



DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, AUGUST 19, 2025

CALL TO ORDER: Chair Mike Petersen called the meeting to order at 7:00 p.m.

PRESENT: Commissioners Kjell Nafstad, Preston Ahrens, Patrick Donlin, Jerome D'Alessandro, Dan Goodrich and Chair Mike Petersen

ABSENT: Commissioner Kendall Carlson

OTHERS PRESENT: Planning Director Pat Smith and City Council Liaison Tom Erdmann

1. APPROVAL OF MINUTES Minutes of July 15, 2025

Motion by Commissioner Donlin, seconded by Commissioner D'Alessandro, to approve the minutes of July 15, 2025, as drafted. Motion carried 6/0.

2. PUBLIC HEARINGS

a) Conditional Use Permit for a Shingle Sign at 18324 Minnetonka Boulevard

Smith presented the staff report. Laurie Hunt, Kyle Hunt & Partners, is requesting a Conditional Use Permit to add a sign to the existing shingle sign. The current sign is 33 sf and the proposed sign is 2.3 sf. The ordinance limits monument signs to 100 sf. Chair Petersen asked if the current sign meets the proposed ordinance. Smith stated no. The proposed ordinance would limit shingle signs to 12 square feet.

Chair Petersen opened the public hearing. No one spoke.
Chair Petersen closed the public hearing

Motion by Commissioner Nafstad, seconded by Commissioner D'Alessandro, to accept the recommendation and findings of staff and recommend the City Council approve a conditional use permit for shingle sign at 18324 Minnetonka Boulevard, as presented. Motion carried 6/0.

b) Lake Yard Setback Variance for a Retaining Wall at 19725 Lakeview Avenue

Smith presented the staff report. The applicant is requesting a lake yard setback variance to build a new retaining wall. The existing wall is about 47 feet from Lake Minnetonka and about 8 feet high at the tallest point.



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The proposed retaining wall would be about 5 feet closer to Lake Minnetonka and over 11 feet high at the tallest point.

Staff recommends denial of the variance request as the proposed new retaining wall will alter the essential character of the locality. The house to the north (19705 Lakeview) is setback 77 feet from the lake. The house to the south (19745 Lakeview) is setback 66.6 feet from the lake. The subject house is setback 56.7 feet from the lake so already closer to the lake than the two neighboring houses. The purpose of the 100-foot setback from Lake Minnetonka is to keep views from the lake as natural as possible. The new retaining wall based on it being three feet higher than the existing wall and five feet closer to the lake will negatively affect the natural views from Lake Minnetonka.

Chair Petersen opened the public hearing. Tony Sugalski, property owner, and John Daly, Revision, addressed the Planning Commission.

Sugalski said the house would fall down if the existing retaining wall was removed. He said there were four footings. Commissioner Donlin asked if they considered a temporary support. Commissioner Nafstad said the top wall elevation will remain the same, but the retaining wall gets taller because it follows the grade, which drops down towards the lake. Commissioner Donlin asked about new wall material. John Daly said the wall would be made out of stone.

Commissioner Ahrens asked how many cubic yards of fill is required for the project. John Daly said he did not have that information.

Tony Sugalski said that they will have a net zero hardcover. Smith stated that the applicant needs to submit a full survey with the existing and proposed hardcover before the City Council meeting.

Chair Petersen closed the public hearing.

Chair Petersen said this request is unique in that it's a structural engineering issue. Commissioner Nafstad said the project will be visually an improvement. Tony Sugalski said the elm tree was cut down in 2016, but the grade is too steep to get a stump grader back behind the house.

Commissioner D'Alessandro said he would hope the south side would be moved back as far as possible. Commissioner Goodrich thought the stairs could be moved to the side to reduce the lake yard encroachment and the height of the new retaining wall.



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Motion by Chair Petersen, seconded by Commissioner Nafstad, to recommend the City Council approve a lake yard setback for a new retaining wall at 19725 Lakeview Avenue, as proposed, with a net zero increase in hardcover. Motion carried 5/1. Commissioner Goodrich voted nay.

c) Lake Yard Setback Variance for a Gate at 19680 Lakeview Avenue

Smith presented the staff report. The homeowner, Ellen Michelson, is asking for a lake yard setback variance for a privacy gate to prevent vehicles using her driveway to turn around at the end of Lakeview Avenue.

Commissioner Goodrich asked about the moving the privacy gate to the beginning of the private road. Commissioner Donlin said that would not solve the issue.

David Busch, applicant, addressed the Planning Commission. The driveway gate has to stay out of the access easement. Busch said that the gate is needed because cars would turn around in Ms. Michelson's driveway. People would drive down Lakeview Avenue during ice fishing season, and sometime food delivery vehicles.

Tony Sugalski addressed the Planning Commission. He said that the easement is a private easement for the 12 homeowners. He said that the homeowners association did not want to install a gate at the entrance to the private road. Tony Sugalski said about 12-24 cars a day drive down the private road just looking at the neighborhood. He said there is a dead-end sign on the road. Dave Busch stated there was only one letter of objection from the neighbors.

Chair Petersen closed the public hearing.

Commissioner Ahrens noted that Ms. Michelson's driveway is her front yard and could see why she would want a gate. Commissioner Donlin said having a gate would solve the problem of cars driving onto her driveway, but the City can't solve the issue of private vehicles driving down the private road.

Commissioner Goodrich said that a gate does alter the essential character of the neighborhood. He would be curious to see if the neighborhood association would come to a different solution for the issue. Commissioner Donlin cautioned the Commission about what constitutes changing the essential character of a locality. Chair Petersen said he's a property rights advocate, but these issues are best resolved at the local level.



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Commissioner Nafstad said the gate fits the character of the neighborhood. Dave Busch said that the property owner, Ellen Michelson, sent the email to the 12 property owners, and the only objection was from one neighbor who did not want the gate to obstruct the access easement.

Motion by Chair Petersen for the applicant to get firmer estimates of the amount of traffic using the private driveway and hopefully support from the Grandview Point Homeowners Association. Seconded by Commissioner D'Alessandro. Motion carried 6/0.

d) Sign Ordinance

Chair Petersen continued the public hearing to the September 16, 2025, Planning Commission meeting.

3. DISCUSSION ITEMS

a) Maximum Footprint of Single-Family Homes

Smith gave a brief overview of the item. Commissioner Donlin appreciates the graphs. Commissioner Nafstad asked for examples of other communities like Downer Grove, Shorewood and Greenwood. Chair Petersen would like to bring this back for another discussion before the Planning Commission holds a public hearing.

4. LIAISON REPORT

Councilmember Jewett presented the Liaison Report. He said that the City Council approved the ice rink at city hall. The Council talked about fireworks as Excelsior Chamber has decided not to hold the fireworks next year. A new cable provider is looking to install fiber optics in Deephaven. By the end of 2026, residents will have a choice for faster internet.

5. ADJOURNMENT

Motion by Commissioner Petersen to adjourn the meeting at 9:40 p.m.
Motion seconded by Commissioner Nafstad. Motion carried 6/0.

Respectfully submitted,

Patrick Smith



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Planning Director