 2025, Planning Commission Meeting Minutes
b.) Approval of PC Report and Recommendation for Denial for a Conditional Use Permit (CUP) at 701 Central Avenue North

Chair Cameron read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

Hearing no such request, Chair Cameron asked for a motion to approve the Consent Agenda as presented.

Commissioner Plantan made a motion, seconded by Commissioner VanLoy, to approve the Consent Agenda as presented.

The motion carried unanimously.

AGENDA ITEM 5. Old Business Items

NONE

AGENDA ITEM 6. Public Hearing Items

a) Development Application for a Conditional Use Permit Amendment and Design Deviation for 1221 Wayzata Blvd. E

Planning Consultant Zweber gave an overview of the development application for a CUP Amendment and Design Deviation for 1221 Wayzata Blvd. E, also known as The Retreat. He reviewed the project location, zoning and land uses for the surrounding neighborhood, an overall summary of the application, previous approvals that had been given to The Retreat, existing conditions, details within the site plan, setbacks, building height, the proposed amendment to the CUP, the existing conservation easement, existing parking, trees/landscape plans, and details of the design standard deviation request. He reviewed the public notification process, and noted that no public comments had been received by the City. He stated that the City Engineer had reviewed the application and had no comments, but if this was approved, would review the building permit submittal for the construction. He noted that the City Forester had also reviewed the plans and found that the proposed construction access from behind Holiday would create less impact than using the west main entrance off of Wayzata Blvd.

At the conclusion of Mr. Zweber's presentation, Chair Cameron asked if the Commission had any questions for staff.

Commissioner Severson asked if the construction access would come in from the east.

Mr. Zweber stated that was correct, and noted that because there was an existing easement in the area, they did not need additional approval from Holiday.

Commissioner Severson asked where the mechanical equipment was currently located.

Mr. Zweber stated that there was some on the ground and some on the rooftop.

Commissioner Severson asked if the existing rooftop equipment had been approved through a CUP.

Mr. Zweber explained that the City had updated its Design Standards to exclude rooftop equipment within the Bluff District in 2021, so this existing condition is essentially a legal, non-conforming use because the standard had changed since installation.

Commissioner Schwalbe asked if it would add to the height of the building if the mechanicals were put on the rooftop.

Mr. Zweber stated that the mechanicals would be below the peak of the gabled roof, so it would not add to the height of the building.

Commissioner Schwalbe asked if any of the equipment could be seen from the road.

Mr. Zweber stated that it could not be seen from the adjacent properties or the road.

Commissioner Schwalbe stated that she wanted to express her appreciation for the degree to which the City looked after every single tree there was in the City.

Commissioner Ankeny asked if approval of the rooftop mechanicals would set a precedent.

Mr. Sharpe stated that in a case like this, he did not believe it would set a precedent because the property and building was particularly unique.

Mr. Zweber explained that part of the uniqueness of this property was that its address and its access was off of Wayzata Boulevard, but it was not part of the Wayzata Boulevard Design District. He noted that if this property were within the Wayzata Boulevard Design District, rooftop mechanicals would be allowed.

Chair Cameron asked if it had been categorized as the Bluff District because it was institutional.

Mr. Zweber stated that was correct.

There being no further questions for staff, Chair Cameron invited the applicant to present to the Commission.

Applicant's representative and architect, Eric Reiners, SRA, noted that they had been design partners with The Retreat for over 20 years and have always taken extreme care with the easements that are in place. He gave an overview of the various approvals the preliminary plans had received from the Land Trust, as well as administrative approval from staff in 2022. He stated that after they had received those approvals, they proceeded to work on some fundraising, and by the time they got things to this point, there had been an ordinance change in the City that said that they would not be able to put the mechanicals on the roof. He stated that right now, there were mechanicals on the ground on the north side of the wing, which also has ductwork on the exterior of the building, and noted that the visuals of that under their new design would be much better.

John Curtis, President, The Retreat, thanked the Commission for considering their proposed alteration of the CUP. He explained that they had been on this property for 22 years and have helped 33,000 people pass through The Retreat from around the world to find their road to recovery. He noted that when the nuns built the original building in 1950, they were not thinking about things like accessibility, and explained that this project allows them to bring the entire facility up to handicap accessibility standards and to be able to have elevators on both the men's and women's sides. He explained that for every project they have undertaken, it had always been important for them to maintain the architectural integrity of the building to make it look like it has always been there, and also keep the English Tudor sort of look. He stated that he felt Mr. Reiner and his team had designed a facility that enhanced the property.

Commissioner VanLoy asked if they put the mechanicals on the ground whether it meant that they would have to take more land and have an additional agreement with the Land Trust.

Mr. Reiners stated that was accurate and explained that one of the easements was a limitation on footprint area, so taking the ground equipment and duct work from their current location and internalizing it would be an aesthetic improvement, but also saved surface area for the project.

Commissioner Plantan stated that she wanted to thank the applicant and the architect for keeping the architectural integrity of the building, because it made for a nice approach to the building because it was set into the woods.

Chair Camerson asked Mr. Reiners if the intent was to put all the mechanical equipment up on the roof.

Mr. Reiners stated that they were planning to put the primary air handling components for heating and cooling up on the roof and noted that it was virtually the same as they had done for the women's wing to the west, which was not an issue, because it happened before the City had changed the language in the ordinance.

Chair Cameron noted that they were planning to run all of their construction traffic through the area behind Holiday, and cautioned that this area can be a bit of a zoo. He asked what kind of impacts there would be if they used the west driveway as access for the construction traffic.

Mr. Reiners stated that there was a significantly higher tree count to the west between the existing structure and the shopping center, and the land was slightly lower with soft soil areas which meant that they would need temporary road construction and site clearing that far exceeded the route they would be able to create from the east.

Commissioner VanLoy stated that from many vantage points, it appears that the peaks of the building would hide the mechanical equipment and asked if, where they were not hidden, whether there would be some screening in place.

Mr. Reiners confirmed that there would be screening in place on the roof.

Commissioner Schwalbe asked if most of the audience members were here in support of The Retreat.

Several hands were raised in the audience.

There being no additional questions from the Commission for the applicant, Chair Cameron opened the public hearing on the application at 7:28 pm.

No one present at the meeting indicated they wished to comment, and Mr. Sharpe stated that there were no people who called in to the meeting via Teams that have asked to speak at the public hearing.

There being no one wishing to comment on the application, Chair Cameron closed the public hearing at 7:29 pm.

Chair Cameron asked the Commission to share their questions and feedback on the application.

Commissioner Plantan stated that she felt this was a very thoughtful application and appreciated the attention to detail given regarding the ways they can access the property, tree preservation, screening of the mechanicals, and the architectural integrity that was there with the building.

Commissioner Severson stated that she agreed and appreciated The Retreat being located in their community and what they have done for all the people who need this type of service. She stated that it was both a beautiful building and a lovely property, and felt that it enhanced the community, and this action was an appropriate use of a CUP.

Chair Cameron stated that he would echo the comments already shared by the Commission and noted that he loved that they had stayed true to the design that was currently there and making this project fit in. He stated that he felt that it made a lot of sense for the mechanical equipment to be located on the roof, especially because it was deep in the woods and nobody would see it.

There being no further discussion, Chair Cameron asked for a motion on the application.

Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval for a Conditional Use Permit Amendment and Design Deviation for 1221 Wayzata Blvd. E for review and adoption at the next Planning Commission meeting.

The motion carried unanimously.

b) Consider Development Application for a Variance at 617 Park Street E

Mr. Zweber gave an overview of the request for a variance at 617 Park Street East. He reviewed the project location, zoning, and land use of the surrounding neighborhood, existing conditions, and details of the variance request. He explained that the applicant would like a variance to facilitate the construction of their new two-story home. He noted that the engineering department had no comments on this proposal, and just one public comment had been received by the City, which was in support of granting the variance. He noted that the City had received one more comment after the packet was put together, which was in opposition to the request.

At the conclusion of Mr. Zweber's presentation, Chair Cameron asked if there were questions for staff.

Commissioner VanLoy stated that the applicant had gone through the process to get their building permit and asked if this setback encroachment had been an oversight. He explained that he would like a bit of insight into why this was being done in the opposite order than it should be.

Mr. Zweber stated that it was an oversight, and explained that neither he nor Mr. Sharpe had been the ones who had reviewed this for their building permit. He stated that in looking at what happened, the eaves were not shown on the survey where the setbacks are, and were in the building plan, which would require taking the two separate sheets and doing the math. He explained that this is what should have been done, but it was not done.

Commissioner VanLoy stated that the applicants already have a building permit in hand and asked if a variance was not granted, what the remedy would be, and if they could continue to build.

Mr. Zweber stated that they could not continue to build into the setback without approval of this variance, and would have to modify their plans to meet the 2.5-foot eave encroachment on the east side.

Commissioner Schwalbe asked how the encroachment was discovered.

Mr. Zweber stated that one of the neighbors had called the City and asked about it, which was when staff went and reviewed things and confirmed that this was encroaching into the setback to the east.

Commissioner Schwalbe asked how much this was encroaching.

Mr. Zweber explained that you are allowed to encroach 2.5 feet into a setback with an eave, and this eave is encroaching 3.5 feet, so the actual variance amount would be 1 foot.

Commissioner Severson asked who was supposed to have done this math using the information from the 2 different documents.

Mr. Zweber stated that the City should have done the math.

Commissioner Severson asked if that meant this was on the City and not the builder.

Mr. Zweber noted that he was not sure the Code would say that and explained that the builder was required to submit code-compliant plans. He stated that the City should have caught it, but it does not change the fact that the plans submitted by the applicant should comply with the City Code.

Commissioner Elg asked about the setback of the current building to the east.

Mr. Zweber stated that he did not know and explained that it appeared that the setback was 10 feet, but he did not know the width of their eaves and how far they may be encroaching. He noted that on the drawing, there is a line that depicts where the existing house line is, and it seemed to be pretty close to what this one is proposed to be, but they do not have the eaves on the house to the east.

Commissioner Schwalbe asked if there would be gutters on the eaves, or if there was any concern about run-off onto the neighboring property.

Mr. Zweber stated that he did not know that answer and explained that the City did not require that they show gutters on the building plans, and the house was still under construction, but they could ask the applicant.

Commissioner Severson asked about what Mr. Zweber meant by the house still being under construction.

Mr. Zweber stated that the exterior is wrapped and the roof has sheeting on it, but no shingles.

Commissioner Elg stated that included in the packet was an image of the home being built and asked if Mr. Zweber had that available in his presentation materials.

Mr. Zweber stated that he did not have that included in his presentation.

Commissioner Elg asked what was located on the east side of the building.

Mr. Zweber stated that the building plans show a two-story building, but noted that it was not two stories all the way up to the edge of the outside walls. He explained that it was almost like it was 3 pods, with 2 pods on the side and the first one the garage. Then it bumps in a bit where the second story is located, and then bumps back out for some living space. He stated that the eave on the east side was both the garage in front and the living space behind it.

Commissioner VanLoy asked if the eave above the garage and above the second tier were both encroaching.

Mr. Zweber stated that both of those eaves are encroaching, according to the building plans. He showed renderings and explained that it was a bit harder to see because the City Code allowed cantilevers to extend out into the encroachment as well, and described where the encroachment would take place. He noted that the cantilever was shown in the plans but would be allowed per City Code.

There being no further questions for staff, Chair Cameron invited the applicant to address the Commission.

Applicant's representative and builder, Todd Polifka, Custom One Homes, 5097 Woodlane Alcove, Woodbury, gave an overview of how this eave concern had come to their attention. He clarified that they had not intended to encroach and were also surprised about this information.

Commissioner VanLoy asked if Mr. Polifka had to correct this without the variance, what his approach would be, and what the overall impact would be to the project.

Mr. Polifka stated that the house currently has mechanical and electrical rough-ins complete, and all the windows have been installed. He noted that the roof trusses, sheeting, and underlaying have also been put on and explained that they had paused construction on the roof with relation to installing the shingles He stated that to make any remedy, they would have to do some engineering course correction on everything that had already been installed from mechanicals, electrical,

framing, underlayment, which would be a substantial cost. He noted that it would also create an aesthetic impact for the client and the City because it would end up looking 'not correct'.

Commissioner Severson stated that the Commission had asked City staff earlier in the meeting what had happened, and the answer was that the plans submitted were not compliant, but the City did not catch that and asked Mr. Polifka to talk about his part in not submitting compliant plans.

Mr. Polifka explained that they had turned in the survey and the plans, and the eaves were noted. He stated that he was not sure what happened as far as how it was not caught on any front, but reiterated that there was no intent of malice in this happening. He stated that at the time, it looked like everything fit and the plans were signed off on, so they moved forward. He noted that their plans are compliant with the foundation setbacks, but the difference was the size of the eaves on this home.

Commissioner Severson asked if the eaves were bigger than normal.

Mr. Polifka stated that he would not say they were bigger than normal for the scale of the home, but would be less typical than a standard build. He stated that the proposed eaves are aesthetically in balance with the home, and he felt they were well done.

Commissioner Schwalbe reiterated her question about the eaves and possible run-off on the neighboring property.

Mr. Polifka stated that right now, they had no intent to put gutters on the roof, but were open to discussing this possibility. He explained that they did not see any concern with not having the gutters or with run-off from the overall square footage of the roofline. He noted that their one concern with having trees and a wooded lot was to put gutters on, and then having things come into the gutter.

Commissioner Schwalbe noted that there were no trees around the actual home.

Mr. Polifka acknowledged that it was not heavily wooded but noted that there were some trees near the home.

Commissioner Schwalbe stated that if the City determined that this should be remedied, it didn't seem like taking a foot off would not be that horrible, and asked if there was ductwork and electrical running through that area on the east.

Mr. Polifka stated that he felt the bigger concerns were the imbalance of the property, how it would look, coming up with a remedy from an engineering and structural standpoint, and the overall cost this would entail.

Commissioner Plantan asked about the engineering of the trusses and what would have to be done to the trusses on the east side. She noted that this was quite close to a bigger two-story home and noted that she wasn't sure that, if you were walking or driving through the neighborhood if people would be able to sense an instability from one side to the other. She stated that the proposed eaves

were deeper than any of the surrounding homes and was a style that would not be consistent with the neighborhood, and reiterated her question about what they would have to do to take off 1 foot off of one side.

Mr. Polifka stated that it would be on two sides of the home because it would have to wrap around the rear of the home as well. He stated that this would create a big imbalance on the east side and also the north side of the lot. He explained that what she was asking about would be a significant change.

Commissioner Schwalbe referenced one of the construction sets, A01, and stated that from the angle shown, the eave looked pretty dramatic and appeared to be quite a bit larger than the one on the west side.

Mr. Polifka stated that the eaves were the same size on the east and the west, and noted that it was the particular view of that rendering that gave the illusion that the east side was larger.

Commissioner Schwalbe stated that the proposed roof was big for run-off, and asked Mr. Polifka if he could understand why that may be a big concern for a neighbor.

Mr. Polifka explained that there were many ways that this could be mitigated, but stated that they felt the way the lot drains and handles water should be sufficient.

There being no additional questions from the Commission for the applicant, Chair Cameron opened the public hearing on the application at 7:27 pm.

Gareth Goodall, 627 Park Street East, stated that he lived to the east of this property and explained that he could not bring himself to object to these plans because he wanted to be a good neighbor, and this is where he wanted to raise his family. He stated that it was hard not to object, because he was very frustrated to be here before the Commission due to this situation. He explained that he was frustrated that this was not checked out and was missed by the City, but was particularly frustrated with the builder, because this was the widest lot on their block. He noted that they saved 2 of the 3 trees, but the 3rd that was taken down was on this side to make the house wider, which seemed like it still wasn't enough. He reiterated that he would not object to this and would support the City approving it, but he had to speak for his own self-respect about the letter they received from Custom One Homes stating that the impact on the neighboring homes would be negligible. He stated that the letter referenced due diligence that was done to bring the structure back into compliance, when there had been no pause in the construction of the roof or any of the work that they are now saying that it was too late to turn back. He noted that the letter also referenced the diminishment of the curb appeal of the home, with no regard to the curb appeal of his home or what the properties will look like being this close together. He stated that he would be against the installation of gutters because anything that would further bring the house to looking like they are even closer together would not be something he could support. He acknowledged that he was disappointed that this happened and believed it was on the builder to submit plans that comply, but reiterated that he would not object to the City approving their request.

Mr. Sharpe stated that there were no people who called in to the meeting that have asked to speak at the public hearing.

There being no additional comments on the application, Chair Cameron closed the public hearing at 7:31 pm.

Chair Cameron asked the Commission to share their questions and feedback on the application.

Commissioner Severson stated that she believed that there was a moratorium last fall on new building and construction in this neighborhood, and asked what had happened with that.

Mr. Zweber stated that a moratorium had been brought forward to the Council for consideration, but they did not approve it.

Commissioner Plantan stated that she had walked by this property many times and agreed that it was one of the wider lots. She explained that she felt the house did not have to go all the way to the edge of the property, and did not understand why Mr. Polifka's plans were not compliant. She stated that when she looked at the items for consideration for recommending approval of a variance, she felt this was out of place in the neighborhood and did not see the practical difficulties that should be shown to grant this variance. She explained that she had a hard time with this request, and noted that it encroached on the neighbors. She stated that she did not feel like this was a unique hardship of the lot, consistent with the Comprehensive Plan, or reasonable.

Commissioner Schwalbe stated that to her, it seemed reasonable that a builder would know that the eaves were going to go on the building, so it shouldn't have been a surprise to them. She noted that she also really felt for the neighbor to the east who did not want to get off on the wrong foot with the new neighbors, but she could tell that this situation was very disturbing to him and that he felt the closeness of it. She explained that she would like to see the builder attempt to remedy this and get it fixed.

Commissioner Severson stated that she agreed with Commissioner Plantan and that she felt the variance was because they had used every single inch of the lot, which still wasn't enough, and she did not feel that should justify a variance. She noted that this was essentially a brand new lot because it was a complete tear down of the previous home, so she felt the new home needed to fit the size of the lot and should also give them a buffer. She explained that she did not feel that this situation was up to the City to remedy.

Commissioner Ankeny stated that she agreed, and explained that she did not feel that she could say that the plight of the landowner was due to circumstances unique to the property.

Commissioner VanLoy stated that he was thinking about being in the landowner's shoes and stated that this was not the landowner who had very much to do with this situation, and was first the builder. But he acknowledged that the landowner understood that they were using every inch of the property to try to building their home. He reiterated that first, the builder made a mistake and did not submit plans that complied with the City Code, and then the City's process also did not

catch it. He stated that he understood that trusses were not built on site and were ordered ahead of time, and the reengineering associated with making a change would not be insignificant.

Commissioner Severson stated that she was very sympathetic to that reality.

Chair Cameron stated that he agreed with much of what Commissioner VanLoy stated, and that mistakes were made on both sides. He stated that he felt the builder and the designer had to own the fact that they submitted plans that were non-compliant, and noted that some of it was also on the City for not catching it. He stated that this puts the landowner in a weird spot because all of this was being done on their behalf, but not by them. He stated that it also put the neighbors in an awkward position. He noted that one of the Commissioners had commented on the width of the home and when he looked at the details in the presentation, the setback in the rear was 73 feet, so there was a significant amount of space behind the home where they could have gone back rather than pushing the boundaries all the way out to the side and creating a very wide home. He stated that they could have gone deeper into the lot and had the same footprint for the home in terms of square footage. He reiterated that mistakes were made on both sides, which has made this awkward for everyone.

Commissioner Elg stated that he cannot answer 'yes' to any of the three questions that staff had asked them to consider for this request, but can also recognize the significant expense that would be required to make these changes, and delay the homeowner from being able to get into the home. He stated that he did not believe the Commission had the option of just saying they could have the variance because it was an awkward situation, and mistakes were made. He reiterated that he did not think the Commission could say 'yes' to any of the questions they were supposed to answer as part of their consideration for the variance request.

The Commission discussed whether there was any latitude or leeway in their decision on this item.

Commissioner Severson stated that she felt the question that they should consider is whether the variance request was reasonable, and not whether the solution to moving forward without the variance would be too costly.

Commissioner Elg stated that he understood that, but felt that there were trade-offs between costs and mistakes. He noted that there were mistakes made in this situation, and one of the participants in the mistakes was the City.

Commissioner VanLoy noted that he also went back to his earlier question about once you have a building permit, if that meant the ship had sailed. He stated that it felt like the Commission was trying to determine rules and regulations after the ship had already sailed. He noted that he understood that mistakes were made, but the City had already handed over the building permit, and stated that it may be different if there was not a structural issue where the building would fall down, but that was not the case.

Commissioner Severson asked where the cut-off would be for when the City could stop this process, and gave the example of this not being brought to the attention of the City until the people were already living in the home.

Commissioner Elg stated that before this situation was brought up by the neighbor that answers to the questions for consideration of this request could have been answered as 'yes', and now the Commission is considering changing the response to those questions to 'no' over 12 inches.

Mr. Schelzel noted that he felt the discussion by the Commission had been excellent, and explained that he and staff could address a few of the things they had asked about. He noted that on the question of the timing of receiving the building permit and the City realizing that there was an encroachment, he would say that a building permit, 99% of the time, was exactly what Commissioner VanLoy had said but clarified that a permit still would not allow someone to do something that did not comply with City Code. He stated that in his 20 years with the City, he can think only of a handful of times where this type of thing had happened, where after a building permit had issued, someone caught something did not comply, and the builder needed to correct it. He explained that if it was a costly mistake or costly fix, they may come and ask for a variance or some other remedy, such as a Code change, but noted that was what needed to happen. He stated that a building permit does not allow someone to do something that was, in essence, illegal. He noted that he agreed with the answer given earlier in the meeting by Mr. Zweber that the applicants either have to fix this situation, get a variance, or get a code change. He referenced some case law where an entire garage was built and had to be completely torn down after it had been built because it did not meet code, and noted that they did have a building permit in that case as well. He acknowledged that this was a tough position to be in, but felt what had been asserted earlier was correct in that it was on the builders and homeowners to submit plans that comply with City Code and if they don't, the City catches those things 99% of the time but in this instance it was not caught. He stated that when the City knows something is not compliant, they have to make sure that it is compliant. He encouraged the Commission to focus on the criteria for approval of a variance in evaluating this request, and if they felt the applicant had met those criteria, they should recommend approval, and if they did not, then they should recommend denial.

Mr. Sharpe noted that one item included with every building permit is that there is a condition of approval that they must meet all sections of the Code, and explained that this was a standard provision for any building permit that is issued.

Robert Jossart, the homeowner of 617 Park Street East, asked if he could speak to the Commission.

Chair Cameron explained that they had already closed the public hearing. He stated that he was personally inclined to recommend approval of the variance and reiterated that mistakes were made on both sides, and as Commissioner Elg mentioned, they were only talking about 1 foot. He noted that he did not feel it deviated from the Comprehensive Plan and felt it was relatively reasonable.

Commissioner Elg stated that he would agree and would suggest that the Commission look at the questions for consideration again. He stated that this plan was approved by the City and was built, and at that point, it was believed to be consistent with the Comprehensive Plan, and asked if making it just 1 foot larger changed things. He stated that he felt asking for 1 foot was reasonable. He stated that for the third question about this being unique to the property, he would say that the owners chose to go from side to side, so he did not feel there was anything unique about it, and

noted that they also have the widest property on the block. He explained that because of this, he would also be inclined to support this request.

Commissioner Schwalbe stated that they are talking about 1 foot of the eave, and not 1 foot of the main house or the whole roof. She noted that she did not believe that the entire roof would have to be redone, and this was not in compliance. She stated that she believed the builder should do what he can, in the most practical way, to take 1 foot off the eaves and explained that she would not vote in favor of this variance request.

Commissioner Plantan stated that she agreed with Commissioner Schwalbe, and noted that the original plans were not compliant, and it was stated at the bottom of all the documentation that they needed to be compliant. She stated that the plans had gotten through, but then were caught, and stated that her analogy for that was that this was like saying that someone could rob the bank as long as they didn't get caught. She stated that this situation should be made compliant, even though it was an awful situation. She explained that she felt bad that the roof would have to be redone and explained that years ago, they had an entire building that had to be moved back about 3 feet because of this kind of situation. She stated that they would not need to move any walls or touch the foundation, and would just be the roof that had to be fixed on one side. She noted that she felt the trusses could be reengineered for that overhang. She explained that the plight of the builder and the landowner was not due to unique circumstances because they tore down everything on the lot, and this was a big lot. She stated that they chose to build to the edges of the parcel and also felt that it altered the character of the area because it made the homes closer together, which was something the City had been trying to prevent in R-3A. She referenced criteria question #4, and noted that economic considerations alone do not constitute practical difficulties. She stated that this situation was gut-wrenching, but reiterated that the plans were non-compliant.

Commissioner Elg stated that was why people come in and ask for variances.

Commissioner Plantan stated that she agreed that they had the right to ask for a variance, but, in her opinion, they did not meet the criteria for approval of the variance.

There being no further discussion, Chair Cameron asked for a motion on the application.

Commissioner Cameron made a motion, seconded by Commissioner Elg, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval for a Variance at 617 Park Street E for review and adoption at the next Planning Commission meeting.

Mr. Sharpe completed a roll call vote. Upon a vote, the motion failed.
3 ayes, 4 nays (Ankeny, Plantan, Schwalbe, Severson).

Commissioner Cameron made a motion, seconded by Commissioner VanLoy, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of denial for a Variance at 617 Park Street E for review and adoption at the next Planning Commission meeting.

Mr. Sharpe completed a roll call vote. Upon a vote, the motion carried.
4 ayes, 3 nays (Cameron, Elg, and VanLoy).

AGENDA ITEM 7. Other Items:

a) Review of Development Activities

Mr. Sharpe noted that some fencing has started to be put up at 641 Lake Street but that as of this afternoon, the project had not been issued a demolition permit. He explained that the current plan was to demolish a portion of the building, but reminded them that it was not substantial enough that it would require Planning Commission review. He stated that the plans were to make the building slightly taller, but it would still be in compliance with its district.

b) Planning Commission Meeting Schedule

Chair Cameron noted that the next Planning Commission meeting would be on May 5, 2025.

AGENDA ITEM 8. Adjournment.

There being no further business on the agenda, Chair Cameron asked for a motion to adjourn.

Commissioner Severson made a motion, seconded by Commissioner Plantan, to adjourn the Planning Commission meeting.

The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:00 p.m.

Respectfully submitted,
Kayla Atkins Rokosz
TimeSaver Off Site Secretarial, Inc.