



DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, NOVEMBER 18, 2025

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

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

ABSENT: Commissioner Kjell Nafstad

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

1. APPROVAL OF MINUTES Minutes of October 21, 2025

Motion by Chair Petersen, seconded by Commissioner Donlin, to approve the minutes of October 21, 2025, as drafted. Motion carried 6/0.

2. PUBLIC HEARINGS

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

Smith presented the staff report. Smith presented the staff report. The subject property is located at the northern end of Lakeview Avenue, with Lake Minnetonka shoreline on the east and west sides of the property and Grandview Point to the north. Grandview Point is a private open space that is accessible to 12 property owners that make up the Grandview Point Neighborhood Association. An access easement exists on the east side of the subject property giving Grandview Point Neighborhood Association members access to Grandview Point and the mooring slips located at the point.

The property is only 125 feet wide. The 100-foot lake yard setback on both sides of the property means a variance is required for any addition or accessory structure over 120 square feet in area.

The applicant is requesting a lake-yard setback variance to install a 5'-9" high x 9'-6" long gate at the end of the existing fence that would prevent traffic from using the private driveway for a turnaround. The driveway is 13.5 feet wide, leaving over five feet of open space to allow pedestrian access to Grandview Point.

Lakeview Avenue is a private road as highlighted below. Unlike other properties located on Lakeview Avenue the only way for an automobile to turn around at the end of Lakeview Avenue is to completely drive into 19680 Lakeview Avenue (the subject property) and use the entire driveway to turn around. The



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narrative states that the gate will be automated and never locked. Pressing one button will open the gate.

Smith stated staff is recommending approval of the variance because privacy gates are a permitted use in Deephaven and the only reason this privacy gate requires a variance is because of the uniqueness of the lot having Lake Minnetonka shoreline on two sides of the lot.

Commissioner Goodrich asked if anything changed between the last time the planning commission reviewed this application. Smith stated that the Grandview Point Homeowners Association sent an email stating their support for the lake yard setback variance for the gate.

Greg Martin, representing the homeowner, addressed the Planning Commission. Most people do not observe the private road signs along Lakeview Avenue. The homeowner is also concerned about safety. Mr. Martin is not sure why Mark McDougal wrote the letter objecting to the variance request. Gate would have a simple button to open it. Gate is for safety and privacy.

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

Commissioner Carlson said she supports the variance request as the homeowners association approved the request and the property is unique with the 100-foot setback from the lake.

Commissioner Goodrich stated that he does not prefer the gate, but the variance request meets the intent of the ordinance.

Motion by Commissioner Donlin, seconded by Commissioner D'Alessandro, to accept the recommendation and findings of staff and recommend the City Council approve a variance to encroach into the 100-foot for a privacy gate at 19680 Lakeview Avenue. Motion carried 6/0.

- b) Variance for a Retaining Wall to Encroach into the Rear Setback at 3725 Westview Avenue

Smith presented the staff report. Ethan Kindseth, Alma Homes, is requesting a variance for a retaining wall over four-feet in height to encroach into the rear yard setback. The applicant constructed the house located at 3725 Westview and submitted an as-built survey showing the five-foot retaining wall within the rear setback.



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Commissioner Carlson asked about the drainage pattern. Smith stated the city engineer approved the as-built survey with the grading contours as is.

Ethan Kindseth, Alma Homes, applicant, addressed the Planning Commission. He was unaware of the City's height limit of retaining walls. Mr. Kindseth stated the top grade along the rear property line was kept unchanged.

Chair Petersen opened the public hearing.

Warren Lester, 3715 Westview Drive, addressed the Planning Commission. He said the homeowner has done everything right during the construction of the house and would support the variance request for the retaining wall.

Chair Petersen closed the public hearing.

Commissioner Donlin said he cannot foresee this setback being detrimental to the neighbors and would support the variance request.

Motion by Commissioner Carlson, seconded by Commissioner D'Alessandro, to accept the recommendation and findings of staff and recommend the City Council approve a variance to encroach 6 feet into the rear yard setback for a 5.09-foot high retaining wall at 3725 Westview Drive as proposed. Motion carried 6/0.

c) Variance to Encroach into the Side Yard Setback for a Second Story Addition at 4295 Northern Road

Smith presented the staff report. According to Hennepin County Property Information, the existing house was constructed in 1920. The house was constructed with a 4.5-foot side yard setback to the south. On March 7, 1988, the City Council approved a variance to encroach 12 feet into the required 15-foot side yard setback to construct an attached garage.

The existing house has three bedrooms on the second floor. The property owners would like to add living space above the attached garage, which would create a master bedroom for the house. The existing garage is 21 feet in height. The proposed second-story addition would raise the roof of the garage 7.5 feet. At 28.5 feet, the second story addition would be the same height as the main portion of the house.

Brad Fox, Fox Homes, applicant, addressed the Planning Commission. The lot is unique because it is really small at 6,419 square feet.



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

Commissioner D'Alessandro thought the application very reasonable, and the owner is not expanding the footprint.

Councilmember Erdmann asked about the height of the existing garage. Smith stated the existing garage is 21 feet in height. The proposed second-story addition would raise the roof of the garage 7.5 feet and would be the same height as the main portion of the house.

Motion by Commissioner D'Alessandro, seconded by Commissioner Carlson, to accept the recommendation and findings of staff and recommend the City Council approve a variance to encroach 6.3 feet into the minimum required side yard setback in conjunction with the construction of a second-story addition to the house at 4295 Northern Road, as proposed. Motion carried 6/0.

- d) Variance to Encroach into Front Yard, Side Yard and Lake Yard Setbacks for a Second Story Addition at 19820 Lakeview Avenue

Smith presented the staff report. According to Hennepin County Property Information, the existing house was constructed in 1956. The house is a non-conforming structure with a 27-foot front yard setback, a 64.1-foot lake yard setback, a 11.5-foot south side yard setback and an 8.7 north side yard setback.

On November 7, 2011, the City Council approved a variance to encroach 11 feet, ten inches into the required 35-foot front yard setback, a variance to encroach five feet, eleven inches into a the required 15-foot north side yard setback; a variance to encroach three feet, five inches into the required 15-foot south side yard setback; a variance to encroach 35 feet, 11 inches into the required 100-foot lake yard setback and a variance to exceed the maximum permitted hardcover by 9% for a second-story addition for the subject property.

The existing house has two bedrooms in the basement and the master bedroom in the main floor. The new property owners would like to add living space above the attached garage. The proposed addition would add two bedrooms and a bathroom on the second floor. The applicant has submitted a site plan and floor plans that highlights which areas of the second-story addition encroach into the setbacks. The areas in green comply with the required setbacks. The areas in red encroach into either the lake yard, side yard or front yard setbacks.



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Chair Petersen asked about if the footprint of the house was changing. Smith stated no.

John Daly, applicant, addressed the Planning Commission. He said the homeowners are proposing the addition to add more bedrooms and livable space. The addition is designed with gables to reduce the mass of the addition.

Commissioner Donlin asked if the entire second floor is being removed. Daly said no.

Commissioner Kendal asked about the trees on the site. Daly said there were no plans to remove the trees for the construction project.

Peter and Suzanne Gill, homeowners, addressed the Commission. They recently moved to Deephaven. They need the extra space for their grandchildren.

Chair Petersen opened the public hearing.

John Anderson, 19840 Lakeview Avenue. He is very impressed with the design of the addition. He is very familiar with plumbing and is interested in watching the construction of the addition. The arborvitae grow over the common property line and once awhile touch his house that he has to trim back.

Chair Petersen closed the public hearing.

Chair Petersen said the proposed addition seems like a natural progression of the house.

Motion by Commissioner Goodrich, seconded by Commissioner Ahrens, to accept the recommendation and findings of staff and recommend the City Council approve a variance to encroach 12 feet into the minimum required lake yard setback, a variance to encroach 3.5 feet into the minimum required side yard setback, and a variance to encroach 11.2 feet into the minimum required front yard setback in conjunction with the construction of a second-story addition to the house at 19820 Lakeview Avenue, as proposed. Motion carried 6/0.

- e) Conditional Use Permit to Exceed Hardcover Limit for a New House at 18540 Azure Road

Smith presented the staff report. According to Hennepin County Property Information, the existing house was constructed in 1958. The existing hardcover is 25.39%. The applicant is proposing to raze the existing house and construct a new house that would increase the hardcover to 30.5%. The



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proposed new house would eliminate the non-conforming detached garage that is setback 8.2 feet from the east property line (10 feet is required).

Councilmember Erdmann asked about the height of the proposed house. Smith stated that the plans that were submitted exceeded the maximum building height for the subject lot, but a condition of approval is that the applicant submit plans that comply with the maximum building height prior to the City Council reviewing the plans.

Eric Zehnder, applicant, addressed the Planning Commission. Zehnder said the tree on the left will have to be removed for the driveway.

Chair Petersen opened the public hearing.

Molly Sikorski, 18570 Azure Road, addressed the Planning Commission. She asked about the drainage pattern. Eric Zehnder said there would be sod between the house and the west property line.

Chair Petersen said that based on the grading plans, approximately 15% of the stormwater site drains towards Ms. Sikorski's property. The new drainage plan will eliminate all stormwater draining towards Ms. Sikorski's property.

Chair Petersen closed the public hearing.

Commissioner Goodrich appreciates the removal of the detached garage and eliminating the side yard setback encroachment. The new plan will be a positive development. Commissioner Carlson stated she supports the plan as it improves the stormwater drainage for the area.

Motion by Commissioner Ahrens, seconded by Commissioner Goodrich, to accept the recommendation and findings of staff and recommend the City Council approve a Conditional Use Permit to exceed the hardcover limit by 5.5% in conjunction with building a new house at 18540 Azure Road as proposed. Motion carried 6/0.

3. DISCUSSION ITEMS

Grading Limits and Building Height Definition

Smith presented the staff report. Staff is recommending eliminating the three-foot maximum grade change limit and replacing it with a requirement that any excavation of fill over 200 CY/acre would require a Conditional Use Permit and define the maximum height of houses be based on the existing



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grade; therefore, any increase in the existing grade would require the house to be shorter.

Smith stated that the current zoning regulations prohibit any development from increasing the amount of stormwater runoff onto neighboring properties. He stated that all additions and new houses require surveys to be reviewed and approved by the City Engineer. Commissioner Goodrich asked if the zoning tables in the staff reports should include a row on drainage. Smith stated there are no numbers for drainage. The City Engineer reviews the grading plans to ensure the amount of stormwater draining onto neighboring properties does not increased.

Chair Petersen stated the City should not be concerned about moving dirt around the property, for example digging out a basement for a sport court, but the City should be made aware if a significant number of trucks were filling or excavating a site.

Commissioner Goodrich likes the idea that the maximum height of homes be based on the existing grade to prevent the height of houses being artificially increased by increasing the grade around the new house.

Smith is recommending a excavation/fill limit much less than Chaska or Minnetonka because developments in those cities are typically a lot larger than Deephaven. Councilmember Erdmann said developers are trying to increase the height of new homes by building up the grade.

Chair Petersen said if a developer wanted to add 100 CY of fill on a 20,000 SF lot, the lot would only increase in height by three inches.

4. LIAISON REPORT

Councilmember Erdmann presented the Liaison Report. He said that the City Council discussed the budget. The Council discussed the medical leave act that was approved by the Legislature.

5. ADJOURNMENT

Motion by Commissioner Goodrich to adjourn the meeting at 9:15 p.m.
Motion seconded by Commissioner Carlson. Motion carried 6/0.

Respectfully submitted,

Patrick Smith
Planning Director