

- DRAFT -
SUNFISH LAKE PLANNING COMMISSION MEETING – JULY 15, 2020
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Chair: Tom Hendrickson
Commissioners: Ginny Beckett, Shannon Nelson, and Dominick Driano
City Planner: Ryan Krzos
City Clerk: Cathy Iago
Commissioner Jeannine Naves was absent

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Beckett moved to adopt the agenda, seconded by Commissioner Nelson and carried (4-0)

3. APPROVE MINUTES JUNE 17, 2020: Chair Hendrickson asked if there were any additions or corrections to the June 17, 2020 Planning Commission minute and there was no response.

Commissioner Driano moved to approve the June 17, 2020 Planning Commission minutes as presented, seconded by Commissioner Beckett and carried. (4-0)

4. PUBLIC HEARING: A. Conditional Use Permit, 2130 Charlton Road, Steve and Claire Noble: Chair Hendrickson opened the Public Hearing to discuss the application for a Conditional Use Permit (CUP) for property located at 2130 Charlton Road. He asked the Planner to present his report.

Planner Krzos referred to his report dated July 8, 2020 and explained the request for was for a Conditional Use Permit (CUP) to reduce the required side yard setback for the property located at 2130 Charlton Road. He stated the property is zoned R-1 Single Family Residential and is located within the Shoreland Overlay District. He stated that the adjacent properties are also located in the Shoreland Overlay District.

The Planner explained that the applicants are proposing a screened porch addition to the south side of the existing residence which would extend to 28 ft. from the property line. He stated this area of the site currently contains an attached deck and the current structure encroaches on the required side yard in this area of the site; the existing structure is 27.3 ft. from the west property line. He advised that the residence was built prior to the adoption of the current Zoning Ordinance so the encroachment is considered a legal non-conformity. He explained that an expansion to a legal non-conforming structure is allowed provided said expansion complies with all zoning requirements for side yard setbacks. He noted that the Zoning Ordinance includes the ability to reduce the required side or rear yard setback by CUP provided certain conditions are met; he reviewed the conditions as listed in his report.

Planner Krzos stated that the proposed porch addition would be similar to the existing residence in form and materials with screened sidewalls. He noted that the site is well screened with significant plantings on the west property line and that the reduced yard would not encroach on any known easements. He further stated that no trees would be impacted by the proposed improvements.

The Planner displayed a photo of the existing property where stakes had been placed on the west property line to show where the porch would extend on the site. He advised that the new porch would not be any closer to the property line than the existing deck and that the expansion of the non-conformity would be above the existing deck area. He further stated that the proposed addition is being reviewed as a Minor Site and Building Plan review since it is less than 1,000 sq. ft. in total area.

Planner Krzos reviewed the criteria for determining approval of a Conditional Use Permit as listed on page 3 of his report. He advised that the proposed addition is consistent with the Comprehensive Plan and that there are similar uses that exist within the City. He stated that the proposed addition would not have any negative visual impact due to the existing vegetation

providing screening along the western property line and that staff included a condition that the vegetation be maintained to provide screening on an on-going basis.

Planner Krzos stated that the City Engineer had reviewed the application and had no concerns with the requests. He also noted that the neighbors at 2140 Charlton Road had sent an email stating they had no concerns and supported the project.

Staff recommends approval of the request based on the Findings of Fact attached to the Planner's report and subject to the seen (7) conditions of approval as listed on page 5 of the Planner's report. The Planner explained that the reduced side yard request would be warranted based on the irregular shape of the lot, the fact that it would not encroach on any known easements, no trees would be impacted, and the request does not conflict with the CUP approval criteria. He offered to respond to questions.

Chair Hendrickson asked if there were any questions from the Commission and there was no response. He asked if there were any comments from the audience.

Claire Noble, 2130 Charlton Road, thanked staff for a great job in presenting the request. She explained that the neighbors would not be able to see the addition due to the dense vegetation and that they saw the plans and had no objections.

Chair Hendrickson asked if there were any further comments from the public and, hearing no response, closed the public hearing. He asked if there were any further questions or comments from the Commission and there was no response.

Commissioner Driano moved to recommend approval of the Conditional Use Permit request for property located a 2130 Charlton Road, Claire and Steve Noble, based on the Findings of Fact and the conditions as listed in the Planner's report dated July 8, 2020, seconded by Chair Hendrickson and carried. (4-0)

5. PUBLIC HEARING: A. Major Site and Building Plan Review, Variance, and Conditional Use Permit, 2400 Delaware Avenue, Tom Flint, Alexander Design Group: Chair Hendrickson opened the Public Hearing to discuss the application for a Major Site and Building Plan Review, Variance and Conditional Use Permit (CUP) for property located at 2400 Delaware Avenue. He asked the Planner to present his report.

Planner Krzos referred to his report dated July 8, 2020 and explained that the proposed project includes the demolition of a portion of the existing residence and construction of the addition over an expanded basement. He stated that the above-grade portions of the addition would comply with the 50-ft rear setback, however, the basement is proposed to encroach to a distance of 17-feet from the rear property line. The applicant is requesting a Variance to reduce the rear setback from 50 ft. to 17 feet. Staff determined that since the improvements are underground, the applicant is not able to apply for a Conditional Use Permit for a reduced rear yard setback, since yards are defined in the ordinance as area of the site from the ground upward.

The Planner stated that building additions over 1,000 sq. ft. require a Major Site and Building Plan Review, and accessory building construction requires a Conditional Use Permit and a Major Site and Building Plan review and a CUP is required for more than once accessory structures on the site. He further advised that Variance is required for the rear yard setback.

Planner Krzos explained that the subject site is zoned R-1 Single Family Residential and the purposed partial demolition and building addition would be on the southern portion of the residence. He stated the proposed detached garage would be located north of the existing residence. He explained the basement addition would be for construction of a sports court. He noted the proposed building addition would match the architecture and building materials on the existing structure. He commented that the building exterior materials are consistent with surrounding residential properties and are allowed in the Zoning Ordinance.

The Planner stated that the project includes removal of six (6) trees in the area of the proposed building and garage. The City Forester reviewed the proposed Landscape Plan and tree inventory and recommends replaced of trees removed on a one-to-one basis. He noted that the CUP criteria was reviewed and staff found no negative impacts on neighboring properties, and no visual impacts since the sport court would be located underground.

Staff determined that the CUP process to reduce the rear yard setback would only apply to above-ground additions, therefore, a Variance request would be the appropriate approach for the request.

Planner Krzos explained that staff supports the Variance request with the hardship factor relating to the fact that the lot is not square, but angular in the location of the addition; if the lot were square, there would be no issue with the setback. He further noted that the original site designed and lot configuration was done by the previous owner of the property.

The Planner reviewed the criteria for approval of the CUP for the proposed garage accessory structure and stated that this portion of the property is not very visible to adjacent properties due to the topography and vegetation which screens it from view. He further advised that the proposed detached garage would not have negative impacts on surrounding property values, that the building is compatible with the main structure and its function is related to the principal use. He noted that no home occupation is proposed for the structure and that all other CUP criteria are met with the application.

Planner Krzos also reviewed the criteria for the Major Site and Building Plan review as shown on page 8 of his report and stated that the application was in compliance with the criteria and that the request is compatible with and provides no negative impacts to surrounding properties.

Staff recommends approval of all the requests, subject to the Findings of Fact and the conditions as listed in his report dated July 8, 2020,

The Planner suggested that an additional item "d" be included under No 5 in the Findings of Fact attached to his report, as listed below:

5. Upon review of the planning report and application information, the Planning Commission found that the site plan request and proposed conditional use meet Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:

d. The proposed second accessory structure complies with the standards of approval for accessory building conditional use requests.

Planner Krzos reviewed the conditions of approval and noted that the condition relating to tree replacement includes language that the trees be of an appropriate size to meet the ordinance requirements.

Chair Hendrickson asked if there were any comments or questions from the public.

Applicant Thomas Flint, Alexander Design Group, thanked the Planner and stated that staff did a great job reviewing the request.

Clerk Iago noted that one of the neighbors had submitted a letter in support of the project.

Planner Krzos referred Commission to a letter from the Votel's, 2140 Delaware Avenue, stating they had no objections to the request.

Joe Maurer, property owner, thanked the Planner for a great job and explained that he had met with the neighbors to review the proposed application to make them aware of the request and to respond to their questions.

Chair Hendrickson commented that although the variance impedes into the rear yard setback, there is no visual impact since that portion of the addition is underground. He noted that this the first request of this nature that the Commission had reviewed.

Commissioner Beckett agreed there are no visual impacts with the addition, however, she questioned if there may be other types of issues with the addition being located underground.

Chair Hendrickson stated that at this time he was not aware of any other issues that may arise.

Chair Hendrickson asked if there were any further comments or questions and, hearing none, closed the public hearing. He asked if there were any further questions from the Commission and there was no response.

Commissioner Nelson moved to recommend approval of the Major Site and Building Plan Review, the Variance and Conditional Use Permit, based on the Findings of Fact with the additional language under Number 5(d) in the Findings of Fact and subject to the conditions as listed in the Planner's report dated July 8, 2020, seconded by Commissioner Driano and carried. (4-0)

OTHER/NEW BUSINESS: Chair Hendrickson asked if there would be a meeting scheduled for next month.

Planner Krzos explained that he had received an application from South Side Baptist Church relating to installation of a Dynamic Sign.

Commissioner Driano asked if that was the only signage application received so far.

Planner Krzos responded yes and explained that the request includes a variance from the required 50 ft. setback and advised that the request is to move the new sign closer to road for visibility and to allow more space in the parking area for snow storage in the winter months.

Chair Hendrickson advised that he had received a call from realtor Dick Braun regarding the proposed sale of the Bancroft property. He noted that Mr. Braun wished to discuss installation of a private road versus a public road if the site were to be developed. He discussed the issues that arose several years ago when Grieve Glen Lane was proposed to be constructed as a private road and, if not maintained by the neighbors who used, then it could be abandoned and turned over to the City with the repairs now the City's responsibility. The City, at that time was opposed to private roads because of this, so it was not allowed. He also noted that when Nancy's Pine Meadow was developed, the City required the main portion of the road to be constructed to City standards and that the driveways to the single-family homes could be constructed to private road standards. He pointed out that there can be different standards for construction of private roads versus City roads and that if no homeowner's association is formed, the roads may not be well maintained. He stated that Mr. Braun asked if the City would be more amenable if the development included a homeowner's association with maintenance regulations and he told Mr. Braun that he was unsure as to support of a private road. He concluded by stating that Commissioners may be contacted for their opinions, however, no formal submission had been made at this time.

Commissioner Beckett stated she was also contacted and advised Mr. Braun that she could not respond to his questions without first doing some "homework" on the matter and that she would look forward to reviewing a plan.

Commissioner Driano explained that Mr. Braun indicated there would be seven (7) lots in the proposed development and that he would be contacting the Commissioners and Councilmembers to discuss the proposal. He indicated that as Mr. Braun's neighbor, he would advise him that the Commission and Council would evaluate a proposal based on its merits.

Planner Krzos explained that he discussed a number of concerns with Mr. Braun relating to City Ordinance requirements relating to roadway installations for developments. He commented that it appears the discussion is proceeding fast without obtaining control of the property or vetting the ordinances.

Commissioner Driano questioned if there had been any construction on the vacant lot on Salem Church Road.

Commissioner Beckett explained that it was her understanding the property had been sold.

Planner Krzos stated that he had received phone calls relating to the property, but no applications had been submitted.

Chair Hendrickson asked if there was any further business and there was no response.

ADJOURN:

Chair Hendrickson moved to adjourn the meeting at 7:37 p.m., seconded by Commissioner Driano and carried. (4-0)

Respectfully submitted,

Catherine Iago, City Clerk