

**CITY OF WOODLAND
COUNCIL MEETING
November 12, 2013**

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Doak called the meeting to order at 7:00 P.M.

ROLL CALL

Present: Mayor James Doak; Council Members Sliv Carlson, and Tom Newberry

Absent: Council Members John Massie and Chris Rich

Staff: Zoning Administrator Gus Karpas, City Clerk Shelley Souers

Guests: Jon Monson, Doug Gustner and Kathy Dittmer

CONSENT AGENDA

A. Minutes, October 14, 2013; Regular Council Meeting

Council Member Carlson moved to approve the Consent Agenda as submitted. Council Member Newberry seconded the motion. Motion carried 3-0.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

A. John & Elizabeth Massie, 2640 Marshland Road; Request variances to remodel an existing detached garage.

Mayor Doak Opened the public hearing at 7:03PM, noting that Landschute Group Contractor Jon Munson was present on behalf of Mr. and Mrs. Massie to request a variance of the front and side yard setbacks, a variance of the accessory structure area and a variance of the allowable accessory structure height to remodel the existing detached garage.

Zoning Administrator Karpas stated that John and Elizabeth Massie, 2640 Marshland Road, would like to demolish a portion their existing, non-conforming detached garage and construct an enlarged detached garage within the existing footprint and add a covered walkway from the garage to the principal structure. The Massie's are requesting variances to encroach into the required front and east side yard setbacks, to exceed the maximum permitted accessory structure height, and to exceed the maximum permitted accessory structure area.

The existing principal structure was constructed in 1930 and does not have adequate storage to meet the needs of the property owner. The applicants would like to reconstruct the existing garage with a second story for a storage area. The new design incorporates a roof line that roughly matches the existing principal structure. The proposed covered walkway will provide a means to access the garage from the principal structure during times of inclement weather.

The existing garage does not comply with the required front and east side yard setbacks. The proposed garage would maintain the existing setbacks and not increase the existing encroachments.

The existing garage's eaves extend onto the adjacent property, 2650 Marshland Road. The applicant has drafted an easement agreement to allow continued encroachment for the modified garage and the relocation of the eaves to the proposed second story.

The applicant proposes to closely match the pitch of the principal structure as required by the city ordinance. The second story permits additional storage capacity for the applicants and is not intended to serve as habitable space.

Zoning Administrator Karpas stated that he recommends approval the application of John and Elizabeth Massie for a variance of Woodland Ordinance Code section 900.09(4)(a) to encroach thirty feet into the required thirty foot east side yard setback, a variance of Woodland Ordinance Code section 900.09(4)(c) to encroach fifty feet into the required fifty foot front yard setback, a variance of Woodland Ordinance Code section 900.09(2)(b)(6) to exceed the maximum permitted accessory structure height of fourteen (14) feet by seven (7) feet, and a variance of Woodland Ordinance Code section 900.09(2)(b)(9) to exceed the property's maximum permitted accessory structure area by two hundred and seventy (270) square feet as presented for 2640 Marshland Road for the re-construction of a detached garage and covered walkway.

Zoning Administrator Karpas outlined the zoning findings based on the review and approval process in section 900.14 of the ordinance:

- (a) The four variances are in harmony with the purpose and intent of the ordinance?

Section 900.01(a) outlines the purpose of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including the preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and tree, and rehabilitation of existing housing units on their present location.

The proposed garage alteration would not have a negative impact on any of the goals and standards outlined in the Comprehensive Plan.

- (b) The variances are consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan in that it maintains the single family residential nature of the neighborhood. The existing flow of traffic will remain unimpeded by the improvement and the proposal will maintain the existing tree coverage on the property.

- (c) The proposal puts property to use in a reasonable manner?

The proposal puts the property to a reasonable use by replacing an existing substandard garage within the same footprint and providing additional storage space for the property owner. The covered walkway provides protected access to the home during inclement weather.

- (d) There are unique circumstances to the property not created by the landowner?

The property was developed in 1930, prior to the current ordinance requirements restricting the location of structures. Requiring the garage to comply with the setback requirements is not practical in that it would most likely, based on the survey submitted by the applicant, require variances of the maximum permitted impervious surface area and to exceed the maximum permitted grade alteration and unless attached to the principal structure, require a variances of the accessory structure height, area and accessory structure setback from a principal structure.

- (e) Will the variances, if granted, alter the essential character of the locality?

The essential character of the neighborhood would not be impacted since the placement the improvements would remain primarily within the existing footprint and the additional height is intended to match the pitch of the garage more closely to that of the principal structure.

Council Member Carlson asked if the area of the covered walkway was included in the total accessory structure area.

Zoning Administrator Karpas stated that he did not include the covered walkway in the calculation of the accessory structure area. Karpas stated that he viewed walkway as a garden amenity.

Mr. Monson stated that the original field stone masonry walls will remain when the detached garage is remodeled.

Mayor Doak noted that the existing garage roof was unique, but did not compliment the principal structure.

Mr. Monson stated that the garage's shake roof is 30 years old and due to the shade, the roof had never dried out and needs to be replaced.

Mayor Doak noted that because the garage is on the property line, an easement from the adjacent neighbors will be necessary to allow the roof overhang to continue the current encroachment.

The easement should be a condition of the variance.

There being no further comments, Mayor Doak closed the public hearing.

Council Member Newberry moved to adopt the affirmative findings of fact, specified in the staff report and approve the variances with the condition of obtaining a valid easement agreement with the adjacent neighbor. Council Member Carlson seconded the motion. Motion carried 3-0.

B. Ordinance No. 09-25; Amending Chapter 9

Mayor Doak opened the public hearing to consider amendments to Chapter 9 of the Code of Ordinances. Mayor Doak stated that the ordinance amendment includes technical corrections and clarifies several sections to include the definition of principal and accessory structures, language relating to nonconforming permits, fences, and tree removal.

Council Member Newberry reported that the recent changes to Chapter 4 of the City codes, prompted several amendments to Chapter 9. The language regarding animals has been taken out of Chapter 9 and moved to Chapter 4. The language dictating accessory structure and main buildings has been clarified throughout. Fences have been further clarified with regard to how their height is measured. The language dictating permits for alteration of non-conforming structures was divided into subsections to make it more understandable. The language permitting tree removal language has been clarified.

Council agreed to several modest changes to clarify section 900.19, Subd. 3 regarding tree removal.

900.09, Subd. 3. Exceptions. The requirements of Subd. 2 of this Section do not apply to the ~~following~~ removal of the following trees and vegetation:

- (a) ~~removal of any tree except the species of~~ Boxelder, Buckthorn, Willow, Cottonwood, Green Ash, Siberian Elm and Prickly Ash
- (b) ~~removal of any tree and vegetation that is~~ dead or diseased trees.
- (c) ~~tree and vegetation~~ pruning within accepted tree management parameters.

There being no further comments, Mayor Doak closed the public hearing at 7:25PM.

Mayor Doak moved to approve Ordinance No. 09-25 as presented and to include the minor correction to 900.19, Subd. 3, relating to tree removal, and to waive the second reading of the Ordinance. Council Member Newberry seconded the motion. Motion carried 3-0.

OLD BUSINESS

A. Ordinance No. 04-16; Amending Chapter 4 of the City Code Adding a New Section 407 Backyard Chickens (2nd Reading)

Council continued the review of Ordinance No. 04-16, adding a new section 407 that would permit backyard chickens, subject to certain criteria.

Council Member Carlson moved to adopt Ordinance No. 04-16 as presented.

Council Member Newberry seconded the motion. Motion carried 3-0.

Mr. Gustner and Ms. Dittmer, 2845 Stone Arch Road, asked what the next step was to obtain a permit to keep chickens.

Mayor Doak stated that a permit application must be completed and approved by the Council. Mayor Doak suggested that their permit application could be placed on the December Council Agenda for consideration.

B. Adopt Resolution No.32-2013; Approving a Summary of Ordinance No. 04-16, Permitting Backyard Chickens, for publication purposes

Council reviewed Resolution No. 32-2013; approving the summary of Ordinance No. 04-16 for publication.

Council Member Newberry moved to adopt Resolution No. 32-2013. Council Member Carlson seconded the motion. Motion carried 3-0.

MAYOR'S REPORT

Mayor Doak reported that the Lake Minnetonka Communications Commission (LMCC) is still working out the details of their organizational structure and relationship with the member cities following the anticipated departure of several cities. Woodland's representative, Mike Jilek, will report on the status of the LMCC at the December 9 Council Meeting.

Mayor Doak reported that he will be attending a gathering at the Deephaven Elementary School in recognition of their National Blue Ribbon Award.

Mayor Doak reported that the interview process to hire a new clerk has been completed and a candidate has been selected and is expected to start December 9th.

COUNCIL REPORTS

A. Ordinances & Septic Ordinance & Inspections

No report.

B. Roads, Signs, Trees, & Website

Mayor Doak reported that several street signs were vandalized with paint. The damaged signs will be replaced.

C. Finance, Enterprise Funds, Intgov. Relations & MCWD

Council Member Carlson reported that she is meeting with the Mayor Doak and staff to finalize the 2014 enterprise fund budget.

Council Member Carlson reported that she will be attending the annual League of Minnesota Cities meeting in late November.

D. Public Safety & Deer Management

No report.

ACCOUNTS PAYABLE

Council Member Carlson moved to approve the Account Payable as submitted. Council Member Newberry seconded the motion. Motion carried 3-0.

TREASURERS REPORT

Council Member Carson moved to approve the Treasurer's Report as submitted. Council Member Newberry seconded the motion. Motion carried 3-0.

ADJOURNMENT

The meeting adjourned by consent at 8:04P.M.

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor