



AGENDA OF A SPECIAL MEETING OF THE  
CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
December 27, 2021  
7:00 P.M.

NOTE: Due to Open Meeting Law restrictions, the City Council may be discussing agenda items for the first time. Your patience and understanding is appreciated during this process.

**CALL TO ORDER**

**In light of the status of the ongoing Covid-19 health pandemic the City of Birchwood Village is conducting this special meeting using interactive web-based technology. Pursuant to Minnesota Statutes, Chapter 13D. 021 Subdivision 1(1) the City of Birchwood is declaring that, “an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic...”**

**The meeting will be conducted using the Zoom meeting platform and the details of that are directly below for participating. If you plan to attend it is suggested that you familiarize yourself with the technology in advance.**

**The Moderator of the meeting shall be City Administrator Andy Gonyou and all participants, except Council Members, shall have their microphones muted unless recognized by the Mayor.**

**City of Birchwood Village is inviting you to a scheduled Zoom meeting.**

Topic: Birchwood Village Special City Council Meeting

Time: **Dec 27, 2021 07:00 PM Central Time** (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81423434172?pwd=aStvRmdzWUdiQjMrjZuY2l3WHYydz09>

Meeting ID: 814 2343 4172

Passcode: 789828

**CITY BUSINESS – REGULAR AGENDA**

A. Variance Case 21-06-VB (pp. 2-29)

*Time Budget: 15 Minutes*

**ADJOURN**

\* Denotes items that have supporting documentation provided

**CITY OF BIRCHWOOD VILLAGE  
MEMORANDUM**

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**TO:** Birchwood Village Planning Commission

**FROM:** Thatcher Engineering, Inc.

**DATE:** September 24, 2021

**APPLICANT:** Dr. James Barthel, 469 Lake Avenue, Birchwood Village, MN 55110.

**PROPERTY OWNER(S):** Dr. James Barthel

**LOCATION:** 469 Lake Avenue, Birchwood Village, MN 55110

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**REQUEST**

**Variance Request #1:**

The Applicant is requesting a variance from City Code 302.050 (IMPERVIOUS SURFACES).

The Applicant is making the requests because of the following:

1. The current house and detached garage are not adequate for aging in place.

The property owners intend to do the following:

1. Remove the current house.
2. Install a new house with attached garage.
3. Not remove the current detached garage.

**BACKGROUND**

**Variance Request #1:**

City Code 302.050 IMPERVIOUS SURFACES states: "1. Limitation. Impervious surface coverage of lots shall not exceed twenty-five (25) percent of the lot area unless the applicant satisfies the following conditions to obtain a variance:

- a. The applicant shall submit a stormwater management plan for the site that analyzes the proposed development including the area(s) of impervious surfaces, direction of runoff, proposed best management practices to manage runoff, and stormwater retention that the best management practices will achieve.

- b. The stormwater management plan shall include structures and/or best management practices for the mitigation of stormwater impacts on receiving waters in compliance with the City's Surface Water Management Plan, or as approved by the City Engineer, so that the site design includes stormwater management practices that control the stormwater runoff volumes, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from impervious surfaces.
- c. The applicant shall utilize the most recent version of the Minnesota MIDS (Minimum Impact Design Standards) Calculator (available on the Minnesota Pollution Control Agency's website), the U.S. Environmental Protection Agency's National Stormwater Calculator, or another similar stormwater design calculator approved by the city to complete the plan and show that the proposed stormwater management practices meet the required infiltration standard. The applicant shall submit the calculator results to the City with the stormwater management plan.
- d. The applicant shall provide documentation that the proposed stormwater management methods meet the required standard, will be designed and installed consistent with the City's Surface Water Management Plan, NPDES stormwater standards, and the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.
- e. No pervious pavement system is permitted in the Shore Impact Zone. (The Shore Impact Zone is the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. The required structure setback from the OHWL in the City of Birchwood Village is 50 feet, and the Shore Impact Zone is 25 feet.)
- f. Site design shall comply with the City's zoning code 302.055, and shall minimize changes in ground cover, loss of natural vegetation, and grade change as much as possible.
- g. The base of installed infiltration structures or practices must be a minimum of three (3) feet above the established ground water table or the Ordinary High Water Level of White Bear Lake, whichever is higher.
- h. The stormwater management practices shall be designed in accord with the Minnesota Stormwater Manual, American Concrete Pavement Association design criteria, Center for Watershed Protection, Stormwater BMP Design Supplement for Cold Climates, or other design guidance provided by the City.
- i. The stormwater management plan shall include the applicant's description of how the practices shall be maintained to function as designed for the long-term. The City may inspect the installation of the stormwater management system at the site.

- j. The applicant shall include the maintenance plan and a maintenance schedule for the approved stormwater management practices with the required permit application.
- k. The variance shall not be valid unless the applicant properly records the variance at the property records at Washington County and a copy of the recording is properly returned to the City for verification.”

Currently, this property does not conform to City Code 302.050 IMPERVIOUS SURFACES because the application shows that the existing impervious surface coverage 32.35%. The proposed impervious surface coverage is 27.7%.

The application provides the information needed to show that the proposed work will meet some of the conditions for Variance Request #1. The conditions that are satisfied are the following:

- Item a.
- Item c.
- Item e.
- Item f.
- Item g.
- Item h.
- Item k. The applicant will record the variance at Washington County, if approved.

The information in the application is helpful, but still does not provide all the information needed to show that the proposed work will meet the conditions for Variance Request #1. The additional information needed includes the following:

- Item b.: Additional information is needed regarding the stormwater management plan including structures and/or best management practices for the mitigation of stormwater impacts on receiving waters in compliance with the City’s Surface Water Management Plan, or as approved by the City Engineer, so that the site design includes stormwater management practices that control the stormwater runoff volumes, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from impervious surfaces.
  - The additional information needed includes, but is not limited to, the following:
    - Clarification of the proposed driveway impervious surface area and its pervious surface area.
    - Clarification of whether or not a concrete edge will be installed for the pavers. If yes, the concrete edge is considered impervious.
  - For the driveway, patio and sidewalk pavers to obtain a 100% credit for being pervious, 100% of the rain that falls on the pavers (including from a 100 year storm) must infiltrate into the ground.
- Item d.: Additional best management practices (BMP) are needed for the underground infiltration basin (UG Drintile storage) based on the Minnesota Pollution Control Agency Stormwater Manual. The following is needed:

- Pre-treatment to protect the groundwater quality and reduce the risk of small particles plugging the underground infiltration basin.
  - Pre-treatment - practices used to reduce, eliminate, or alter pollutants in stormwater, primarily sediment, before they are discharged into structural stormwater BMPs. Pretreatment practices include settling devices, screens, and pretreatment vegetated filter strips.
  - These systems are susceptible to clogging by sediment and organic debris.
  - Clogging will adversely impact the life and operation of the BMP.
  
- Heat cable with built-in thermostat in the downspouts and pipes between the downspouts and the infiltration basin for pipe and downspout freeze protection.
  - Minimizes the risk of damage to the house and pipes because of water freezing in the downspouts or pipes during the freeze thaw cycle.
  
- Design to allow active inspection
  - One concern with infiltration in cold weather is the ice that forms both over the top of the practice and within the soil structure, which can completely stop infiltration. To limit the effect of this problem, it is HIGHLY RECOMMENDED that the BMP be actively inspected to ensure that it is properly drawing down before it freezes in the late fall. Adequate drawdown can be determined using one of the several field assessment techniques such as those recommended by the University of Minnesota Extension. If it is determined that stormwater runoff is not infiltrating prior to hard freeze, the BMP should be placed offline for correction in the spring.
  
- Designed to safely pass large storm flows while still protecting the infiltration area.
  - Smaller infiltration practices (e.g. infiltration trenches) should either be designed off-line using a flow diversion, or designed to safely pass large storm flows while still protecting the infiltration area.
  
- Item i.: Information regarding the stormwater management plan and shall include the applicant's description of how the practices shall be maintained to function as designed for the long-term.
  
- Item j.: Information regarding the maintenance plan and a maintenance schedule for the stormwater management practices.

Please note that even though there are potential physical clogging problems with infiltration, it is one of the most important BMP in stormwater runoff treatment. Fear of the limitations should not prevent well designed systems from being used.

## **SITE CHARACTERISTICS**

The lot area is 12,825 square feet according to the plan prepared by Sathre-Bergquist, Inc. dated September 7, 2021. The lot is narrow (about 40.0 feet wide) and contains a single-family residence and detached garage.

## **PRACTICAL DIFFICULTY**

- 1) The lot is an undersized lot based on City Code.
- 2) The lot is extremely narrow and long.

## **STATUTORY REQUIREMENTS FOR PERMITTING VARIANCES**

Minnesota State Statute 462.357 allows for a variance to be permitted only when:

- (1) The proposed use is in harmony with the general purposes and intent of the City's zoning ordinance;
- (2) The variance is consistent with the City's comprehensive plan; and,
- (3) The applicant establishes that there are practical difficulties in complying with the zoning ordinance.

Statutory criteria used to establish a practical difficulty include:

- (1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (3) The variance, if granted, will not alter the essential character of the locality.

## **CITY CODE REQUIREMENTS FOR PERMITTING VARIANCES**

Sec 304.040 of the City Code states:

Variations to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variations so granted. A variance shall not be granted unless the following criteria are met:

### **SUBD. 1.**

- A. Variations shall only be permitted

- i. when they are in harmony with the general purposes and intent of the ordinance and
  - ii. when the variances are consistent with the comprehensive plan.
- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that

- i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.
- iii. The granting of a variance will result in no increase in the amount of water draining from the property.
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

## **ANALYSIS**

The lot is an undersized lot and extremely narrow and long. City Code 302.015 allows undersized lots to be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

## **REASONS FOR RECOMMENDING VARIANCE APPROVAL**

### Variance Requests:

1. The plan meets City Code requirements.
2. The lot is an undersized lot.
3. This project would preserve the essential character of the locality.

## **REASONS FOR RECOMMENDING VARIANCE DENIAL**

### **Variance Requests:**

1. A primary goal of the City of Birchwood Village's Zoning Ordinance is "to ensure that a non-conforming use is not intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code." The following could be argued:
  - a. That they are not in harmony with the general purposes and intent of the ordinance.
  - b. That the variance is not consistent with the comprehensive plan.
  - c. That the Applicant for the variance has not established that there are practical difficulties in complying with the zoning ordinance.
  - d. The lot does not meet the requirements of City Code 302.015.

## **CONDITIONS**

If approved, a requested variance may be approved subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of the building permit.
2. Per City Code 304.090, the variance shall become null and void if the project has not been completed or utilized within one year after the date it was granted, subject to petition for extension by the City Council.
3. Land alteration may not cause adverse impact upon abutting property.
4. Applicant shall meet the requirements of City Code 301.055 which states: "For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system."
5. The variance shall not be valid unless the applicant properly records the variance at the property records at Washington County and a copy of the recording is properly returned to the City for verification."





# City of Birchwood Village

## Petition for Variance Application

207 Birchwood Ave, Birchwood, MN 55110

Phone: 651-426-3403 Fax: 651-426-7747

Email: info@cityofbirchwood.com

### FOR OFFICIAL USE ONLY

Application Received Date: \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

Payment Type (Circle One): **Cash** / **Check** / **Money Order** / **Credit Card**

Check/Money Order # \_\_\_\_\_

Application Complete? Yes  No  If no, date application was deemed complete: \_\_\_\_\_

Signature of City Planner: \_\_\_\_\_ Date: \_\_\_\_\_

*Completed requests for variances submitted prior to the first Thursday of the month will be considered by the Planning Commission at its next meeting on the fourth Thursday of the month. Requests submitted after the first Thursday of the month will be considered at the following meeting. All final decisions on variance applications are made by the City Council, which meets on the second Tuesday every month.*

1. Name of Applicant(s) Dr James Barthel

Address 469 Lake Avenue

City Birchwood Village State MN Zip Code 55110

Business Phone N/A Home Phone 651-283-1451 cell

2. Address of Property Involved if different from above: Same as above

3. Name of Property Owner(s) if different from above and describe Applicant's interest in the property:

Same as above

4. Specific Code Provision from which Variance is requested: 302.050

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:

Existing Home is being demolished and replaced with a new home and attached garage that better facilitates aging in place. The existing detached garage will remain.

A pervious paver system and a drain tile system have been proposed to mitigate effective hardcover to 17% and 20% respectively.

6. Type of Project:

- New Construction (empty lot)
- Addition
- Demolition
- Landscaping
- Repair or removal of nonconforming structure

X Other (describe) Demo existing home, keep existing detached garage. Construct new home with attached garage \_\_\_\_\_

7. Type of Structure Involved:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Single Dwelling | <input type="checkbox"/> Double Dwelling |
| <input checked="" type="checkbox"/> Garage          | <input type="checkbox"/> Addition        |
| <input type="checkbox"/> Tennis Court               | <input type="checkbox"/> Pool            |
| <input type="checkbox"/> Grading/Filling            |  |
| <input type="checkbox"/> Other (describe) _____     |  |

8. Using the criteria from the City Code for a variance (see last page), explain why a variance is justified in this situation and describe what "Practical Difficulties" exist:

This is an undersized, very narrow lot. This limits what can be done with the property. As I age, I want to be able to stay in my home as long as possible, this will require an attached garage. I need to leave the current detached garage in place for storage for my boat and other equipment.

9. Describe any measures the Applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property:

I have proposed installation of a pervious paving system called Pave Drain, this system is currently installed in several locations around the Cities, including right here on the lake at the Mahtomedi Education Center.

10. Describe any alternatives the Applicant considered (if any) that do not require a variance:

There really is no other solution that allows me to remain on my property and age in place. The home needs to be replaced, I will need an attached garage and I will also need to keep the existing detached garage for storage purposes

11. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes  No

12. Does the proposed change bring any other nonconforming use into conformity with the City Building Code?      Yes       No

If yes, explain: \_\_\_\_\_  
 \_\_\_\_\_

13. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District?      Yes       No

If yes, please identify the regulations AND attach evidence demonstrating compliance:  
 \_\_\_\_\_

14. Please provide the applicable information in the following Table:

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>CHANGE</b>
<b>1. Total Square Footage of Lot</b>	12,825	Same	None
<b>2. Maximum Impervious Surface (25% of item 1)</b>	3,206	Same	None
<b>3. Roof Surface</b>	2,286	New + Ex. Garage 3,534	+1,248
<b>4. Sidewalks</b>	691	128 pervious	-691
<b>5. Driveways</b>	1,071	1,720 pervious	-1,071
<b>6. Other Impervious Surface</b>	Retaining Wall 101	Generator/AC 14 Patio 344 pervious	-87
<b>7. Total of Items 3-6</b>	4,149	3,548	-601
<b>8. Percent Impervious Surface</b>	32.35%	*27.7%	-4.69%

\* denotes using the pervious Pave Drain system at 100% credit. Drain tile system will add 3% to this total still making effective hardcover less than existing.

15. Please attach the following:

- Legal description of property.
- Plot plan drawn to scale showing existing and proposed new and changed structures on the lot. Also show existing structures on adjacent lots.

**Criteria for Granting a Variance.** Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission may issue recommendations to the City Council for variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

**SUBD. 1.**

- A. Variances shall only be permitted
  - i. when they are in harmony with the general purposes and intent of the ordinance and
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**SUBD. 2.** "Practical difficulties," as used in connection with the granting of a variance, means that

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- iii. The granting of a variance will result in no increase in the amount of water draining from the property.
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

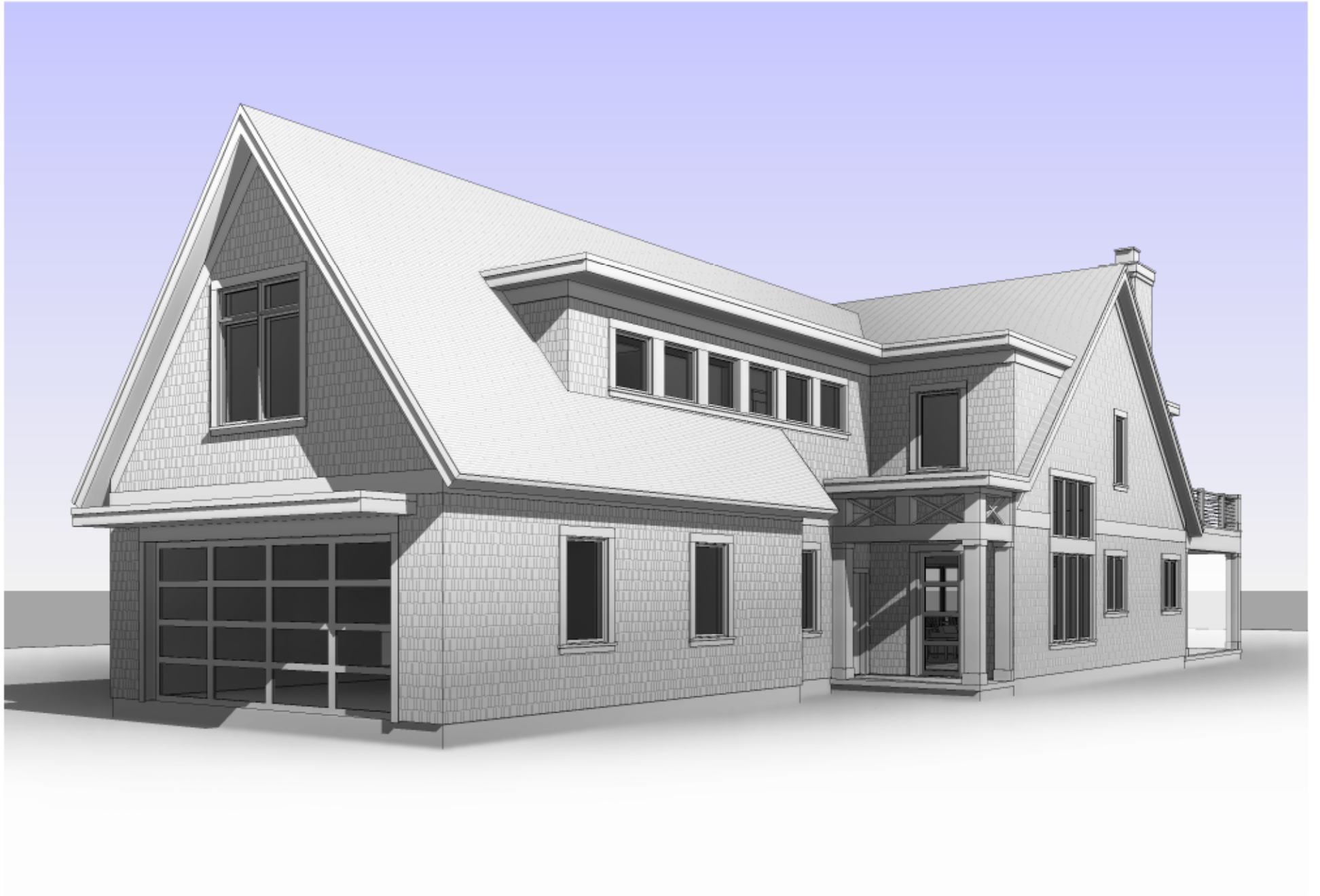
**NOTICE:**

**\*The City and its representatives accept no responsibility for errors and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information.**

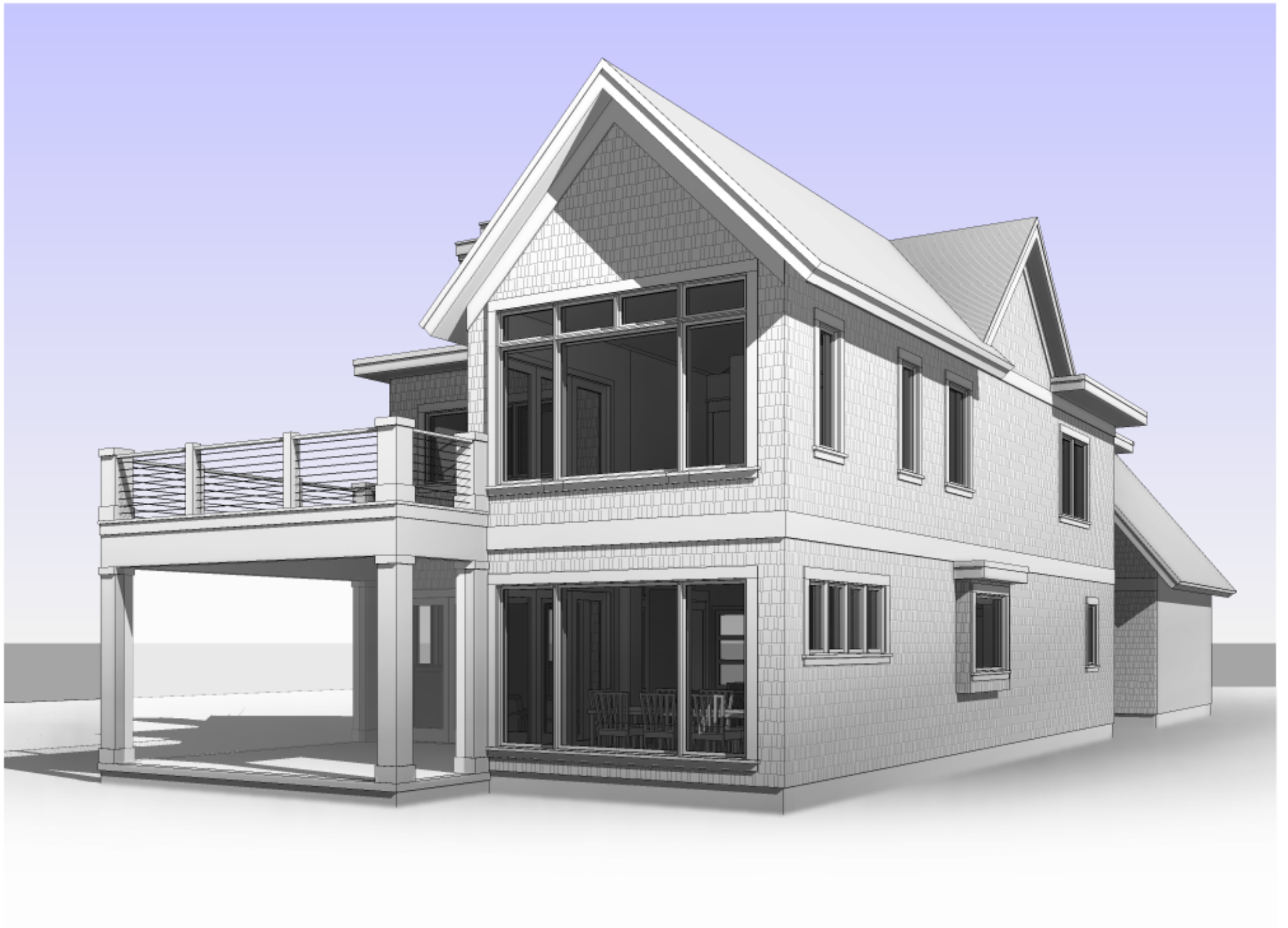
**\*The City will hold applicant responsible for any damage to public property that occurs in the course of performing the activities of this permit.**

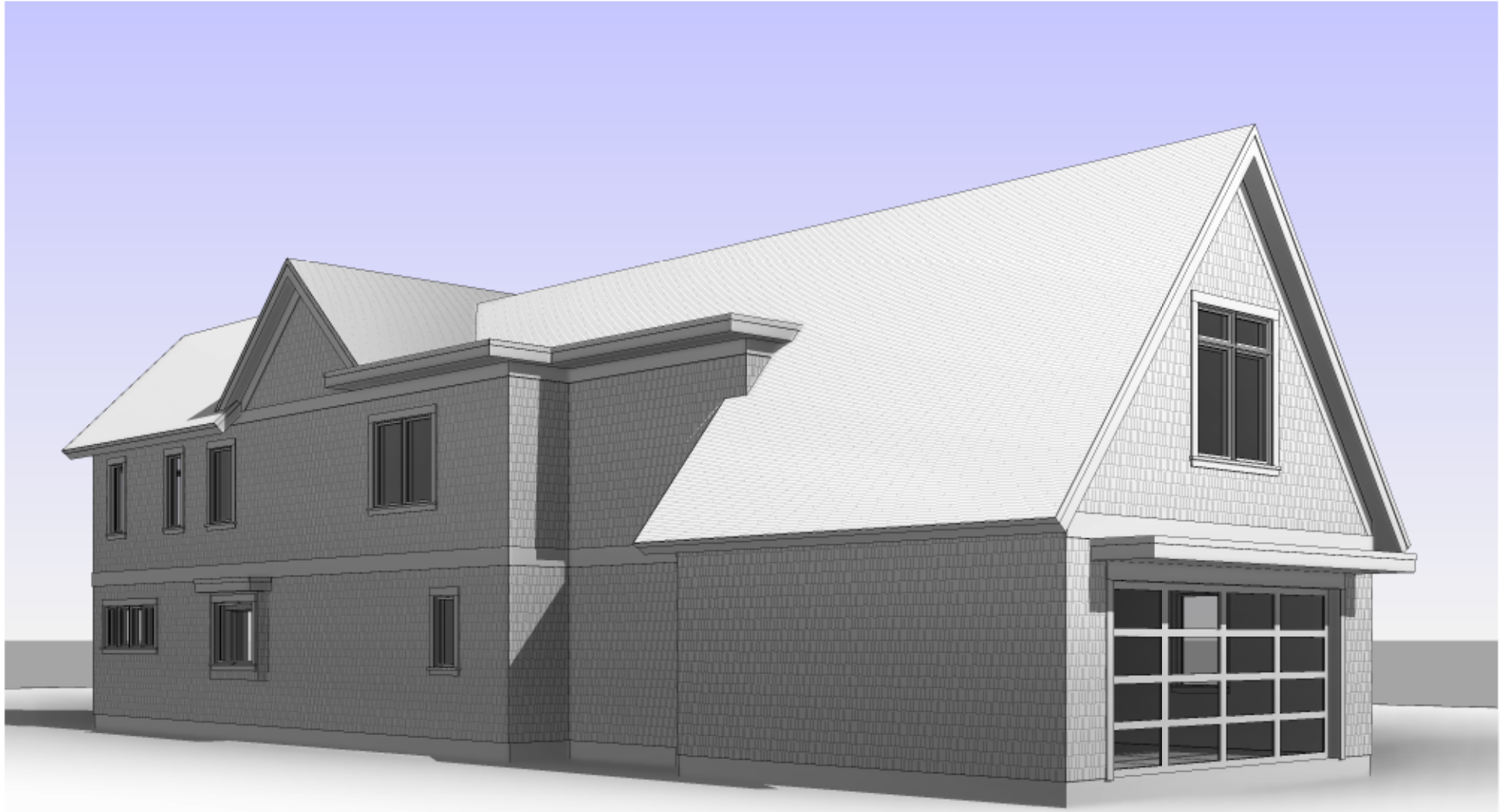
**\*Under penalty of perjury the applicant declares that the information provided in and enclosed herewith is complete and all documents represented are true and correct representations of the actual project/building that will be built in conformance with such representation if approved.**

Signature of Applicant: For Dr. Jim Barthel Brent Stevens Date: September 9, 2021

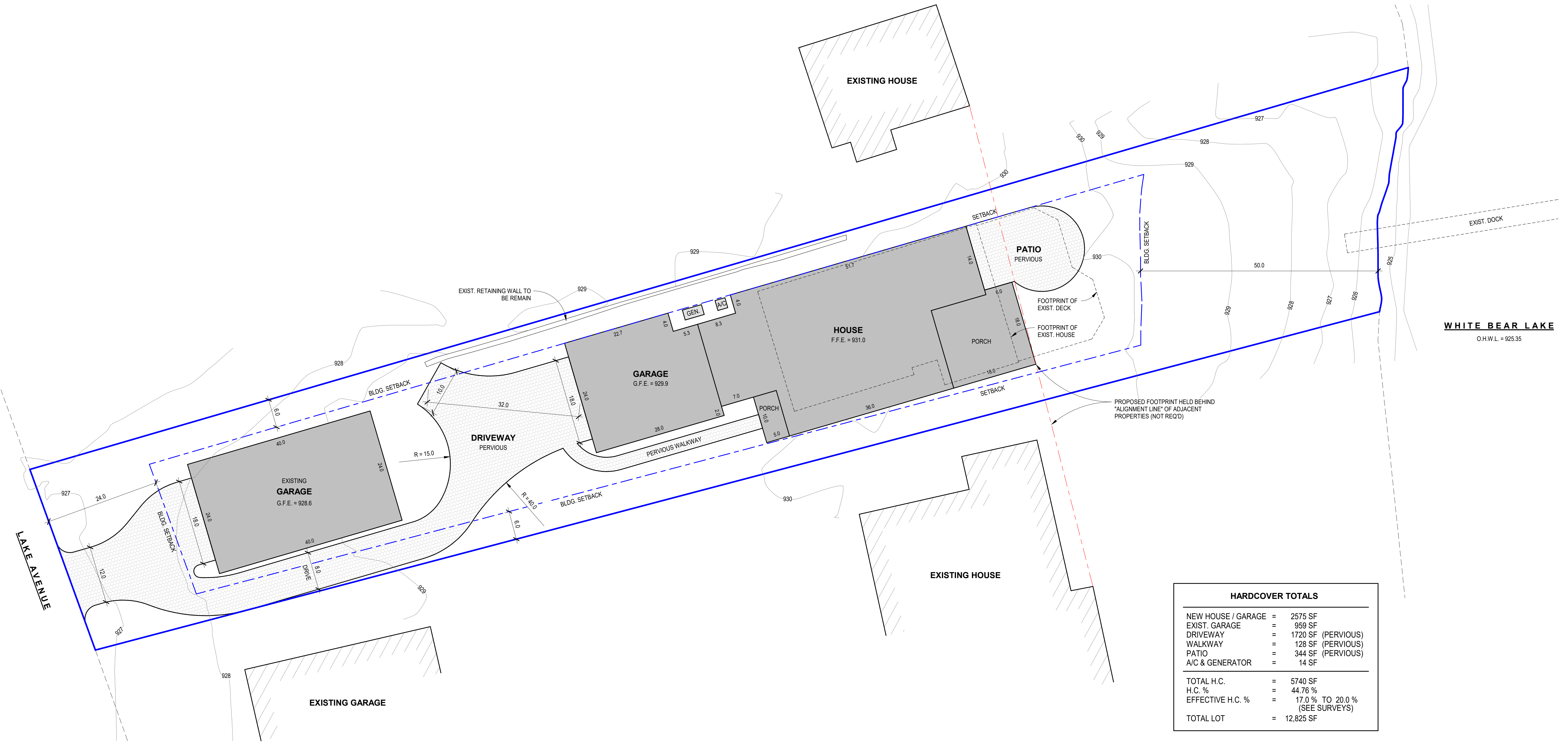










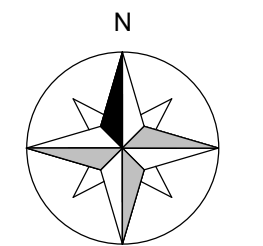


**WHITE BEAR LAKE**  
O.H.W.L. = 925.35

HARDCOVER TOTALS	
NEW HOUSE / GARAGE	= 2575 SF
EXIST. GARAGE	= 959 SF
DRIVEWAY	= 1720 SF (PERVIOUS)
WALKWAY	= 128 SF (PERVIOUS)
PATIO	= 344 SF (PERVIOUS)
A/C & GENERATOR	= 14 SF
<hr/>	
TOTAL H.C.	= 5740 SF
H.C. %	= 44.76 %
EFFECTIVE H.C. %	= 17.0 % TO 20.0 % (SEE SURVEYS)
TOTAL LOT	= 12,825 SF

**PRELIMINARY ARCHITECTURAL SITE PLAN**  
1" = 10'-0"

(PER EXISTING & PROPOSED SURVEYS PREPARED BY SATHRE-BERGQUIST, INC.)



464 SECOND STREET  
SUITE 100  
EXCELSIOR, MN 55331  
PH: 952-470-9750  
FAX: 952-767-5859  
Info@sharrattdesign.com

**PROJECT TEAM**

<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	T.B.D.
<b>GENERAL CONTRACTOR</b>	
KYLE HUNT & PARTNERS 18324 MINNETONKA BLVD DEEPHAVEN, MN 55391 CONTACT: (952-476-5999)	

**SHEET INDEX**

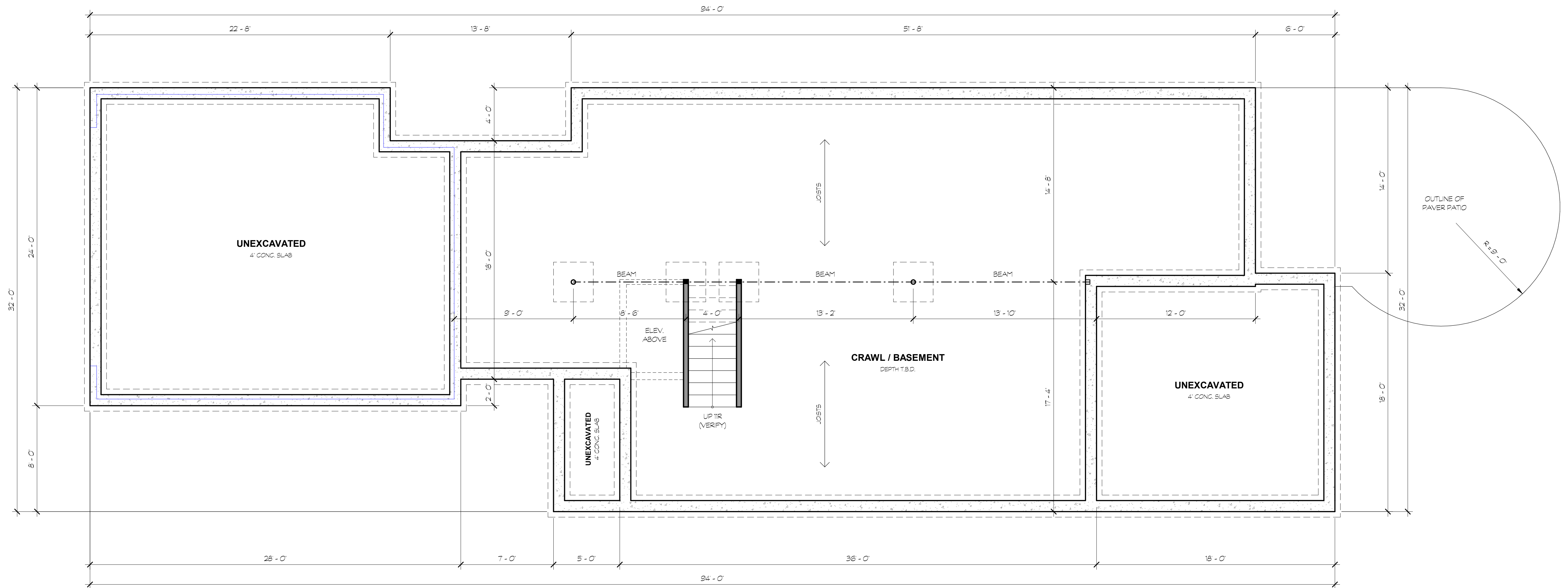
A1 ARCHITECTURAL SITE PLAN	A5 ROOF PLAN
A2 FOUNDATION PLAN	A6 EXTERIOR ELEVATIONS
A3 MAIN LEVEL FLOOR PLAN	A7 EXTERIOR ELEVATIONS
A4 UPPER LEVEL FLOOR PLAN	

ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

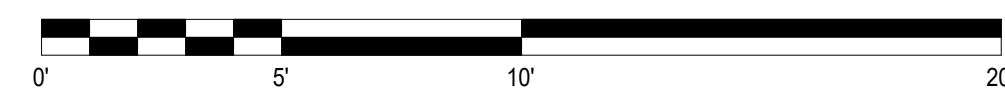
SHEET **A1** NUMBER

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**FOUNDATION PLAN**

1/4" = 1'-0"



464 SECOND STREET  
SUITE 100  
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PH: 952-470-9750  
FAX: 952-767-5859  
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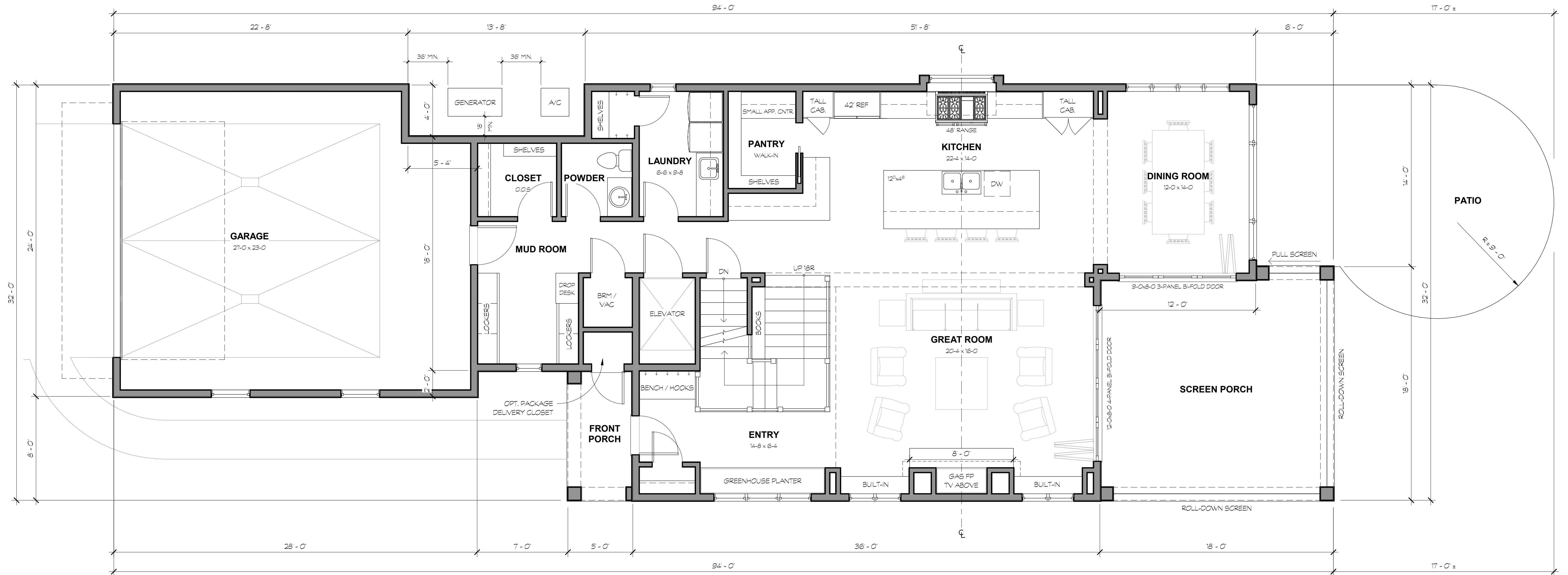
ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

LIVING SPACE	
MAIN LEVEL	1571 SF
UPPER LEVEL	1233 SF
Grand total	2804 SF

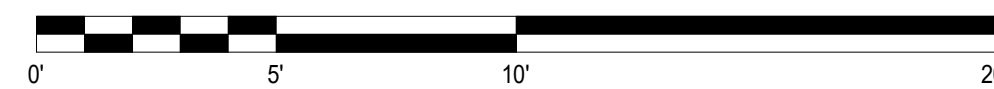
FUTURE SPACE	
UNFIN. UPPER LEVEL	506 SF
Grand total	506 SF

ADDITIONAL SPACE	
SCREEN PORCH	312 SF
GARAGE	642 SF
FRONT PORCH	50 SF
MASTER TERRACE	312 SF
Grand total	1316 SF



**MAIN LEVEL FLOOR PLAN**

1/4" = 1'-0"



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SUITE 100  
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**PROJECT TEAM**

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ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

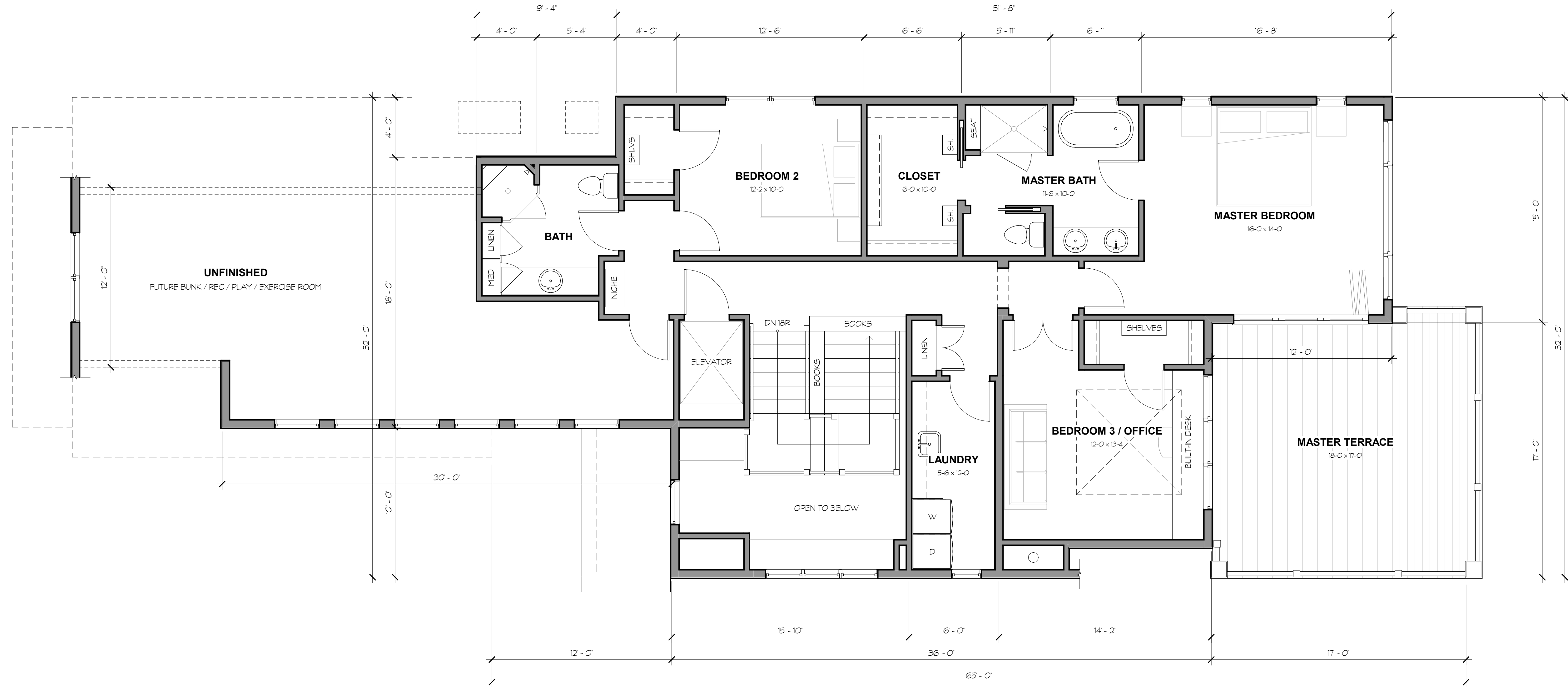
SHEET **A3** NUMBER

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LIVING SPACE	
MAIN LEVEL	1571 SF
UPPER LEVEL	1233 SF
Grand total	2804 SF

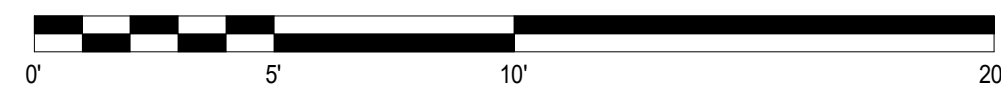
FUTURE SPACE	
UNFIN. UPPER LEVEL	506 SF
Grand total	506 SF

ADDITIONAL SPACE	
SCREEN PORCH	312 SF
GARAGE	642 SF
FRONT PORCH	50 SF
MASTER TERRACE	312 SF
Grand total	1316 SF



**UPPER LEVEL FLOOR PLAN**

1/4" = 1'-0"



464 SECOND STREET  
SUITE 100  
EXCELSIOR, MN 55331  
PH: 952-470-9750  
FAX: 952-767-5859  
info@sharrattdesign.com

**PROJECT TEAM**

<b>ARCHITECT</b> SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	<b>STRUCTURAL ENGINEER</b> T.B.D.
<b>GENERAL CONTRACTOR</b> KYLE HUNT & PARTNERS 18324 MINNETONKA BLVD DEEPHAVEN, MN 55391 CONTACT: (952-476-5999)	

**SHEET INDEX**

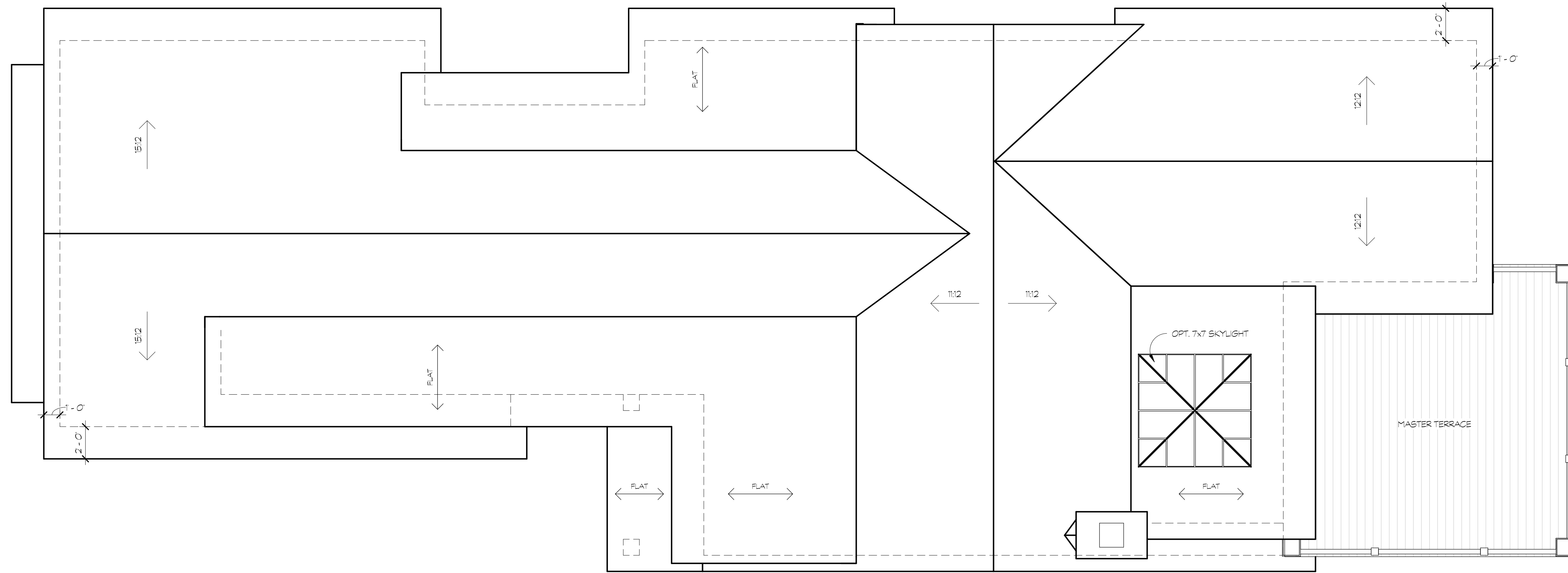
A1 ARCHITECTURAL SITE PLAN	A5 ROOF PLAN
A2 FOUNDATION PLAN	A6 EXTERIOR ELEVATIONS
A3 MAIN LEVEL FLOOR PLAN	A7 EXTERIOR ELEVATIONS
A4 UPPER LEVEL FLOOR PLAN	

ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A4** NUMBER

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**ROOF PLAN**  
1/4" = 1'-0"



464 SECOND STREET PH: 952-470-9750  
SUITE 100 FAX: 952-767-5859  
EXCELSIOR, MN 55331 info@sharrattdesign.com

**PROJECT TEAM**

<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	T.B.D.
<b>GENERAL CONTRACTOR</b>	
KYLE HUNT & PARTNERS 18324 MINNETONKA BLVD DEEPHAVEN, MN 55391 CONTACT: (952-476-5999)	

**SHEET INDEX**

A1 ARCHITECTURAL SITE PLAN	A5 ROOF PLAN
A2 FOUNDATION PLAN	A6 EXTERIOR ELEVATIONS
A3 MAIN LEVEL FLOOR PLAN	A7 EXTERIOR ELEVATIONS
A4 UPPER LEVEL FLOOR PLAN	

ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A5** NUMBER

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**SOUTH ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



**EAST ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



464 SECOND STREET SUITE 100 EXCELSIOR, MN 55331  
PH: 952-470-9750 FAX: 952-767-5859 info@sharrattdesign.com

**PROJECT TEAM**

<b>ARCHITECT</b> SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	<b>STRUCTURAL ENGINEER</b> T.B.D.
<b>GENERAL CONTRACTOR</b> KYLE HUNT & PARTNERS 18324 MINNETONKA BLVD DEEPHAVEN, MN 55391 CONTACT: (952-476-3999)	

**SHEET INDEX**

A1 ARCHITECTURAL SITE PLAN	A5 ROOF PLAN
A2 FOUNDATION PLAN	A6 EXTERIOR ELEVATIONS
A3 MAIN LEVEL FLOOR PLAN	A7 EXTERIOR ELEVATIONS
A4 UPPER LEVEL FLOOR PLAN	

ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A6** NUMBER

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**NORTH ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



**WEST ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



464 SECOND STREET PH: 952-470-9750  
SUITE 100 FAX: 952-767-5859  
EXCELSIOR, MN 55331 info@sharrattdesign.com

**PROJECT TEAM**

<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	T.B.D.
<b>GENERAL CONTRACTOR</b>	
KYLE HUNT & PARTNERS 18324 MINNETONKA BLVD DEEPHAVEN, MN 55391 CONTACT: (952-476-3999)	

**SHEET INDEX**

A1 ARCHITECTURAL SITE PLAN	A5 ROOF PLAN
A2 FOUNDATION PLAN	A6 EXTERIOR ELEVATIONS
A3 MAIN LEVEL FLOOR PLAN	A7 EXTERIOR ELEVATIONS
A4 UPPER LEVEL FLOOR PLAN	

ISSUED FOR	07/16/21	08/26/21	09/07/21
PROGRESS SET	X	X	X
MEETING SET	X		
VARIANCE APP. SET			X
BID SET			
PERMIT SET			
REVISIONS			
CONSTRUCTION SET			

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A7** NUMBER

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DESCRIPTION OF PROPERTY SURVEYED

Lot 16, Block 1, LAKEWOOD PARK 3RD DIVISION, according to the recorded plat thereof, Washington County, Minnesota.

STANDARD NOTES

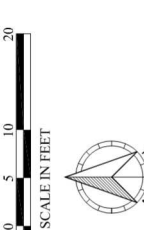
- 1) Site Address: 469 Lake Avenue, Birchwood Village, Minnesota 55110
2) A title opinion was not furnished to the surveyor as part of this survey. Only encumbrances per the recorded plat are shown unless otherwise denoted hereon.
3) Flood Zone Information: X (area determined to be outside of the 0.2% annual chance floodplain) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are not determined. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27(68)C0240E, effective date of 02/01/2010.
4) Parcel Area Information: Gross Area: 12,825 s.f. +/- 0.294 acres +/-
5) Benchmark: Elevations are based on MNDOT Geoidless Station Name: PARAGON which has an elevation of: 929.60 feet (NAVD88).
6) Zoning: Principal Structure Subclass:
7) Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-4002.

Table with 2 columns: Category and Value. Includes Existing Hardcover (Lot Area: 12,825 S.F., House Area: 1,277 S.F., etc.), Proposed Hardcover (Lot Area: 12,825 S.F., House Area: 1,213 S.F., etc.), Proposed Elevations (Garage Floor Elevation: 928.6, First Floor Elevation: 931.7, etc.), and Coverage (32.35%, 44.76%).

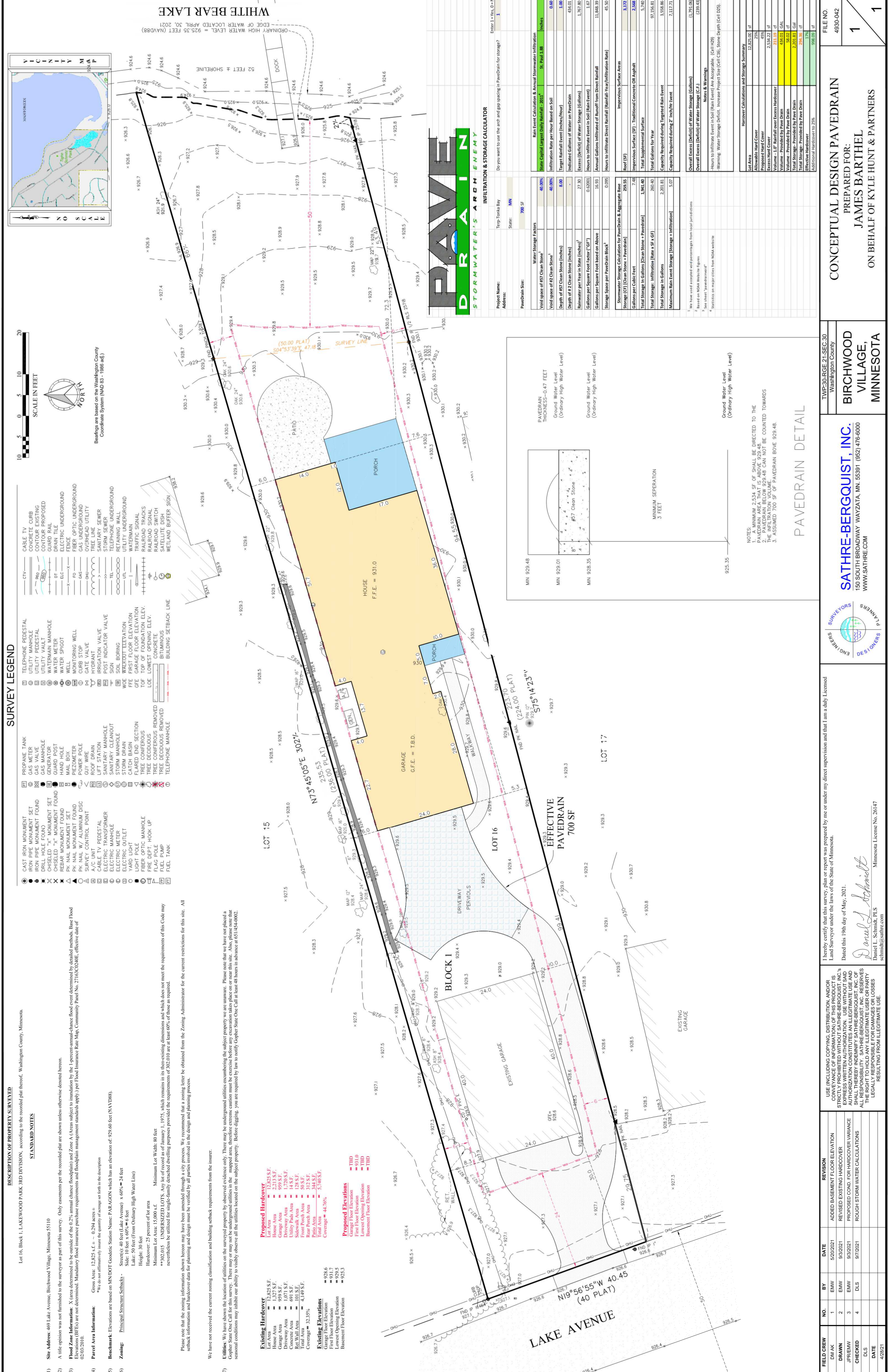
SURVEY LEGEND

- CAST IRON MONUMENT SET
IRON PIPE MONUMENT FOUND
DRILL HOLE FOUND
CHISELED 'X' MONUMENT FOUND
REBAR MONUMENT SET
PK NAIL MONUMENT SET
PK NAIL W/ ALUMINUM DISC
SURVEY CONTROL POINT
A/C UNIT
CABLE TV PEDESTAL
ELECTRIC TRANSFORMER
ELECTRIC MANHOLE
ELECTRIC METER
ELECTRIC METER W/ TIELET
YARD LIGHT
LIGHT POLE
FIBER OPTIC MANHOLE
FIRE DEPT. HOOK UP
FUEL PUMP
FUEL TANK
PROPANE TANK
ELECTRIC METER
GAS VALVE
GENERATOR
HAND HOLE
PK NAIL W/ ALUMINUM DISC
SURVEY CONTROL POINT
A/C UNIT
CABLE TV PEDESTAL
ELECTRIC TRANSFORMER
ELECTRIC MANHOLE
ELECTRIC METER
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YARD LIGHT
LIGHT POLE
FIBER OPTIC MANHOLE
FIRE DEPT. HOOK UP
FUEL PUMP
FUEL TANK

SCALE IN FEET

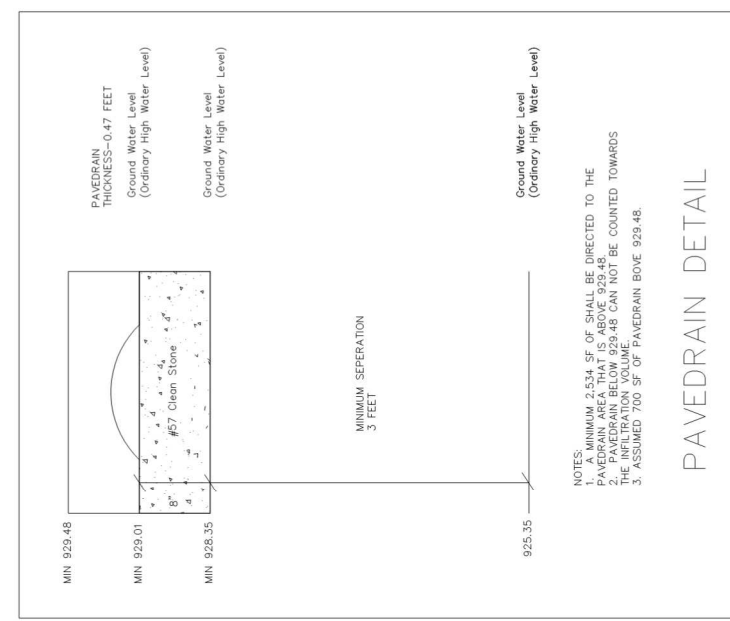


Benchmarks are based on the Washington County Coordinate System (NAD 83 - 1986 84).



PAVEDRAIN INFILTRATION & STORAGE CALCULATOR

Calculator input and output table. Inputs include Project Name (Trip/Tonka Bay), Pavedrain Size (700 SF), and various infiltration and storage parameters. Outputs include Total Storage (1,911.40), Total Storage in Gallons (200.40), and Capacity Required during Targeted Rain Event (2,201.81).



NOTES: 1. A MINIMUM 2,534 SF OF SHALL BE DIRECTED TO THE PAVEDRAIN AREA THAT IS ABOVE 929.48. THE INFILTRATION VOLUME CAN NOT BE COUNTED TOWARDS THE INFILTRATION VOLUME. 3. ASSUMED 700 SF OF PAVEDRAIN ABOVE 929.48.

CONCEPTUAL DESIGN PAVEDRAIN PREPARED FOR: JAMES BARTHEL ON BEHALF OF KYLE HUNT & PARTNERS

SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000 WWW.SATHRE.COM

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Table with 5 columns: FIELD CREW, NO., BY, DATE, REVISION. Includes entries for DM AK, DRAWN, JPR/EMW, CHECKED, DLS, DATE 4/28/21, and REVISION 1 (ADDED BASEMENT FLOOR ELEVATION).





**CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
BIRCHWOOD, MINNESOTA**

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
VIA TELECONFERENCE  
OCTOBER 18, 2021, 6:00 P.M.**

**MEMBERS:**

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember

**STAFF:**

Andy Gonyou	City Administrator
H. Alan Kantrud	City Attorney
Steven Thatcher	City Engineer (until 7:25 p.m.)
Doug Danks	City Planner (until 7:25 p.m.)

**GUESTS:**

Alyson Landmark	Landscape Designer, Southview Design (until 6:53 p.m.)
Brent Stevens	Project Manager, Kyle Hunt & Partners (until 7:24 p.m.)

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from an audio recording.

**1. CALL TO ORDER**

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its October, 2021, meeting using interactive web-based technology. Pursuant to Minnesota Statutes, Chapter 13D.021 Subdivision 1(1), the City of Birchwood Village is declaring that, "an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic...".

Mayor Wingfield called the meeting to order at 6:00 p.m.

**2. APPROVAL OF AGENDA**

The agenda was approved as presented.

**3. CITY BUSINESS – CONSENT AGENDA**

- A. Approval of the Regular Meeting Minutes:** The meeting minutes of the September 14, 2021, regular Council meeting was provided for the Council's review and approval.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember McCarthy, it was resolved to approve the minutes of the Council meeting held on September 14, 2021, as presented. All in favor; motion carried.**

- B. Approval of the Treasurer’s Report:** The Treasurer’s Report for the period ending October 12, 2021, was provided for the Council’s review and approval.

Councilmember McCarthy reported that \$108,000 was utilized from the general fund due to budgeted City Hall projects. The water fund is currently showing a deficit of \$22,000. He queried why the water tower expenses were allocated to both the general and the water fund. Mayor Wingfield referred to the American Rescue Plan Act proceeds of \$46,000 income that will cover the water meter expenses after an accounting transfer. An additional \$46,000 income is anticipated from the American Rescue Plan Act for the water fund.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve the Treasurer’s Report for the period ending October 12, 2021. All in favor; motion carried.**

**4. CITY BUSINESS – REGULAR AGENDA**

**A. Second Reading Ordinance 2021-10-01, Section 308**

**a. Council Deliberation:**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to adopt the amended code 308 for Ordinance 2021-10-01. All in favor; motion carried.**

- b. Approval of Summary Publication:** The summary publication will be published on October 27, 2021.

**On a motion made by Councilmember Foster, seconded by Councilmember Woolstencroft, it was resolved to approve the summary publication 308 for Ordinance 2021-10-01. All in favor; motion carried.**

**B. Variance Application Case No. 21-05-VB (339 Wildwood Avenue)**

The homeowner highlighted the following items:

- The full scope of the property needs to be addressed in order to preserve the lake, the water quality, and the riprap infrastructure;
- The retaining wall will address the primary concern of soil degradation and soil runoff;
- As per the City Planner, there are practical difficulties that exist at the property given the steep lot slopes and the topographical challenges.

The homeowner reported that the Rice Creek Watershed District has approved the project.

The Council expressed concern regarding setting a precedent for the approval of a retaining wall within 20 feet of the water line. Mayor Wingfield queried whether or not the homeowner has considered installing a retaining wall 50 feet from the water line, which will avert approximately 40% of the water drainage. The homeowner reported that the slope and aggressive terrain would still be exposed on top of the riprap. Alyson Landmark of Southview Design reported that the purpose and placement of the retaining wall lends itself to stabilizing the homeowner's dock and boat lifts in the winter.

The Council requested a cross-section document demonstrating the differentiation between the existing grounds and the proposed work. An extension will be provided to the homeowner to allow the Council to review additional materials. A decision will be made at the November, 2021, Council meeting. Steven Thatcher, the City Engineer, confirmed that the homeowner meets the conditions for the variances for impervious surface. Doug Danks, the City Planner, confirmed that the riprap complies with the requirements in the City's zoning ordinances.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the variances to the impervious surface for application case No. 21-05-VB. All in favor; motion carried.**

**On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to allow the applicant 30 days to provide additional information for variance application case No. 21-05-VB. All in favor; motion carried.**

*ACTION – Alyson Landmark of Southview Design will provide the City Administrator with a cross-section document demonstrating the differentiation between the existing grounds and the proposed work for the Council to review.*

*ACTION – The homeowner will follow up with the City Administrator regarding the permit for the installation of the riprap.*

**C. Variance Application Case No. 21-06-VB (469 Lake Avenue)**

Steven Thatcher reported that one condition for obtaining a variance to infiltrate water into the ground is that the bottom of the infiltration practice must be a minimum of 3 feet above the ordinary high-water level of White Bear Lake. This is a challenge for the property in question because the existing ground surface elevation varies from 2 to 4.5 feet above the ordinary high-water level of White Bear Lake, consequently making it difficult to meet the condition for the variance.

Brent Stevens of Kyle Hunt & Partners reported that Doug Danks confirmed that the installation of a 6-foot sideyard setback was permitted as per City ordinances. To address the impervious surfaces and the proximity to the high-water level, Kyle Hunt & Partners will be using a pervious paving system for the driveway; underneath the driveway is a 1-foot deep layer of foundational clear stone that is enveloped in a geotextile fabric for filtration. The current impervious surface is 32.35% and the pervious paving system will bring the impervious surface to 23%.

Doug Danks reported that the Planning Commission had historically applied the 60% rule to setbacks for undersized lots; the language around the code was subsequently amended in 2019. Based on Steven Thatcher's memo, the 60% rule applies to the rehabilitation of

a home and not the construction of a new home. The Council agreed that the homeowner must apply for a variance for the 6-foot side yard setback.

**On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to defer variance application case no. 21-06-VB until more information can be provided by the homeowner. All in favor; motion carried.**

**D. Birchwood Village COVID-19 Protocols**

The Council discussed re-instating in-person meetings. Councilmember Foster cited several technical difficulties that the Council has encountered during meetings and the difficulty for residents to express their concerns through a virtual meeting. He reported that the City of Mahtomedi and White Bear Lake have both resumed in-person meetings. Andy Gonyou noted that Washington County is currently still in the high transmission stage. The Council agreed to continue with virtual meetings and to monitor the COVID-19 protocols in the interest of the public's health.

**5. ADJOURNMENT**

**On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 7:36 p.m. by Mayor Wingfield.**

**DISCLAIMER**

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the members of the Birchwood Village City Council. This document shall not be considered to be a verbatim copy of every word spoken at the meeting.

\_\_\_\_\_  
Mayor Mary Wingfield

\_\_\_\_\_  
City Administrator Andy Gonyou

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date