MISSION STATEMENT: "The City of Mound, through teamwork and cooperation, provides, at a reasonable cost, quality services that respond to the needs of all citizens, fostering a safe, attractive and flourishing community."

### MOUND PLANNING COMMISSION SPECIAL/RESCHEDULED MEETING AGENDA TUESDAY, NOVEMBER 18, 2025, 6:00 P.M. **COUNCIL CHAMBERS, MOUND CENTENNIAL BUILDING** 5341 MAYWOOD ROAD, MOUND, MN

	Call to Roll Ca		Pages		
	. Review and approval of agenda, including any amendments				
4.	Review and action				
	A.	September 2, 2025 regular meeting minutes	1 - 3		
5.	Board	of Adjustment and Appeals			
	A.	Review/recommendation – Planning Case No. 25-11			
		Lakeshore variance – patio removal / open deck replacement	4 - 15		
		5459 Bartlett Boulevard			
		Applicant: Lisa Thostenson			
	В.	Review/recommendation – Planning Case No. 25-13	16 - 39		
		Expansion permit – new/replacement house			
		2971 Cambridge Lane			
		Applicant: Erica Hway from Landschute, on behalf of owners, Timothy and			
		Joan Kenny			
5.	Old / N	lew Business			

- A. Review/discussion 2025 Work Plan Project
  - i. Review/discussion of City Code Sec. 129-314 Exterior Storage 40 - 43
- B. City Council Liaison and Staff Project Update/Report
  - i. City Council Policy for Commission Appointments and Reappointments approved October 28, 2025
  - ii. Other(s)
- C. Next Meeting Tues., December 2, 2025 Regular Meeting at 6:00 p.m.

### 7. Information Items - None

### 8. Adjourn

The Planning Commission is an advisory body to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. Mound City Ordinances require that certain documents and information be included in applications. The Planning Commission may postpone consideration of an application that is incomplete and may for other reasons postpone final action on an application. For each agenda item the Commission will receive reports prepared by the City staff, open the hearing to the public, and discuss the action on the application."

QUESTIONS: Call Sarah Smith at 952-472-0604

### MEETING MINUTES REGULAR PLANNING COMMISSION SEPTEMBER 02, 2025

### 1. Call to Order

Chair Goode called the meeting to order at 6:00 p.m.

2. Roll Call

Members present: David Goode, Sheri Wallace, Nick Rosener, Jason Baker, Drew Heal, Samantha

Wacker, Kristin Young and Kathy McEnaney

Members absent: None

Staff present: Sarah Smith, Sarah Lenz

Others present: Kathy & Rodney Thyr (1705 Baywood Shores Drive), James Shull (1724 Baywood

Shores Drive), Steve Hanson (5723 Kipling Ave, Minnetonka)

### 3. Review and approval of agenda, including any amendments

Additional photographs were provided by Kathy Thyr to review during discussion of Planning Case 25-09.

**MOTION** by Baker, seconded by Rosener, to approve the agenda as amended. **MOTION** passed unanimously.

### 4. Review and action

A. August 19, 2025 special/rescheduled meeting minutes

**MOTION** by Baker, seconded by Rosener, to approve the August 19<sup>th</sup>, 2025 meeting minutes. **MOTION** passed unanimously.

### 5. Board of Adjustment and Appeals

A. Review/recommendation – Planning Case No. 25-09
 Variance – Second Driveway/Apron
 1705 Baywood Shores Drive

Applicants: Rodney and Kathleen Thyr

Smith gave an overview of the property and the request for a second driveway/apron on Baywood Shores Drive. City Code Sec.129-198 (b) states the number of driveways on major streets is limited to one unless approved by the City Engineer. Smith noted the proposed location of the driveway is near a hydrant and the painted curb intended to prevent parking. Smith stated Staff did not recommend approval in the Planning Report. Smith said the City Engineer did not recommend approval in his letter which was included in the Planning Report.

Baker inquired about the code excerpt that limits access. Smith commented that application of the code is that 1 access is allowed. Baker asked if the curb was painted by request of the property owners. Smith said an inquiry was received from the property owners and Public Works painted it to protect the hydrant and prevent parking to allow turning. Parking is only allowed on one side of Baywood Shores Drive.

Wallace asked for clarification of the proposed location and discussion ensued about City Code and parking regulations.

Kathy Thyr approached the podium and commented that Mound is a recreational community and many residents have vehicles, boats, trailers, RV's and fish houses. Ms. Thyr stated that although their driveway is not located on a main road, the driveways on Three Points Boulevard, which is a major road, also could impede traffic with their recreational vehicles and commented she has not seen any accidents. Ms. Thyr

reviewed the photo examples of properties with similar qualities of their proposed driveway/apron and said it is unfair for them to get approval but this request be denied. She also informed the Planning Commission that she had contacted neighbors about the request and received their support.

Member discussion ensued about where items are or will be parked on the property according to the code and the different possibilities or requirements needed if approval is granted. Baker commented that the applicant had contacted neighbors about the request who expressed support and that the current parking taking place in the rear/back is preferred. The need to evaluate this section of the code was also brought up.

**MOTION** by Wallace, seconded by Baker, to recommend approval of Planning Case 25-09. McEnaney, Wallace, Rosener, Baker, Young and Goode voted in favor. Heal and Wacker voted against. **MOTION** passed 6-2.

Staff requested the Planning Commission make findings for its recommendation.

Member Wacker, who voted against the motion to recommend approval, stated she would like to see the area improved to driveway standards and is concerned about setting precedence, believes there are safety issues and commented about lack of hardship. Member Heal, who also voted against the motion to recommend approval, would like the driveway to be paved as a condition.

Members voting in favor of the motion to recommend approval did not support Staff's recommendation for denial and the recommendation for approval was based on the discussion that took place including current parking taking place on the property and parking in the rear is preferred.

B. Review/recommendation – Planning Case No. 25-10
 Expansion Permit – Deck (Portion) Conversion to Screen Porch
 1765 Jones Lane
 Applicant: Steve Hanson on behalf of Steve Chase

Smith gave an overview of the deck conversion project explaining a portion of the deck is being converted to a solid structure intensifying the area but staying within the same footprint that received a prior variance approval for a lesser setback. The deck meets code requirements and does not exceed the 40% maximum hardcover coverage. Staff recommends approval with six conditions and four findings of fact.

Steve Hanson introduced himself and explained Steve Chase, the owner, enjoys sitting on the deck with a view of the lake but would like to be screened in due to the bugs. Hanson said the footings will need repair which will be addressed during the building permit process. The siding of the enclosed deck will match the siding of the house and follow the contour of the roof making its appearance uniform.

**MOTION** by Baker, seconded by Rosener, to approve Planning Case 25-10 with 6 conditions and 4 findings of fact. **MOTION** passed unanimously.

### 6. Old / New Business

### A. City Council Liaison and Staff Project Update / Report

McEnaney said the OLL Incredible Festival is coming up and asked for an update on the Halstead project. Smith responded saying approvals and the preliminary plat has been approved on the Minnetrista side and applications have been received in Mound but not the supporting documents.

Smith also mentioned the OLL Incredible Festival is coming up which will take place around the same time as Mama's Happy Fall Festival.

### B. Next Meeting - Tues., October 7, 2025 Regular Meeting 6:00 p.m.

The next meeting will take place Tuesday, October 7, 2025 at 6:00 p.m.

### 7. <u>Information Items</u> - *None*

### 8. Adjourn

MOTION by Baker, seconded by Rosener, to adjourn at 7:24 p.m. MOTION passed unanimously.

Submitted by Sarah Lenz



### PLANNING REPORT

**TO:** Planning Commission

**FROM:** Sarah Smith, Community Development Director;

Rita Trapp, Consultant Planner

**SUBJECT:** Variance – Impervious Patio to Pervious Deck Replacement

Project

PLANNING CASE: 25-11

**APPLICANT:** Lisa Thostenson (Project Representative is Scott Gates)

LOCATION: 5459 Bartlett Boulevard
MEETING DATE: November 18, 2025
COMPREHENSIVE PLAN: Low Density Residential

**ZONING:** R-1A Single Family Residential

### **BACKGROUND**

Lisa Thorsensten, the (new) owner of the property at 5459 Bartlett Boulevard, has submitted an application requesting variance approval to allow replacement of an existing on-ground impervious patio previously constructed on the back of house (lakeside) with an open deck in the same location to include ¼ inch openings and no roof/no concrete or landscaping underneath. A variance is requested as the existing (impervious) patio, which is to be replaced with a (pervious) deck, does not meet the 50-foot lakeshore setback. The applicant's project representative is Scott Gates who has been assisting with the variance application.

### **VARIANCE**

City Code Section 129-40 (a) states that a variance may be granted to provide relief to a landowner where the application of the City Code imposes practical difficulty for the property owner.

- (1) The variance proposed meets the criteria for Practical Difficulties as defined in City Code Sub. 129-2.
- (2) Granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district nor be materially detrimental to property within the same zone.
- (3) The variance requested is the minimum variance which would alleviate the practical difficulty.

(4) A variance shall only be permitted when it is in harmony with the general purposes and intent of the zoning ordinance and when the terms of the variance are consistent with the comprehensive plan.

According to City Code Sec. 129-2, "Practical Difficulties" is defined as follows:

Practical Difficulties, as used in conjunction with a variance, means that:

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; and
- (ii) The plight of the landowner is due to circumstances unique to the property including unusual lot size or shape, topography or other circumstances not created by the landowner; and
- (iii) The variance, if granted, will not alter the essential character of the locality.

  Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems

### TIMELINE FOR DECISION

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" is determined to be October 2, 2025. provided by Minnesota Statutes Section 645.15. The review period can be extended by the City for an additional 60 days. The 60-day timeline expires on or around November 30, 2025. The applicant and Planning Commission are advised that the City will be executing a 60 day extension for action on the variance.

### **NOTIFICATION**

Neighbors in the vicinity of the property at 5459 Bartlett Boulevard, per Hennepin County taxpayer records, were mailed a letter on November 7<sup>th</sup> to inform them of the Planning Commission's review of the application at its November 18th special/rescheduled meeting.

### **DISCUSSION**

- 1. The applicant purchased the property this past summer. The existing house, which was built in 1900, has road frontage on Bartlett Boulevard on the north side of the lot and lakeshore frontage on Lake Minnetonka on the south side of the lot. There is also a guest cottage and detached accessory garage on the property. An expansion permit was approved in 2017 that allowed for construction of an attached garage addition and main floor master suite and 45 percent hardcover.
- 2. The proposed new lakeside deck will replace the existing patio which runs the length of the house and extends approximately 14 feet towards the lake.
- 3. While the existing patio and proposed new deck are not meeting the lakeshore setback, the proposed new open deck will meet the minimum side setbacks required by the City Code.
- 3. Maximum allowed impervious surface coverage on the property is allowed up to 45 percent as lawful, nonconforming. The survey showed hardcover slightly over 45 percent but additional information from the applicant representative indicates the current amount is between 43-44 percent but will be under the 40 percent allowance for a lot of record. The proposed new deck will be open and does not include hardcover or landscaping/plastic underneath and will not count towards hardcover.

### STAFF/CONSULTANT/DEPARTMENT/AGENCIES REVIEW

Copies of the request and supporting materials were forwarded to involved departments, consultants, and public agencies for review and comment.

**MnDNR**. MnDNR Hydrologist Ryan Toot provided the following comments for the variance request:

"Thank you for the opportunity to review this variance request.

The proposal is a new non-conforming structure at a higher elevation of the current non-conforming structure at up to 70% of the required structure setback from the Ordinary High Water Level of Lake Minnetonka in Mound. Structure setbacks help preserve the character (aesthetic, visual, and otherwise) of shorelands, reduce non-point source pollution into water bodies, and maintain property values.

If the variance is approved, I recommend a vegetated buffer, preferably native vegetation, be required as mitigation to screen the new, somewhat higher structure from the lake and assist in preventing any excess runoff caused by the lack of vegetation in the structure's footprint within the legal setback."

The MnDNR Area Hydrologist's comments were shared with the applicant who is receptive to incorporating plantings along the shoreline.

**Hennepin County Transportation Department.** Hennepin County Transportation provided comments that their plat review committee did not have any concerns with the request.

### STAFF RECOMMENDATION

Staff recommends approval of the variance and proposes the following conditions:

- The applicant shall be responsible for recording the resolution with Hennepin County
  unless the applicant requests the City file the resolution with the recording fees to be
  paid by the escrow. The applicant is advised that the resolution will not be released for
  recording until all fees for the variance application have been paid and the escrow
  account is in good standing.
- 2. Applicant shall be responsible for procurement of any and/or all public agency permits including the submittal of all required information prior to building permit issuance.
- 3. A natural planting/landscape buffer near the shoreline shall be established which shall be subject to review/acceptance by the City.
- 4. Additional comments and/or conditions from the City Council, Staff, consultants, and public agencies.

Staff recommends Planning Commission recommend approval of the variance based on the following findings of fact:

- 1. The criteria of City Code Section 129-40 Variance are being met.
- 2. The replacement deck is open and decreases hardcover. The property, post construction construction, is being brought into conformance with the 40 percent hardcover allowance for a lot of record and viewed as favorable.
- 3. The new open deck to replace the existing patio is generally on grade.
- 4. A lakeside deck for a single-family home is reasonable and allows for enjoyment and recreational use. The deck is in harmony with other uses in the area and fits the character of the neighborhood.

### **CITY COUNCIL REVIEW**

In the event a recommendation for the variance is received from the Planning Commission at its November 18<sup>th</sup> meeting, the application will be forwarded to the City Council for consideration at an upcoming meeting with tentative dates of Tues., November 25<sup>th</sup> or Tues., December 9<sup>th</sup>.



### VARIANCE APPLICATION

OCI 0 1 5052

2415 Wilshire Boulevard, Mound, MN 55364 Phone 952-472-0800 FAX 952-472-0620

### Application Fee and Escrow Deposit required at time of application.

	Planning Commission Date			Case No			
	City C	Council Date					
		Ple	ease type or print legibly				
	SUBJECT	Address 5459 Bar	rtlett Blvd. E 25 FT OF LOT 18 ALS	80			
	LEGAL	Lot_THAT PART	OF THE ABANDONED	BLVD Block			
	DESC.	Subdivision_"THE BA	ARTLETT PLACE" UPPER L	AKE MINNETONKA			
		PID #	21	Zoning: R1 R1A R2 R3 B1 B2 B3 (Circle one)			
	PROPERTY	Name Mark & Lisa Th	ostenson	Emai			
	OWNER	Address_5459 Bartlet	tt Blvd, Mound, MN				
		Phone Hor	Nork	Fax			
	APPLICANT (IF OTHER	Name Owner  To I'm o as	+ af foun -s	Email			
	THAN OWNER)	Phone Home	_	Fax			
1.	for this propert			tional use permit, or other zoning procedure tion, action taken, resolution number(s)			
	Owners recently purchased property.						
2.			•	number of stories, type of use, etc.):			
	Remove existin	ig impervious paud and r	eplace with same sized deck	at appx. 16 above grade.			
	-						
	/ariance Information 3/9/2023) Page 4 of 6	3					

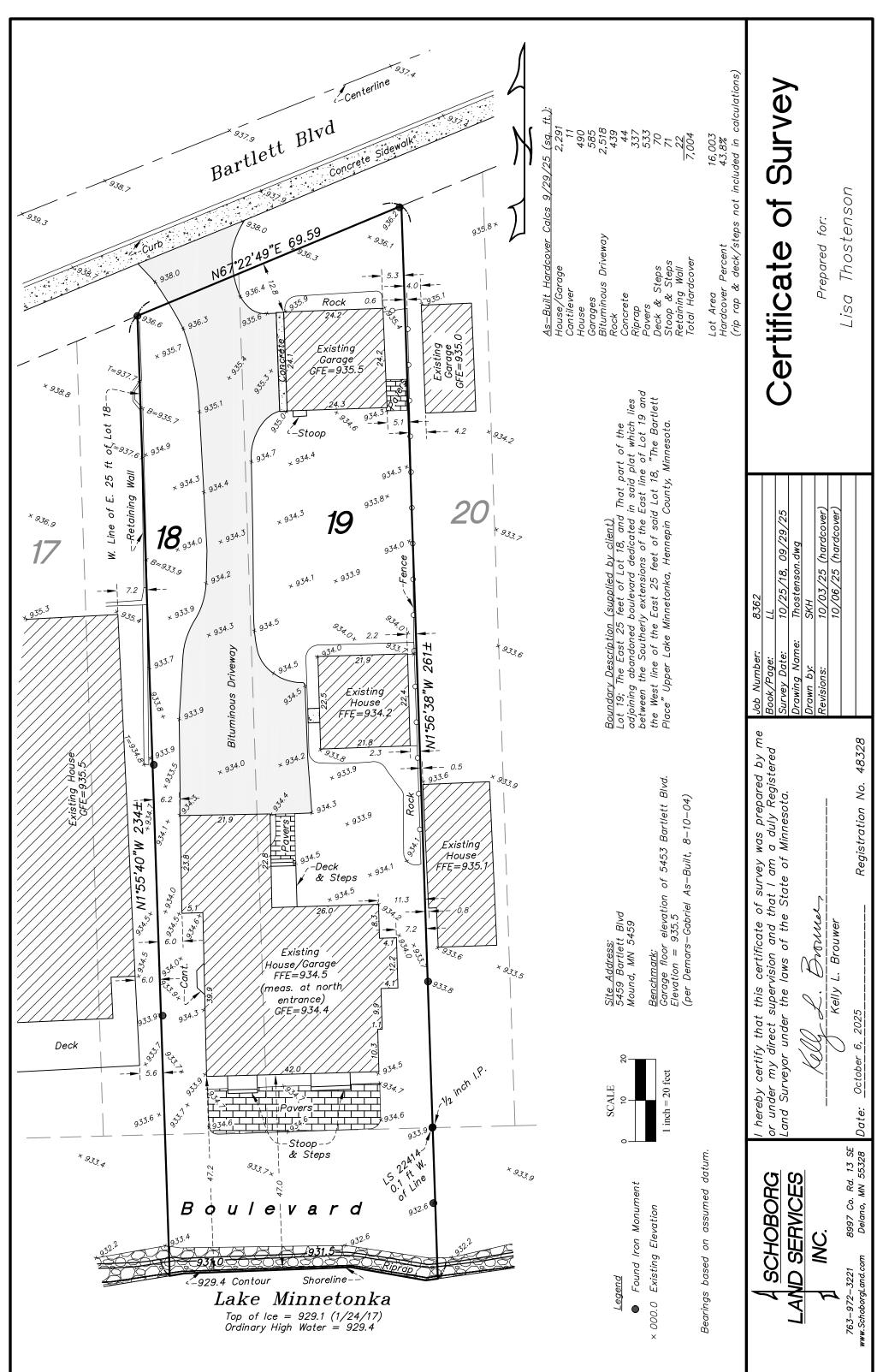
Case	No			

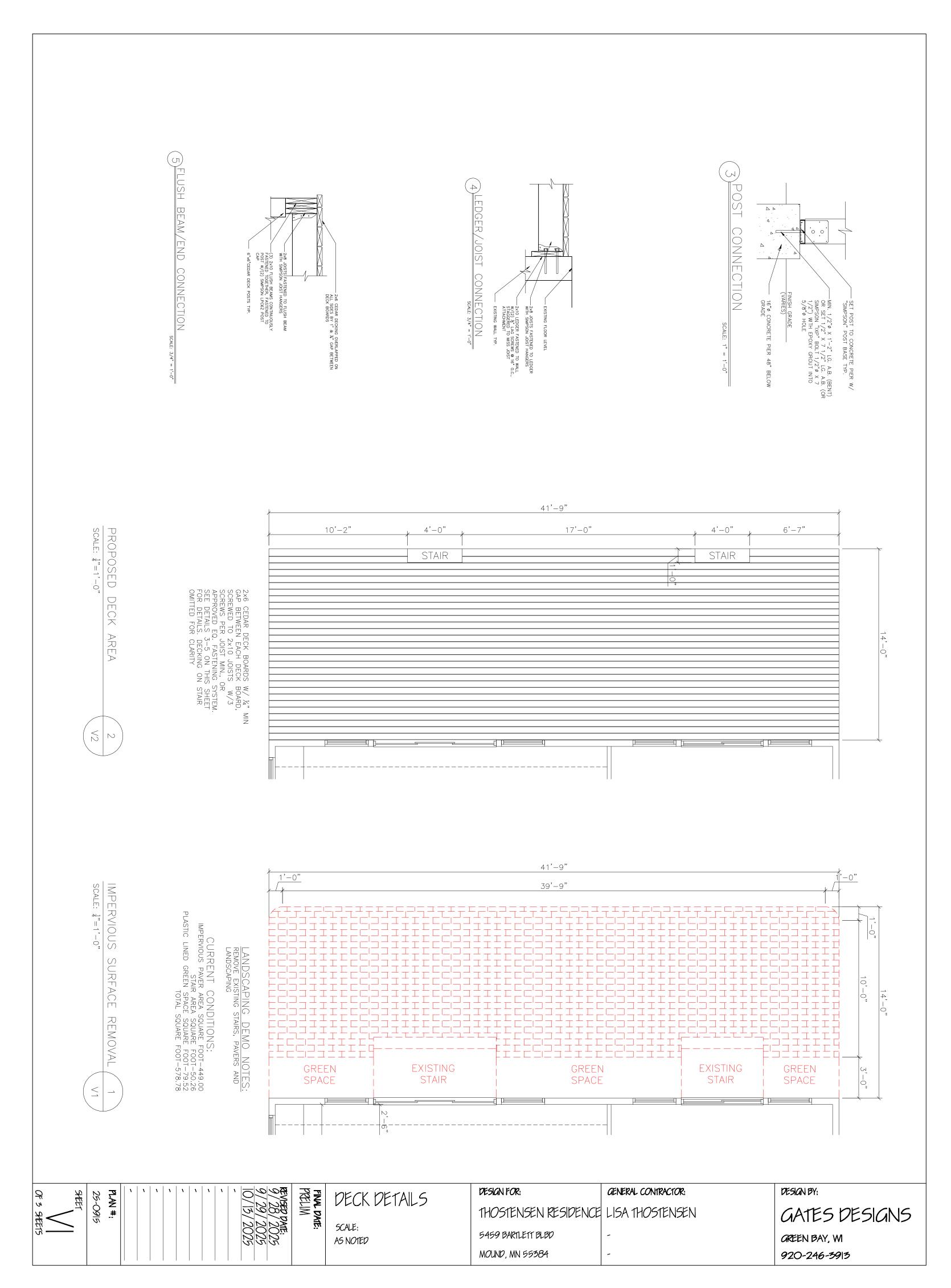
Existing historical	pado is widini oc	) lakeshore setback.		
SETBACKS		REQUIRED	REQUESTED (or existing)	VARIANCE
Front Yard:	(NSEW)	ft.	ft.	ft.
Side Yard:	(NSEW)	ft.	R.	ft.
Side Yard:	(NSEW)	ft.	ft.	ft.
Rear Yard:	(NSEW)	ft.	ft.	ft.
Lakeside:	(NSEW)	ft.	35' ft.	15' ft.
	(NSEW)	ft.	ft.	ft.
Street Front	age:	ft.	ft.	ft.
Lot Size:		sq ft	sq ft	sq ft
Hardcover:		sq ft	6,887 (43.03%) sq ft	No additional sq ft
located? Yes ()	(), No ( ). If no	o, specify each non-	regulations for the zonii -conforming use:	
	oo narrow	( ) topogr	aphy ( ) soil ge (X) existing	-tration

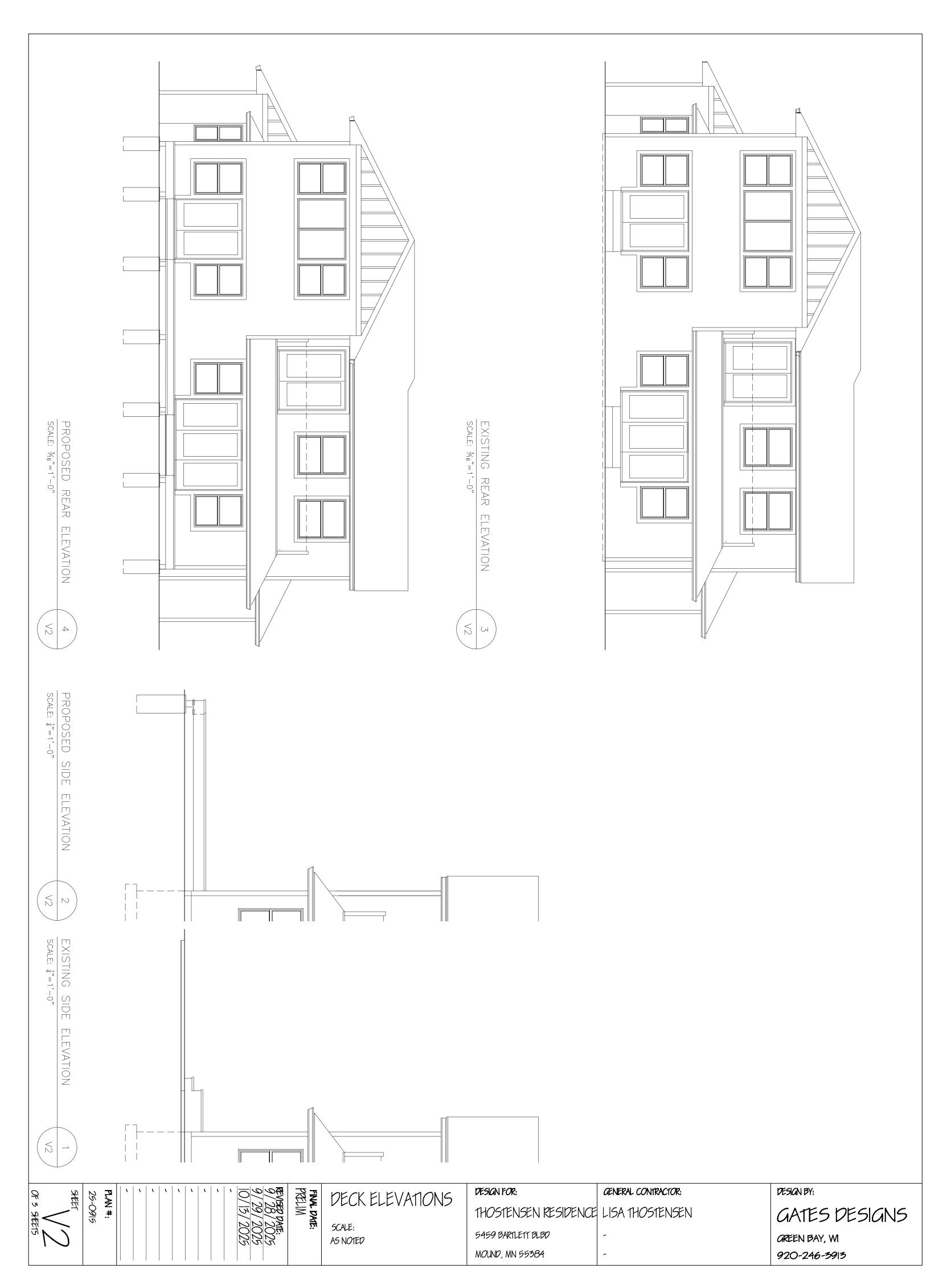
Variance Information (3/9/2023) Page 5 of 6

The original placement of ho	me when contructed in appx 1900 created the current practical difficulty.
(iii) original provides	
Yes (X), No ( ). If yes, expl	
Location of the home as esta	ablished in appx 1900 when origin
described in	al difficulty for which you request a variance peculiar only to the property  ). If no, list some other properties which are similarly affected?
). Comments: Variance reques	ted is similar to many nearby single and multi-family lake lots.
submitted herewith are true and	ements and the statements contained in any required papers or plans to di accurate. I acknowledge that I have read all of the variance information or upon the premises described in this application by any authorized offices of inspecting, or of posting, maintaining and removing such notices
submitted herewith are true and provided. I consent to the entry in If the City of Mound for the pur	I accurate. I acknowledge that I have read all of the variance information are upon the premises described in this application by any authorized officers.

Case No.







Top of Ice = 929.1 (1/24/17) Ordinary High Water = 929.4 Lake Minnetonka SCHOBORG ID SERVICES TO29,4 Contour 8997 Co. Rd. 13 SE Delano, MN 55328 Valuoa Brrox FEER W ~- doot2 -8 Steps Deck Existing
House/Garage
(meas. at north
entrance) A.) PATIO PAVERS AT REAR (-449.00 SQFT), B.) ROCK LANSDSCAPE AT REAR (-79.52 SQFT) , C.) STOOI = SUB-TOTAL (-578.78), AND D.) PAVERS BEHIND ACCESSORY GARAGE (-40.67 SQFT) = TOTAL REDUC NEW PERVIOUS DECK = 588 SQFT 7,004 SQFT ORIG HARDCOVER, MINUS (-619.45 SQFT) = 6,384.55 NEW HARDCOVER/16,003 REMOVE EXISTING HARDCOVER: N1.55'40"W 234± Registration No. **Builelx** 48328 N1.56,38,1M Builsix3 AT PAVERS (-50.26 SQFT) RDCOVER OF (-619.45 SQFT) 2.450 6 386 H tificate Thostenson REVISED DATE: 10/15/2025 DESIGN FOR: GENERAL CONTRACTOR: DESIGN BY: FINAL DATE:
PRELIM PLAN #; 25-0915 EXISTING SURVEY THOSTENSEN RESIDENCE LISA THOSTENSEN GATES DESIGNS SCALE: 5459 BARTLETT BLBD GREEN BAY, WI AS NOTED MOUND, MN 55384 920-246-39|3





### PLANNING REPORT

**TO:** Planning Commission

**FROM:** Rita Trapp and Mia Colloredo-Mansfeld, Consulting Planners

Sarah Smith, Community Development Director

**SUBJECT:** Review of Expansion Permit Request (Case No. 25-13)

**APPLICANT:** Erica Hway, Landschute on behalf of Timothy and Joan Kenny

**LOCATION**: 2971 Cambridge Lane (PID No. 24-117-24-42-0004)

MEETING DATE: November 18, 2025
COMPREHENSIVE PLAN: Low Density Residential

**ZONING:** R-1A Single Family Residential, Shoreland Overlay District

### **SUMMARY**

The applicant, Erica Hway of Landschute, is requesting an Expansion Permit on behalf of Timothy and Joan Kenny for a new/replacement house project to be constructed predominately within the existing house footprint. The lakeshore lot is a 4,005 square foot lot of record located on the eastern side of Cooks Bay. The existing house has nonconforming setbacks and currently exceeds the 40 percent impervious surface allowance. The proposed house reconstruction will increase the footprint of the house from 1,351 square feet to 1,551 square feet. The proposed reconstruction will increase the house from a one-story house to a 2.5 story house, thus requiring an expansion permit. With the proposed reconstruction, impervious surface will continue to be nonconforming, however, use of permeable pavers will reduce the degree of nonconformity.

Additional changes between the existing and proposed house include removal of an accessory shed; the expansion of the garage to the south, shifting the southern edge of the house and the garage closer to the property line on the south; and the relocation of the steps to the water on the lakeshore side.

### **REVIEW PROCEDURE**

### Criteria

An expansion permit for a nonconforming structure may be issued, but is not mandated, to provide relief to the landowner where this chapter imposes practical difficulties to the property owner in the reasonable use of the land. In determining whether practical difficulties exist, the applicant must demonstrate that the following criteria exist:

- 1. The proposed expansion is a reasonable use of the property considering:
  - (a) Function and aesthetics of the expansion.
  - (b) Absence of adverse off-site impacts such as from traffic, noise, odors and dust.
  - (c) Adequacy of off-street parking.
- Exceptional or extraordinary circumstances justifying the expansion are unique to the property and result from lot size or shape, topography, or other circumstances over which the owners of the property since enactment of this chapter have had no control.
- 3. The exceptional or extraordinary circumstances do not result from the actions of the applicant.
- 4. The expansion would not adversely affect or alter the essential character of the neighborhood.
- 5. The expansion requested is the minimum needed.

### **60-Day Land Use Application Review Process**

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" is determined to be October 16, 2025 as provided by Minnesota Statutes Section 645.15. The review period can be extended by the City for an additional 60-days if needed. The 60-day timeline expires on or around December 14, 2025. The applicant and Planning Commission are advised that the City will be executing a 60 day extension for action on the expansion permit.

### **NOTIFICATION**

Neighboring property owners of the subject site were mailed a letter on November 7, 2025 to inform them of the Planning Commission's review of the application at its November 18<sup>th</sup> special/rescheduled meeting.

### STAFF / CONSULTANT / AGENCY / UTILITIES REVIEW

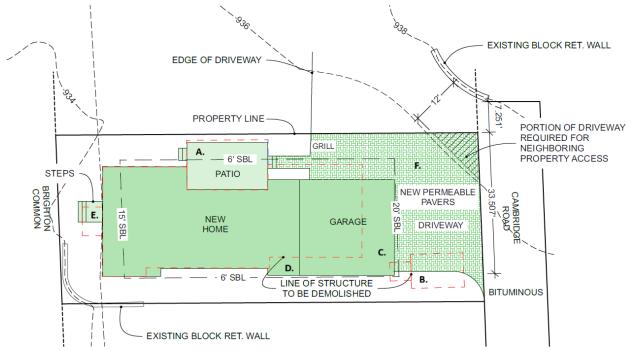
Copies of the request and supporting materials were forwarded to involved departments, consultants, agencies, and private utilities for review and comment. As of the preparation of the packet, no staff/consultant/agency comments have been received.

### **DISCUSSION**

- 1. At 4,005 square feet, the property is under the minimum required lot area of 6,000 square feet for a lot of record in R1-A. The lot is adjacent to Brighton Commons so there is approximately 60 feet between the proposed structure and the ordinary high water level (OHWL).
- 2. The applicant is proposing a new house that maintains the nonconforming rear yard setback of 9.84 ft and the nonconforming deck setback of 1.4 ft in the north side yard. The proposed front and south side yard setbacks are conforming, as is the OHWL setback. Required setbacks, existing setbacks, and proposed new setbacks are listed in the table below.

Setback	Required	Existing	Proposed
Front yard	20 ft	27.75 ft	20.3 ft
Rear yard	15 ft	9.84 ft	9.84 ft
Side yard	6 ft	6.36 ft	6.2 ft
(south)			
Side yard (north)	6 ft	1.4 ft (deck);	1.4 (deck);
		7.5 building	7.5 (building)
OHWL	50 ft	60.9 ft	60.9 ft

- 3. The proposed new house increases the footprint of the existing house from 1,351 square feet to 1,551 square feet. The areas where the footprint of the proposed house is larger than the existing house are all conforming. Additional changes between the existing and proposed house include:
  - A. Reconstructing the patio on the northern side of the house. The patio is slightly smaller, but still nonconforming, thus requiring an expansion permit.
  - B. Removal of an accessory shed in the southeast corner.
  - C. The expansion of the garage to the south and east.
  - D. Shifting the southern edge of the house and the garage closer to the property line on the south.
  - E. The relocation of the steps on the rear of the house on the lakeshore side.
  - F. Replacing driveway with permeable pavers.



- 4. The proposed house will also increase in height, from one story to 2.5 stories. As the rear wall of the house has a nonconforming setback, the addition of a second story at this setback is considered a fill-in expansion and requires an expansion permit. Applicant information is that the approximate building height is 31 feet for the new/replacement but has not been verified.
- 5. Access to the adjacent property to the north requires use of a portion of the driveway located in the northeast corner of the property as Cambridge Lane ends just north of this property. This requires pavement, permeable pavers, or other suitable driveway surfacing in order to facilitate access to the adjacent property. Due to the required access, reducing the driveway area for the property to align with the garage entrance is not realistic.
- 6. Impervious surface coverage on the current lot is 64.69%. The maximum impervious surface for a lot of record is 40%. The applicant is proposing to use permeable pavers on the driveway resulting in a new impervious surface coverage of 48.31%. While this is still nonconforming, it significantly reduces the nonconformity. As noted above, a portion of the driveway serves the property to the north.

### 7. Yard Encroachments

A. The proposed house has a bay window on the rear wall of the second story. Per Sec. 129-197, bay windows do not count as encroachments to yard requirements, "provided the encroachment within the yard area does not exceed eight square feet and provided the setback of the principal wall conforms to district setback requirements."

Due to the existing nonconforming rear yard setback, the principal wall is determined to be the existing setback of 9.84 feet. Based on the submitted survey, the bay window has an area of approximately 11.4 square feet, which exceeds the allowed encroachment. The applicant should decrease the size of the bay window to meet requirements.

- B. The site plan shows the A/C and generator units located on the exterior of the south side of the proposed house. Per City Code Sec. 129-197, mechanical equipment cannot extend more than two feet into the required yard area. Mechanical equipment may also count towards hardcover.
- C. The proposed stairs shown on the rear of the house is an allowed encroachment per City Code Sec. 129-197 which reads as follows:

"Uncovered porches, stoops or similar entrance structures not exceeding 32 square feet which do not extend in elevation above the height of the ground floor elevation of the principal building, and steps that do not extend to a distance of less than two feet from any lot line."

- D. Eaves are allowed to encroach into setbacks by 2 feet. Any eave portion exceed 2 feet counts towards hardcover unless there is hardcover underneath.
- 8. Per code, all new construction is required to be at or over the Regulatory Flood Protection Elevation of 933.0 for Lake Minnetonka. The survey shows a basement floor elevation of 934.73 which meets the required minimum elevation. The plans also show an elevator/elevator pit. Applicant is advised there there may be building code and/or floodproofing requirements that apply.

9. Construction parking, staging, delivery and storage of materials, and related construction activities need to be coordinated with the Public Works Department for the proposed new/replacement house project to ensure the road remains clear during construction to provide access and road safety. Applicant is requested to contact Public Works Director Ryan Prich to discuss parking/equipment/materials staging plans for the project and the City's on street parking regulations and seasonal parking restrictions.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend City Council approval of the Expansion Permit for the house remodel/additions project subject to the following list of conditions:

- 1. The bay window shall be modified so as to qualify as an encroachment allowance per City Code Sec. 129-197.
- 2. Any eave not meeting the 2 foot encroachment allowance shall be modified in accordance with City Code Sec. 129-197.
- 3. The applicant shall ensure the A/C units and generator do not extend more than two feet into the required yard area.
- 3. The applicant shall work with the City as part of permitting to ensure that construction parking, staging, and delivery of materials is addressed in a manner which ensures access and road safety.
- 4. The applicant shall be responsible for recording the resolution with Hennepin County unless the applicant requests the City file the resolution with the recording fees to be paid by the escrow. The applicant is advised that the resolution will not be released for recording until all fees for the variance application have been paid and the escrow account is in good standing.
- 5. Applicant shall be responsible for procurement of any and/or all public agency permits including the submittal of all required information prior to building permit issuance.
- 6. Additional conditions from Staff, the Planning Commission, and City Council.

In recommending approval of the expansion permit, Staff offers the following findings:

1. The criteria of City Code Section 129-41 Expansion Permit are being met.

- 2. The existing building nonconformities on the site were there prior to the applicant's acquisition of the property.
- 3. The proposed expansion is a reasonable use of the property. The expansion will be in keeping with the character and aesthetics of the area.
- 4. The proposed expansion allows for the continued use of the property as a single-family home in a manner that does not create any additional adverse impacts to the area.
- 5. This expansion would not increase the degree of nonconformity, only the intensity of the use of the lot in order to increase the living area of the house.

### CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning Commission, it is anticipated that the expansion permit request will be considered by the City Council at its December 9, 2025 meeting at 6:00 p.m.



2415 Wilshire Boulevard, Mound, MN 553 Phone 952-472-0600 FAX 952-472-0620

### EXPANSION PERMIT APPLICATION

QCT 1 5 2025

### Application Fee and Escrow Deposit required at time of application.

	Case No.
	Please type or print legibly
SUBJECT	Address 2971 Cambridge Lane
PROPERTY LEGAL DESC.	Lot 11       Block 33         Subdivision Wychwood       Zoning: R1 R1A R2 R3 B1 B2 B3 (Circle one)
PROPERTY	Name Timothy M. & Joan C. Kenny Ema
OWNER	Address 768 Osceola Avenue, St. Paul, MN 55105  Phone Home
APPLICANT	Name Landschute/Erica Hway Email erica@landschute.com
(IF OTHER	Address 202 Water Street Suite 202, Excelsior, MN 55331
OWNER)	Phone HomeWork_952.401.7671Fax
for this property	tion ever been made for zoning, variance, conditional use permit, or other zoning procedure y? Yes ( ) No (X). If yes, list date(s) of application, action taken, resolution number(s) pies of resolutions.
	ption of proposed construction or alteration (size, number of stories, type of use, etc.): single-family residence, 1,551 sq. ft. footprint, 3,614 sq. ft. total finished area, home to be
constructed pre	edominantly on existing footprint

Expansion Permit Information (12/29/2022) Page 4 of 6

45

1.

2.

Case	No.	

3	Please complete the following information related to the property and building's conformity with the zoning
U.	regulations for the district in which it is located including the expansion permit request.

SETBACKS:		REQUIRED		REQUESTER (or existing)	D	EXPANSIO	N
Front Yard: Side Yard: Side Yard: Rear Yard: Lakeside:	(NSEW) (NSEW) (NSEW) (NSEW)	20 6 6 15	_ ft. _ ft. _ ft. _ ft. _ ft.	20.3 7.5 6.2 9.9	_ ft. _ ft. _ ft. _ ft. _ ft.	7.5 0 0.2 0	ft. ft. ft. ft. ft.
Street Frontag	(NSEW) ge:	40	=ft. _ft.	40	_ ft. _ ft.	0	— ' <sup>t.</sup> ft.
Lot Size:			sq ft sq ft		sq ft sq ft	0 (w/ pavers)	_sq ft _sq ft
							1-b-10-1

4. Does the present use of the property conform to all regulations for the zoning district in which it is located? Yes ( ), No ( ). If no, specify each non-conformity:

rear yard setback (existing = 9.84'), deck setback (existing = 1.4'),

hardcover (existing = 2,591 sq ft/64.69%)

5. Are there exceptional or extraordinary circumstances justifying the expansion unique to the property such as lot size or shape, topography or other circumstances over which the owners of the property since enactment of this chapter have no control? Please check all that apply:

( ) too narrow too small ( ) too shallow	topography ( ) drainage ( ) shape	<ul><li>( ) soil</li><li>( ) existing situation</li><li>( ) other: specify</li></ul>
--	-----------------------------------	--

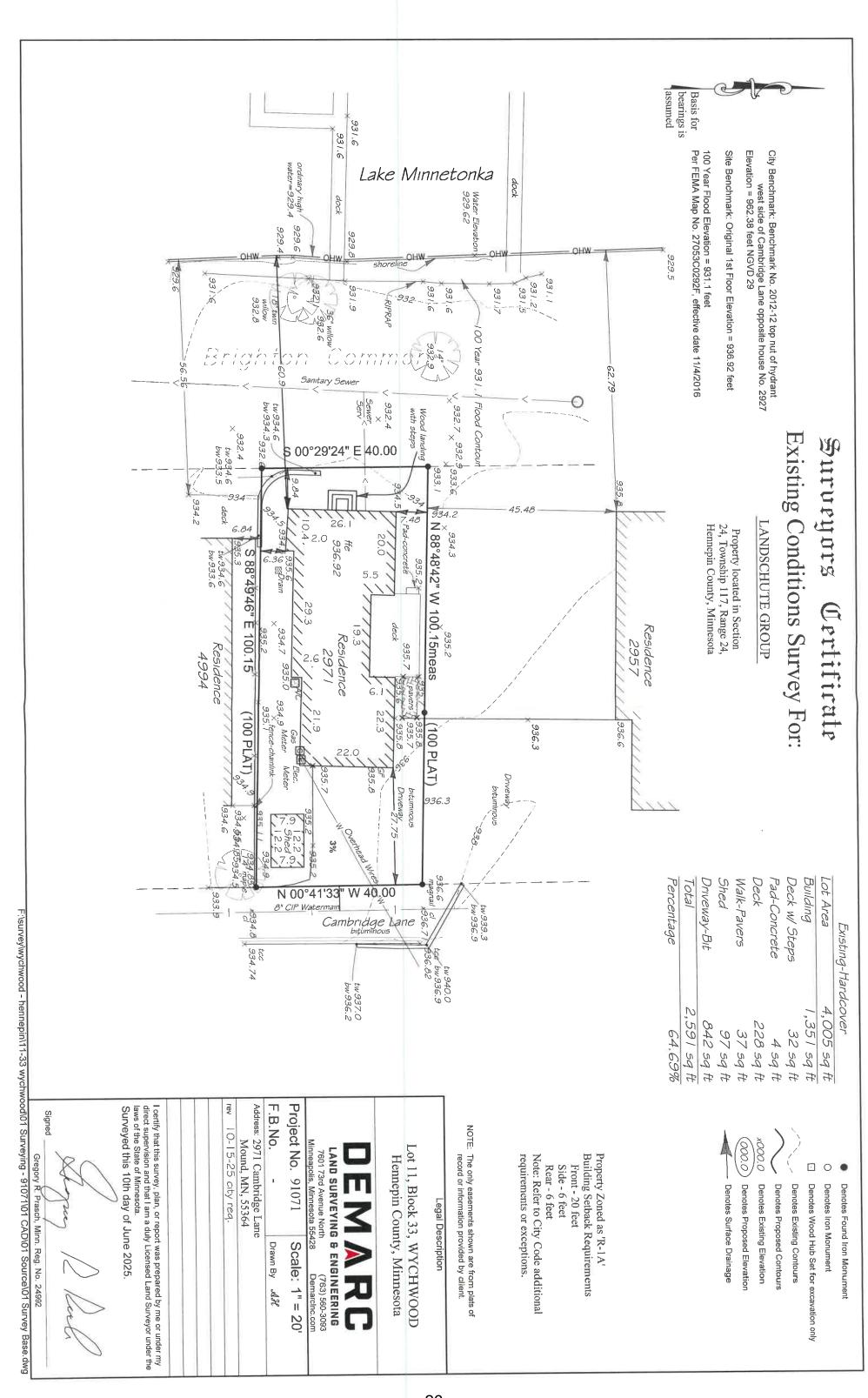
Please describe: The property is 4,005 sq. ft., which is significantly below the 6,000 sq. ft. minimum for lots of record in R1-A. In addition, due to the low elevation of the property, a lower level is not possible.

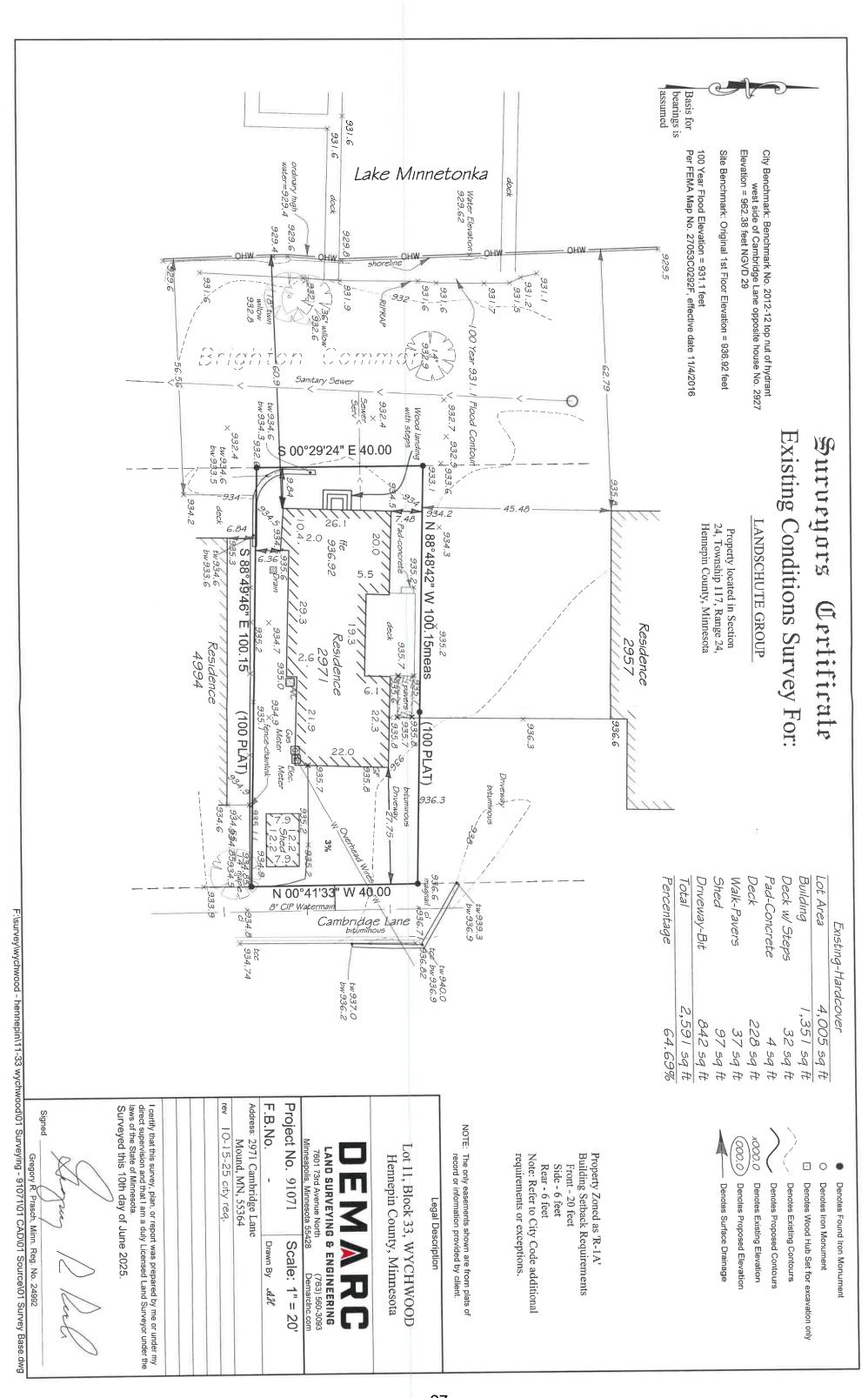
Expansion Permit Information (12/29/2022) Page 5 of 6

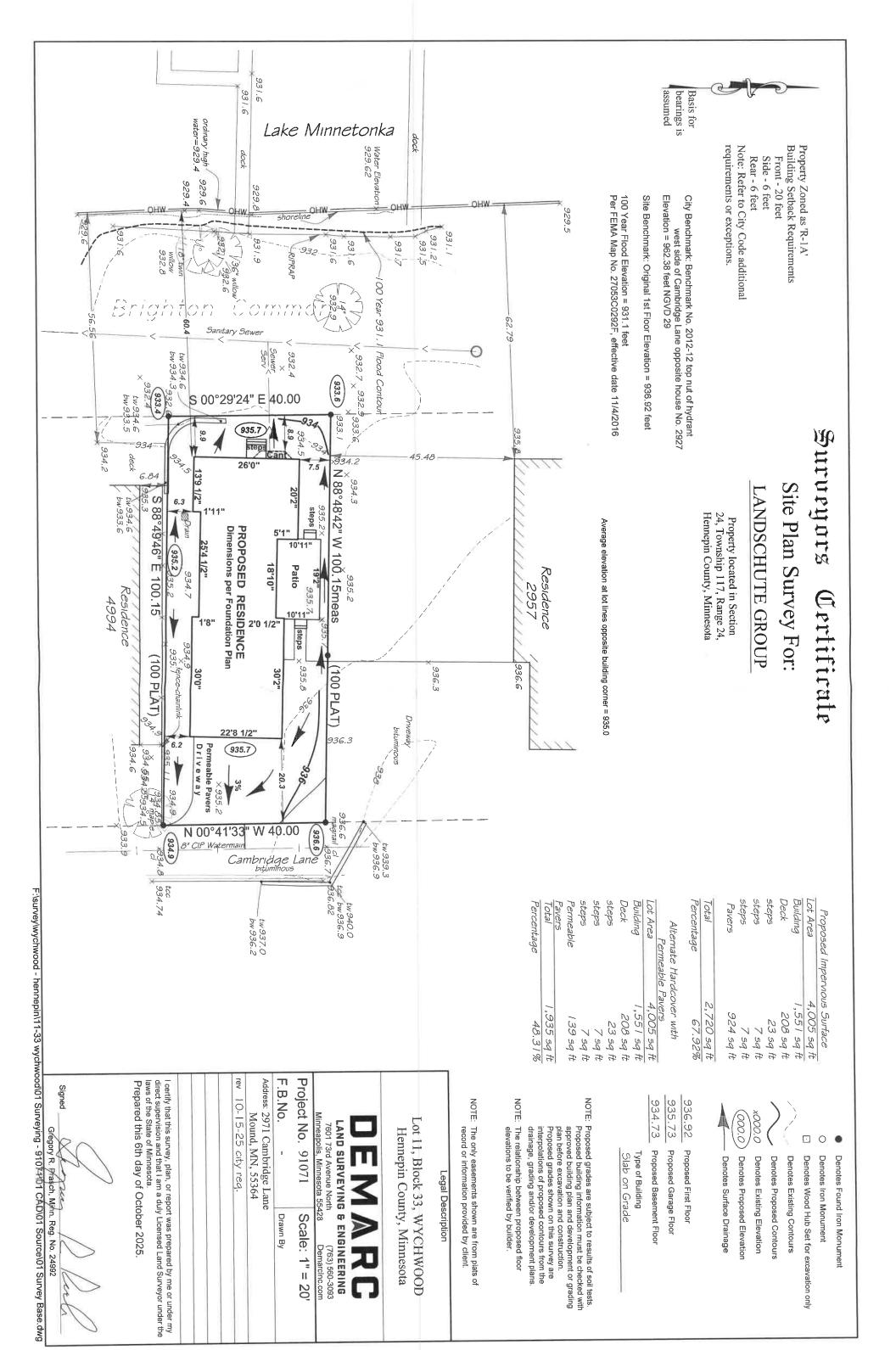
6.	Were the exceptional or extraordinary circumstances described above created by the action of anyone having property interests in the land after the zoning ordinance was adopted (1982)? Yes ( ), No X. If yes, explain:
7.	Were the exceptional or extraordinary circumstances created by any other person-made change, such as the relocation of a road? Yes ( ), No . If yes, explain:
8.	Are the exceptional or extraordinary circumstances for which you request an expansion permit peculiar only to the property described in this petition? Yes ( ), No . If no, list some other properties which are similarly affected?
	4994 Manchester road
Э.	Comments: This adjacent property has a small lot size of 4,696 sq. ft., which is 691 sq. ft more than the subject property of this application. It also has a similarly low elevation.
	certify that all of the above statements and the statements contained in any required papers or plans to be about the above and accurate. I acknowledge that I have read all of the variance information about the contained in this application by any authorized official
pr of	ovided. I consent to the entry in or upon the premises described in this application by any authorized official the City of Mound for the purpose of inspecting, or of posting, maintaining and removing such notices as ay be required by law.
0	wner's Signature Date 15 October 2025
A	pplicant's Signature From 1. Avage Date 16 October 2025

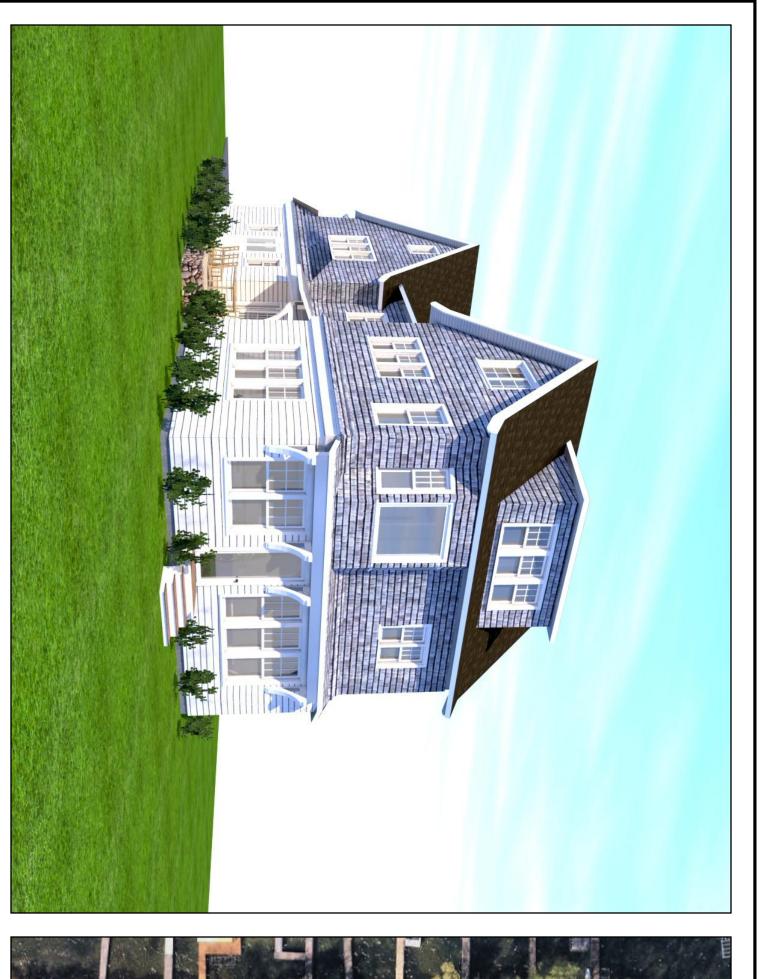
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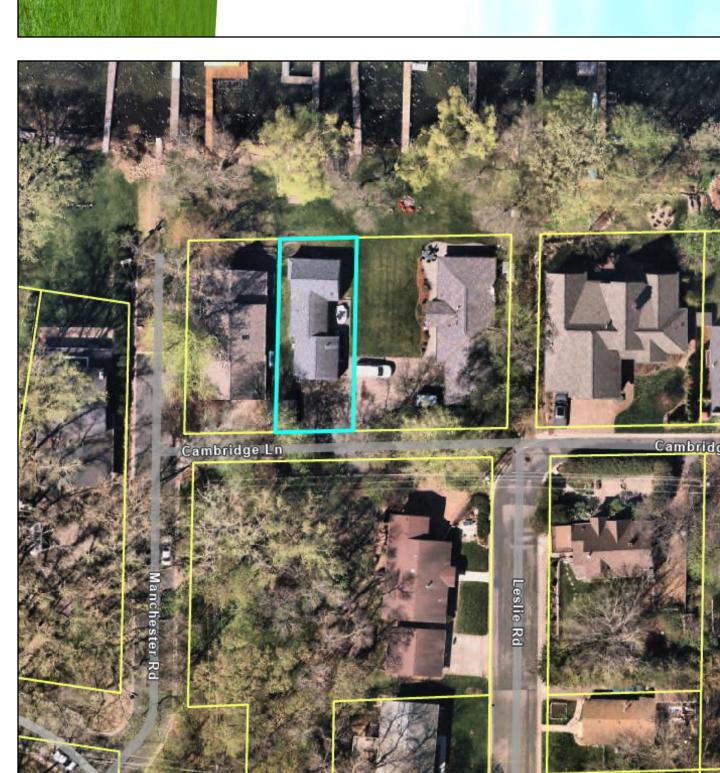
Expansion Permit Information (12/29/2022) Page 6 of 6











Perspective

SPECIAL Degrees And Plus or Minus Feet Pounds/Number **SYMBOLS** SYMBOL KEY Drawing Reference Number Drawing Reference Number ENLARGED PLAN MARKER Location Sheet Reference Number Sheet Reference Number **ELEVATION MARKER** (Main Level = Reference Nu Reference Nu REVISION MARKER Revision Number\_ er to Revision Log) SECTION MARKER tion of True DETAIL MARKER LEVEL MARKER NORTH ARROW Map Nominal Door Slab Height Nominal Door Slab Width Ceiling Height (Rough Framing) HIDDEN ELEMENT **ELEMENT ABOVE** Hidden Element CEILING HEIGHT WINDOW LABEL BEARING POST Joist Spacing JOIST LABEL DOOR LABEL Beam Type BEAM LINE Window ID Door ID- GENERAL FRAMING
 All dimensions are to face of rough framing unless U.N.O.
 Ceiling heights indicated do not necessarily coincide with wall heights. Refer to sections and struwall framing heights.
 Steel Subcontractor to provide design for all steel connections and shall provide shop drawings. Landschute prior to fabrication and installation.
 All steel beams and columns at exterior walls to be held back 2" from exterior of structure to allo Refer to shop drawings provided by supplier for all framing, electrical, and mechanical requirement, including but not limited to fireplaces and elevators. FLOOR FRAMING

1. Sill plates at foundation walls to be continuous 2x6 pressure treated lumber 2. Deck framing to be treated SPF U.N.O.

3. Floor and roof framing layouts to be designed and provided by supplier.

4. All beams to be flush U.N.O.

5. Floor assemblies to comply with SMRC R.302.13.

6. All joist hangers mounted on steel beams to be face-mounted. WALL FRAMING

1. Exterior Walls and Interior bearing walls to be 2x6 SPF studs @ 16" O.C. w/ double top plate an 2. Lower level bearing walls to be bolted to 4x6 pressure treated lumber flush to concrete floor slat details). **FRAMING NOTES** MATERIAL LEGEND Current International Residential Code (IRC) and Minnesota State Building Code (MSBC) shall govern. All Subcontractors and Vendors herein accept their respective responsibility for compliance.

Plans are representational only and are subject to field verification.

The Work shall include labor and material, not specifically indicated, which are necessary to complete the job in a manner which is consistent with Landschute standard practices. It is understood that the plans and specifications do not necessarily indicate all Work required for the full performance and completion of the Work. Inconsistencies in the quality or quantity of Work indicated shall be interpreted in accordance with Landschute standard practices and must be addressed prior to execution of the Work.

Any request for extra charges shall only be valid if submitted and agreed to prior to the execution of Work. Commencement of Work constitutes acceptance of substrate. All work shall be performed in a neat, craftsman like manner with extra care and consideration given to protecting work already in place. Each party is responsible for repairing its own damage to the job and for removing its own debris to a designated area on the job site. All tradesmen on the job are responsible for Knowing and adhering to the above-outlined policies.

If Subcontractor / Vendor fails to correct work or persistently fails to carry out work as required, Landschute may, by giving 48 hour notice, terminate the agreement, perform the work itself and deduct the costs from any balance owed to Subcontractor / Vendor to repair its work as a result of deficiency in labor or material, it shall also repair any subsequent trade's work as to create a finished product.

Flav CUT FILL SYMBOLS All plates in contact with concrete slabs to be treated lumber. nterior partition walls to be 2x4 SPF studs @ 16" O.C. U.N.O. All window and door headers to be dropped (2) 2x10 SPF U.N.O. All bearing posts to be (2)2x6 U.N.O. Refer to section and detail drawings for exterior sheathing, weathers wall bracing to comply with R602.10.

Nall bracing to casing at all window and door openings. No payment for any subcontract labor shall be made until appropriate Certificates of Insurance, including coverage for oth General Liability and Workers' Compensation are provided to and acknowledged by Landschute. Selections for finish materials, fixtures, equipment, and furnishings to be coordinated directly between Client and andschute. Carpeting Glulam Plywood Steel Nonstructural Brick Masonry Rigid Insulation Gypsum Board Wood Flooring Wood Siding or Paneling Concrete Masonry Unit Structural Concrete Spray Foam Insulation COVER FILL SYMBOLS Brick (Bond May Vary) Limes **Pavers** Concr Wood Siding or Paneling (Spacing & Orientation May Vary) Shingles (Material & Exposure May Vary) Fieldstone Flagstone Board & Batten low for 2" insulation. nents of all specialty าd single bottom plate. b (refer to foundation to be approved by tone - Stacked ete Masonry Unit uctural roof layout for Sections Schedules & Diagrams TOTAL BUILDING Second Level, Finished Area Main Level, Mech, Unfinished ZONING DISTRICT: OCCUPANCY: Attic, Finished Area Main Level, Garage Main Level, Finished Area PROJECT INFORMATION A1.01 A1.02 A1.03 A1.04 A1.05 A6.01 A2.01 A3.01 A5.01 IRC-1, SINGLE-FAMILY DWELLING

**ABBREVIATIONS** 

Inchor Bolt

· Conditioning

NOT TO SCALE

xterior

Above Finished Floor Above Finished Grade Authority Having Jurisdiction

Mech. M.O. MSBC MSRC

esota State Building Code esota State Residential

aminated Strand Lumber aminated Veneer Lumber

ternational Residential Code

Sottom of Footing Sottom of Wall

O.C. PL PLF P.S.I. P.T.

operty Line r Lineal Foot ounds per Square I essure Treated

asement raced Wall Line

ntilevered nter to Center

REBAR REFR REINF REQD RAM RM RM

Required Right Hand

Reinforcing Bar Refrigerator Reinforced

Rough Opening
Steel Beam
Steel Column
Smoke Detector
Square Feet
Specifications

Centerline Cast-In-Place Concrete Masonry Unit Concrete

### General Drawings **SHEET INDEX** A0.01 A0.02 Cover Sheet Foundation Plan Architectural Site Plan LANDSCHUTE **ARCHITECT & BUILDER** © 2025

**GENERAL NOTES** 

Main Level Plan Second Level Plan Window & Door Schedules Attic Plan Framing Details **Building Sections** Exterior Elevations Roof Plan

All ideas, designs, plans and specifications are the property of The Landschute Group, Inc. This copyrighted plan is an instrument of service to be used only by Landschute as it constructs the project for its client. Any other use is unauthorized and strictly prohibited (without Landschute's express written permission) and subject to copyright protection under Section 102 of the Copyright Act, 17 U.S.C., as amended December 1, 1990, known as the Architectural Works Copyright Protection Act of 1990. Protection includes but is not limited to overall form as well as the arrangement of spaces and details of the design. Under such protection, unauthorized use of these plans, or works resulting from these plans, can result in the termination and loss of such construction as well as fines up to \$100,000 per offense. **PROJECT** 

RESIDENCE KENNY

Cottage Rebuild

**CLIENT NAME** Tim & Joan Kenny

PROJECT ADDRESS 2971 Cambridge Lane Mound, MN 55364

DRAWN BY: ELH **PRINTED DATE:** 10/15/25

AREA 976 501 E01 ISSUE DATE 10/15/25 **ISSUE HISTORY** Submission - Expansion Permit ISSUED FOR

4,184 ft<sup>2</sup>

REV

DESCRIPTION

**CURRENT REVISIONS** 

1,457

69

626

shwasher

trical

Spring Line

ach Way xcavate xterior

loor Cleanout loor Drain oundation inished Floor E inished Grade

Specs Specs SQ SIM. SIM. SIM. STR TT&G TOB TOC TOF TOH TOW TRTD TRTD TRTD TRTD TYP. U.N.O. W.H. W.H. W.H. S. YDS

Structural
Tongue & Groove
Top of Beam
Top of Curb
Top of Footing
Top of Heel
Top of Joist
Top of Masonry
Top of Wall

FTG FURN GYP H.B. HVAC

Water Closet (Toilet)
Water Heater
Walk-In Closet
Without
Water Softener

ess Noted Otherwise

rnational Building Code

Bearing Post (Type & Size Varies)

**Batt Insulation** 

SCALE AS INDICATED

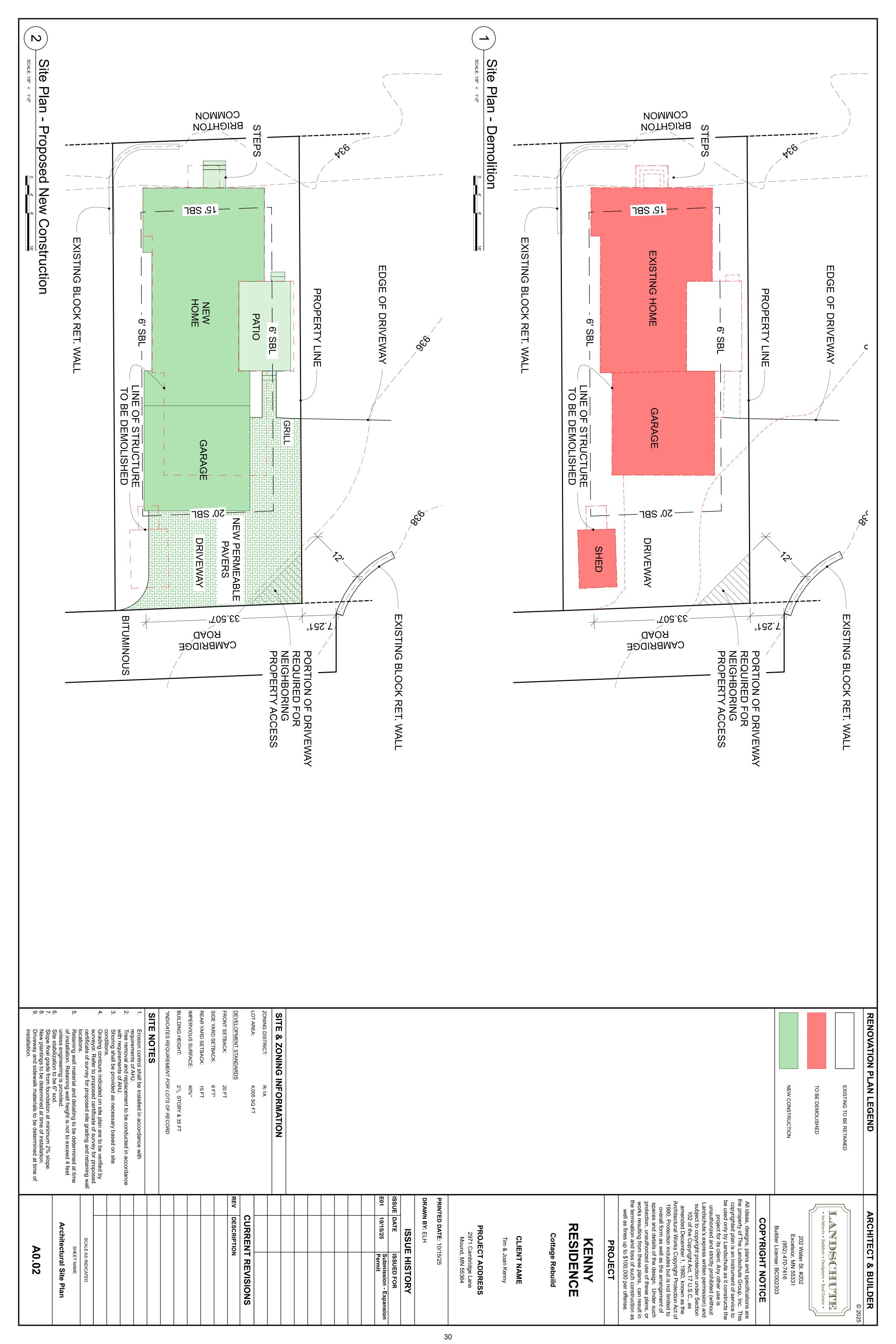
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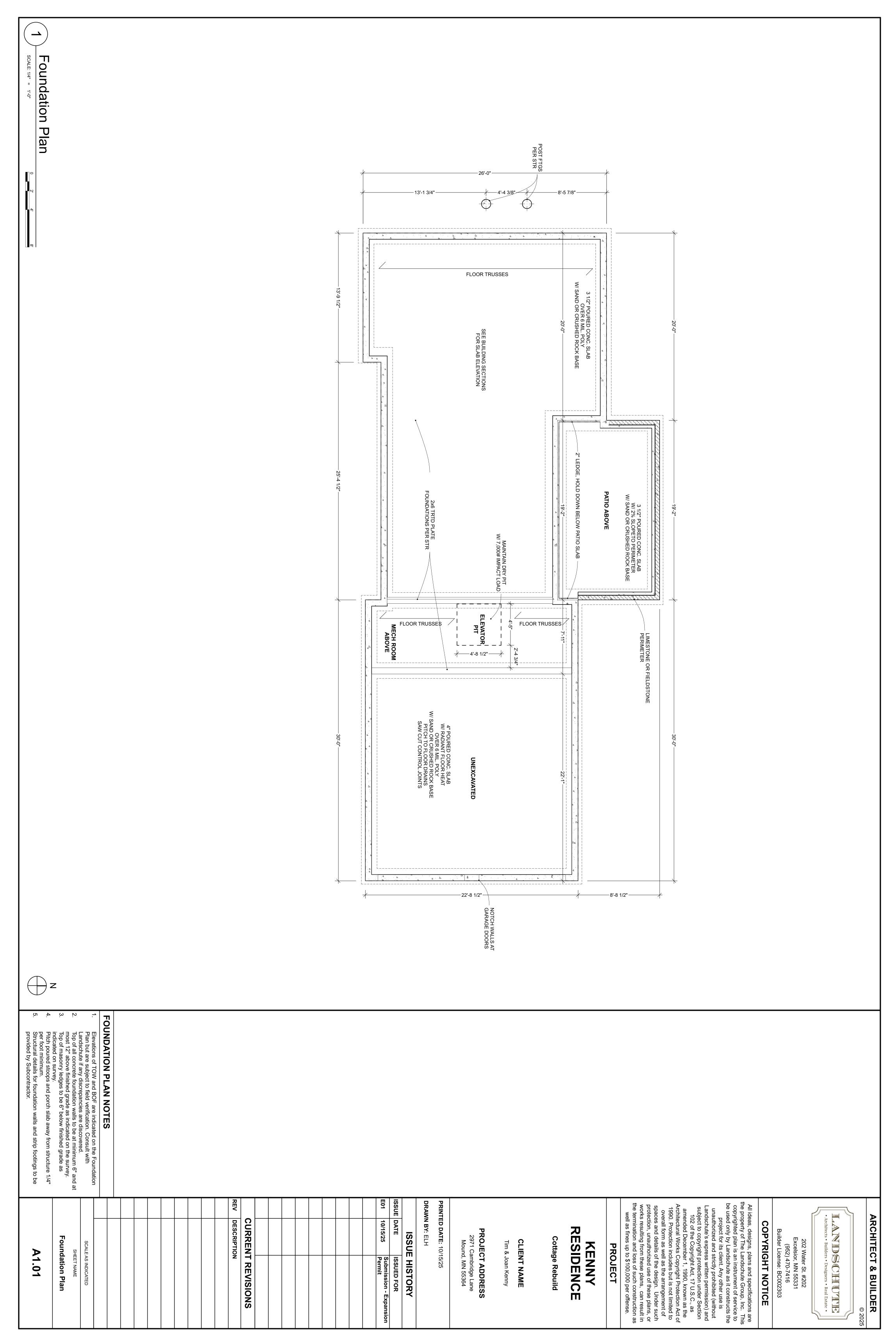
**Cover Sheet** 

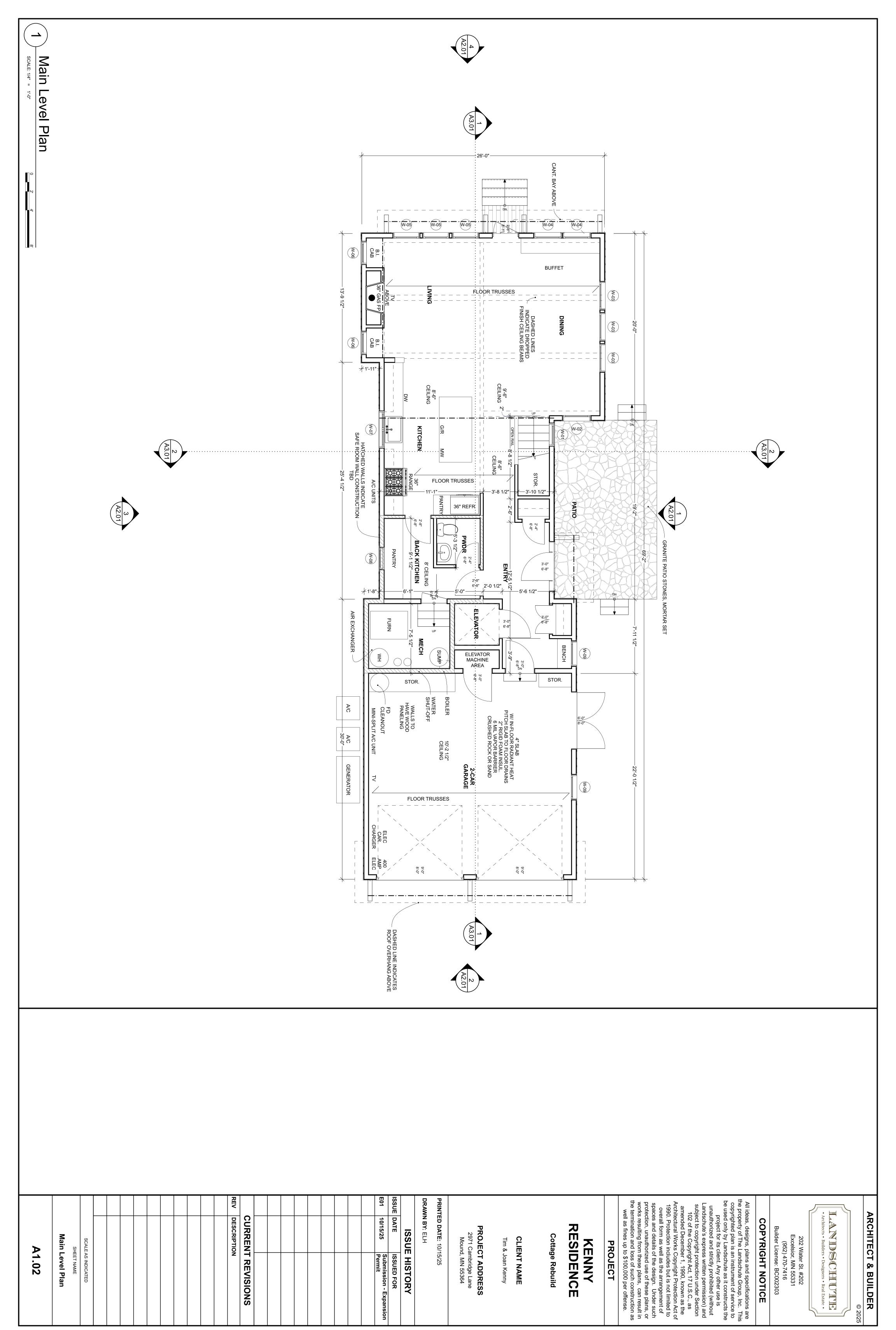
A0.01

**COPYRIGHT NOTICE** 

202 Water St. #202 Excelsior, MN 55331 (952) 470-7416 Builder License: BC002303







ISSUED FOR
Submission - Expansion
Permit

SCALE AS INDICATED

SHEET NAME

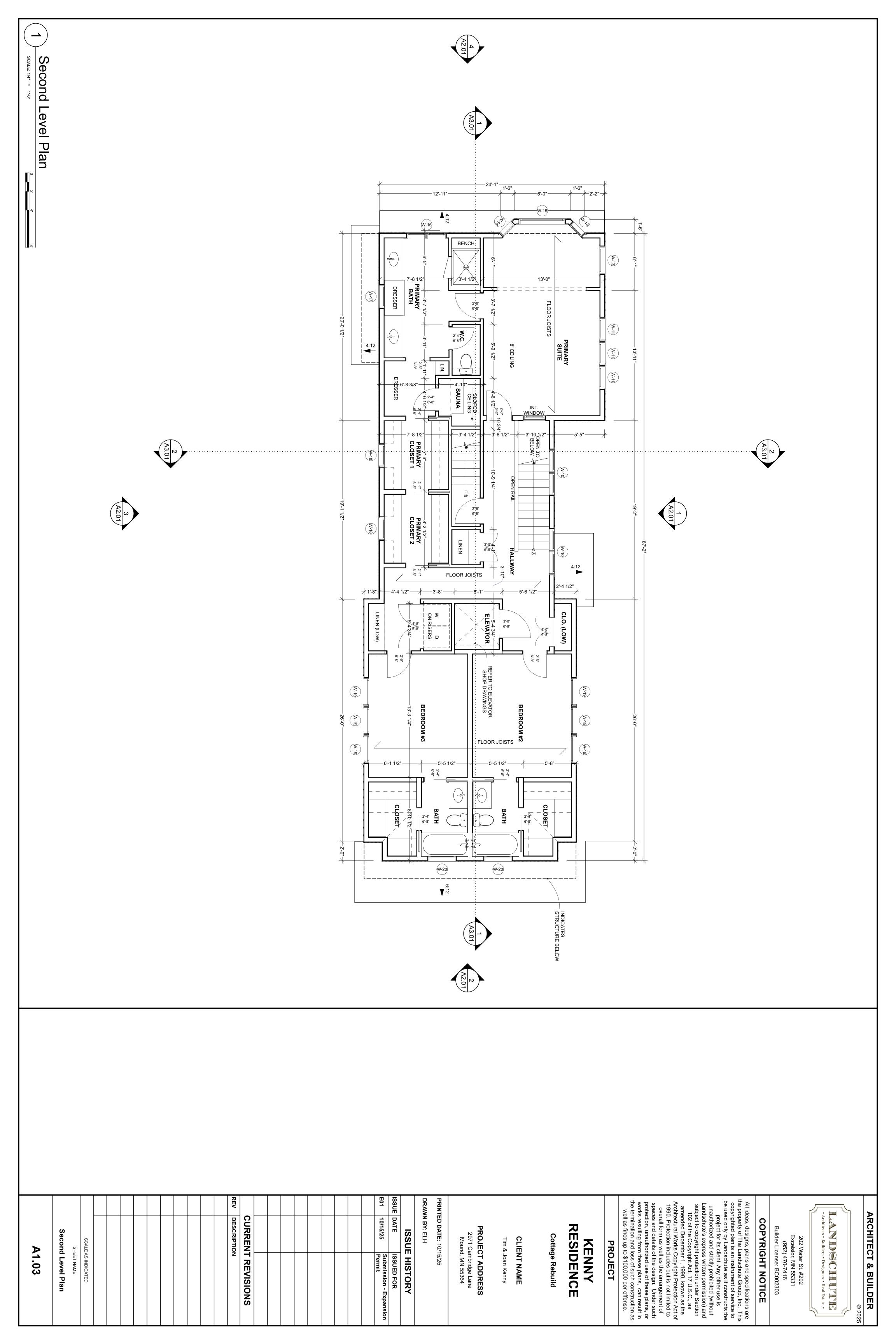
**CLIENT NAME** 

KENNY

PROJECT

© 2025

Tim & Joan Kenny



**ISSUE HISTORY** 

ISSUED FOR
Submission - Expansion
Permit

Second Level Plan

SCALE AS INDICATED

SHEET NAME

PROJECT ADDRESS

2971 Cambridge Lane Mound, MN 55364

RESIDENCE

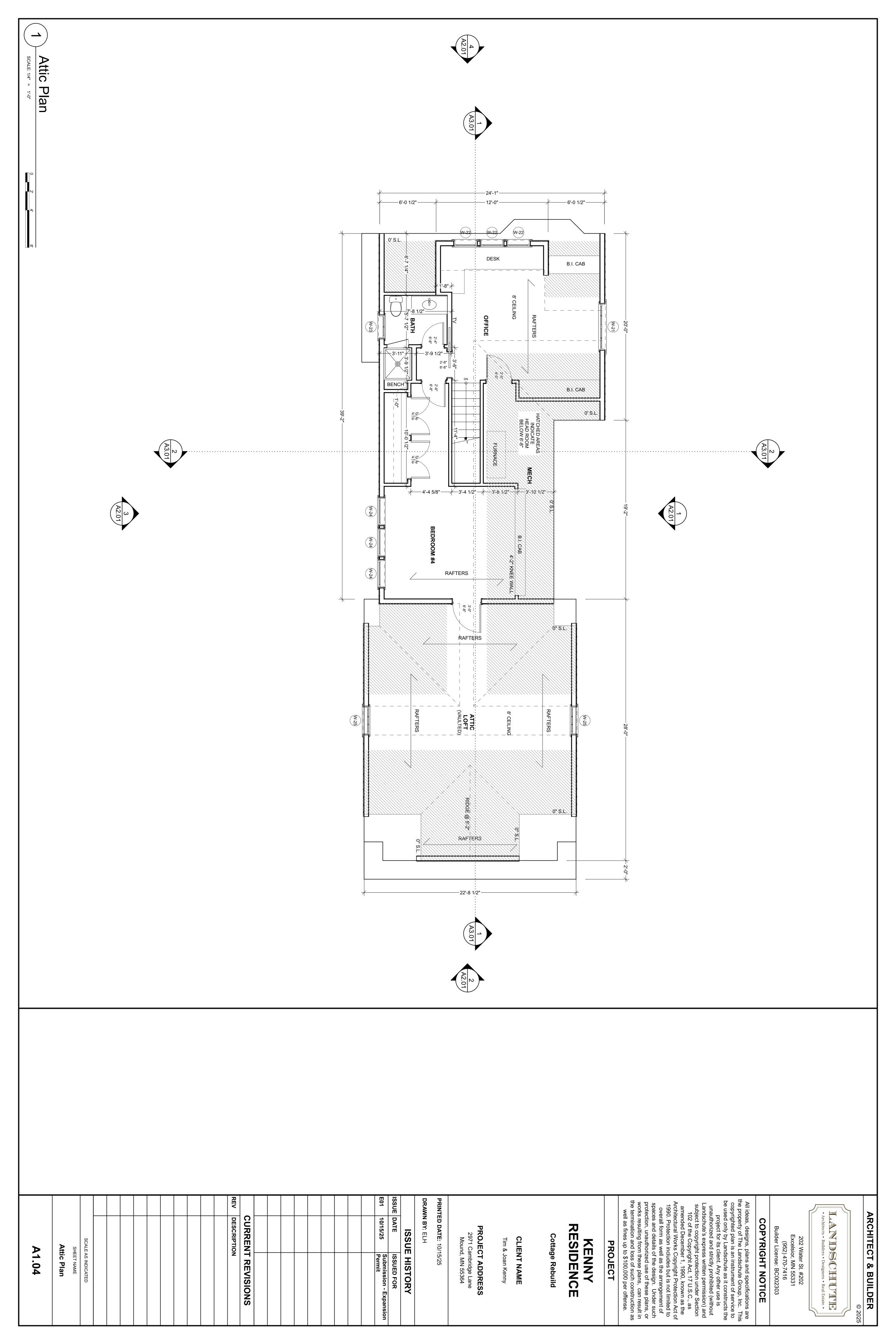
KENNY

PROJECT

Cottage Rebuild

**CLIENT NAME** 

Tim & Joan Kenny

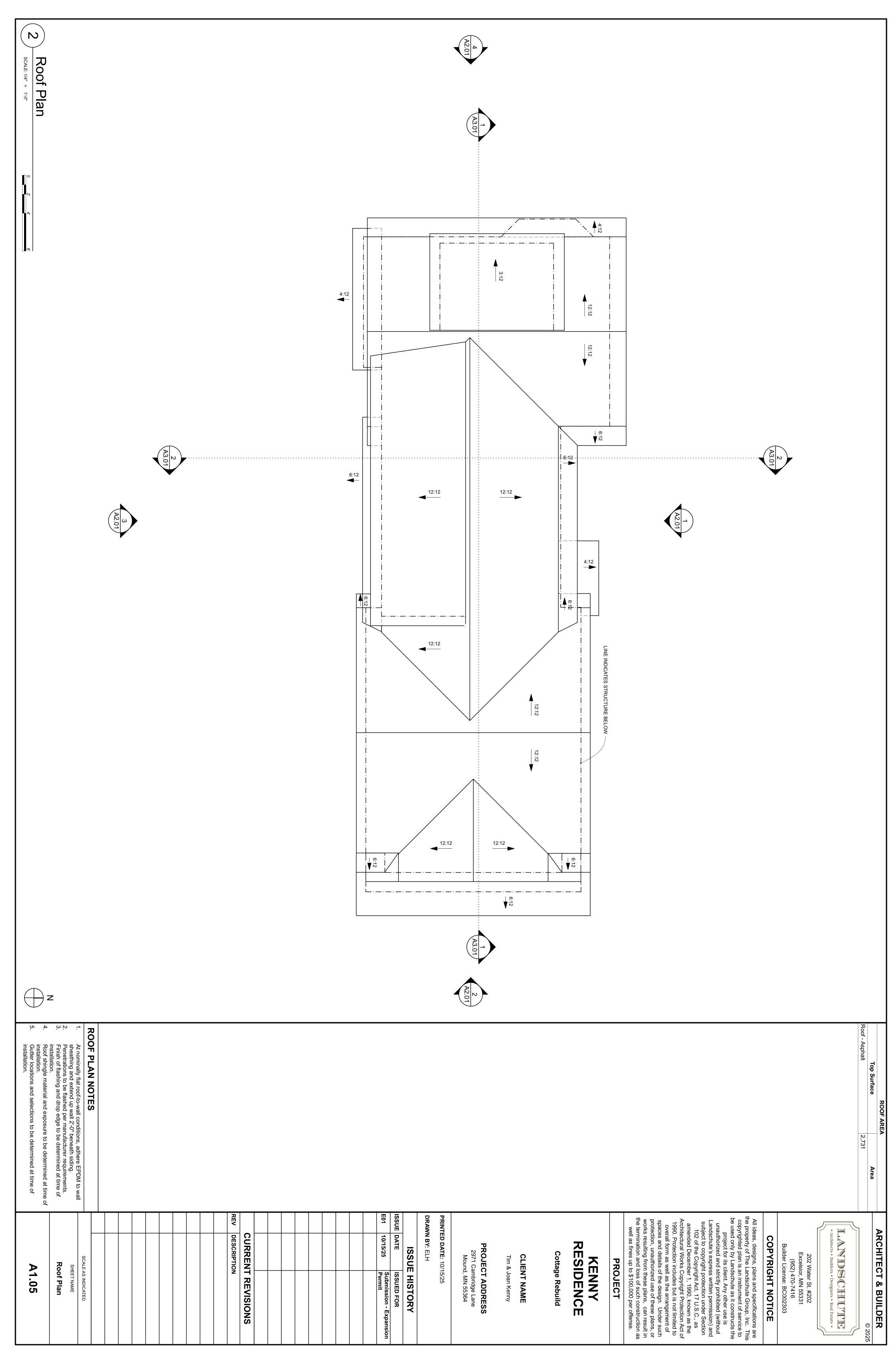


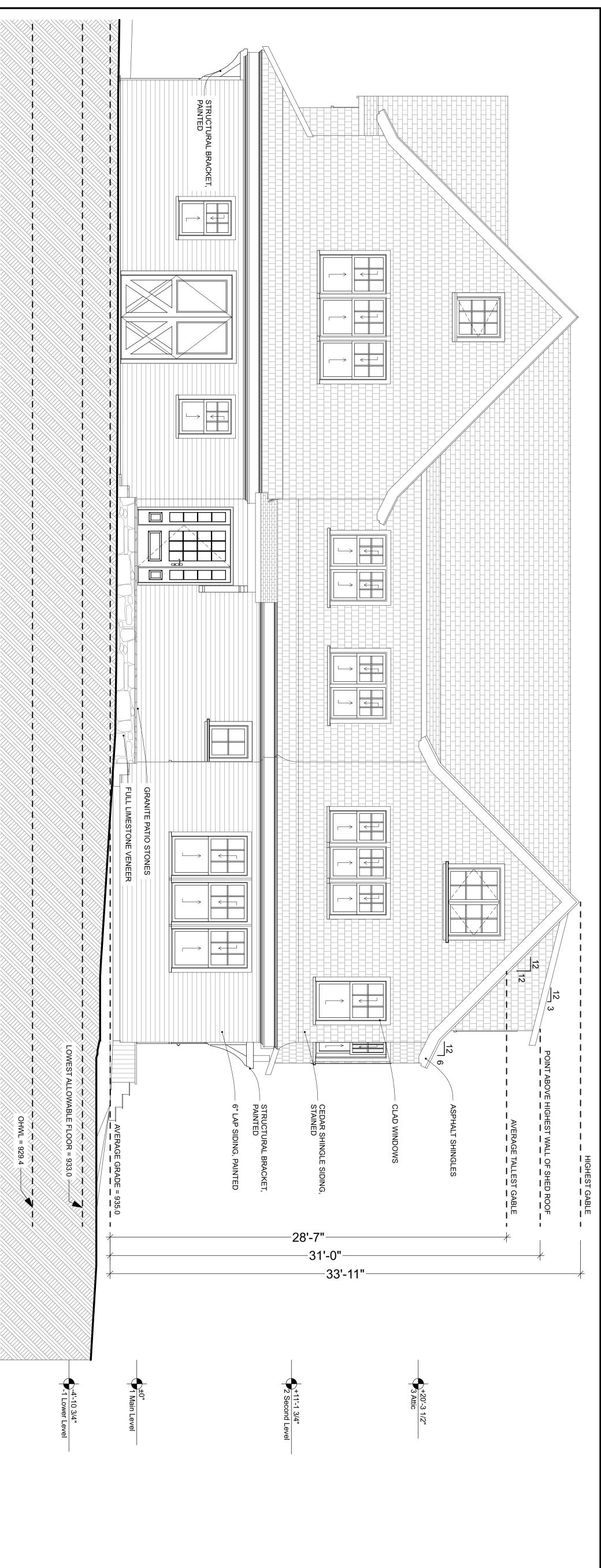
ISSUED FOR
Submission - Expansion
Permit

A1.04

Attic Plan

SHEET NAME





ARCHITECT &

BUILDER
© 2025

ANDSCHUTE



North Elevation

\$

**Building Height Analysis** 

SCALE: 1/4" =

## **BUILDING HEIGHT CALCULATION HOW-TO FORM**

# Job Address 2971 Cambridge Lane

Per Mound City Code, Section 129-2, building height and building line are defined as follows:

**Building Height** The vertical distance to be measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched roof.

**Building Line** A line parallel to the street right-of-way or the ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line or ordinary high water level.

## COMPLETE THE FOLLOWING

- Describe the type of roof style proposed (i.e., pitched, flat, shed roof, etc.)
  PITCHED & SHED
- Provide the average grade elevation of the building line facing the street: 935.6 based on proposed grades referenced on submitted based on proposed grades referenced on submitted survey.
- Provide the average grade elevation of the building line facing the rear of the lot or

Provide the average grade elevation of the building line(s): 935

Provide the height of the proposed structure as measured from the lowest grade

elevation to highest point of structure:

- height referenced above: Provide the proposed height of the structure based on the definition of building
- **Attach diagram** Graphic documentation, usually an elevation drawing, must be provided to confirm that the proposed height of the new structure, based on the Zoning Ordinance definition, meets the height regulations of the applicable zoning district. Graphics document <u>must be scaled</u> to allow for checking by staff.

Exterior

Elevation & Building Height

A2.01

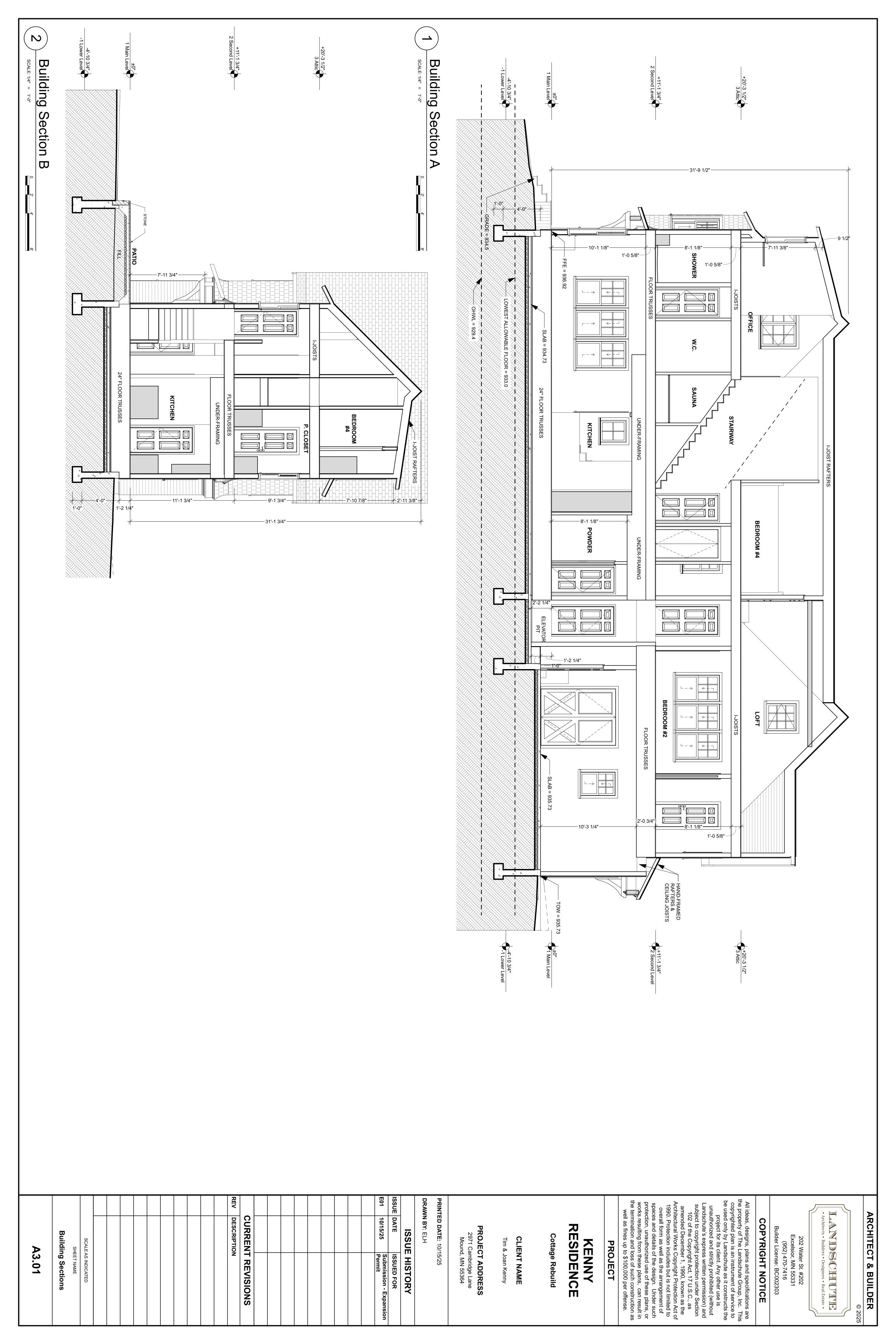
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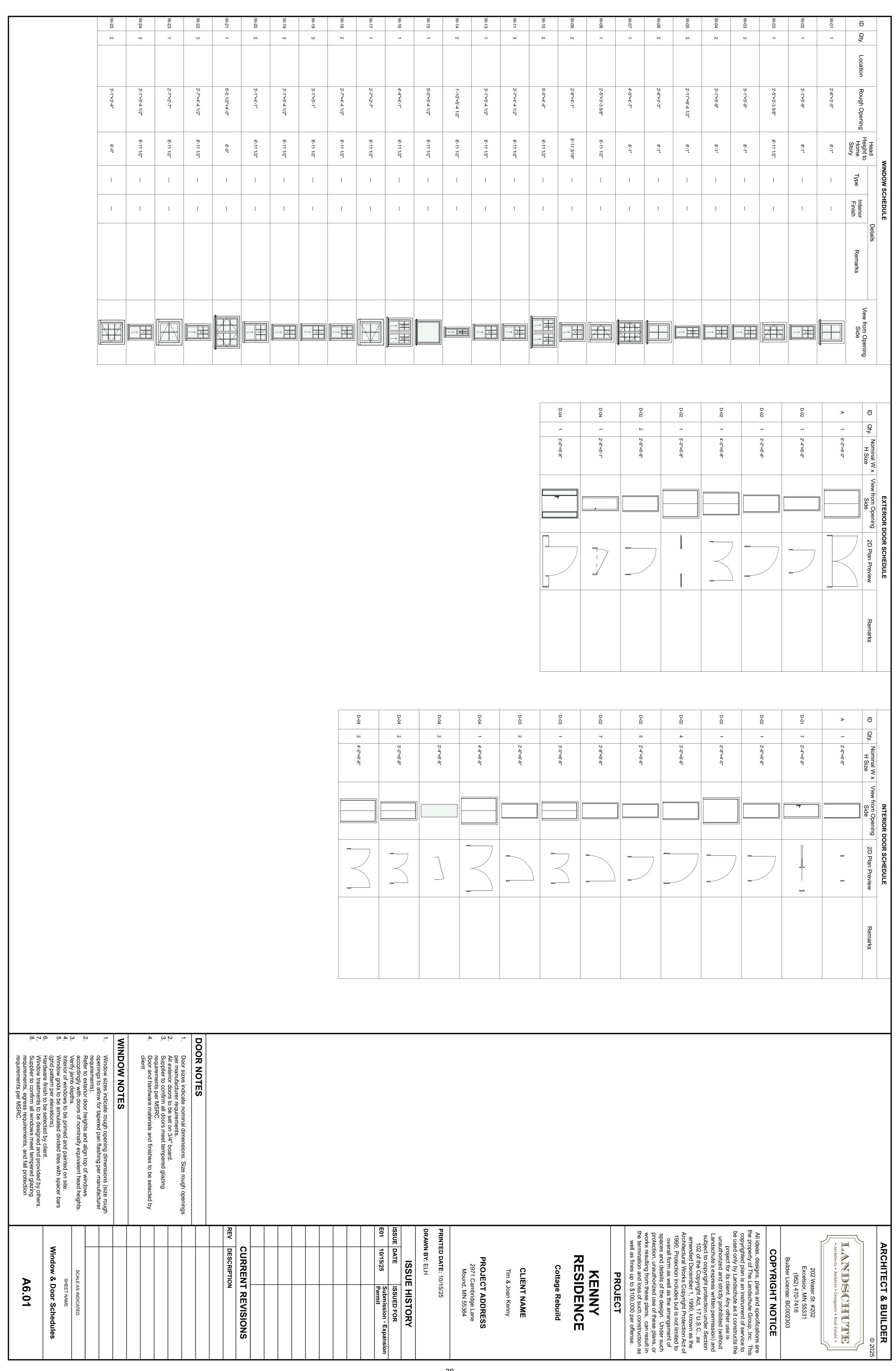
SHEET NAME

	REV						E01	ISSUE		DRAW	PRINT							All ide the process copy be use una Land subj 1 1990 ove spac prote works the te	
	DESCRIPTION	CURRENT REVISIONS					10/15/25	DATE	ISSUE	DRAWN BY: ELH	PRINTED DATE: 10/15/25	PROJECT ADD 2971 Cambridge Mound, MN 55	Tim & Joan Kenny	CLIE	Cotta	KENNY	PR	COPYRIGHT NO All ideas, designs, plans and sp the property of The Landschute copyrighted plan is an instrume be used only by Landschute as project for its client. Any o unauthorized and strictly proh Landschute's express written p subject to copyright protection 102 of the Copyright Act, 1 amended December 1, 1990, Architectural Works Copyright I 1990. Protection includes but overall form as well as the ar spaces and details of the desig protection, unauthorized use of works resulting from these plar the termination and loss of such well as fines up to \$100,000	202 w Excels (952 Builder Lic
							Submission - Expansion Permit	ISSUED FOR	E HISTORY		15/25	ROJECT ADDRESS 2971 Cambridge Lane Mound, MN 55364		CLIENT NAME	Cottage Rebuild		PROJECT	COPYRIGHT NOTICE  All ideas, designs, plans and specifications are the property of The Landschute Group, Inc. This copyrighted plan is an instrument of service to be used only by Landschute as it constructs the project for its client. Any other use is unauthorized and strictly prohibited (without Landschute's express written permission) and subject to copyright protection under Section 102 of the Copyright Act, 17 U.S.C., as amended December 1, 1990, known as the Architectural Works Copyright Protection Act of 1990. Protection includes but is not limited to overall form as well as the arrangement of spaces and details of the design. Under such protection, unauthorized use of these plans, or works resulting from these plans, can result in the termination and loss of such construction as well as fines up to \$100,000 per offense.	202 Water St. #202 Excelsior, MN 55331 (952) 470-7416 Builder License: BC002303

36







2415 Wilshire Boulevard Mound, MN 55364 (952) 472-0604

City of Mound

### Memorandum

To:

**Planning Commission** 

From:

Sarah Smith, Comm. Dev. Director

Date:

November 13, 2025

Re:

2025 Work Plan Project – Exterior Storage

**Summary.** Review of exterior storage was included in the 2025 Planning Commission's work plan list. Staff requests review/discussion from the Planning Commission at its November 18<sup>th</sup> meeting related the specific areas of the City exterior storage regulations the Planning Commission would like to evaluate so Staff can prepare a report/study to be brought back to an upcoming meeting.

The exterior storage regulations are included in City Code Sec. 129-314 and have been included as an attachment.

### ZONING

such conformance.

(Code 1987, § 350.700; Ord. No. 61-1993, § 350.705, 2-23-1994)

### Sec. 129-314. Exterior storage.

In all residential districts, it is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas; including courtyards and the like, of the property and adjacent rights-of-way in a manner that prevents blight and complies with the following requirements:

- (a) Storage on private property. Exterior storage of ice shelters, recreational vehicles, motorized vehicles, utility trailers, watercraft, or watercraft trailers is permitted on all residentially zoned properties and shall be regulated as follows:
- (b) Developed lots. Exterior storage on lots with principal dwellings shall be limited to no more than one (1) ice shelter, recreational vehicle, motorized vehicle, utility trailer, watercraft, watercraft trailer, objects screened by a tarp or other screening device, or any combination thereof, for every 1,500 square feet of lot area, up to a maximum of six (6).
- (c) Undeveloped lots. Exterior storage on lots with no principal dwelling is prohibited unless undeveloped lot abuts a developed lot and is tax combined at Hennepin County.
- (d) Storage for hire prohibited. All exterior storage items must be owned by, leased to, or rented to the owner or occupant of the property on which it is stored. The storage of un-owned items under storage for hire, trade, or other in-kind consideration is prohibited on all residential properties.
- (e) Storage of recreational vehicles, utility trailers, and ice shelters. Storage of recreational vehicles, utility trailers, and ice shelters shall be regulated as follows:
  - (1) It is unlawful for any person to use for human habitation a recreational vehicle, utility trailer or ice shelter that is parked or stored upon public property.
  - (2) It is unlawful for any person to park or store a recreational vehicle, utility trailer or ice shelter for human habitation upon any private property for more than 72 hours, without first obtaining a permit from the City, which may not exceed 14 days in aggregate.
  - (3) All outdoor storage of recreational vehicles, utility trailers and ice shelters stored in whole on areas meeting the requirements of section 121-146 (13), are permitted to be stored no closer than one foot to any side, front, or rear lot line, so long as the construction of the area meets the requirements of section 121-146 (13).
  - (4) All exterior storage on an area which does not comply with subd. 3 shall be stored no less than five (5) feet from any lot line.
- (f) Storage of motorized vehicles. Storage and parking of all motorized vehicles other than recreational vehicles shall be regulated as follows:
  - (1) Operability and restorations. All outdoor storage of motorized vehicles on any residentially zoned property within the City shall be operable. The parking or exterior storage of junk vehicles is prohibited.
  - (2) Exterior storage of motorized vehicles other than recreational vehicles, with a maximum gross vehicle weight (GVW) of 10,000 pounds or less is allowed in all residential districts.
  - (3) Exterior storage of motorized vehicles in excess of 10,000 pounds GVW is prohibited in all residential districts.
  - (4) All exterior storage of motorized vehicles stored in whole on areas of impervious cover are permitted to be stored no closer than one (1) foot to any side, front, or rear lot line, so long as the construction of the area meets the requirements of section 121-146 (13). Storage on an area which does not meet the requirements of section 121-146 (13) shall be considered storage on non-impervious cover.
  - (5) All exterior storage of motorized vehicles on areas of non-impervious cover shall be stored no less than five (5) feet from any lot line.

129:82

### ZONING

- (g) Storage of watercraft and watercraft trailers. Watercraft, unoccupied watercraft trailers, and watercraft on watercraft trailers shall be subject to the following storage requirements:
  - (1) Operability and restorations. All watercraft stored in the open on any residentially zoned property within the City shall be in operable condition. The storage of junk watercraft or junk watercraft trailers is prohibited.
  - (2) Allowed outdoor storage locations. The exterior storage of watercraft and unoccupied watercraft trailers on residential properties is permitted as follows:
- i. Lakeshore lots. Watercraft and unoccupied watercraft trailers may be stored in a side yard, rear yard, front yard, and lakeshore yard, so long as the storage meets required setbacks and have no significant impact on lake views to adjacent lakeshore properties.
- ii. Non-lakeshore lots. Watercraft and unoccupied watercraft trailers may be stored in front yard, side yard, or rear yard areas, so long as the storage meets required setbacks.
- (3) Required setbacks. All exterior storage of watercraft and watercraft trailers shall be subject to the following setbacks:
  - Storage on impervious cover. All exterior storage of watercraft and watercraft trailers stored in whole on areas of impervious cover are permitted to be stored no closer than one (1) foot to any side, front, or rear lot line, so long as the construction of the area meets the requirements of section 121-146 (13). Storage on an area which does not meet the requirements of section 121-146 (13) shall be considered storage on nonimpervious cover.
  - ii. Storage on non-impervious cover. All exterior storage of watercraft and watercraft trailers on areas of non-impervious cover shall be stored no less than five (5) feet from any lot line.
- (h) Storage of special mobile equipment. The exterior storage of special mobile equipment on any residentially zoned property shall be prohibited; exclusive of equipment stored on a property for use in conjunction with a valid building permit issued by the City.
  - (i) Prohibited exterior storage. The exterior storage of any of the following is prohibited:
    - (1) Trash and debris.
      - All garbage, rubbish, animal carcasses, animal and human waste, and other waste materials stored outside of an approved rubbish pre-collection container;
      - Accumulations of litter, glass, scrap materials (such as wood, cardboard, metal, paper, or plastics), junk, combustible materials, stagnant water, plastic bags, trash, or other debris outside of an approved rubbish pre-collection container;
      - iii. Rubble, trash, debris, spoil, and other construction wastes generated during permitted construction not removed from the property within 21-days of being generated.
      - iv. Accumulations of discarded, disused, or junk clothing, furniture, carpet, or any other items not designed for outdoor storage.
    - (2) Non-trash items.
      - i. Accumulations of discarded, disused, or junk wood or plastic pallets;
      - ii. Accumulations of automotive parts or tires;
  - iii. All construction and building materials, unless such materials are being used at the time in the construction of a building, in which case, such construction must be permitted and on a continuous, uninterrupted basis;
    - iv. All discarded, disused, or junk appliances or appliance parts;
- v. All indoor or upholstered furniture of a type or materials which is deteriorated by exposure to outdoor elements; or

129:83

### **ZONING**

- vi. All recycling materials, except for reasonable accumulations, amounts consistent with a policy of regular removal, which are stored in a well-maintained manner according to Chapter 54.
  - (3) All other non-trash items.

Storage of items which are a type or quantity inconsistent with normal and usual use;

Are of a type or quantity inconsistent with the intended use of the property; or

Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

- (j) Exterior storage of firewood. Exterior storage of firewood may be stored upon all residential properties solely for use on the premises and not offered for resale. All firewood located upon residential properties shall be stored as follows:
  - (1) All firewood shall be cut or split, prepared for use, and stored in a regular, orderly arrangement that is stable and reasonably resistant to collapse.
  - (2) The height of a woodpile over three (3) feet shall be no more than twice its width, with a maximum height of six (6) feet.
  - (3) Firewood shall be stored not less than three and one-half (3.5) inches off the ground and on a well supported, non-rotting base.
  - (4) Storage of firewood shall be permitted in side and rear yard areas only and must maintain a minimum setback of four (4) feet from any side or rear lot line, unless separated by a fence, then no closer than one (1) foot.
- (k) Violation subject to abatement. A violation of this Code shall be deemed a public nuisance, subject to the notification and abatement procedures contained within Chapter 42.

(Ord. No. 01-2017, 2-5-2017; Ord. No. 01-2020, 2-9-2020)

### Sec. 129-315. Refuse.

- (a) In all districts, all waste material, with the exception of debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following the enactment of the ordinance from which this chapter is derived.
- (b) Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding 96 hours. The term "inoperative" means incapable of movement under their own power and in need of repairs or removal to junk yard. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a conditional use permit, or otherwise permitted by provisions of this chapter shall be considered as refuse.

(Code 1987, § 350.715; Ord. No. 61-1993, § 350.715, 2-23-1994)

### Sec. 129-316. Screening and buffering.

- (a) Screening shall be required in all residential zones where:
  - (1) Any off-street parking area contains more than four parking spaces and is within 30 feet of an adjoining residential zone; and
  - (2) Where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential use or zone.
- (b) Where any business (structure, parking or storage) is adjacent to property zoned or developed for any residential use, that business or industry shall provide screening along its boundary with the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by this chapter).
  - (c) All exterior storage in commercial districts shall be screened. The exceptions are:

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