

**City Council
Agenda Item 14.C
Meeting of May 18, 2026**



Title: Conditional use permit for the construction of a garage with a second-story accessory dwelling unit and rear yard setback variance at 13131 Minnetonka Drive

Report from: Riley Rooney, Planner

Submitted Through: Susan Thomas, AICP, City Planner
Julie Wischnack, FAICP, Community Development Director
Erik Nilsson, City Attorney
Mike Funk, City Manager

Presenter: Susan Thomas, AICP, City Planner

Action Requested: Motion

Form of Action: Resolution

Votes needed: 4 votes

Summary Statement

The applicant, Andy Madson, is proposing to demolish the existing two-stall detached garage and construct a detached three-stall garage with a second story for an accessory dwelling unit (ADU) at 13131 Minnetonka Drive. The proposed structure is planned to be constructed 15 feet from the rear property line and be 1,874 square feet in size, which does not satisfy the required 17.5-foot setback or the permitted 1,000 square foot maximum for this ADU. This proposal requires a conditional use permit (CUP) for the construction of an ADU and a variance to the rear yard setback requirement

Recommended Action

Motion to adopt the resolution denying the request.

Background

Planning commission hearing

The planning commission considered the request on April 30, 2026. The commission report, associated plans, and meeting minutes are attached.

At the meeting, staff shared their recommendation to deny the conditional use permit and variance request. Staff noted the applicant's efforts to minimize potential adverse impacts of the ADU by locating it away from property lines, locating it behind existing vegetation and adding vegetation to increase screening. However, staff found that the applicant's proposal is not consistent with the intent of the ADU ordinance. The intent of the ordinance is to allow a secondary dwelling unit that is clearly subordinate/accessory, in both appearance and function, to an existing residence. Further, staff found the ADU significantly exceeded two limits outlined in code:

- Maximum square footage (1,000 square feet permitted, 1,834 square feet requested).
- Maximum percentage of the principal structure (35% allowed, 66% requested).

Commissioner questions at the meeting included:

- Commissioner: Is any part of the garage space intended to be habitable as part of the ADU?
 - Staff: Staff clarified that the first-floor area identified as part of the ADU is separate from the garage. The garage space is intended solely for vehicle parking and is not proposed as habitable living area for the ADU.
- Commissioner: Can you provide examples of previous proposals that exceeded the maximum allowable square footage and size requirements?
 - Staff: Staff stated they did not have specific examples or metrics available, but clarified the distinction between the different development standards under review, specifically setback standards versus size standards.

No members of the public came forward with questions or comments regarding the proposed project.

Following the public hearing, the commission discussed the proposal. Commissioners generally praised the proposal's design, the property's historic character, and the neighborhood context, with several noting that the accessory dwelling unit was attractive, well-laid out, and would support housing diversity and multigenerational living. Some commissioners supported the proposal and noted the changing neighborhood and diverse housing stock and saw no negative neighborhood impacts, despite concerns about the square footage. However, other commissioners expressed difficulty supporting the request because the proposal significantly exceeded ordinance limits for size and height. They emphasized that the ordinances exist for a reason, worried that approving the variance could diminish or set a precedent regarding city standards and suggested the project could gain support if redesigned to better comply with ordinance requirements.

Planning commission recommendation

On a 2-3 vote, the commission rejected a motion recommending denial of the conditional use permit and rear yard setback variance request for the proposed detached three-stall garage with a second-story accessory dwelling unit at 13131 Minnetonka Drive.

The commission then voted 3-2 to recommend that the city council approve the conditional use permit but deny the rear yard setback variance request.

Staff recommendation

Staff continues to recommend denial of the request for the reasons outlined in the planning commission staff report. However, staff has prepared and included a resolution consistent with the planning commission recommendation and their findings for the council's consideration.

ATTACHMENTS:

[Project Information](#)

[Resolution - Deny](#)

[Resolution - Approve](#)