



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 8, 2022
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 its March 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. If you plan to participate than you must either 1) send your name, topic you plan to speak on, and the phone number you will be calling from to City Hall by noon the day before the meeting; or 2) join the meeting no later than 6:50pm to coordinate with the Moderator.

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. Public Forum shall be honored using this technology and the meeting will be broadcast via the Cable Commission like other meetings.

Topic: Birchwood Village City Council Meeting

Time: **March 8, 2022 07:00 PM** Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87372452556?pwd=RjA1RnZMWDlDR0Z0VUxwWHo0Umtndz09>

Meeting ID: 873 7245 2556

Passcode: 107363

*Denotes items with supporting materials included

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (pp. 5-8)
- B. Planning Commission Special Meeting Minutes from February 10, 2022* (pp. 9-16)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from February 8, 2022
- B. Approve Special Meeting Minutes from February 15, 2022* (pp. 17-18)
- C. Approve Treasurer’s Report* (pp. 19-34)

CITY BUSINESS – REGULAR AGENDA

- A. 176 Cedar Street Lot Split* (pp. 35-42)
 - a. Public Hearing
 - b. Council Deliberation

Time Budget: 15 Minutes
- B. Variance Case No. 22-01-VB* (pp. 43-50; 51-99)
 - a. Council Deliberation

Time Budget: 15 Minutes
- C. Variance Case No. 22-02-VB* (pp. 43-50; 101-133)
 - a. Council Deliberation
 - b. Approve Resolution 2022-06, Authorizing Extension

Time Budget: 15 Minutes
- D. Variance Case No. 22-03-VB* (pp. 43-50; 135-173)
 - a. Council Deliberation
- E. Wildwood Avenue Lift Station
 - a. Update from City Engineer Steve Thatcher

Time Budget: 5 Minutes
- F. Second Reading Ord. 2022-02-01, Amending Sec. 404* (pp. 175-191)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-05, Summary Publication

Time Budget: 10 Minutes
- G. Second Reading Ord. 2022-02-03, Repealing Sec. 301.065* (pp. 193)
 - a. Public Hearing
 - b. Council Deliberation & Approval

- c. Order publication
Time Budget: 10 Minutes
- H. Second Reading Ord. 2022-02-04, Amending Sec. 302.055* (pp. 195)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Order publication*Time Budget: 10 Minutes*
- I. Second Reading Ord. 2022-02-05, Repealing and Replacing Sec. 304* (pp. 197-201)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-04, Summary Publication*Time Budget: 10 Minutes*
- J. Second Reading Ord. 2022-02-06, Adding Sec. 310* (pp. 203)
 - a. Public Hearing
 - b. Council Deliberation
 - c. Order publication*Time Budget: 10 Minutes*
- K. Second Reading Ord. 2022-02-07, Adding Irrigation Standards* (pp. 205-206)
 - a. Public Hearing
 - b. Council Deliberation
 - c. Order publication*Time Budget: 10 Minutes*
- L. City Covid-19 Protocols
 - a. Council Deliberation*Time Budget: 5 Minutes*
- M. Council Member Reports:
 - a. Mayor Wingfield
 - i. Street Lights
 - ii. Dog Licenses (3 Year Terms?)
 - iii. Data Practices Requests
 - iv. Snow Plowing Services
 - b. Justin McCarthy
 - i. Sign Ordinance
 - ii. Administrative Complaint Procedure
 - iii. Halls Marsh Update*Time Budget: 20 Minutes*

ADJOURN

MEMORANDUM



TO: Birchwood Village City Council
FROM: Andy Gonyou, City Administrator
SUBJECT: Sheriff Report
DATE: March 3, 2022

Dear Mayor & City Council Members: The following pages are a report of law enforcement incidents and citations for February 2022:

Incident Summary Report

2022 PUBLIC

From:2/1/2022 12:00:00 AM To:2/28/2022 11:59:59 PM



WASHINGTON COUNTY SHERIFFS OFFICE

BIRCHWOOD VILLAGE - 10

2/1/2022 5:20:51 PM	WC22004392	50XXX -698 HALL AVE, BIRCHWOOD VILLAGE	TRAFFIC STOP
2/4/2022 9:43:55 AM	WC22004753	XXX Wildwood Ave, BIRCHWOOD VILLAGE	WELFARE CHECK
2/7/2022 10:33:48 AM	WC22005145	30XXX -341 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
2/7/2022 10:08:00 PM	WC22005212	XX OAKHILL CT, BIRCHWOOD VILLAGE	WELFARE CHECK
2/8/2022 6:20:00 PM	WC22005337	XX White Pine Ln, BIRCHWOOD VILLAGE	FRAUD/SCAM
2/15/2022 7:23:41 AM	WC22006177	30XXX -340 WILDWOOD AVE, BIRCHWOOD VILLAGE	PARKING VIOLATION
2/15/2022 6:38:39 PM	WC22006261	XXX Wildwood Ave, BIRCHWOOD VILLAGE	OFFICER INFORMATION
2/16/2022 7:54:55 AM	WC22006317	34XXX -399 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
2/22/2022 1:19:36 PM	WC22007208	XXX Wildwood Ave, BIRCHWOOD VILLAGE	ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
2/27/2022 10:35:34 PM	WC22008000	XXX Wildwood Ave, BIRCHWOOD VILLAGE	WELFARE CHECK

TOTAL INCIDENTS: 10

Citations for: Birchwood

2/1/2022 To 2/28/2022

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	2/1/2022	820006203201	WC122 2	C. Valesano	Citation	0	HALL AVE		JAY ST		Birchwood	BW - Fail to comply with posted signs	607.693
WCSO	2/15/2022	820006204601	WC127 7	T. Jarrett	Citation	0	WILDWOOD AVE		BIRCH ST		Birchwood	BW - Obstructing public streets or sidewalks	606.020.6

BIRCHWOOD VILLAGE, MN FEB. 2022

WASHINGTON COUNTY SHERIFF'S OFFICE

MONTHLY NEWSLETTER

BIRCHWOOD VILLAGE HALL



WELCOME NEW DEPUTIES

Theft of Automobiles a multi-agency response...

Lately, the news has been dominated with the reported increase of carjacking and auto thefts across the Twin Cities metro area, and Washington County has not been an exception to the trend. In addition to working in partnership with all law enforcement agencies throughout Washington County and other bordering departments, the investigation divisions from Cottage Grove, Woodbury, and Oakdale Police Departments have partnered with ours to share real-time information. The result of agency collaboration has allowed for a quick response to several incidents and led to success in apprehension. As many of our stolen vehicles have been recovered in the St. Paul area, the Washington County Sheriff's Office has also made it a priority to partner with the Ramsey County Sheriff's Office. This partnership has allowed our team to better protect the residents and guests of Washington County with the added ability to put pressure on the criminals responsible in their own backyard.

When these types of thefts occur, it takes a team effort from the Sheriff's Office to address and respond to the rise in crime. Our criminal analyst works hard to develop a list of suspects and recently stolen vehicles to give to our teams on the street. Our Specialized Investigations Unit, along with our Special Enforcement Team, have been working extended hours, increasing patrols, and responding in unmarked vehicles for better apprehension efforts. The Washington County Attorney's Office has joined in our partnership by assigning dedicated attorneys to help prosecute those who are arrested.

With crime prevention efforts, we can help mitigate future thefts from occurring by eliminating "crimes of opportunity". Of the vehicles that have been stolen, most have been left running in driveways or parked in the garage with the keys inside. As always, we encourage our citizens to call in suspicious activity as soon as possible so our teams can respond.

-Sergeant Joe Stoehr, Investigations



B. Comiskey



H. Newman



A. Jorgenson



J. Merrill



R. Dziki



C. Kelling

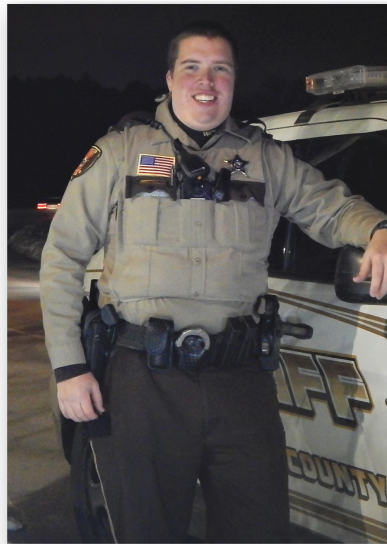
The Sheriff's Office has proudly welcomed six new deputies in 2022. These deputies come to us with different personal and professional backgrounds and will each make a great addition to our team!



EMPLOYEE SPOTLIGHT

Drug Recognition Expert identifying drivers impaired by drugs...

Deputy Tyler Freeman is newly assigned as the DWI Enforcement Deputy and his primary responsibility is to locate drivers in Washington County impaired by either alcohol or drugs. At the end of March, Deputy Freeman will complete the three-week training and evaluation to join the 300+ certified Drug Recognition Evaluators in the State of Minnesota. Once certified, Deputy Freeman will become the sixth Drug Recognition Expert in here in Washington County. He will be able to conduct a highly standardized evaluation which takes place after a deputy or police officer has recognized some type of impairment and has made an arrest for DWI, but alcohol does not appear to be the contributing factor. Using what is considered "expert" level training, Deputy Freeman's knowledge of how different categories of drugs affect a person's body are evaluated through a series of standardized field sobriety tests. Deputy Freeman will be able to determine which category or categories of drugs the person is impaired by.



Deputy Tyler Freeman



Jennifer Flores
ACCOUNTING SUPERVISOR

In some capacity or another, many of you have had the opportunity to work with accounting supervisor Jennifer Flores throughout the years.

Jennifer began her career with the Sheriff's Office straight out of college in 2007. She started out in the Records Unit transcribing reports and was later promoted to the accounting lead position in 2012. As a self-proclaimed numbers fanatic, this was a natural fit. Jennifer received her Bachelor of Science in Business from the University of Minnesota, Carlson School of Management, with a concentration in Finance.

In her role as Accounting Supervisor, Jennifer oversees the accounting and finance functions within the Sheriff's Office. This includes an annual budget of nearly \$40 million, the financial management of many state and federal grant programs, and the day-to-day operational transactions for accounts payable and accounts receivable.

Jennifer grew up in Cottage Grove and still lives there today with her husband, 3-year-old son, Great Dane, and four cats, (she is an avid animal lover)!

Passing the torch...

Prior to Deputy Freeman assuming the role in January, Deputy Michael Ramos was assigned as the first DWI Enforcement Deputy in 2018. During his career with the Sheriff's Office, Deputy Ramos has made over 500 DWI arrests, with 152 of those arrests in 2021 alone. We wish Deputy Ramos well as he moves on to general patrol and thank him for his dedication to the assignment over the years!



WORK SESSION MEETING MINUTES (Final)

Birchwood Planning Commission Work Session Meeting

Zoom Virtual Meeting – 7:00 PM Meeting 2/10/2022

Submitted by Michael Kraemer – acting secretary

COMMISSIONERS PRESENT: – Andy Sorenson – Chairman, Ryan Hankins – Vice Chairman, Michelle Maiers-Atakpu, Joe Evans, Michael Kraemer.

COMMISSIONERS ABSENT:

OTHERS PRESENT: City Engineer – Council Member – Mark Foster, Steve Thatcher – City Engineer. Kevin Heisdorffer.

CALL TO ORDER Meeting called to order by Chairman Andy Sorenson at 7:02 PM.

1. PUBLIC FORUM – none

2. APPROVE AGENDA

- a. Motion by Kraemer, 2nd by Maiers-Atakpu to add and review of three decision items from the December 16, 2021 meeting since City Engineer was on the call. Vote: Yes – 5, No – 0 Motion passed. Topics added included:
 - i. Requiring CUP or Zoning permit for any landscaping within the Shoreland Management Area. (I.e within 50' of OHW.)
 - ii. Change City Code to allow retaining walls up to OHW.
 - iii. Change City Code to increase “average building exposure height to 35’ to approve agenda as listed. Vote Yes – 5, No – 0. Motion passed.
- b. Motion to approve amended agenda by Maiers-Atakpu, 2nd by Evans. Vote: Yes – 5, No – 0. Motion to approve amended agenda passed.
- c. Overview of the purpose of the Work Session.
 - i. This work session is a continuation of the 12/16/2021 and 1/27/2022 Planning Commission discussions. The Planning Commission discussion focused on Code topics that appeared to be re-appearing in the Birchwood Planning Commission Variance Request process. The Planning Commission elected to re-visit particular Code elements to investigate whether the existing Code was consistent in supporting the City Comprehensive Plan or may be out of step and needed changing.
 - ii. The Planning Commission took an advisory vote on each discussion topic to determine which Code elements warranted additional investigation and review. Following additional review, it is the Planning Commission’s intention to offer input on which Code topics should be sustained as is and which Code topics should be revised and reviewed by Council for consideration and adoption.

3. REGULAR AGENDA

a. **TOPIC: Front Yard Setbacks – Principal Structure**

i. **Section 302.020 SETBACKS FROM OHW-** RETAIN current shoreland setbacks on WBL/Hall's Marsh/wetlands = 50', Lost Lake = 75', OHW = 50', Bluff = 30'. CONSIDER ADDING language to Shoreland Setback - Section 302.020 to allow water side of principle structure to within 5' of prevailing homes water feature side "set back" or a minimum 50' whichever is less. This would allow matching frontage of homes on adjacent lots and not penalizing lots for adjacent pre-existing structure placement restricting view.

1. **Planning Commission Action:** Motion by Hankins, 2nd by Maiers-Atakpu - No change to code. Advisory Vote: Yes – 5, No-0 Motion to retain existing code element passed.

ii. **Section 302.020 SETBACKS FROM STREETS.** RETAIN County/State Road = 50', CONSIDER CHANGING language in Section 302.020 to modify the setbacks for City Street to 30' or within 5' of prevailing homes or a minimum 20' whichever is greater up to 30'. This would accommodate areas of pre-existing narrow front yard depts. The 20' minimum dimension would still allow off-street and beyond ROW parking for one car length.

1. **Planning Commission Action:** Motion to Hankins, 2nd by Kraemer to change front setback code from 40' to 30'. Advisory Vote: Yes – Hankins, Kraemer, No – Evans, Sorenson, Maiers-Atakpu.) Motion failed.

2. **Planning Commission Action:** Topic of allowing averaging died for lack of a motion.

iii. **TOPIC: Side Yard Setbacks – Principal Structure**

1. **OPTION #1 – SLIDING SCALE.** RETAIN side yard setback dimension for all lots >15000sf and larger at 10'. CONSIDER ADDING language to Section 302.020 on side yard setbacks, to provide a sliding scale for varying lot sizes. Suggested language would include side yard setbacks for lots 10000 to 15000 at 9'. For all lots 9500sf and smaller, allow 8' side yard setbacks.

2. **OPTION #2 – FORMULA** = The minimum side yard setback shall be based on the following formula: Minimum Required Width/Actual Lot Width = Minimum Required Side Setback/Allowable BUT in no instance shall side yard setback be less than 6'. (I.e. for a 50' pre-existing lot the ALLOWABLE SIDE YARD SET BACK = $80' \times 10'/50' = 6.25'$) This may better accommodate some of the small pre-existing lots with better compliance and ability to build quality structures within the parameters of the lot dimensions.

3. **OPTION #3 – MINIMUM HOUSE DIMENSION METHOD** Retain goal of 10' minimum side yard setback on new lots and lots meeting proposed width goal of 75'. For **pre-existing** single-family residents lots, set minimum single family dwelling width at 28'. The resultant minimum side yard setback shall be the remainder of the lot width dimension divided by 2. (I.e., 45' lot minus 28' minimum house width results in $17'/2 = 8.5'$ would be the resultant side yard setback. **In no case shall the minimum side yard setback be less than 6'.**
 4. Planning Commission Action: Motion by Hankins, 2nd by Sorenson to explore revision City Code language to allow building a minimum house width of 24' on any existing lot without a variance. Advisory Vote: Yes – 5, No – 0. Motion passed.
- iv. **TOPIC: Existing Non-Conforming Use Replacement**
 1. **Planning Commission Action:** Motion by Evans, 2nd by Kraemer to support the newest City Code revision on NON-CONFORMING USES as adopted by the City Council on October 21, 2021. Advisory Vote: Yes – 5, No – 0, Motion passed.
 - v. **TOPIC: Legacy Tree Protection/Replacement**
 1. RETAIN Section 302.055 LAND DISTURBANCE ACTIVITY STANDARDS. Item 2.d VEGETATION ALTERATIONS. Add a requirement for a plan to protect significant trees and under growth should be identified in Building or Zoning Permit. ADD: definition of protection/replacement of legacy trees. Use White Bear Lake replacement formula. Code 1302.075.3.
 2. **Planning Commission Action:** Motion by Kraemer, 2nd by Sorenson to continue with existing City Code related to tree removal. Advisory Vote: Yes – 5, No – 0. Motion passed.
4. **Suggested Language for Impervious Surfaces Section of Code**

302.050 IMPERVIOUS SURFACES.

 1. Definitions. As used in this section, stormwater management structures and best management practices include any surface water management system or practice that is designed, constructed, or implemented to control stormwater by collecting, conveying, storing, absorbing, inhibiting, treating, using, infiltrating or reusing water. Example stormwater management structures include rain gardens, infiltration basins, and bioswales. Excess Volume is the volume of 1.1 inches of post-construction stormwater from the portion of impervious surfaces that exceed twenty-five (25) percent of the lot area.

2. Limitation. Impervious surface coverage of a lot shall not exceed twenty-five (25) percent of the lot area unless the City Engineer deems that the applicant has satisfied the following conditions and the applicant is granted a Conditional Use Permit pursuant to section 306 of the City Code:

- a. Impervious surface coverage of the lot does not exceed thirty-five (35) percent.
- b. The applicant submits a stormwater management plan for the site that analyzes the proposed development including the area(s) of impervious surface(s), direction of runoff, proposed best management practices to manage runoff, and stormwater retention that the best management practices will achieve.
- c. The stormwater management plan includes 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.
- d. The application shows the Excess Volume, which is the volume of 1.1 inches of post-construction stormwater from the portion of impervious surfaces that exceed twenty-five (25) percent of the lot area.
- e. The site design includes stormwater management practices that retain not less than the Excess Volume on site and infiltrate not less than the Excess Volume within forty-eight (48) hours.

a. The application shows that the results of 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 Engineer meet the required infiltration standards.

- f. The application shows that the proposed stormwater management methods meet the required standard and are designed and will be installed consistently with the City's Surface Water Management Plan, NPDES stormwater standards, and the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.
- g. The design complies with the City's zoning code 302.055 and minimizes changes in ground cover, loss of natural vegetation, and grade change.
- h. The bases of installed infiltration structures are 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.
- i. The stormwater management practices are designed in accordance 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 Engineer.
- j. The stormwater management plan describes how the design shall be maintained to continue its full function for the long-term. The city may inspect the installation of the stormwater management system at the site.

- k. The application provides a maintenance plan and a maintenance schedule for the approved stormwater management practices. The applicant shall include a signed maintenance agreement plan and a maintenance schedule for the approved stormwater management practices and structures with the required permit application. The maintenance agreement must include:
1. An identification of the performance standards of the stormwater management structures or best management practices. The applicant will identify the proposed testing protocol and standards to determine how the performance of the structures or best management practices are to be judged.
 2. An identification of the type of maintenance and the maintenance intervals.
 3. An agreement to perform the identified maintenance, or any other work to maintain the stormwater management structures or stormwater best management practices in a condition consistent with the performance standards for which they were originally designed.
 4. An identification of the Responsible Party who is responsible for maintenance of the stormwater management best practices and structures.
 5. An agreement that this agreement runs with the land and shall bind future successors in title.
 6. An agreement to allow the City and its representatives the right-of-entry for the purposes of inspecting the stormwater management structures and best management practices.
 7. An agreement that should any stormwater management structures or best management practices fail to operate in a condition consistent with the performance standards for which they were originally designed or pose a threat to public safety, public health, or property as determined by the City Engineer, the City may, after reasonable notice to the responsible party, perform any work necessary in order to bring the structures into a condition consistent with the performance standards for which they were originally designed or to eliminate any threat to public safety, public health, or property. The applicant agrees to pay the costs of any such work performed by the city.
- m. The property owner is required to perform, or cause to be performed, maintenance as identified in the maintenance agreement, as well as any other additional work necessary to keep the stormwater management structures or best management practices in a condition consistent with the performance standards for

which they were originally designed. This requirement shall run with the property and shall be binding upon all future property owners.

- n. Should any stormwater management structure or best management practice fail to operate in a condition consistent with the performance standards for which they were originally designed or pose a threat to public safety, public health, or property as determined by the City Engineer, the City may, after reasonable notice to the responsible party, perform any work necessary in order to bring the stormwater management structure or best management practice into a condition consistent with the performance standards for which they were originally designed or to eliminate any threat to public safety, public health, or property. The costs of any such work may be assessed to the property owner and may be certified to Washington County for assessment against the property taxes of the property.
- o. Reasonable Notice. For purposes of 302.050(1)(j)(7) and 302.050(3), reasonable notice normally means thirty (30) to forty-five (45) days. If, however, the City Engineer provides a written opinion that the condition of the Storm Water Management Structure is a danger to public safety, public health, or property, and that thirty (30) days' notices would not sufficiently abate those conditions, the City Administrator shall reduce or eliminate this notice to protect the public safety, public health, or property.
- p. "AMENDED BY ORDINANCE 2017-01-01; DECEMBER 12, 2017"
- q. AMENDED BY ORDINANCE _____: _____, 2022
- r. **Planning Commission Action:** Motion by Evans, 2nd by Maier-Atakplu to review the language above in detail with City Engineer Steve Thatcher at the next February 24, 2022 regular meeting with the intention of agreeing on process, language and enforcement of this Code Element 302.050 IMPERVIOUS SURFACES. Advisory Vote: Yes – 5, No – 0.
- s. **TOPIC: Require CUP shoreland landscaping within 50' of OHW or between the OHW and the top of the Bluff Line, whichever is greater.**
 - 1. **CONSIDER ADDING LANGUAGE to Section 302.055 - 2.d.7- Vegetation Alterations on Lots Abutting Water. Add: c. - Require Conditional Use Permit for landscaping plan within 50' of OHW or between OHW and top of bluff line whichever is greater. (This may help regulate situations where property owners tend to use*

landscaping plans as de-facto slope grading, shoreland benching, retaining walls or fence installation permits) Landscaping plan should include detailed grading plan to one-foot contours, planting schedule and location map defining quantities and locations of plantings and landscaping features. Planting schedule should include common and botanical names, the sizes, root specifications, quantities, and special planting and maintenance conditions and requirements. Effort should be made to encourage use of local species of plantings and ground cover. CONSIDER ADDITIONAL LANGUAGE: In steep slope areas to ensure landscaping plantings take and prevent erosion, consideration may be given to requiring escrow in City's name for a one growing season period the value equivalent to at least 50% of landscape project value. Escrow would be released upon inspection and acceptance of project by City Engineer.

2. Engineer Thatcher suggested additional discussion and review of this topic would be warranted.
3. **Planning Commission Action:** Advisory vote to support further investigation and consider Code revision. Yes – 5, No

ii. TOPIC: Allow retaining walls within 50' of OHW to correct erosion.

1. *CONSIDER CHANGING LANGUAGE * 302.015 STRUCTURE LOCATION REQUIREMENTS. Item 4.b - Retaining Wall Setbacks. Front, back, side street and other lot line setbacks requirements shall not apply to retaining walls except that the ordinary high water level setback requirement to: "Retaining walls may be permitted up to the OHW as determined necessary by the City Engineer to correct/prevent shoreline and/or bluff erosion issues. No fences or retaining walls shall be allowed within the OHW. No fences or retaining wall shall be allowed to extend into wetlands or required wetland buffer, or extend below the OHW of stream or water quality detention ponds. In areas along any waterfront, efforts should be made to encourage the use of natural stone and/or landscaping plantings for retaining walls and landscaping to stabilize banks and shorelines and prevent erosion of proposed and existing slopes." CONSIDER MODIFYING LANGUAGE to include: "Retaining walls taller than 4' must be designed by Certified Professional Engineer."*
2. Engineer Thatcher suggested additional discussion and review of this topic would be warranted.
3. **Planning Commission Action:** Advisory vote to support further investigation and consideration of this Code revision. Yes – 5, No

iii. TOPIC: Lot width in Shoreland District.

1. *RETAIN CURRENT CODE for Lot Area = 15000 with pre-existing lot credit of 60% of code @ 9000sf. CONSIDER MODIFYING language in 302.010.2- Minimum lot width at front building line and at the ordinary high-water level of any lake or wetland; from current Lot Width code of 80' and pre-existing credit of 60% of code = 48', to Lot Width of 75' similar to DNR with pre-existing lot credit of 60% to 45' respectively. This would better accommodate many of the pre-existing 45' wide Birchwood lots to better comply with lot width code. This discussion should be coordinated with the topic of allowing "pre-existing" single family homes to be replaced within their existing footprint.*
2. Engineer Thatcher suggested additional discussion and review of this topic would be warranted.
3. **Planning Commission Action:** Advisory vote to support further investigation and consider Code revision. Yes – 5, No – 0.

5. Adjourn 9:45 PM

- a. Motion by Maier-Atakplu, 2nd by Evans to adjourn meeting. Vote: Yes – 5, No – 0
Meeting adjourned.

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

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
VIA TELECONFERENCE
FEBRUARY 15, 2021, 7:00 P.M.**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

STAFF:

Andy Gonyou City Administrator

1. CALL TO ORDER

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its February 15, 2022 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 7:00 p.m.

2. CITY BUSINESS – REGULAR AGENDA

- A. Parks & Trails Long Term Planning
 - a. Polly’s Park Entrance
 - b. Feistner Park
 - c. Rotary Bench & Peace Pole
- B. Tennis Court Backboard
 - a. Council Deliberation
- C. Hall Avenue/Lake Links Final Design
 - a. Council Deliberation
- D. Long Term Capital Improvements & Maintenance Schedule
 - a. Council Deliberation
- E. Guiding Principles of Procedure Policy
 - a. Council Deliberation
- F. 2022 Council Assignments

a. Council Deliberation

The City Council of the City of Birchwood Village discussed the above agenda items for future planning but did not make actionable decisions. To view the meeting in depth, you may view a recording of this meeting online on the City's website.

3. **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 7:58 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

For the Period : 2/3/2022 To 3/3/2022

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$549,591.77	\$4,902.73	\$74,031.32	\$480,463.18
Other Federal Programs (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$12,525.69	\$0.00	\$3,500.00	\$9,025.69
Spec Rev - Warm House (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
REIMBURSED CONTRACTED SERVICES (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$123,615.31	\$0.00	\$0.00	\$123,615.31
Water	\$9,925.60	\$0.00	\$46,513.61	(\$36,588.01)
Sewer	\$124,774.55	\$0.00	\$12,703.91	\$112,070.64
Water Meter Upgrade Fees	(\$2,317.31)	\$0.00	\$0.00	(\$2,317.31)
American Rescue Act Proceeds	(\$46,665.31)	\$0.00	\$0.00	(\$46,665.31)
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$771,450.30	\$4,902.73	\$136,748.84	\$639,604.19

Fund Name: All Funds

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<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
02/03/2022	Payroll Period Ending 02/03/2022	31762	Jim Rydeen- Maintenance	N	Parks	100-45207-100-	\$ 1,764.45
	Total For Check	31762					\$ 1,764.45
02/03/2022	Payroll Period Ending 02/03/2022	31763	Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 533.51
	Total For Check	31763					\$ 533.51
02/03/2022	Payroll Period Ending 02/03/2022	31764	Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,287.87
	Total For Check	31764					\$ 1,287.87
02/03/2022	Payroll Period Ending 02/03/2022	31765	Mary Cahill, Assistant Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 179.44
	Total For Check	31765					\$ 179.44
02/03/2022	Andrew Gonyou	31768	Zoom- 1/30-2/27	N	Unallocated Expenditures	100-49201-430-	\$ 16.09
	Total For Check	31768					\$ 16.09
02/03/2022	Gopher State One Call	31769	January 3 billable tickets	N	Utility Locates	605-42805-314-	\$ 4.05
	Total For Check	31769					\$ 4.05
02/03/2022	Manship Plumbing & Heating Inc	31770	Standby, locates, water system testing	N	Water Utility	601-43180-314-	\$ 600.00
		31770				601-43180-314-	\$ 120.00
		31770				601-43180-314-	\$ 240.00
	Total For Check	31770					\$ 960.00
02/03/2022	Dakota Supply Group	31771*	Subcontractor labor for installation of meters and return of AMI system	N	Water Utility	601-43180-380-	\$ 18,996.29
	Total For Check	31771					\$ 18,996.29
02/03/2022	C & E Wurzer Builders	31772*	Escrow Refund	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
	Total For Check	31772					\$ 3,000.00
02/08/2022	City of Roseville	31773*	IT charges February	N	General Government Buildings and Plant	100-41940-320-	\$ 386.13
	Total For Check	31773					\$ 386.13
02/08/2022	Minutes Solutions	31774*	Minutes	N	MISCELLANEOUS	100-49001-300-	\$ 200.00
	Total For Check	31774					\$ 200.00

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<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
02/08/2022	Companion Animal Control LLC	31775	Animal Control Services -January	N	Animal Control	100-41916-314-	\$ 80.00
	Total For Check	31775					\$ 80.00
02/08/2022	Hugo Equipment Company	31776*	Snow Blower service and repair and parts	N	Parks	100-45207-400-	\$ 27.78
		31776*				100-45207-400-	\$ 199.24
	Total For Check	31776					\$ 227.02
02/08/2022	Washington County - Property & Tax	31777*	2022 Election Mainteneace	N	Elections	100-41410-220-	\$ 1,185.00
	Total For Check	31777					\$ 1,185.00
02/08/2022	Lallak, Jody	31778*	overpymt of utility bill by title company when house was sold	N	Water Utility	601-43180-382-	\$ 126.22
	Total For Check	31778					\$ 126.22
02/12/2022	Andrew Gonyou	31782	Office supplies	N	Office Operations Supplies	100-41911-200-	\$ 175.11
		31782				100-41911-200-	\$ 57.18
		31782				100-41911-200-	\$ 17.13
	Total For Check	31782					\$ 249.42
02/12/2022	MENARD'S - OAKDALE	31783*	Maintenance supplies, covers for electrical in office and outside	N	General Government Buildings and Plant	100-41940-400-	\$ 6.22
	Total For Check	31783					\$ 6.22
02/16/2022	Payroll Period Ending 02/16/2022	31784	Payroll- Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 496.94
	Total For Check	31784					\$ 496.94
02/16/2022	Manship Plumbing & Heating Inc	31785	locates, water main break	N	Water Utility	601-43180-314-	\$ 240.00
		31785				601-43180-314-	\$ 3,180.00
	Total For Check	31785					\$ 3,420.00
02/16/2022	IRS - US Treasury	EFT02082022A	Federal Taxes - Q1 2021 - Jan Payment	N	Clerk - Treasurer	100-41401-100-	\$ 715.02
		EFT02082022A				100-41401-100-	\$ 141.01
		EFT02082022A				100-41401-100-	\$ 323.46
	Total For Check	EFT02082022A					\$ 1,179.49

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02/16/2022	PERA	EFT02092022A	Retirement funds- Andy Gonyou- City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 244.85
		Total For Check	EFT02092022A				\$ 244.85
02/16/2022	PERA	EFT02092022B	Retirement funds- Jim Rydeen, Maintenance	N	Parks	100-45207-121-	\$ 313.13
		Total For Check	EFT02092022B				\$ 313.13
02/16/2022	Xcel Energy	EFT02162022A*	Electricity Service 12/16-1/19/22, 210 Birchwood	N	Water Utility	601-43180-380-	\$ 14.99
		Total For Check	EFT02162022A				\$ 14.99
02/16/2022	Xcel Energy	EFT02162022B*	Gas service 200 Wildwood ave	N	Sewer Utility	605-43190-380-	\$ 33.12
		Total For Check	EFT02162022B				\$ 33.12
02/16/2022	Xcel Energy	EFT02162022C*	Gas service 407 Lake Ave	N	Sewer Utility	605-43190-380-	\$ 28.93
		Total For Check	EFT02162022C				\$ 28.93
02/17/2022	Northeast Youth & Family Services	31786	Partnership - 2022 Municipality Participation	N	Grants	100-41905-438-	\$ 1,804.56
		Total For Check	31786				\$ 1,804.56
02/17/2022	Payroll Period Ending 02/17/2022	31787	Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,287.87
		Total For Check	31787				\$ 1,287.87
02/22/2022	A T & T Mobility	02222022A*	Water Meter 2/2-3/1	N	Water Utility	601-43180-382-	\$ 54.10
		Total For Check	02222022A				\$ 54.10
02/22/2022	PERA	02222022B*	Retirement funds- Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 227.36
		Total For Check	02222022B				\$ 227.36
02/22/2022	White Bear Township	31788*	Contracted Services -Jan 2022	N	Sewer Utility	605-43190-314-	\$ 2,146.63
		Total For Check	31788				\$ 2,146.63
02/22/2022	MENARD'S - OAKDALE	31789*	Rubber seal for hall door	N	General Government Buildings and Plant	100-41940-400-	\$ 14.92
		Total For Check	31789				\$ 14.92
02/22/2022	TSE, Inc. Work Account	31790*	Janitorial Services - 2/3/2022	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00

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	Total For Check	31790					\$ 25.00
02/22/2022	Toshiba Business Solutions	31791*	Printer Maintenance - 02/9/22-03/8/22	N	Office Operations Supplies	100-41911-314-	\$ 10.62
	Total For Check	31791					\$ 10.62
02/22/2022	BrightView Landscapes, LLC.	31792*	Snow Removal Services	N	Ice and Snow Removal	100-43125-210-	\$ 2,933.30
		31792*				100-43125-314-	\$ 8,887.50
	Total For Check	31792					\$ 11,820.80
02/22/2022	CAPRA'S UTILITIES, INC	31793*	Water Main Breaks on 2/10-2/11, 207 Birchwood Ave	N	Wtr/Swr Emergency	601-43185-314-	\$ 16,576.75
	Total For Check	31793					\$ 16,576.75
02/22/2022	USS Minnesota One MT LLC	31794*	Energy Charges - Jan	N	General Government Buildings and Plant	100-41940-380-	\$ 37.23
		31794*			Sewer Utility	605-43190-380-	\$ 99.29
		31794*				605-43190-380-	\$ 179.95
	Total For Check	31794					\$ 316.47
02/22/2022	PERA	EFT02232022B*	Retirement funds- Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 17.49
	Total For Check	EFT02232022B					\$ 17.49
02/24/2022	Steve Dean	31795	Water Main Break Storage	N	Wtr/Swr Emergency	601-43185-220-	\$ 700.00
	Total For Check	31795					\$ 700.00
02/24/2022	Bauer Services	31796*	Unthaw Water Service	N	Wtr/Swr Emergency	601-43185-314-	\$ 1,200.00
	Total For Check	31796					\$ 1,200.00
02/24/2022	Core & Main	31797*	water supplies	N	Water Utility	601-43180-220-	\$ 398.50
		31797*				601-43180-220-	\$ 467.88
	Total For Check	31797					\$ 866.38
02/24/2022	Cahill, Mary	31798*	Office equipment	N	Unallocated Expenditures	100-49201-230-	\$ 912.68
		31798*				100-49201-230-	\$ 510.23
		31798*				100-49201-430-	\$ 7.99
	Total For Check	31798					\$ 1,430.90
02/28/2022	Payroll Period Ending 02/28/2022	31799	Jim Rydeen, Maintenance	N	Parks	100-45207-100-	\$ 1,470.16
	Total For Check	31799					\$ 1,470.16

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02/28/2022	MN Department of Health	31800	Community Water Supply Connection Fee - Q1 2022	N	Water Utility	601-43180-437-	\$ 860.00
		Total For Check	31800				\$ 860.00
02/28/2022	Thatcher Engineering, Inc	31801*	City Engineer - engineering services	N	Engineer Service	100-41650-300-	\$ 550.00
		31801*				100-41650-300-	\$ 2,550.00
		31801*				100-41650-300-	\$ 1,800.00
		31801*				100-41650-300-	\$ 455.00
		31801*				100-41650-300-	\$ 1,250.00
		31801*				100-41650-300-	\$ 3,200.00
		31801*				100-41650-300-	\$ 300.00
		31801*				100-41650-300-	\$ 300.00
		31801*				210-41650-300-	\$ 3,500.00
		Total For Check	31801				\$ 13,905.00
02/28/2022	Press Publications	31802*	Legal Notice Publications - Feb 2022	N	Ordinances and Proceedings	100-41130-351-	\$ 22.23
		31802*				100-41130-351-	\$ 47.68
		31802*				100-41130-351-	\$ 76.28
		Total For Check	31802				\$ 146.19
02/28/2022	St. Anthony Village	31803*	Utility Billing Services - Q1 2021	N	Financial Administration	601-41501-314-	\$ 2,138.88
		Total For Check	31803				\$ 2,138.88
02/28/2022	Payroll Period Ending 02/28/2022	31804	Jim Rydeen, Maintenance	N	Parks	100-45207-100-	\$ 514.89
		Total For Check	31804				\$ 514.89
03/03/2022	CARLson Plumbing, Inc	31779*	Cancelled building permit	N	MISCELLANEOUS	100-49001-430-	\$ 48.63
		Total For Check	31779				\$ 48.63
03/03/2022	Wingfield, Mary	31780	Reimbursement - Ice rink supplies, nozzles for hose	N	Parks	100-45207-400-	\$ 50.94
		Total For Check	31780				\$ 50.94
03/03/2022	Metropolitan Council - Env. Service	31781	Wastewater Service- Feb	N	Sewer Utility	605-43190-217-	\$ 5,105.97
		Total For Check	31781				\$ 5,105.97
03/03/2022	Metropolitan Council - Env. Service	31805*	Wastewater Service- March	N	Sewer Utility	605-43190-217-	\$ 5,105.97
		Total For Check	31805				\$ 5,105.97
03/03/2022	Croix Valley Inspections Inc	31806*	Inspection Fees - 2021 Calendar Year	N	Building Inspections Administration	100-42401-314-	\$ 18,426.23

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		Total For Check	31806				\$ 18,426.23
03/03/2022	Tennis Sanitation, LLC	31807*	Recycling for Service Period: Jan-Feb 2022	N	Recycle	100-43300-314-	\$ 2,760.00
		Total For Check	31807				\$ 2,760.00
03/03/2022	Steve Dean	31808*	Tree Trimming	N	Tree Removal	100-43135-314-	\$ 400.00
		Total For Check	31808				\$ 400.00
03/03/2022	CARter Custom Construction	31809*	Escrow refund	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
		Total For Check	31809				\$ 3,000.00
03/03/2022	Press Publications	31810*	Legal Notice Publications - Feb 2022	N	Ordinances and Proceedings	100-41130-351-	\$ 66.75
		Total For Check	31810				\$ 66.75
03/03/2022	Manship Plumbing & Heating Inc	31811	Standby - March	N	Water Utility	601-43180-314-	\$ 600.00
		Total For Check	31811				\$ 600.00
03/03/2022	H.A. Kantrud, P.A.	31812	Attorney Services -Feb 2022	N	Legal Services	100-41601-300-	\$ 1,500.00
		Total For Check	31812				\$ 1,500.00
03/03/2022	City of White Bear Lake Fire	31813	Fire Srvc - Feb 2022	N	Fire	100-42201-314-	\$ 2,737.08
		Total For Check	31813				\$ 2,737.08
03/03/2022	R Leeves Productions LLC	31814	Videography - Council Mtgs, 2/8 & 2/15	N	Cable Eqpmt and Service	100-41950-314-	\$ 82.50
			31814			100-41950-314-	\$ 82.50
		Total For Check	31814				\$ 165.00
03/03/2022	Payroll Period Ending 03/03/2022	31815	Jackie Smith, Deputy Clerk, payroll	N	Clerk - Treasurer	100-41401-100-	\$ 611.64
		Total For Check	31815				\$ 611.64
03/03/2022	Payroll Period Ending 03/03/2022	31816	Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,287.87
		Total For Check	31816				\$ 1,287.87
03/03/2022	Payroll Period Ending 03/03/2022	31818	Payroll, Mary Cahill, Assistant Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 373.37
		Total For Check	31818				\$ 373.37

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<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/03/2022	PERA	EFT03032022A*	Retirement funds- Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 244.85
		EFT03032022A			Street Lighting	100-43160-380-	\$ 1,454.83
		Total For Check	EFT03032022A				\$ 1,699.68
03/03/2022	PERA	EFT03032022B*	Retirement funds- Jim Rydeen	N	Clerk - Treasurer	100-41401-121-	\$ 341.58
		Total For Check	EFT03032022B				\$ 341.58
Total For Selected Checks							\$ 136,748.84

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02/03/2022	Cora Hankins	171735353*	Dog License	(02/04/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
02/03/2022	Sorenson, Luke	171735354*	2 Dog Licenses	(02/04/2022) -	N	Animal Licenses	100-32240-	\$ 40.00
								\$ 40.00
02/03/2022	League of Minnesota Cities	171735355*	Dividends reimbursement	(02/04/2022) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 385.00
								\$ 385.00
02/07/2022	Urban Pine Plumbing	171735361*	Building Permit	(02/07/2022) -	N	Building Permits	100-32211-	\$ 36.15
								\$ 36.15
02/08/2022	Chapman, Louise	171735356*	Dog License	(02/11/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
02/08/2022	Evans, Andrea	171735357*	Dog License	(02/11/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
02/08/2022	Johnson, Judith	171735358*	Monday Art classes at the Hall-annual dues	(02/11/2022) -	N	City/Town Hall Rent	100-34101-	\$ 10.00
								\$ 10.00
02/08/2022	Buerkle, Sandra	171735359*	Variance Fee	(02/11/2022) -	N	Building Permits	100-32211-	\$ 600.00
								\$ 600.00
02/08/2022	Husnik Homes, Inc	171735360*	Escrow for building variance	(02/11/2022) -	N	Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,000.00
02/09/2022	Carlson Plumbing, Inc	171735363*	Building Permit	(02/09/2022) -	N	Building Permits	100-32211-	\$ 99.25
								\$ 99.25
02/09/2022	MN Management & Budget	171735364	Fines	(02/12/2022) -	N	Court Fines	100-35101-	\$ 33.33
								\$ 33.33

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<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
02/09/2022	Evolv	171735365	Refund of monthly service charge	(01/24/2022) -	N	Miscellaneous	100-36140-	\$ 49.00
								\$ 49.00
02/10/2022	MN Management & Budget	171735368	Fines	(02/10/2022) -	N	Court Fines	100-35101-	\$ 29.99
								\$ 29.99
02/11/2022	Mahoney, Lawrence	171735362*	Dog License	(02/11/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
02/22/2022	Andy Ryan	171735366*	Building Permit	(02/22/2022) -	N	Building Permits	100-32211-	\$ 142.32
								\$ 142.32
03/01/2022	Custom Remodelers	171735370	Building permit # 2022-13	(03/01/2022) -	N	Building Permits	100-32211-	\$ 142.69
								\$ 142.69
03/01/2022	Felt, Jacqueline	171735371*	Kayak rental	(03/04/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/03/2022	Malles, R	171735372*	Kayak Rental	(03/03/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
						Contributions and Donations from Private Sources	100-36230-	\$ 5.00
								\$ 35.00
03/03/2022	White, Trilby	171735373*	Kayak Rentals	(03/03/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/03/2022	Westphal, Cynthia	171735374*	Kayak rental	(03/04/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/03/2022	Gobler, Molly	171735375*	Dog license	(03/04/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
03/03/2022	Loren, Melissa	171735376*	Dog License	(03/04/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
03/03/2022	Hoppe, Louanne	171735377*	Hall Rental for Art classes	(03/04/2022) -	N	City/Town Hall Rent	100-34101-	\$ 10.00

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								<u>\$ 10.00</u>
03/03/2022	Olson, Leona	171735378*	Hall Rental for art classes	(03/04/2022) -	N	City/Town Hall Rent	100-34101-	<u>\$ 10.00</u>
								<u>\$ 10.00</u>
03/03/2022	Goren, Marianne	171735379*	Hall rental for art classes	(03/04/2022) -	N	City/Town Hall Rent	100-34101-	<u>\$ 10.00</u>
								<u>\$ 10.00</u>
Total for Selected Receipts								<u><u>\$ 4,902.73</u></u>

As on 3/3/2022

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	3,500.00	(3,500.00)
Total Acct 416	<u>0.00</u>	<u>3,500.00</u>	<u>(3,500.00)</u>
Total Disbursements	<u>0.00</u>	<u>3,500.00</u>	<u>(3,500.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		12,525.69	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>3,500.00</u>	
Cash Balance as of 03/03/2022		9,025.69	

As on 3/3/2022

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		123,615.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 03/03/2022		123,615.31	

As on 3/3/2022

American Rescue Act Proceeds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		(46,665.31)	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 03/03/2022		(46,665.31)	

As on 3/3/2022

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	110.83	110.83
Total Acct 341	0.00	110.83	110.83
Miscellaneous	0.00	3,056.14	3,056.14
Total Acct 361	0.00	3,056.14	3,056.14
Water Consumption	0.00	9,104.07	9,104.07
Water Utility User Fee	0.00	4,412.11	4,412.11
Special Water Charges	0.00	516.67	516.67
State Surcharge	0.00	510.55	510.55
Penalties and Forfeited Discounts	0.00	3.91	3.91
Total Acct 371	0.00	14,547.31	14,547.31
Total Revenues	0.00	17,714.28	17,714.28
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	2,138.88	(2,138.88)
Total Acct 415	0.00	2,138.88	(2,138.88)
Newsletter			
Printing and Binding (351 through 359)	0.00	187.20	(187.20)
Total Acct 419	0.00	187.20	(187.20)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	866.38	(866.38)
Contracted Services	0.00	11,019.18	(11,019.18)
Utility Services (381 through 389)	0.00	38,358.30	(38,358.30)
Utility Services: Water	0.00	288.52	(288.52)
Miscellaneous (431 through 499)	0.00	1,040.04	(1,040.04)
Fees	0.00	860.00	(860.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	700.00	(700.00)
Contracted Services	0.00	17,776.75	(17,776.75)
Total Acct 431	0.00	70,909.17	(70,909.17)
MISCELLANEOUS			
Fees	0.00	23.96	(23.96)
Total Acct 490	0.00	23.96	(23.96)
Total Disbursements	0.00	73,259.21	(73,259.21)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		18,956.92	
Total Receipts and Other Financing Sources		17,714.28	
Total Disbursements and Other Financing Uses		73,259.21	
Cash Balance as of 03/03/2022		(36,588.01)	

As on 3/3/2022

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Miscellaneous	0.00	266.20	266.20
Total Acct 361	0.00	266.20	266.20
Sewer Consumption	0.00	9,716.47	9,716.47
Sewer Minimum Charge	0.00	8,222.91	8,222.91
Penalties and Forfeited Discounts	0.00	85.62	85.62
Total Acct 372	0.00	18,025.00	18,025.00
Total Revenues	0.00	18,291.20	18,291.20
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Utility Locates			
Contracted Services	0.00	54.05	(54.05)
Total Acct 428	0.00	54.05	(54.05)
Sewer Utility			
Sewer - Wastewater Charge	0.00	15,317.91	(15,317.91)
Contracted Services	0.00	3,528.65	(3,528.65)
Utility Services (381 through 389)	0.00	533.53	(533.53)
Utility Services: Gas Utilities	0.00	57.81	(57.81)
Miscellaneous (431 through 499)	0.00	836.70	(836.70)
Total Acct 431	0.00	20,274.60	(20,274.60)
Total Disbursements	0.00	20,328.65	(20,328.65)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		114,108.09	
Total Receipts and Other Financing Sources		18,291.20	
Total Disbursements and Other Financing Uses		20,328.65	
Cash Balance as of 03/03/2022		112,070.64	

CERTIFICATE OF SURVEY

~for~ HUSNIK HOMES
 ~of~ 176 CEDAR STREET
 BIRCHWOOD, MN 55110

EXISTING PROPERTY DESCRIPTION

[DESCRIPTION PER WASHINGTON COUNTY QUIT CLAIM DEED DOC. NO. 4262533.]

Lot Three (3), except the South Ten (10) feet thereof, Block Nine (9), LAKEWOOD PARK SECOND DIVISION, together with benefits and easements, and subject to restrictions of record, according to the plat thereof on file and of record in the Office of the Register of Deeds, Washington County, Minnesota.

PROPOSED PARCEL A DESCRIPTION

That part of Lot 3, Block 9, lying West of the East 165.00 feet thereof, LAKEWOOD PARK SECOND DIVISION, Washington County, Minnesota. Except the South 10.00 feet thereof.

PROPOSED PARCEL B DESCRIPTION

The West 85.00 feet of the East 165.00 feet of Lot 3, Block 9, LAKEWOOD PARK SECOND DIVISION, Washington County, Minnesota. Except the south 10.00 feet thereof.

PROPOSED PARCEL C DESCRIPTION

The East 80.00 feet of Lot 3, Block 9, LAKEWOOD PARK SECOND DIVISION, Washington County, Minnesota. Except the south 10.00 feet thereof.

EXISTING ZONING

RESIDENTIAL

ZONING INFORMATION

RESIDENTIAL

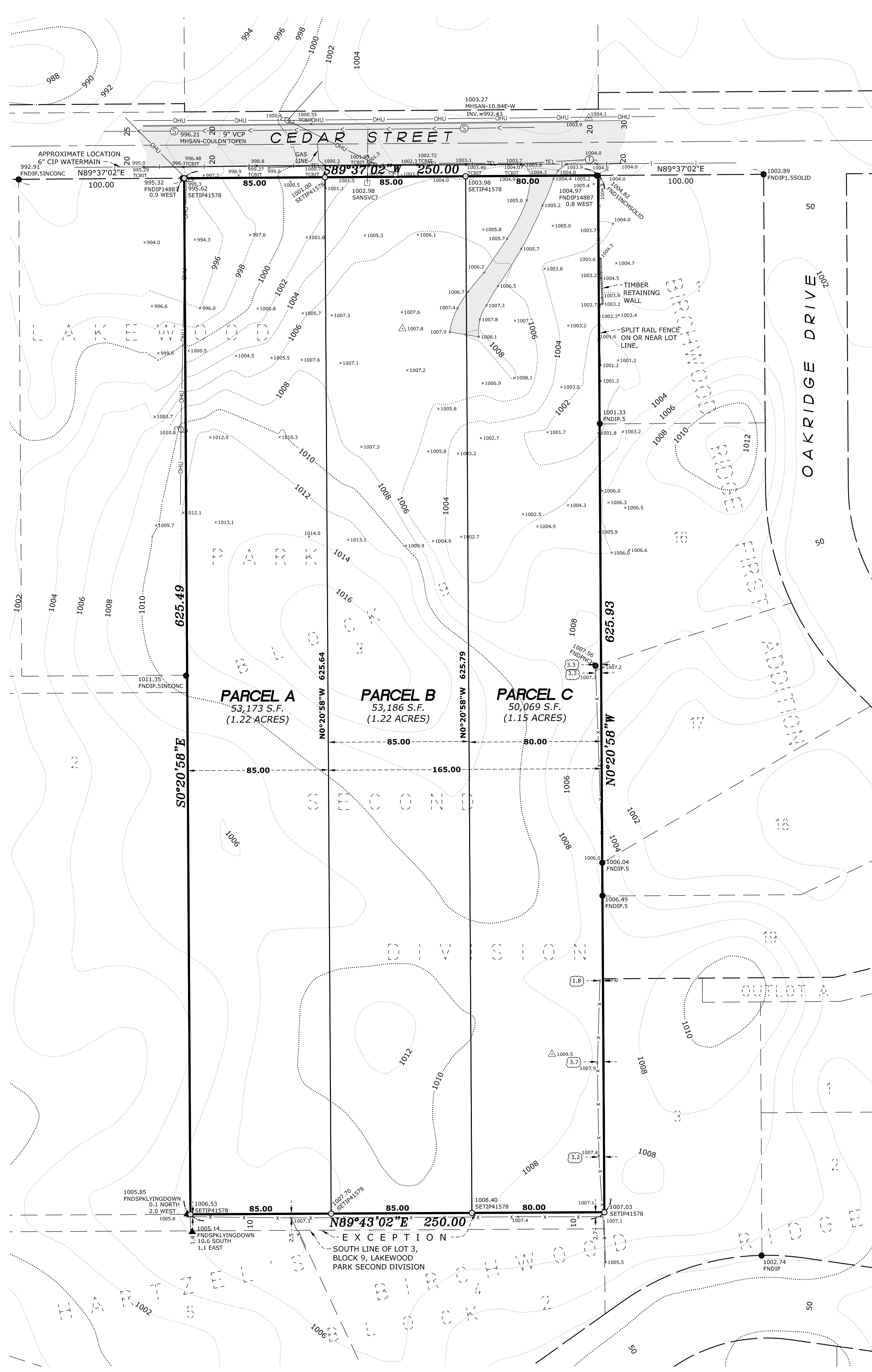
MINIMUM LOT AREA = 12,000 S.F.
 MINIMUM LOT WIDTH AT FRONT SETBACK = 80 FEET

SETBACKS

FRONT ROAD = 40 FEET
 SIDE STREET = 40 FEET
 SIDE YARD = 10 FEET
 REAR YARD = 10 FEET

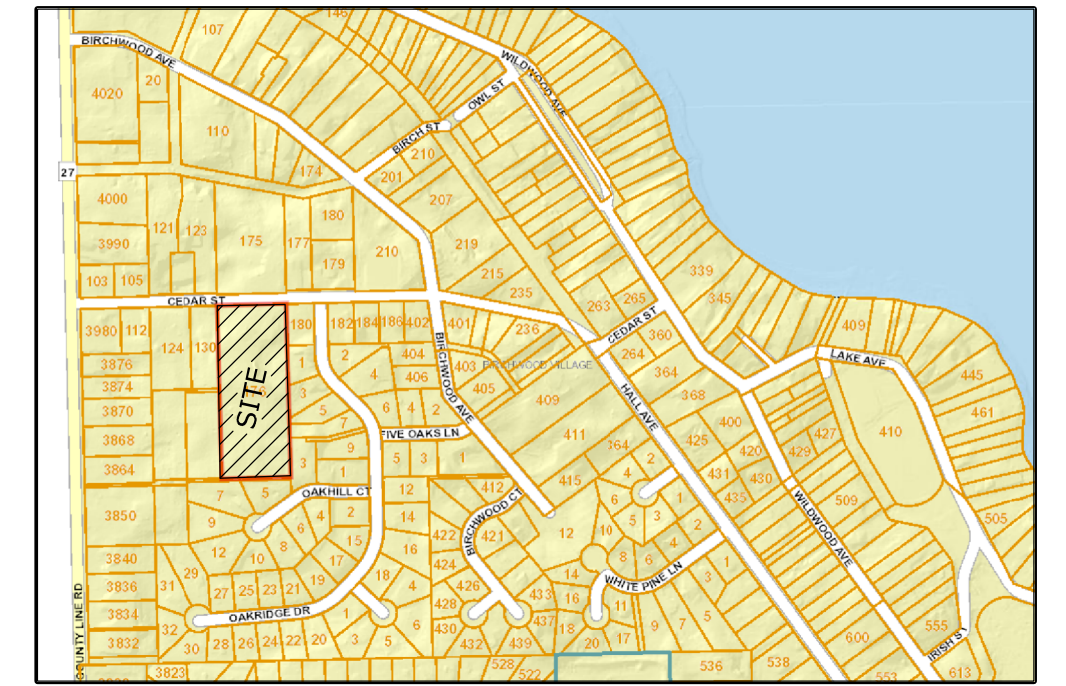
NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/18/21. Field topography was completed on 11/08/21.
- Bearings shown are on Washington County Coordinate System.
- Address: 176 Cedar Street, White Bear Lake, MN 55110.
- Parcel ID Number: 30-030-21-23-0052.
- Boundary area of the surveyed premises: 156,428± sq. ft. (3.59 acres)
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Contours shown are a combination of field work and MNGeo Lidar Topography.
- Location of utilities existing on or serving the surveyed property determined by:
 - Observed evidence collected pursuant to Section 5.E.IV.
 - Markings requested by E.G. Rud & Sons, Inc. per Gopher State One Call Ticket No. 212601645.
 - Record drawings provided by the City of Birchwood's engineering department.
- Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.



VICINITY MAP

PART OF SEC. 30, TWP. 30, RNG. 21



WASHINGTON COUNTY, MINNESOTA
 (NO SCALE)



NORTH

GRAPHIC SCALE



1 INCH = 40 FEET

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES POWER POLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES TELEPHONE MANHOLE
- DENOTES CONTOURS
- x-x- DENOTES FENCE
- >- DENOTES EXISTING SANITARY SEWER
- |- DENOTES EXISTING WATER MAIN
- OHU- DENOTES OVERHEAD UTILITY
- GAS- DENOTES UNDERGROUND GAS LINE
- TEL- DENOTES UNDERGROUND TELEPHONE LINE
- ▭ DENOTES BITUMINOUS SURFACE

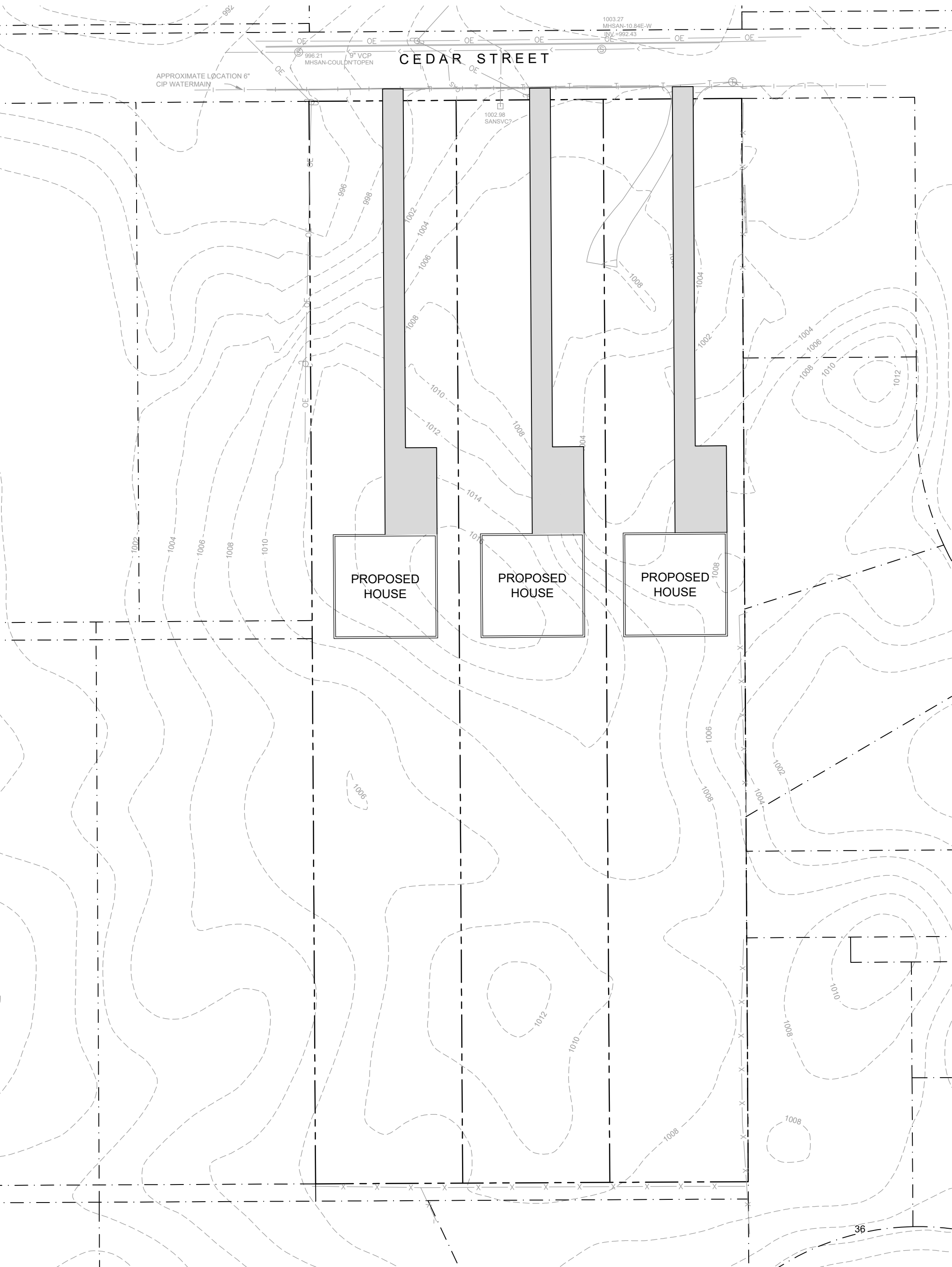
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
 JASON E. RUD

Date: 11-09-2021 License No. 41578

DRAWN BY: JEN	JOB NO: 200933PP	DATE: 01/22/2021
CHECK BY: JER	FIELD CREW: DT-CT	
1	11/09/21	Added Topo and Proposed Lots JEN
2		
3		
NO.	DATE	DESCRIPTION
BY		

E. G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701



Patrick Hughes

From: Patrick Hughes
Sent: Friday, January 21, 2022 8:52 AM
To: TJ Rose
Cc: Thomas Herkenhoff
Subject: RE: Birchwood Village Lot Split

Good Morning TJ,

Thanks for reaching out. A permit will be required for Rule C (Stormwater Management) and Rule D (Erosion Control). Our stormwater rule requires a permit when subdividing a parcel greater than an acre. However, water quality treatment and rate control requirements do not apply to single-family residential subdivisions creating seven or fewer lots that establish no new public roadway or a private drive serving three or more lots. It would likely be a simple review and approval, but a permit required nonetheless.

Thanks

Patrick Hughes
Permit Coordinator/Wetland Specialist
Rice Creek Watershed District
4325 Pheasant Ridge Dr. NE, #611
Blaine, MN 55449-4539
Ph: 763-398-3080
phughes@ricecreek.org



Please consider following the RCWD on Facebook.

The RCWD office is open by appointment only and masks are required inside the District office. This is consistent with current guidance that recommends vaccinated and non-vaccinated people wear a mask in public indoor settings. Appointments can be made by calling the RCWD main number (763-398-3070) or by contacting an RCWD staff person directly. RCWD is committed to meeting the needs of our residents and stakeholders while protecting the health of visitors and staff.

From: TJ Rose <trose@larsonengr.com>
Sent: Thursday, January 20, 2022 10:58 AM
To: Patrick Hughes <PHughes@ricecreek.org>
Cc: Thomas Herkenhoff <therkenhoff@larsonengr.com>
Subject: Birchwood Village Lot Split

Hi Patrick,

We are working on a project in Birchwood Village (176 Cedar Street). The existing residential property is 3.6 acres and will be subdivided into 3 lots approximately 1.2 acres each. Each of the new lots will have 1 new single family home

constructed. The proposed impervious area per lot will be approximately 7,600 SF. We don't have any plans prepared, but the attached pdf shows a rough sketch of what we are anticipating. Each house will have a private driveway.

Will a permit from RCWD be required for this project?

Let me know if there is any additional information you need. Thanks.

T.J. Rose, P.E.
Professional Engineer

Larson Engineering, Inc.
3524 Labore Road
White Bear Lake, MN 55110-5126
651.481.9120 Office
651.203.1911 Direct
612.231.8103 Cell
trose@larsonengr.com



This email is the property of Larson Engineering, Inc. All material contained herein and any accompanying documents are confidential, may be privileged, and are intended solely for the person and/or entity to which it is addressed. Unauthorized review, use, disclosure, or copying of this communication, or any part thereof, is strictly prohibited and may be unlawful. If you have received this email in error, please return it with any attachments to the sender and promptly delete the message, any attachments and/or copy from your system. Thank you for your cooperation.



Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: Rice Creek Watershed District	County: Washington
Applicant Name: Paul Husnik	Applicant Representative:
Project Name: 176 Cedar Street Delineation	LGU Project No. (if any): 20-176R
Date Application Received by LGU: 8/27/2020	
Date of LGU Decision: 10/6/2020	
Date this Notice was Sent: 10/6/2020	

WCA Decision Type - check all that apply

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9		

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation A joint application for wetland boundary/type was provided by Jacobson Environmental on 8/27/2020. A site visit was attended on 9/25/2020 by representatives from BWSR and RCWD. No formal comments were provided.
--

LGU Decision

<input checked="" type="checkbox"/> Approved with Conditions (specify below) ¹ <input type="checkbox"/> Approved ¹ <input type="checkbox"/> Denied List Conditions: The applicant needs to submit a survey of the wetland boundary as well as gps points of the wetland delineation in a form acceptable to the RCWD.
Decision-Maker for this Application: <input checked="" type="checkbox"/> Staff <input type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:
Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):

¹ *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

<input checked="" type="checkbox"/> Attachment(s) (specify): Figure 5 by Jacobson Environmental dated 8/24/2020 (RCWD received 8/26/2020). <input checked="" type="checkbox"/> Summary: The LGU finds no wetlands as illustrated in the attached figure titled: Figure 5 Sample Point Location Map by Jacobson Environmental dated 8/24/2020 (RCWD received 8/26/2020) accurate and supported by the submitted wetland delineation for the LGU administration of the WCA. The LGU decision is valid for five years. However, the decision will cease to be valid before then, if the Technical Evaluation Panel determines that the wetland boundary or type has changed due to natural or artificial changes to the hydrology, vegetation, or soils of the area. The LGU finds that the wetland typing may need to be reviewed in conjunction with any future project.
--

Advisory Note:

A Wetland Replacement Plan application must include a statement from the MnDNR, or the applicant's licensed professional, based on MnDNR database review, as to the potential presence of an endangered or threatened species or potential impact to a rare natural community (Minn. Rules 8420.0330, subp. 3.A(5); 8420.0525). Applicants should initiate this review early.

¹ Findings must consider any TEP recommendations.

Attached Project Documents

Site Location Map Project Plan(s)/Descriptions/Reports (specify):

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
 Minnesota Board of Water & Soils Resources
 520 Lafayette Road North
 St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

See RCWD Board of Managers Resolution 2019-13 regarding delegated decisions and appeal, available at www.ricecreek.org on the Board Agendas, Minutes & Resolutions page.

Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Jay Riggs	<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):	
<input checked="" type="checkbox"/> DNR Representative: Melissa Collins and John Gleason	
<input type="checkbox"/> Watershed District or Watershed Mgmt. Org.:	
<input checked="" type="checkbox"/> Applicant (notice only): Paul Husnik (Husnik Homes Inc.)	
<input checked="" type="checkbox"/> Agent/Consultant (notice only): Wayne Jacobson (Jacobson Environmental)	

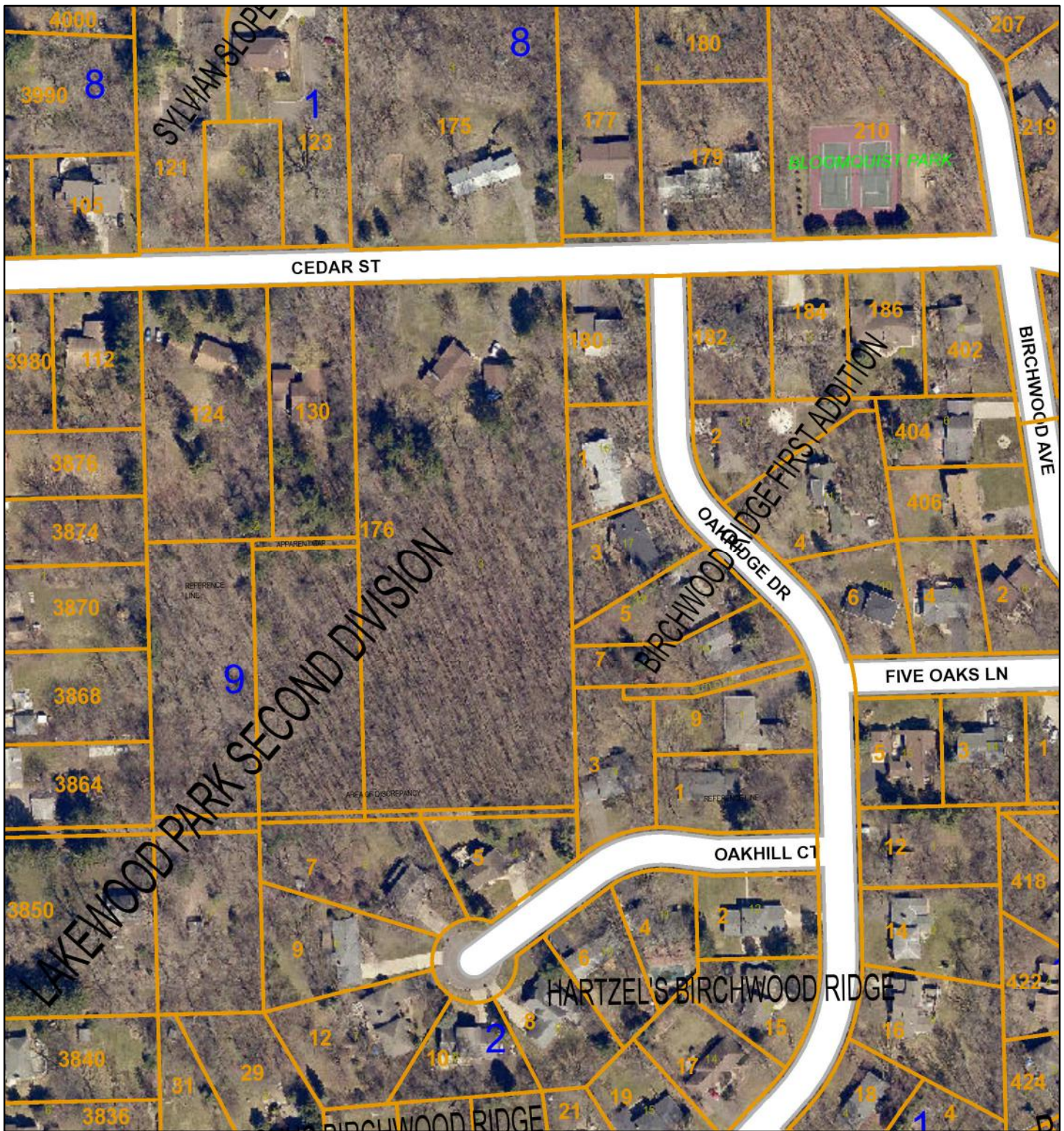
Optional or As Applicable:

<input checked="" type="checkbox"/> Corps of Engineers: TBD
<input type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only):
<input checked="" type="checkbox"/> Members of the Public (notice only): Tobin Lay (City of Birchwood Village) <input type="checkbox"/> Other:

Signature: 	Date: 10/06/2020
--	-------------------------

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Figure 1 Site Location Map



August 24, 2020

1:2,000

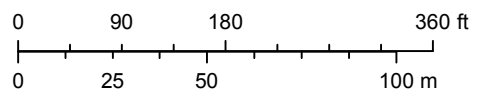
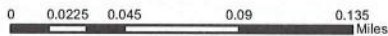


Figure 5 Sample Point Location Map



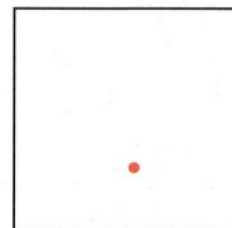
Scale: 1:4,588

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Extreme care was used during the compilation of this product. However, due to changes in ownership and the need to rely on outside information, errors or omissions may exist. If you should discover an oversight, we encourage you to let us know by calling the DNR at 1-888-646-6367 or by e-mail at info.dnr@state.mn.us.

Note: Elevation images and contours were generated from LIDAR derived elevation surfaces acquired 2007-2012.



Created on 8/24/2020

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

Zoom Virtual Meeting – 7:00 PM Meeting 2/24/2022

Submitted by Michael Kraemer – acting secretary

COMMISSIONERS PRESENT: – Andy Sorenson – Chairman, Ryan Hankins – Vice Chairman, Michelle Maiers-Atakpu, Joe Evans, Michael Kraemer.

COMMISSIONERS ABSENT:

OTHERS PRESENT: Steve Thatcher – City Engineer. Kevin Heisdorffer, Mary Ellen Coldwood, Michael Sharratt, Daniel Schmidt (Sather Berquist), Greg Sherwood, Kathy Sherwood, Kyle Hunt, Mary Jane LaVigne, Dave Buerkle, Sandy Buerkle, Larry Mahoney, Allen Christian

CALL TO ORDER Meeting called to order by Chairman Andy Sorenson at 7:02 PM.

1. PUBLIC FORUM – none
2. APPROVE AGENDA
 - a. Motion by Hankins, 2nd by Maiers-Atakpu to move all variance public hearings to the first part of the agenda. Vote: Yes – 5, No – 0 Motion passed.
 - b. Motion to approve amended agenda by Hankins, 2nd by Maiers-Atakpu, Vote: Yes – 5, No – 0. Motion to approve amended agenda passed.
3. REGULAR AGENDA
 - a. **Variance Case No. 22-01-VB (469 Lake Ave)**
 - i. **Public Hearing Comments**
 1. City Engineer Thatcher gave overview of the applicants proposed actions as follows:
 - a. Remove the existing house.
 - b. Install a new house with attached garage.
 - c. Not remove the existing garage.
 2. City Engineer Thatcher gave overview of the resultant five (5) variance requirements identified in his February 17, 2022 report memo.
 - a. Variance Request #1 (Minimum Lot Width Requirement)
 - b. Variance Request #2 (Minimum Setback Requirements for the Driveway)
 - c. Variance Request #3 (Minimum Setback Requirement for the North Side Yard)
 - d. Variance Request #4 (Minimum Setback Requirement for the South Side Yard)
 - e. Variance Request #5 (Impervious Surfaces)

3. Michael Kraemer – 471 Lake Ave requested items and concerns identified in his 2.24.2022 email to City Administrator, City Engineer and Planning Commission concerns be addressed as conditions in the variance approval.
4. Kyle Hunt and Daniel Schmidt – Barthel builder and engineer indicated the Kraemer’s requests and those of neighbor are a priority for Dr. Barthel and his design team.
5. Commissioner Maiers-Atakpu inquired if the Barthel team had considered removing the existing garage to avoid the need for the driveway setback variance. Kyle Hunt responded that Dr. Barthel wanted to keep the existing garage and removal was not an option.
6. 7:31 PM Motion to close the public hearing by Sorenson, 2nd by Hankins. Vote Yes – 5, No – 0. Public hearing was closed.

ii. Finding of Fact/ Recommended Action

1. As identified in city engineer Steve Thatcher’s February 17, 2022 report memo the building plans and permit required five distinct variance requests.

a. Variance Request #1 (Minimum Lot Width Requirement)

i. Finding of Fact

1. The lot is a pre-existing non-conforming under sized lot with a lot width dimension at the proposed building line of 42’ compared to a City Code requirement of 48’.
2. An existing older sub-standard home does exist on the lot and increasing the lot width dimension is out of the applicant’s control creating a practical hardship.

ii. Planning Commission Recommended Action:

1. Motion by Maiers-Atakpu and 2nd by Hankins to determined “buildable” and allow the applicant to construct a home on the undersized 42’ wide lot via variance to City Code 302.015 UNDERSIZED LOTS as requested in the application.
2. Advisory Vote: Yes – 4, No – 0. Kraemer abstained.

b. Variance Request #2 (Minimum Setback Requirements for the Driveway)

i. Finding of Fact

1. The applicant is requesting variance from the 1' minimum setback from property line for driveway construction. The driveway as currently proposed is approximately 0.3' of the south property line.
 2. This conflict is being created by the applicant's desire to save the existing detached garage while still providing driveway access to a garage attached to the proposed house. The applicant feels the attached garage is critical to his aging in-place on the site.
 3. Additional actions could be considered that might allow better compliance with the Code's 1' setback without derailing the project. These might include reducing the proposed 8' drive width and moving the driveway snug up against the existing garage so a variance would not be required.
 4. The practical difficulty results from the applicant's desire to keep the existing garage.
- ii. Planning Commission Recommended Action:
1. Motion by Maiers-Atakpu, 2nd by Sorenson to deny the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to deny variance.
- c. **Variance Request #3 (Minimum Setback Requirement for the North Side Yard)**
- i. Finding of Fact
1. The pre-existing narrow lot creates challenges to construction of a quality home structure and still achieve 10' side yard setbacks as required by City Code.
 2. The applicant has redesigned and reduced the structure the structure width from 32' to 28'
 3. This will resultant northside side yard setbacks are 8.5' for 57.5' along the house and 7.5' for 14.5' of the house.
- ii. Planning Commission Recommended Action:

1. Motion by Hankins, 2nd by Maiers-Atakpu, 2nd by Sorenson to approve the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to recommend approval.
- d. **Variance Request #4 (Minimum Setback Requirement for the South Side Yard)**
- i. **Finding of Fact**
 1. The pre-existing narrow lot creates challenges to construction of a quality home structure and still achieve 10’ side yard setbacks as required by City Code.
 2. The applicant has redesigned and reduced the structure the structure width from 32’ to 28’
 3. This will resultant southside side yard setbacks are 8.5’ for a portion of the house and 7.9’ for remainder of the house.
 - ii. **Planning Commission Recommended Action:**
 1. Motion by Maiers-Atakpu, 2n by Hankins to approve the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to recommend approval.
- e. **Variance Request #5 (Impervious Surfaces)**
- i. **Finding of Fact**
 1. City Engineer – Steve Thatcher has reviewed the proposed pervious paver system and supporting calculations and has recommended that the applicant has fulfilled the requirements of the City Code 302.050 IMPERVIOUS SURFACES.
 - ii. **Planning Commission Recommended Action:**
 1. Motion by Maiers-Atakpu, 2n by Hankins to approve the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to recommend approval.
- f. **Addition of Conditions to Variance Approval**
- i. **Finding of Facts**
 1. In his February 27, 2022 report on 469 Lake Ave application for variance City Engineer Steve Thatcher has included a list of seven

“Conditions” that should be considered in conjunction with the variance request.

2. The Kraemer Family at 471 Lake Ave have submitted a February 24, 2022 email list to the Planning Commission and City Engineer of concerns and condition for consideration towards the applicant’s variance approval.

ii. Planning Commission Recommended Action:

1. Motion by Rankins, 2nd by Sorenson to have City Engineer Steve Thatcher incorporate the Kraemer’s conditions/considerations of approval into his list of Conditions and make inclusion of both condition of variance approval. Advisory Vote: Yes – 4, No – 0, Kraemer abstained.

2.

b. Variance Case No. 22-02-VB (15 Wildwood Lane)

i. Public Hearing Comments

1. City Engineer Thatcher gave overview of his February 4, 2022 report memo discussing the requested variance from City Code 302.020 STRUCTURE LOCATION REQUIREMENTS and elimination of the 20’fence setback requirement for county road.
2. Kathy Sherwood indicated that at a previous meeting the City Council had determined that City Code 302.020 (I.e. 20’ fence setback requirement from a county road) does not apply to their lot as the Curt Feistner Park separates the county road from 15 Birchwood Lane.
3. Commissioner Hankins shared the content of an email from City Attorney Cantrud that a variance was the only way to solve the fence location question.
4. Neighbor Mary Jane LaVigne shared:
 - a. The neighborhood anxiously awaits the completion of the Sherwood project so final restoration and clean up of the site can proceed.
 - b. She felt the previous variance process had allowed the garage to be placed too close to the busy intersection of Wildwood Lane and County Line Road and should not be repeated for the fence placement request.
 - c. The Sherwood variance request had not presented any compelling reason a variance to City the fence setback code should be allowed.

5. 7:47 PM Motion by Maiers-Atakpu, 2nd by Evans to close the public hearing. Vote Yes – 5, No – 0 Public hearing was closed.

ii. Finding of Facts/Recommended Action

1. Finding of Facts

- a. The Sherwoods maintain that at a July, 2021 meeting the City Council determined that their proposed detached garage at 15 Wildwood Lane did not need a variance as it was exempt from the 20' County Road setback because Curt Feistner Park isolated their west property line from the East County Line Road ROW and made the county setback requirement null and void.
- b. The Sherwoods maintain the same exemption should apply to their request to put a fence along their west property line and should exempt them from the City Code requirement that fences must be set back 20' from a county road right of way, making the requirement for a variance null and void.
- c. No documents were available in the Planning Commission packets to demonstrate what property lines really existing in the field nor what was the basis for the Council's decision that the Sherwood's west property line is exempt from the requirements of the City's County Road set back requirements.

2. Planning Commission Recommended Action:

- a. Motion by Maiers-Atakpu, 2nd by Sorenson to forward the issue back to the Council and City staff without a recommendation because of lack and information and knowledge of the Council's July 2021 "exempt" discussion. Motion included asking the Council to get a clear opinion from City attorney on whether a variance is required or not. Advisory Vote: Yes -5, No -0. Motion to send it back to Council with no recommendations passed.

c. Variance Case No. 22-03-VB (529 Lake Ave)

i. Public Hearing Comments

1. City Engineer Thatcher gave overview of his February 18, 2022 report identifying
 - a. Variance Request #1 (Non-Conforming Uses Requirement) resulted from need to raise the roof on a non-conforming structure.
 - b. Variance Request #2 (Impervious Surfaces) resulted from plans to remove and expand the existing garage and add living space above the garage.
2. Susan Wells, designer for the Buerkle's

- a. She indicated the variance request related to Non-Conforming Uses Requirements was driven by structural deficiencies in the roof system of the existing structure.
 - b. She indicated the existing roof structure system does not meet code and needs to be totally removed and reconstructed to meet building and energy code. To meet code the roof elevation will need to be raised by 7" to gain minimum code "truss heel height". Since existing wall heights and roof pitch are at code minimums the only way to improve the roof is to raise it. The raising of the roof dimension is currently not allowed to be performed to a non-conforming structure per City Code so a variance is required.
3. 8:03 PM Motion by Hankins, 2nd by Maiers-Atakpu to close the Public Hearing. Vote Yes – 5, No – 0. Public hearing was closed.

ii. Finding of Facts/Recommended Action

1. Variance Request #1 (Non-Conforming Uses Requirement)

a. Finding of Facts

- i. The need to raise the roof on a non-conforming structure is a health, safety, building and energy code requirement and needs attention. The need for the variance is not the result of any action by the applicant.
- ii. The action needed is a variance to allow increasing the roof height in the non-conforming areas of the remaining structure outside the City's setback areas.

b. Planning Commission Recommended Action:

- i. Motion by Hankins, 2nd by Sorenson to recommend approval of Variance Request #1 as requested. Advisory Vote: Yes – 5, No – 0. Motion passed.

2. Variance Request #2 (Impervious Surface Mitigation)

a. Finding of Facts.

- i. The proposed addition to the house meets all the Code setbacks and related code requirements except the Impervious Surface goal of 25% which will be mitigated by use of raingarden.
- ii. The impervious surface post construction will be less than preconstruction area. The amount of impervious surface post construction will be mitigated.

- iii. According to City Steve Thatcher February 18, 2022 report the proposed raingarden mitigation meets all the requirements of Section 302.050 Impervious Surfaces.
 - b. Planning Commission Recommended Action:
 - i. Motion by Evans, 2nd by Maiers-Atakpu to recommend approval of Variance #2 Impervious Surfaces as proposed PLUS add the “Conditions” (1-5) related to periodic maintenance, testing, and reporting back to City at a minimum of every 5 years intervals, identified in Steve Thatcher February 18, 2002 report memo. Advisory Vote: Yes – 5, No – 0. Motion passed to recommend approval.
4. Adjourn 10:26 PM
- a. Motion by Kraemer, 2nd by Hankins to adjourn meeting. Vote: Yes – 5, No – 0 Meeting adjourned.

CITY OF BIRCHWOOD VILLAGE MEMORANDUM

TO: Andy Gonyou, City of Birchwood Village Administrator

FROM: Thatcher Engineering, Inc.

DATE: February 17, 2022

REGARDING: Variance Application

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

BACKGROUND

On January 5, 2022, the City Birchwood Village (City) received an application for five (5) variances for 469 Lake Avenue signed by Dr. James Barthel on January 4, 2022 (Application).

On January 16, 2022, Thatcher Engineering, Inc. (TEI) received from Brent Stevens of Kyle Hunt & Partners, home builder for the Dr. James Barthel (Applicant), updated documents including an updated application signed by the Applicant dated January 4, 2022 (Updated Application).

The property owners intend to do the following:

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

The Applicant is making the requests because the current house and detached garage are not adequate for aging in place.

REQUESTS

The Updated Application requests the following variances:

Variance Request #1 (Minimum Lot Width Requirement): The Applicant is requesting a variance from City Code 302.015. UNDERSIZED LOTS.

1. City Code 302.015 states: “Any lot of record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010 are at least 60% of those as required.”
2. City Code 302.010.2 requires a minimum lot width of 80 feet.
3. A variance is needed from the minimum lot width requirement because the lot width at the front building line for the new house (approximately 42 feet) is less than the City Code required minimum lot width of 48 feet (80 feet x 60%).

Variance Request #2 (Minimum Setback Requirement for the Driveway): The Applicant is requesting a variance from City Code 302.020.2. MINIMUM SETBACK REQUIREMENTS.

1. City Code 302.020.2: the required minimum setback from “All Other Lot Lines” to “Driveways and Walkways” is one (1) foot.
2. A variance is needed from the minimum setback requirement for the driveway because of the following:
 - a. The proposed setback for a very small portion of the driveway is 0.3 feet which is less than the City Code required minimum setback of 1.0 foot.
 - b. The proposed setback for 33.2 feet of the driveway varies from 0.3 feet to 1.0 foot which is less than the City Code required minimum setback of 1.0 foot.

Variance Request #3 (Minimum Setback Requirement for the North Side Yard): The Applicant is requesting a variance from City Code 302.020.2. MINIMUM SETBACK REQUIREMENTS.

1. City Code 302.020.2: the required minimum setback from “All Other Lot Lines” to “All other structures” is ten (10) feet.
2. A variance is needed from the minimum setback requirement for the north side yard because the proposed setback (a) for 57.5 feet of the north side yard is proposed to be 8.5 feet, and the proposed setback (b) for 14.5 feet of the north side yard is proposed to be 7.5 feet (for a cantilevered bump-out for the kitchen and the master bath which is located above the kitchen), are both less than the City Code required minimum setback of 10 feet. If approved, the setbacks will be as follows:
 - a. Proposed setback (a) is 8.5 feet for 57.5 feet of the house.
 - b. Proposed setback (b) is 7.5 feet setback for 14.5 feet of the house.

Variance Request #4 (Minimum Setback Requirement for the South Side Yard): The Applicant is requesting a variance from City Code 302.020.2. MINIMUM SETBACK REQUIREMENTS.

1. City Code 302.020.2: the required minimum setback from “All Other Lot Lines” to “All other structures” is ten (10) feet.
2. A variance is needed from the minimum setback requirement for the south side yard because the proposed setback (8.5 feet) is less than the City Code required minimum setback of 10 feet.

Variance Request #5 (Impervious Surfaces): The Applicant is requesting a variance from City Code 302.050 IMPERVIOUS SURFACES.

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."

The Updated Application shows that the existing impervious surface coverage is 31.84% and the proposed impervious surface coverage will be 29.56% which is above the 25% maximum allowed by City Code 302.050. Thus, the Updated Application must show that the requirements in Code 302.050.1.a to k. are satisfied in order to qualify for a variance.

SITE CHARACTERISTICS

The lot area is 13,029 square feet according to the plan prepared by Sathre-Bergquist, Inc. dated February 15, 2022. The lot is narrow (about 40.0 feet wide) and contains a single-family residence and detached garage.

PRACTICAL DIFFICULTY

- 1) The lot is extremely narrow and long.

ADDITIONAL INFORMATION

Additional information or variance requests from other City Code requirements may be required by the City depending on the work proposed by the Applicant and the information provided to show the proposed work.

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 variations are consistent with the comprehensive plan.
- B. Variations 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 extremely narrow and long.

The information in the Updated Application shows that the proposed work meets the City's requirements to be eligible to apply for a variance for impervious surfaces (City Code 302.050.1.a through k).

The Updated Application proposes grading work between the proposed house and White Bear Lake. No variance is needed for this work because no work will be within 20 feet of White Bear Lake.

REASONS FOR RECOMMENDING VARIANCE APPROVAL

Variance request #1 through #5:

1. The lot is extremely narrow and long.
2. This project would preserve the essential character of the locality.

REASONS FOR RECOMMENDING VARIANCE DENIAL

Variance request #1 through #5:

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."
2. The following could be argued:
 - a. That the Application is 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 Applicant and approval by the City Council.
3. Land alteration may not cause adverse impact upon abutting property.
4. The Applicant shall provide a means to visually verify that the permeable pavement infiltration system is discharging through the underground soil within 48 hours or less. Typically a 4-inch diameter perforated PVC pipe is installed with the permeable pavement infiltration system. The PVC pipe is installed vertically into the infiltration system rock and has a removable cap at the top.
5. The Updated Application proposes grading work on the property to the south which is 471 Lake Avenue. Prior to doing this grading work, the Applicant shall obtain a temporary or permanent easement from the owner of 471 Lake Avenue or revise the plan to grade only on his lot (469 Lake Avenue).
6. Prior to the City approving an occupancy permit, the Applicant shall record a City approved permeable pavement maintenance agreement at Washington County property records and return a copy to the City for verification.
7. The variance shall not be valid unless the Applicant properly records the variance at the Washington County property records and returns a copy to the City for verification.

DOCUMENT 1

Authenticity ID: 77EF2889-B06D-EC11-94F6-281878CED430



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: 02/08/2022 Amount Paid: \$ 600 / 3,000
 Payment Type (Circle One): Cash Check / Money Order / Credit Card
 Check/Money Order # 35542 / 35595
 Application Complete? Yes No If no, date application was deemed complete: _____
 Signature of City Planner: [Signature] Date: 2/17/22

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.

- Name of Applicant(s) Dr. Jim Barthel
 Address 469 Lake Avenue
 City Birchwood Village State MN Zip Code 55110
 Business Phone N/A Home Phone 651-283-1453
- Address of Property Involved if different from above: Same as Above
- Name of Property Owner(s) if different from above and describe Applicant's interest in the property:
Same as Above
- Specific Code Provision from which Variance is requested: See Addendum - Attached
- Describe in narrative form what the Applicant is proposing to do that requires a variance:
See Addendum - Attached

6. Type of Project:

- New Construction (empty lot)
- Addition
- Demolition
- Landscaping
- Repair or removal of nonconforming structure
- Other (describe) Remove existing Home, Construct new home. Existing detached garage to remain.

7. Type of Structure Involved:

- Single Dwelling
- Garage
- Tennis Court
- Grading/Filling
- Other (describe) _____
- Double Dwelling
- Addition
- Pool

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:

See Addendum - Attached

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:

See Addendum - Attached

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

This plan had undergone several iterations and revisions to arrive at what has been presented herein. The presented plan is the most compliant we can devise while keeping with the wishes of how our client, Dr. Barthel wants to use his property.

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: REVISED, 2/16/22

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot	13,029 sf	13,029 sf	0 sf
2. Maximum Impervious Surface (25% of item 1)	3,257.25 sf	3,257.25 sf	0 sf
3. Roof Surface	2,286 sf	3,021 sf	+735 sf
4. Sidewalks	691 sf	0 sf	-691 sf
5. Driveways	1,071 sf	777 sf	-294 sf
6. Other Impervious Surface	101 sf	54 sf	-47 sf
7. Total of Items 3-6	4,149 sf	3,852 sf	-297 sf
8. Percent Impervious Surface	31.84%	29.56%	-2.28%

15. Please attach the following:

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

On attached COS documents.

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
 - 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.

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: James Barthel 01/04/22 Date: _____

DOCUMENT 2

Barthel Project
469 Lake Avenue, Birchwood
Variance Application Addendum
Submitted 1/5/22,

2/16/22, Revised per detailed commentary from Steve Thatcher, Zoning Official & City Engineer

Practical Difficulties:

Hello, I am Dr. Jim Barthel and I am on the property at 469 Lake Ave. in Birchwood Minnesota since 1998. I am 74 years old and unfortunately have been diagnosed with the early stages of Parkinson's disease. I say that not looking for pity, but to help you understand that I am designing a home that will help me in my situation.

I have always loved the area and have decided to make the investment in a new house on this property to enjoy my retirement.

I have enlisted the team of Kyle Hunt, of Kyle Hunt & Partners, as my builder and Mike Sharratt of Sharratt Design company, as my architect. They have enlisted Dan Schmidt of Sathre Bergquist, for the surveying and civil engineering.

I have been asked to comment on the practical difficulties of this property, as you can see the property runs quite deep from street to lake, running over 300 feet, this causes the inherent issue of a longer driveway. The long driveway of course equates to a likely higher percentage of hardcover. The lot is quite narrow as well, measuring less than 50 feet in width throughout much of the buildable area which makes for a very, very narrow house when considering the current ordinance of 10-foot side yard setbacks, which the current structure does not abide by. I would like to replace my home with something that still has a sense of scale, but also allows for more than one room of the width facing the lake.

I have enjoyed living on White Bear Lake for many years, I raised my daughters right here in Birchwood and have owned this property since 1998. Mike Sharratt has designed a home that I think is a very good response to all of the non-conforming aspects of this site. I am able to say I enjoy the support of my neighbors in this project. I would appreciate your consideration for the time, effort and thoughtfulness this plan provides for me to be able to live in my retirement here in Birchwood. Thank you again.

Sincerely, Dr. Jim Barthel

The words Impervious Surface and Hardcover are to be considered synonymous and will be used interchangeably herein

1. Variance #1: 302.015. UNDERSIZED LOTS.
 - a. City Code 302.015 states: “Any lot of record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010 are at least 60% of those as required.”
 - i. A variance is needed from the minimum lot width requirement because the lot width at the front building line for the new house, 42’, is less than the City Code required minimum lot width of 48 feet (80 feet x 60%).
 - ii. A variance is not needed from the minimum lot size requirement because the lot size (13,029 square feet) is greater than the City Code required minimum lot size of 9,000 square feet (15,000 square feet x 60%).
2. Variance #2: 302.020.2 STRUCTURE LOCATION REQUIREMENTS - MINIMUM SETBACK REQUIREMENTS:
 - a. City Code 302.020.2: the required minimum setback from “All Other Lot Lines” to “Driveways and Walkways” is one (1) foot.
 - i. A variance is needed from this requirement because the COS plan (attached) shows part of the driveway to be less than the City Code required minimum setback of one (1) foot.
 - ii. The site plan is depicting a very narrow 8’ wide driveway and is only encroaching on the 1’ set-back for approximately 40’. We feel this is a very minor issue necessary to maintaining a useable driveway width.
3. Variance #3: 302.020.2 STRUCTURE LOCATION REQUIREMENTS - MINIMUM SETBACK REQUIREMENTS.
 - a. City Code 302.020.2: the required minimum setback from “All Other Lot Lines” to “All other structures” is ten (10) feet.
 - i. A variance is needed from this requirement because the COS plan (attached) shows the new house to be less than the City Code required minimum setback of ten (10) feet.

- ii. We have revised the plan to show an 8.5' setback on both the north and south property lines for 64'. This is a 2.5' improvement over the existing condition on the north side and maintains the same set-back on the south side. On the north side, there is a 14.5' long cantilevered bump out that shows a 7.5' setback. 38' of the structure meets the 10' setback on both sides.
- 4. Variance #4: 302.050.1 IMPERVIOUS SURFACE REQUIREMENT
 - a. Impervious Surface coverage of lots shall not exceed twenty-five (25) percent of the lot area unless the applicant satisfies the following conditions a-k to obtain a variance.
 - i. A variance is required because the lot coverage exceeds the 25% allowed by code. A mitigation plan has been submitted which mitigates the impervious surface from 31.84% down to 29.56%.
 - ii. We have shown a proven, engineered method to mitigate the impervious surfaces. The following links are also helpful in illustrating the infiltration concept of the PaveDrain product.

<https://acfenvironmental.com/wp-content/uploads/2018/08/PaveDrain-UCF-Test-Report.pdf>

<https://www.quicksupplydm.com/userdocs/products/ASP-QS-PaveDrain-Brochure-reduced-112315.pdf>

<https://www.pavedrain.com/maintenance>

DOCUMENT 3

Barthel Home

469 Lake Ave - Birchwood Village, MN

Comparative Analysis (Existing areas, measurements & percentages are fixed and cannot change)						
Aspect	Existing	Variance (requested 1/5/22)	Revisions to 1/5/22 submittal requested by Steve Thatcher (provided 2/16/22)	Quantity Differential	Change Amount from Existing to Revised	Variance Needed?
Site Area (9,000 SF req'd)	13,029 SF (conforms)	13,029 SF (conforms)	13,029 SF (conforms)	0	No change	No
Impervious Surface (Hardcover)	31.8% (4,149 SF)	29.7%	29.56%	-297 SF	-2.24% (less than existing)	Yes
Lot Width @ Front Setback	42' (48' req'd)	42' (48' req'd)	42' (48' req'd)	0 (cannot change)	0% (width is 88% of req'd)	Yes
Street & Lake Setbacks	Conforms	Conforms	Conforms	Conforms	No change	No
North Side Yard Setback (10.0' req'd)	6.2'	7.5' / 8.5'	7.5' / 8.5'	+1.3' to 2.3' (setback increase)	+17.3% to 27.1%	Yes
South Side Yard Setback (10.0' req'd)	8.4'	8.5'	8.5'	+0.1' (setback increase)	+1.2%	Yes
Driveway Setback (1.0' req'd)	0.0'	0.3'	0.3'	+0.3' (setback increase)	+0.3'	Yes
Home Structural Width	30.3'	28.0'	28.0'	-4.3' (reduction in width)	-7.6%	No



464 SECOND STREET
SUITE 100
EXCELSIOR, MN 55331

PH: 952-470-9750
FAX: 952-767-5859
info@sharrattdesign.com

PROJECT TEAM

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

SHEET INDEX

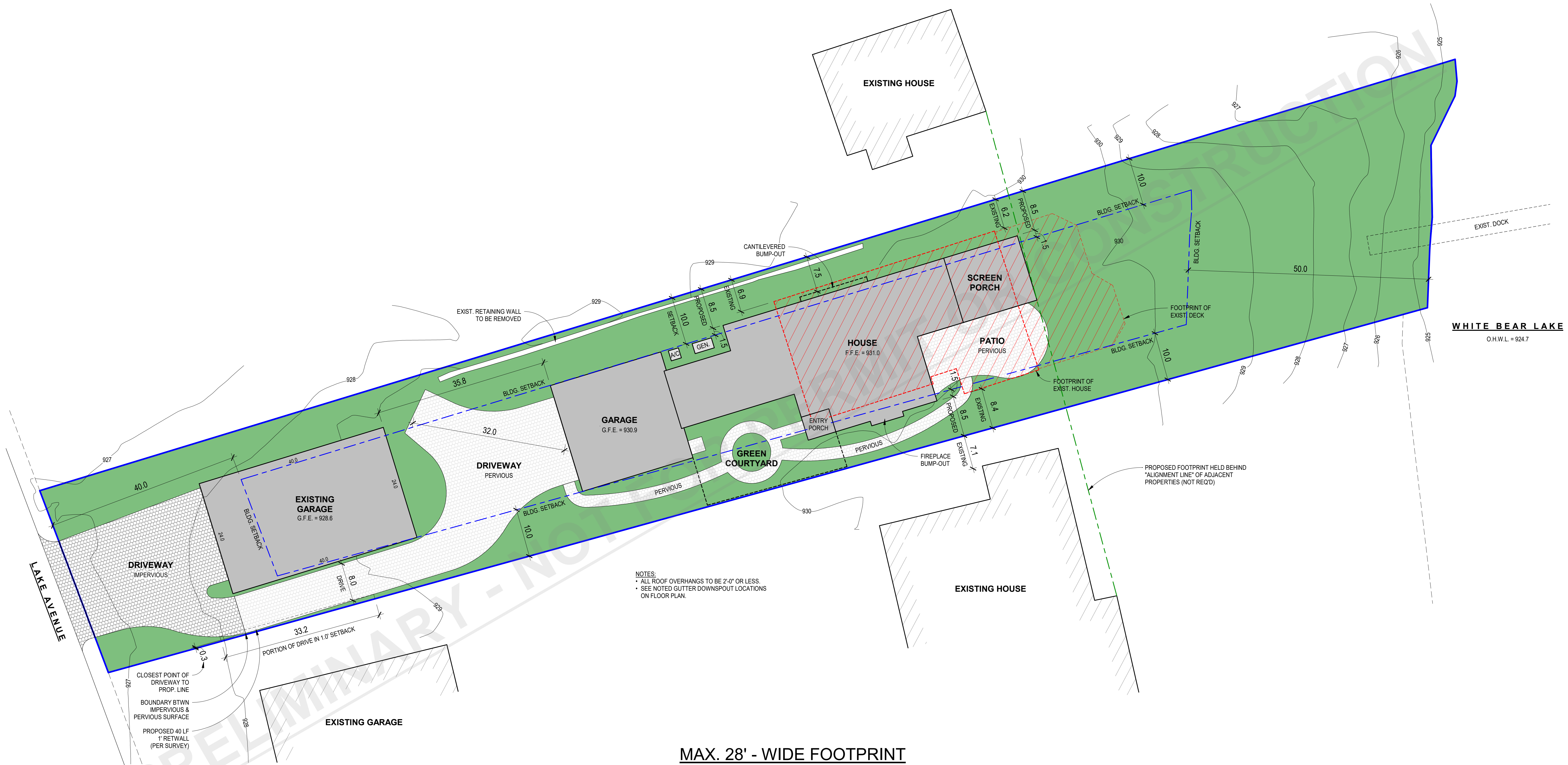
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MEETING SET	X											
VARIANCE APP. SET			X									
BID SET												
PERMIT SET												
REVISIONS												
CONSTRUCTION SET												

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

SHEET **A0** NUMBER

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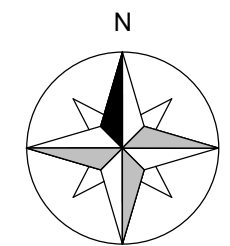


NOTES:
 • ALL ROOF OVERHANGS TO BE 2'-0" OR LESS.
 • SEE NOTED GUTTER DOWNSPOUT LOCATIONS ON FLOOR PLAN.

PRELIMINARY ARCHITECTURAL SITE PLAN

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

1" = 10'-0"



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

PROJECT TEAM

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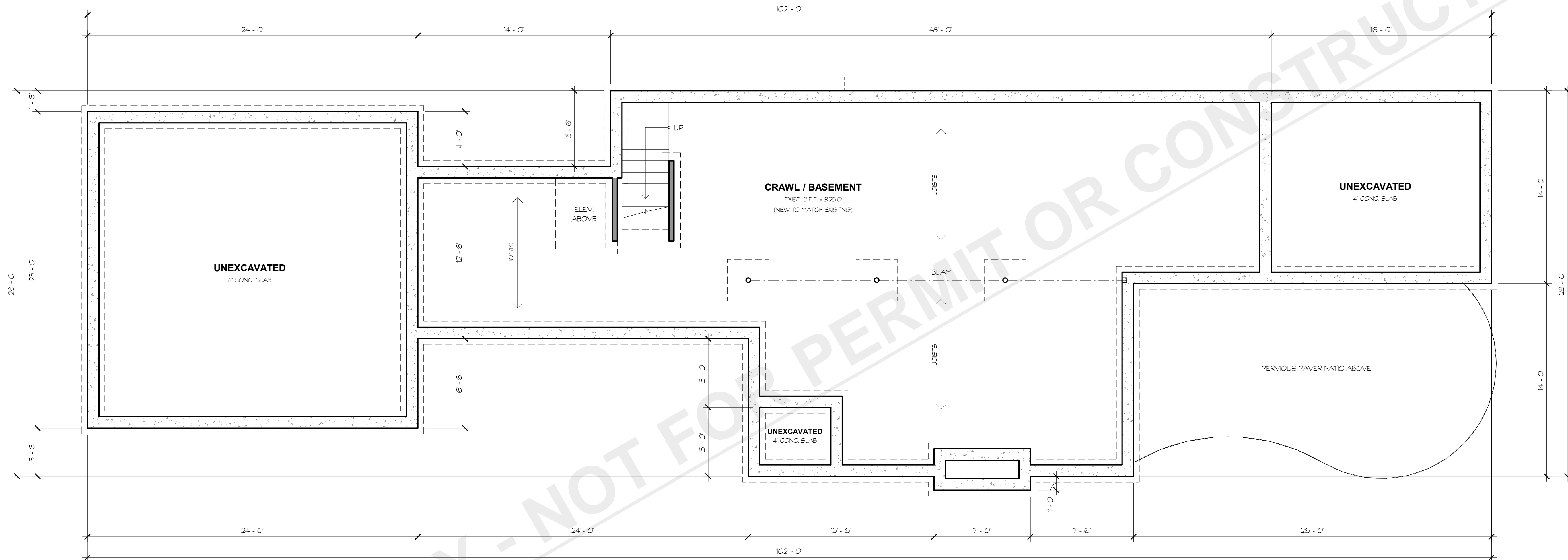
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VARIANCE APP. SET			X									
BID SET												
PERMIT SET												
REVISIONS												
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PROPOSED CONSTRUCTION OF THE:
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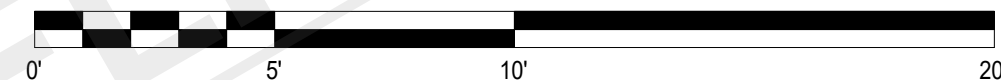
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FOUNDATION PLAN

1/4" = 1'-0"



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 PH: 952-470-9750 FAX: 952-767-5859
 info@sharrattdesign.com

PROJECT TEAM

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GENERAL CONTRACTOR KYLE HUNT & PARTNERS 18324 MINNETONKA BLVD DEEPHAVEN, MN 55391 CONTACT: (952-476-3999)	

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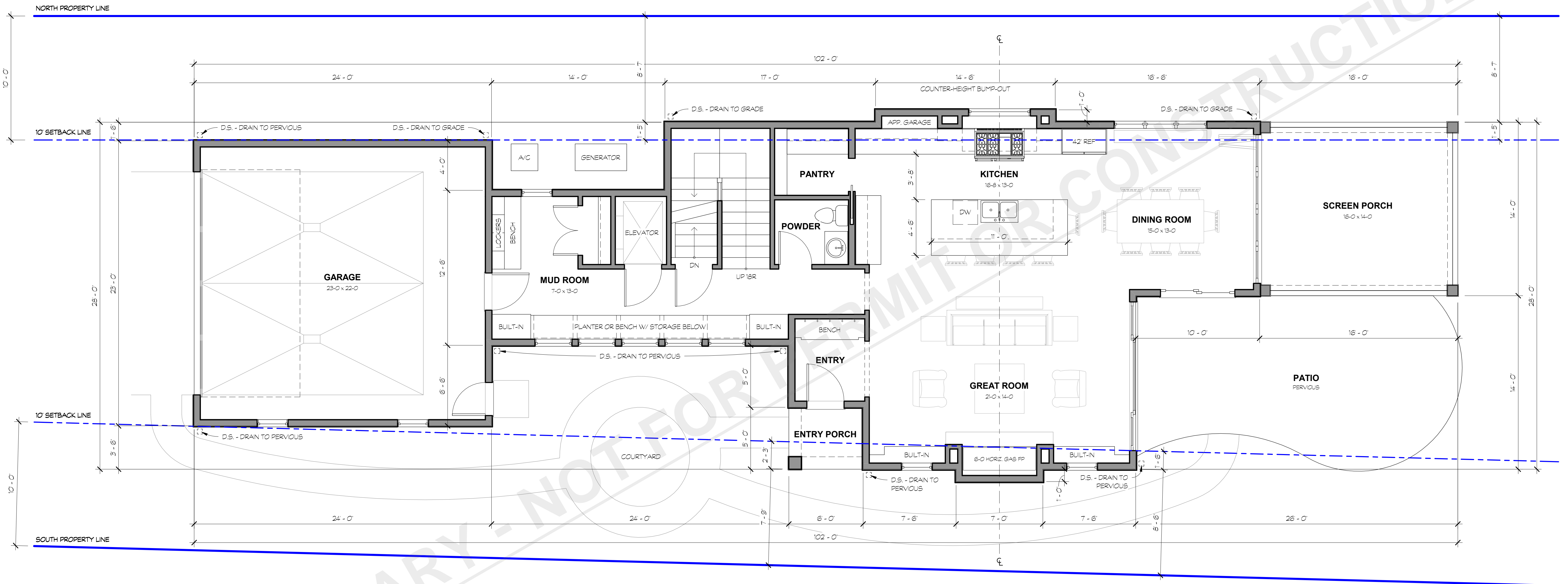
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MEETING SET	X											
VARIANCE APP. SET			X									
BID SET												
PERMIT SET												
REVISIONS												
CONSTRUCTION SET												

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

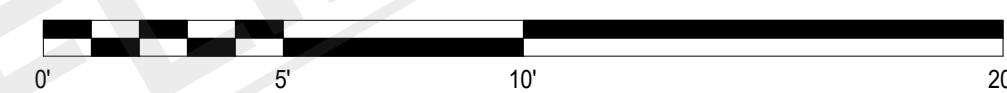
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MAIN LEVEL FLOOR PLAN

1/4" = 1'-0"



MAX. 28' - WIDE FOOTPRINT

LIVING SPACE	
MAIN LEVEL	1262 SF
UPPER LEVEL	1623 SF
Grand total	2885 SF

ADDITIONAL SPACE	
GARAGE	546 SF
SCREEN PORCH	224 SF
ENTRY PORCH	30 SF
PATIO	225 SF
MASTER TERRACE	224 SF
Grand total	1249 SF



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

PROJECT TEAM

ARCHITECT SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	STRUCTURAL ENGINEER T.B.D.
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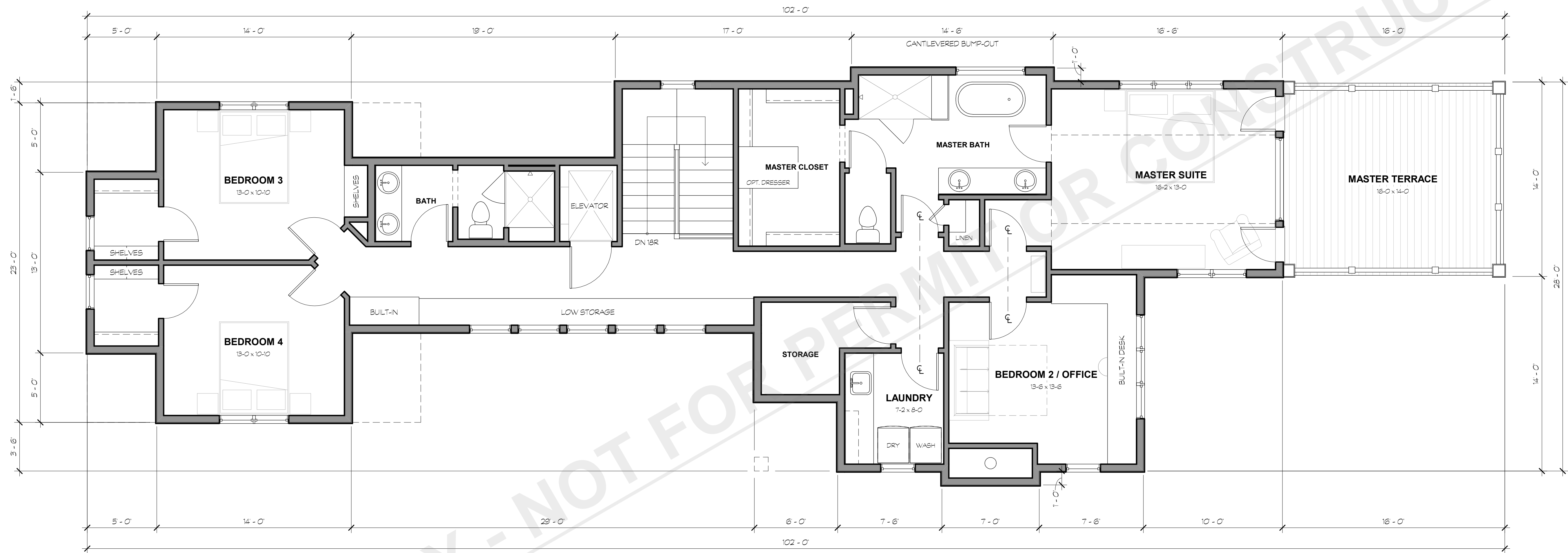
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VARIANCE APP. SET			X								
BID SET											
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PROPOSED CONSTRUCTION OF THE:
BARTHEL HOME
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 WHITE BEAR LAKE, MN

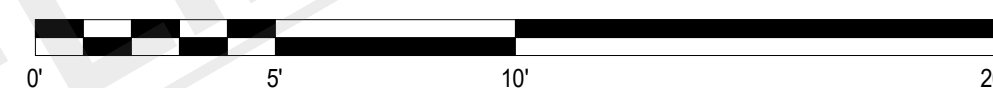
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UPPER LEVEL FLOOR PLAN

1/4" = 1'-0"



LIVING SPACE	
MAIN LEVEL	1262 SF
UPPER LEVEL	1623 SF
Grand total	2885 SF

ADDITIONAL SPACE	
GARAGE	546 SF
SCREEN PORCH	224 SF
ENTRY PORCH	30 SF
PATIO	225 SF
MASTER TERRACE	224 SF
Grand total	1249 SF



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

PROJECT TEAM

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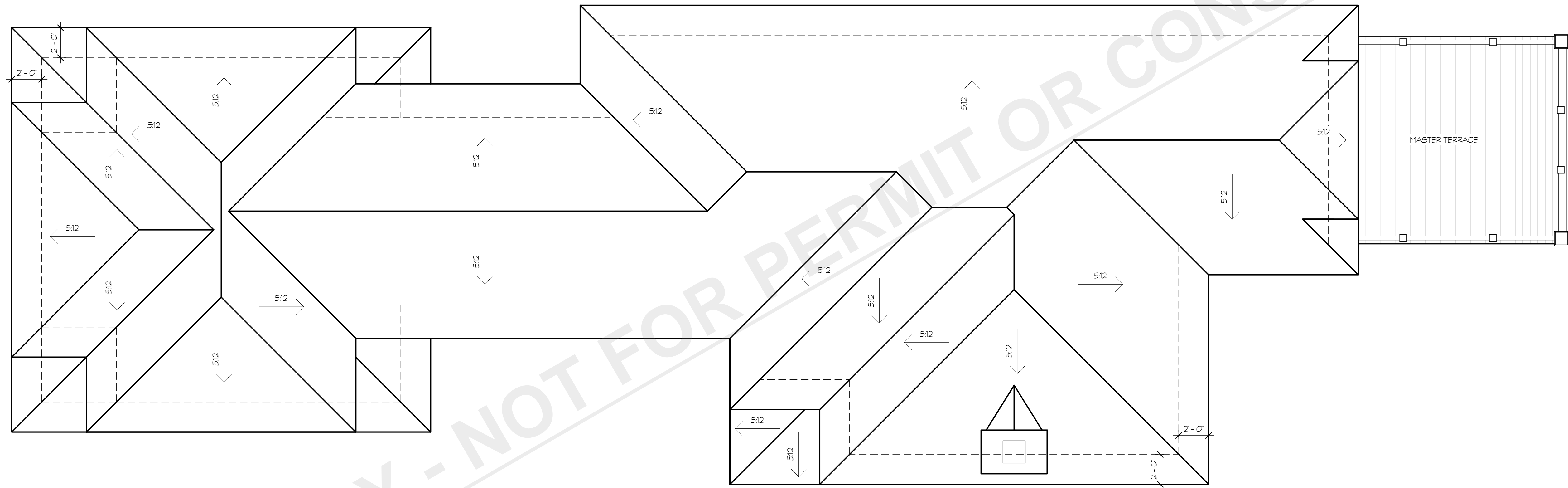
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BID SET												
PERMIT SET												
REVISIONS												
CONSTRUCTION SET												

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

SHEET **A4** NUMBER

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NOTE: ALL ROOF OVERHANGS TO BE 2'-0" OR LESS

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



464 SECOND STREET SUITE 100 EXCELSIOR, MN 55331
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PROJECT TEAM

ARCHITECT SHARRATT DESIGN & COMPANY, LLC 464 SECOND STREET, SUITE 100 EXCELSIOR, MN 55331 CONTACT: MIKE SHARRATT (952-470-9750)	STRUCTURAL ENGINEER T.B.D.
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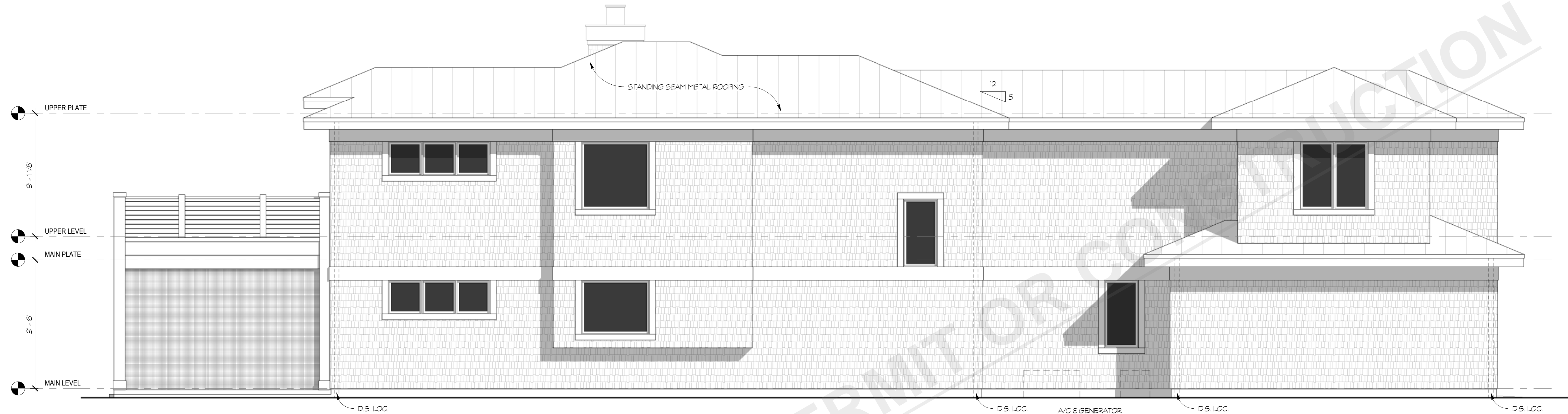
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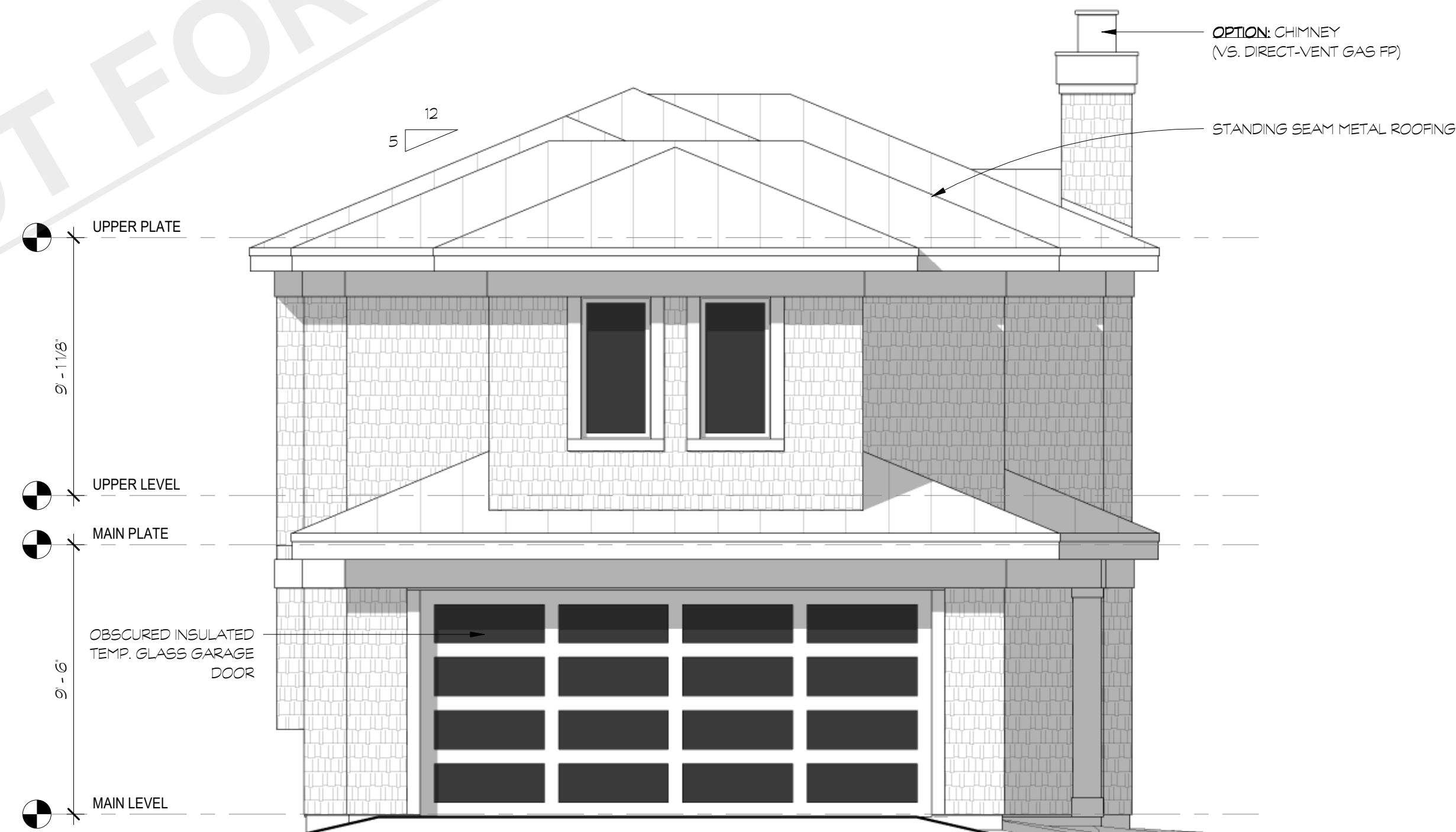
PROPOSED CONSTRUCTION OF THE:
BARTHEL HOME
469 LAKE AVENUE
WHITE BEAR LAKE, MN

SHEET **A5** 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 SUITE 100 EXCELSIOR, MN 55331
PH: 952-470-9750 FAX: 952-767-5859 info@sharrattdesign.com

PROJECT TEAM

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

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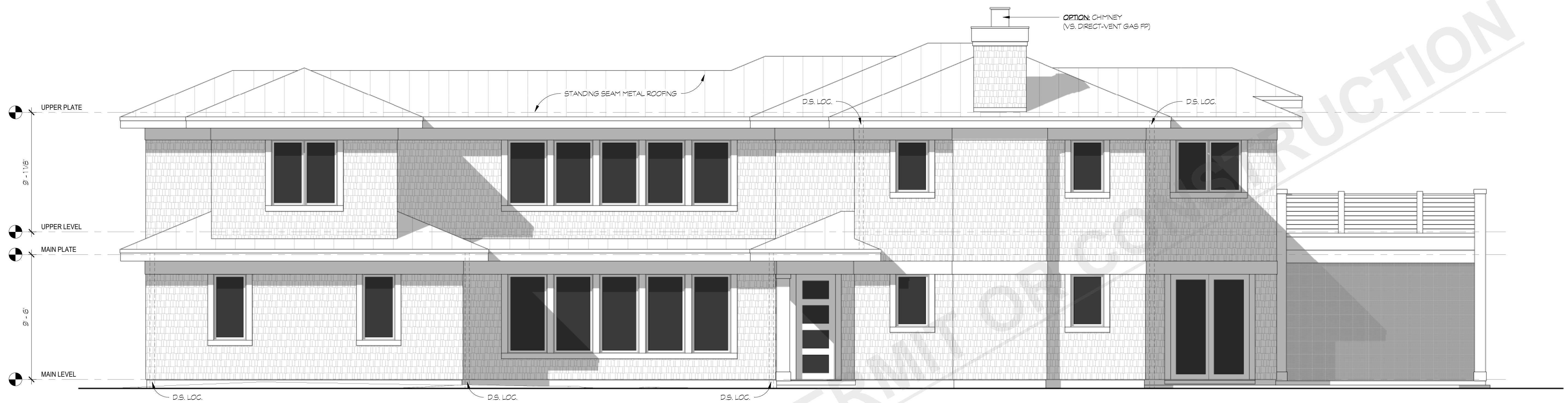
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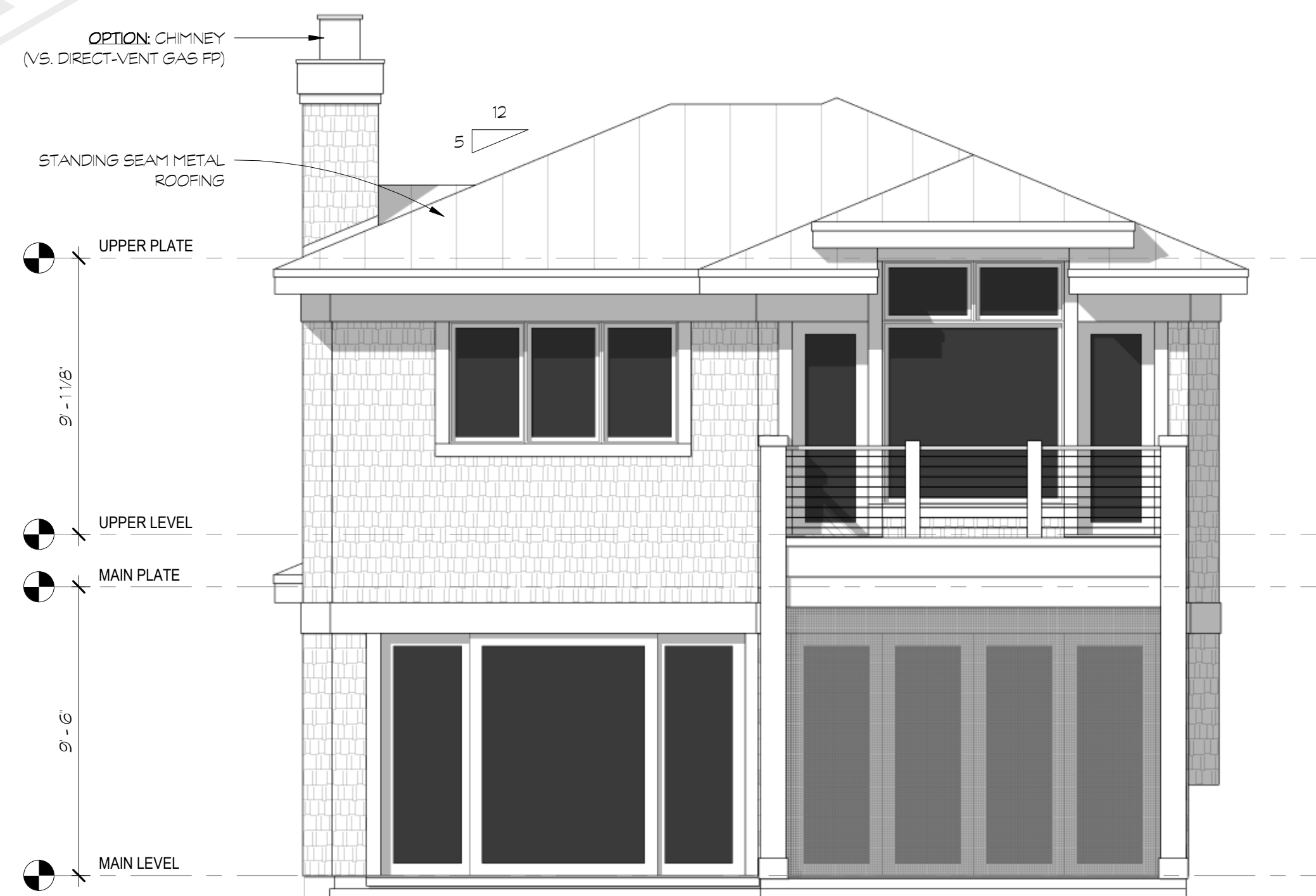
PROPOSED CONSTRUCTION OF THE
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469 LAKE AVENUE
WHITE BEAR LAKE, MN

SHEET **A6** 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
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PROJECT TEAM

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VARIANCE APP. SET			X								
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PROPOSED CONSTRUCTION OF THE:
BARTHEL HOME
469 LAKE AVENUE
WHITE BEAR LAKE, MN

SHEET **A7** NUMBER

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EXTERIOR RENDERING 1



EXTERIOR RENDERING 2

PRELIMINARY - NOT FOR CONSTRUCTION



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

PROJECT TEAM

ARCHITECT	STRUCTURAL ENGINEER
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GENERAL CONTRACTOR	
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MEETING SET	X											
VARIANCE APP. SET			X									
BID SET												
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PROPOSED CONSTRUCTION OF THE:
BARTHEL HOME
 469 LAKE AVENUE
 WHITE BEAR LAKE, MN

SHEET **A8** NUMBER

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DOCUMENT 4

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 55391
2) A title opinion was not furnished to the surveyor as part of this survey. Only easements 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. 27163C0240E, effective date of 02/03/2010.
4) Parcel Area Information: Gross Area: 13,029 s.f. ± = 0.30 acres =
*We do not affirmatively insure the quantity of acreage set forth in the description
5) Benchmark: Elevations are based on MNDOT Geodetic Station Name: PARAGON which has an elevation of: 929.60 feet (NAVD88).
6) Principal Structure Setbacks - Street(s): 40 feet (Lake Avenue)
Side: 10 feet
Lake: 50 feet (From Ordinary High Water Line)
Height: 30 feet
Hardcover: 25 percent of lot area
**302.015 UNDERSIZED LOTS. Any lot recorded as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010 are at least 60% of those as required.

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

- 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 visibly 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 651/454-0002.

Existing Hardcover

Lot Area = 13,029 S.F.
House Area = 1,327 S.F.
Garage Area = 959 S.F.
Driveway Area = 10,71 S.F.
Concrete Area = 691 S.F.
Ret Wall Area = 101 S.F.
Total Area = 4,149 S.F.
Coverage = 31.84%

Existing Elevations

Garage Floor Elevation = 928.6
First Floor Elevation = 931.7
Lowest Opening Elevation = 929.5
Basement Floor Elevation = 925.0

SURVEY LEGEND

- CAST IRON MONUMENT, IRON PIPE MONUMENT SET, DRILL HOLE FOUND, CHISELED "X" MONUMENT SET, CHISELED "X" MONUMENT FOUND, REBAR MONUMENT FOUND, PK NAIL MONUMENT SET, PK NAIL MONUMENT FOUND, PK NAIL W/ ALUMINUM DISC, SURVEY CONTROL POINT, A/C UNIT, CABLE TV PEDESTAL, ELECTRIC TRANSFORMER, ELECTRIC MANHOLE, ELECTRIC METER, ELECTRIC OUTLET, YARD LIGHT, LIGHT POLE, FIBER OPTIC MANHOLE, FIRE DEPT. HOOK UP, FLAG POLE, FUEL PUMP, FUEL TANK, PROPANE TANK, GAS METER, GAS VALVE, GAS MANHOLE, GENERATOR, GUARD POST, HAND HOLE, MAIL BOX, PIEZOMETER, POWER POLE, GUY WIRE, ROOF DRAIN, LIFT STATION, SANITARY MANHOLE, SANITARY CLEANOUT, STORM MANHOLE, STORM DRAIN, CATCH BASIN, FLARED END SECTION, TREE CONIFEROUS, TREE DECIDUOUS, TREE CONIFEROUS REMOVED, TREE DECIDUOUS REMOVED, TELEPHONE MANHOLE, TELEPHONE PEDESTAL, UTILITY MANHOLE, UTILITY PEDESTAL, UTILITY VAULT, WATERMAIN MANHOLE, WATER METER, WATER SPIGOT, WELL, MONITORING WELL, CURB STOP, GATE VALVE, HYDRANT, IRRIGATION VALVE, POST INDICATOR VALVE, SIGN, SOIL BORING, WOE WALKOUT ELEVATION, FFE FIRST FLOOR ELEVATION, GFE GARAGE FLOOR ELEVATION, TOF TOP OF FOUNDATION ELEV., LOE LOWEST OPENING ELEV., CONCRETE, BITUMINOUS, BUILDING SETBACK LINE, CABLE TV, CONCRETE CURB, CONTOUR EXISTING, CONTOUR PROPOSED, GUARD RAIL, DRAIN TILE, ELECTRIC UNDERGROUND, FENCE, FIBER OPTIC UNDERGROUND, GAS UNDERGROUND, OVERHEAD UTILITY, TREE LINE, SANITARY SEWER, STORM SEWER, TELEPHONE UNDERGROUND, RETAINING WALL, UTILITY UNDERGROUND, WATERMAIN, TRAFFIC SIGNAL, RAILROAD TRACKS, RAILROAD SIGNAL, RAILROAD SWITCH, SATELLITE DISH, WETLAND BUFFER SIGN



Bearings are based on the Washington County Coordinate System (NAD 83 - 1986 adj.)

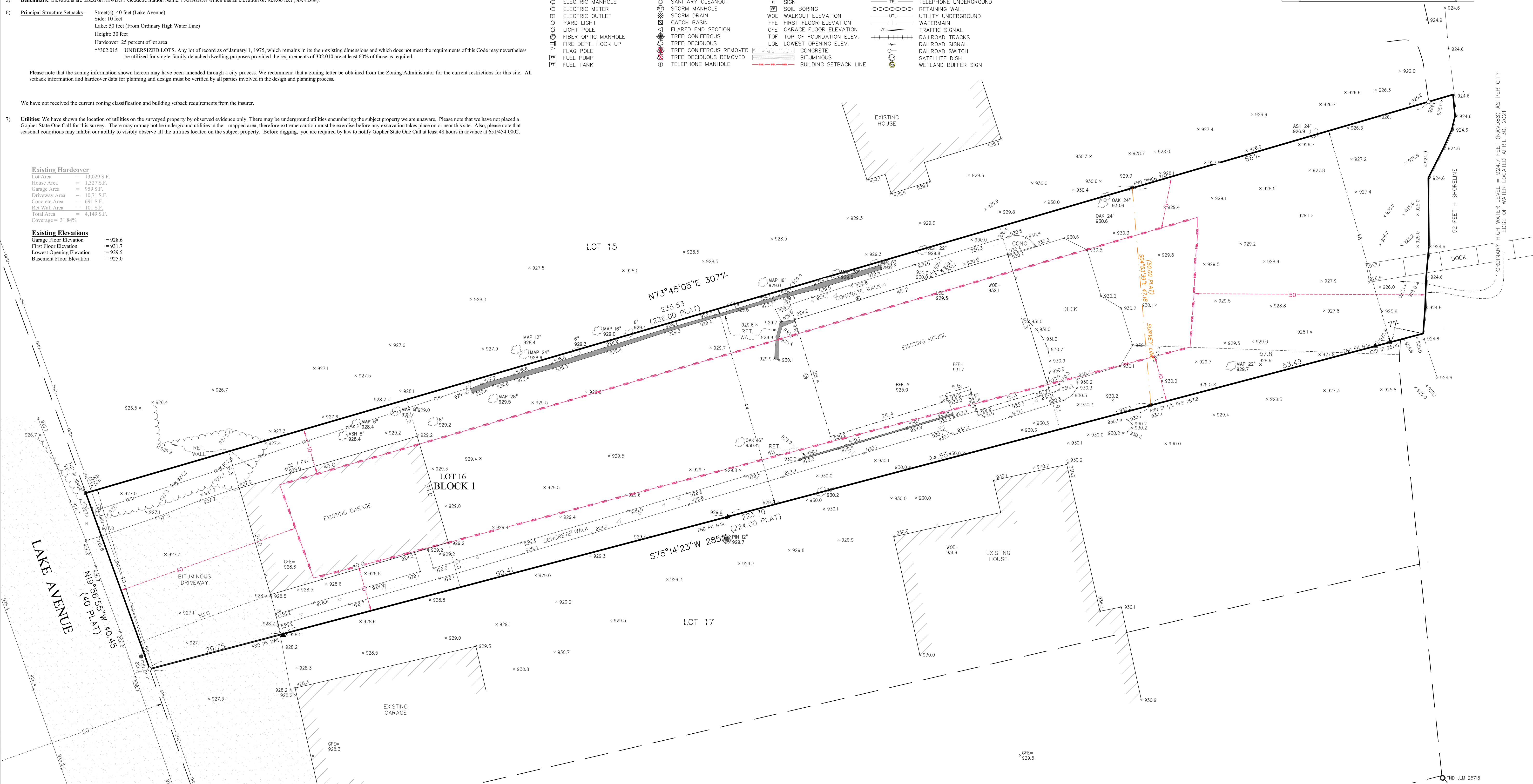
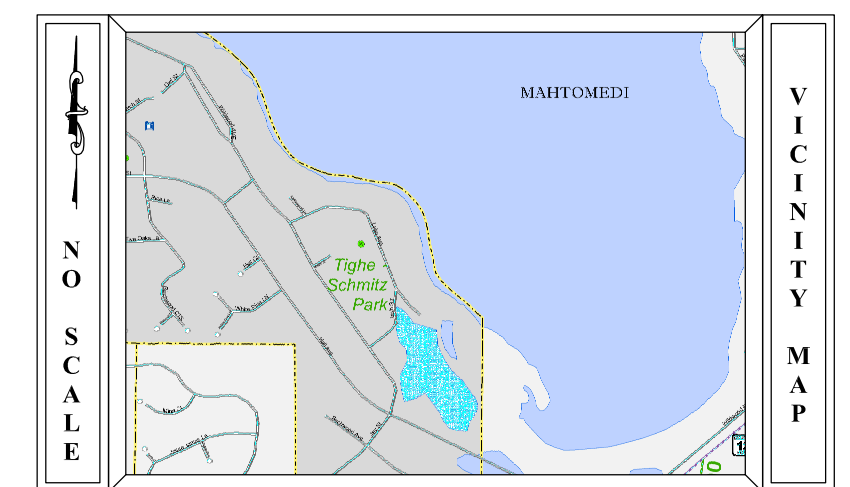


Table with 5 columns: FIELD CREW, NO., BY, DATE, REVISION. It lists the survey team members and the dates of revisions to the survey plan.

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Dated this 19th day of May, 2021.
Daniel L. Schmidt, PLS
Minneapolis License No. 26147
schmidt@sathre.com

Logo for SATHRE-BERGQUIST, INC. with address: 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000. Website: WWW.SATHRE.COM.

TWP:30-RGE.21-SEC.30
Washington County
BIRCHWOOD VILLAGE, MINNESOTA

CERTIFICATE OF SURVEY
PREPARED FOR:
JAMES BARTHEL
ON BEHALF OF KYLE HUNT & PARTNERS

FILE NO. 4930-042
1
1

DOCUMENT 5

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 easements 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. 27163C0240E, effective date of 02/03/2010.
- 4) **Parcel Area Information:** Gross Area: 13,029 s.f. ± - 0.30 acres =
*We do not affirmatively insure the quantity of acreage set forth in the description
- 5) **Benchmark:** Elevations are based on MNDOT Geodetic Station Name: PARAGON which has an elevation of: 929.60 feet (NAVD88).
- 6) **Zoning:** Principal Structure Setbacks - Street(s): 40 feet (Lake Avenue)
Side: 10 feet
Lake: 50 feet (From Ordinary High Water Line)
Height: 30 feet
Hardcover: 25 percent of lot area
Minimum Lot Area: 15,000 s.f. Minimum Lot Width: 80 feet
**302.015 UNDERSIZED LOTS. Any lot of record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010 are at least 60% of those as required.

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

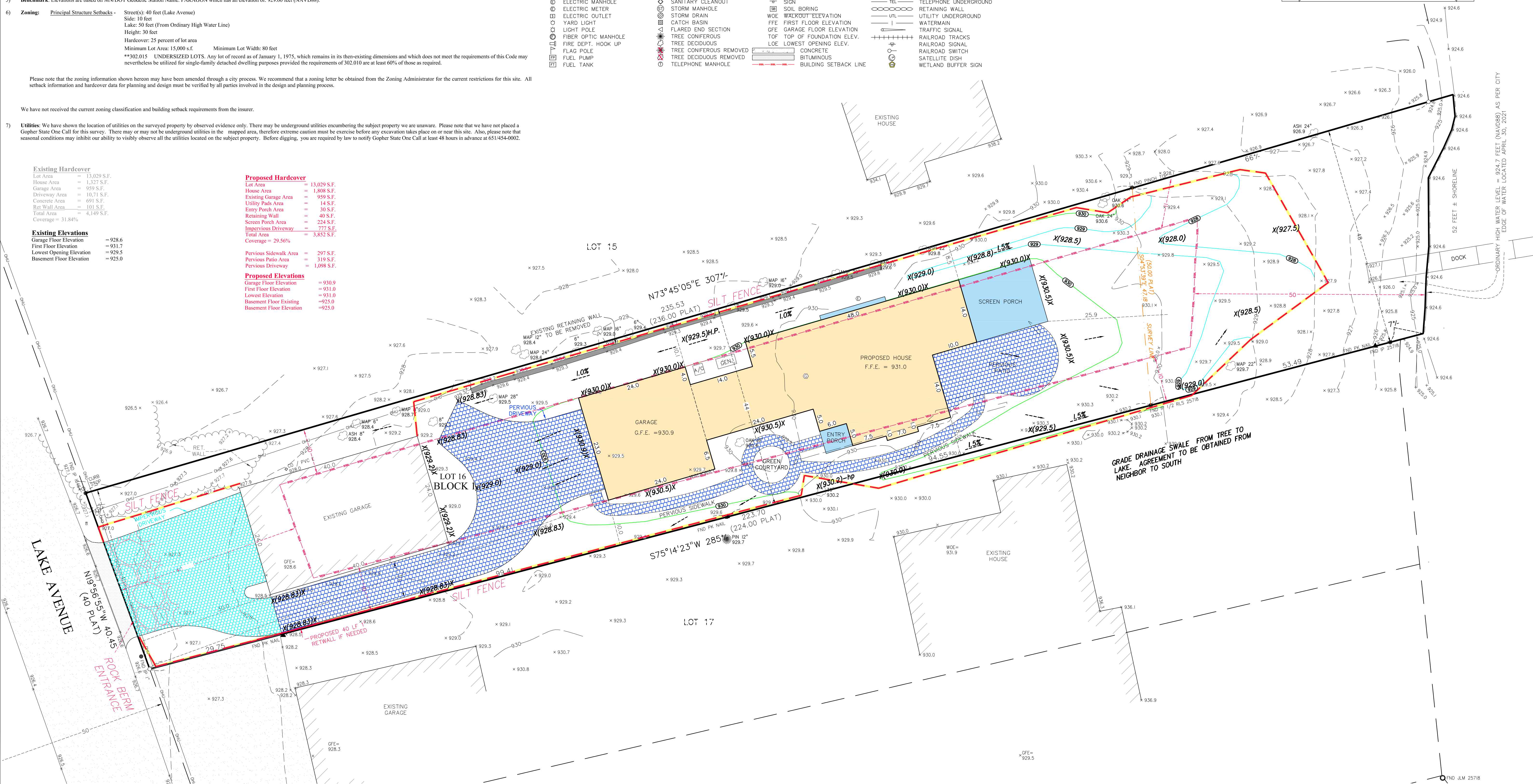
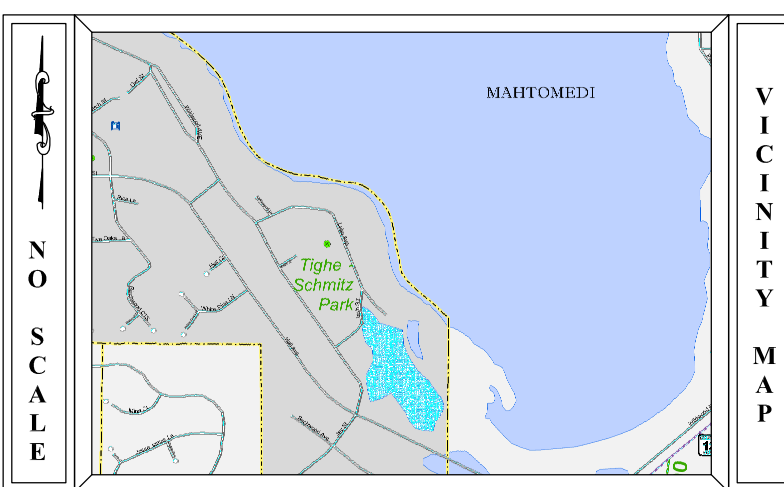
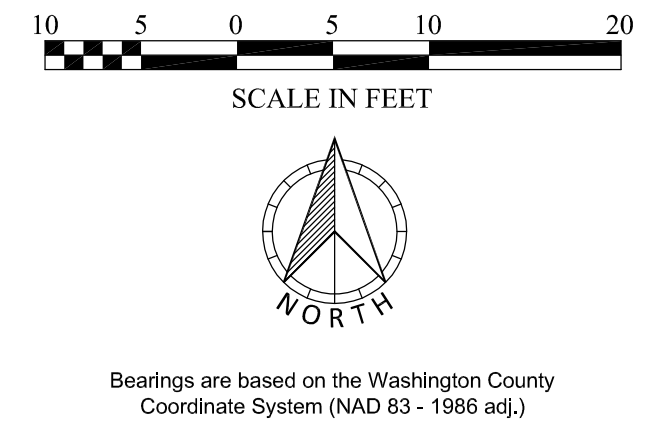
- 7) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground 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 visibly 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 651/454-0002.

Existing Hardcover		Proposed Hardcover	
Lot Area	= 13,029 S.F.	Lot Area	= 13,029 S.F.
House Area	= 1,327 S.F.	House Area	= 1,808 S.F.
Garage Area	= 959 S.F.	Existing Garage Area	= 959 S.F.
Driveway Area	= 1071 S.F.	Utility Pads Area	= 14 S.F.
Concrete Area	= 691 S.F.	Entry Porch Area	= 30 S.F.
Ret Wall Area	= 101 S.F.	Retaining Wall	= 40 S.F.
Total Area	= 4,149 S.F.	Screen Porch Area	= 224 S.F.
Coverage	= 31.84%	Impervious Driveway	= 777 S.F.
		Total Area	= 3,852 S.F.
		Coverage	= 29.56%

Existing Elevations		Proposed Elevations	
Garage Floor Elevation	= 928.6	Garage Floor Elevation	= 930.9
First Floor Elevation	= 931.7	First Floor Elevation	= 931.0
Lowest Opening Elevation	= 929.5	Lowest Elevation	= 931.0
Basement Floor Elevation	= 925.0	Basement Floor Existing	= 925.0
		Basement Floor Elevation	= 925.0

SURVEY LEGEND

- | | | | |
|--|--|---|---|
| <ul style="list-style-type: none"> ⊙ CAST IRON MONUMENT ○ IRON PIPE MONUMENT SET ⊗ IRON PIPE MONUMENT FOUND ⊗ DRILL HOLE FOUND ⊗ CHISELED "X" MONUMENT SET ⊗ CHISELED "X" MONUMENT FOUND ⊗ REBAR MONUMENT FOUND ⊗ PK NAIL MONUMENT SET ⊗ PK NAIL MONUMENT FOUND ⊗ PK NAIL W/ ALUMINUM DISC ⊗ SURVEY CONTROL POINT ⊗ A/C UNIT ⊗ CABLE TV PEDESTAL ⊗ ELECTRIC TRANSFORMER ⊗ ELECTRIC MANHOLE ⊗ ELECTRIC METER ⊗ ELECTRIC OUTLET ⊗ YARD LIGHT ⊗ LIGHT POLE ⊗ FIBER OPTIC MANHOLE ⊗ FIRE DEPT. HOOK UP ⊗ FLAG POLE ⊗ FUEL PUMP ⊗ FUEL TANK | <ul style="list-style-type: none"> ⊗ PROPANE TANK ⊗ GAS METER ⊗ GAS VALVE ⊗ GAS MANHOLE ⊗ GENERATOR ⊗ GUARD POST ⊗ HAND HOLE ⊗ MAIL BOX ⊗ PIEZOMETER ⊗ POWER POLE ⊗ GUY WIRE ⊗ ROOF DRAIN ⊗ LIFT STATION ⊗ SANITARY MANHOLE ⊗ SANITARY CLEANOUT ⊗ STORM MANHOLE ⊗ STORM DRAIN ⊗ CATCH BASIN ⊗ FLARED END SECTION ⊗ TREE CONIFEROUS ⊗ TREE DECIDUOUS ⊗ TREE CONIFEROUS REMOVED ⊗ TREE DECIDUOUS REMOVED ⊗ TELEPHONE MANHOLE | <ul style="list-style-type: none"> ⊗ TELEPHONE PEDESTAL ⊗ UTILITY MANHOLE ⊗ UTILITY PEDESTAL ⊗ UTILITY VAULT ⊗ WATERMAIN MANHOLE ⊗ WATER METER ⊗ WATER SPIGOT ⊗ WELL ⊗ MONITORING WELL ⊗ CURB STOP ⊗ GATE VALVE ⊗ HYDRANT ⊗ IRRIGATION VALVE ⊗ POST INDICATOR VALVE ⊗ SIGN ⊗ SOIL BORING ⊗ WOE WALKOUT ELEVATION ⊗ FFE FIRST FLOOR ELEVATION ⊗ GFE GARAGE FLOOR ELEVATION ⊗ TOF TOP OF FOUNDATION ELEV. ⊗ LOE LOWEST OPENING ELEV. | <ul style="list-style-type: none"> — CTV — CABLE TV — CONCRETE CURB — CONTOUR EXISTING — CONTOUR PROPOSED — GUARD RAIL — DRAIN TILE — ELC — ELECTRIC UNDERGROUND — FENCE — FIBER OPTIC UNDERGROUND — GAS UNDERGROUND — OVERHEAD UTILITY — TREE LINE — SANITARY SEWER — STORM SEWER — TELEPHONE UNDERGROUND — RETAINING WALL — UTILITY UNDERGROUND — WATERMAIN — TRAFFIC SIGNAL — RAILROAD TRACKS — RAILROAD SIGNAL — RAILROAD SWITCH — SATELLITE DISH — WETLAND BUFFER SIGN |
|--|--|---|---|



FIELD CREW	NO.	BY	DATE	REVISION
DM AK	1	EMW	5/20/2021	ADDED BASEMENT FLOOR ELEVATION
DRAWN	2	EMW	9/3/2021	REVISED EXISTING HARDCOVER
JPR/EMW	3	EMW	9/3/2021	PROPOSED COND. FOR HARDCOVER VARIANCE
CHECKED	4	DZB	1/4/2022	NEW HOUSE PLANS, REVISE SITE PLAN
DLS	5	DLS	1/17/2022	CITY COMMENTS
DATE	6	DLS	2/15/2022	CITY COMMENTS

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 19th day of May, 2021.
Daniel L. Schmidt
 Daniel L. Schmidt, PLS Minnesota License No. 26147
 schmidt@sathre.com

ENGINEERS SURVEYORS DESIGNERS PLANNERS

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

TWP:30-RGE.21-SEC.30
 Washington County
BIRCHWOOD VILLAGE, MINNESOTA

PROPOSED CERTIFICATE OF SURVEY
 PREPARED FOR:
JAMES BARTHEL
 ON BEHALF OF KYLE HUNT & PARTNERS

FILE NO.
 4930-042
1
 1

DOCUMENT 6

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 easements 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. 27163C0240E, effective date of 02/03/2010.
- 4) **Parcel Area Information:** Gross Area: 13,029 s.f. ± = 0.30 acres =
*We do not affirmatively insure the quantity of acreage set forth in the description
- 5) **Benchmark:** Elevations are based on MNDOT Geodetic Station Name: PARAGON which has an elevation of: 929.60 feet (NAVD88).
- 6) **Zoning:** Principal Structure Setbacks - Street(s): 40 feet (Lake Avenue)
Side: 10 feet
Lake: 50 feet (From Ordinary High Water Line)
Height: 30 feet
Hardcover: 25 percent of lot area
Minimum Lot Area: 15,000 s.f.
Minimum Lot Width: 80 feet
**302.015 UNDESIZED LOTS. Any lot of record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010 are at least 60% of those as required.

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

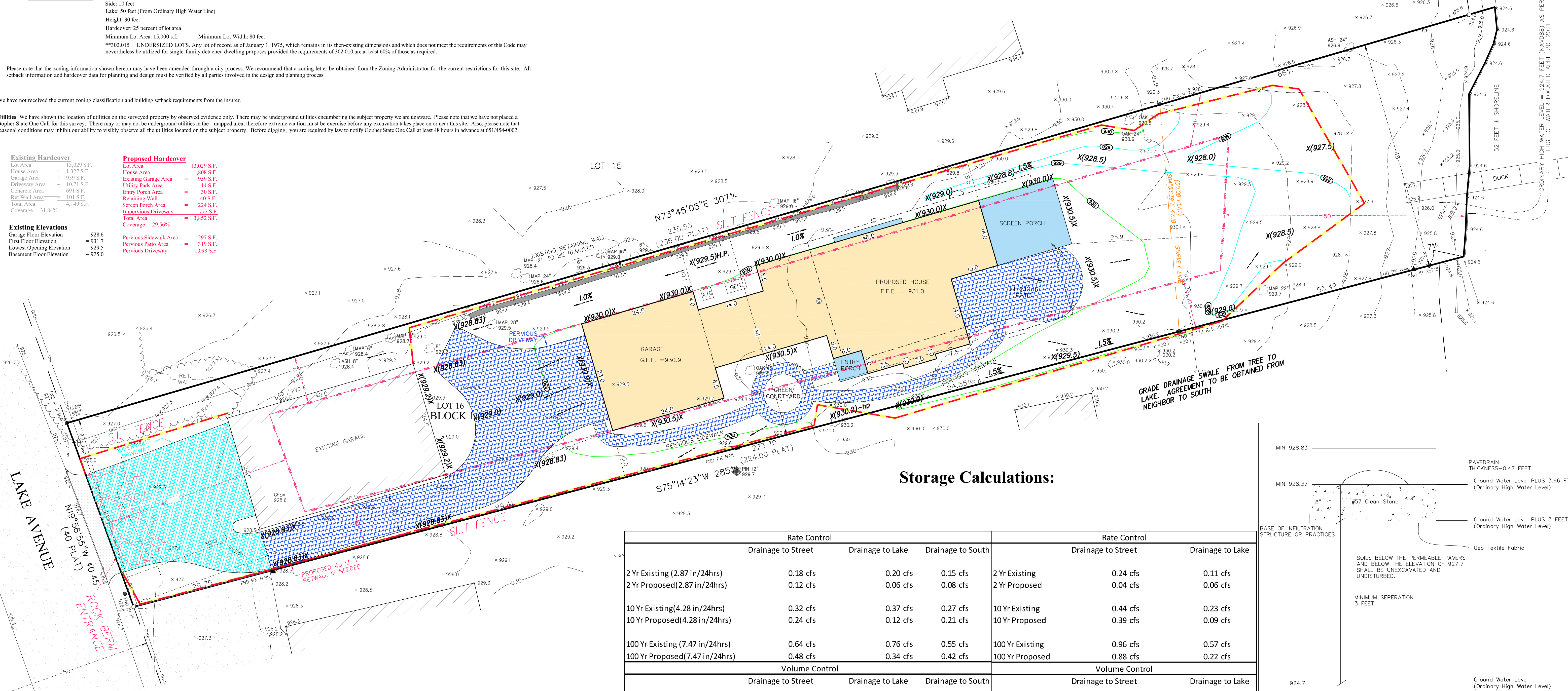
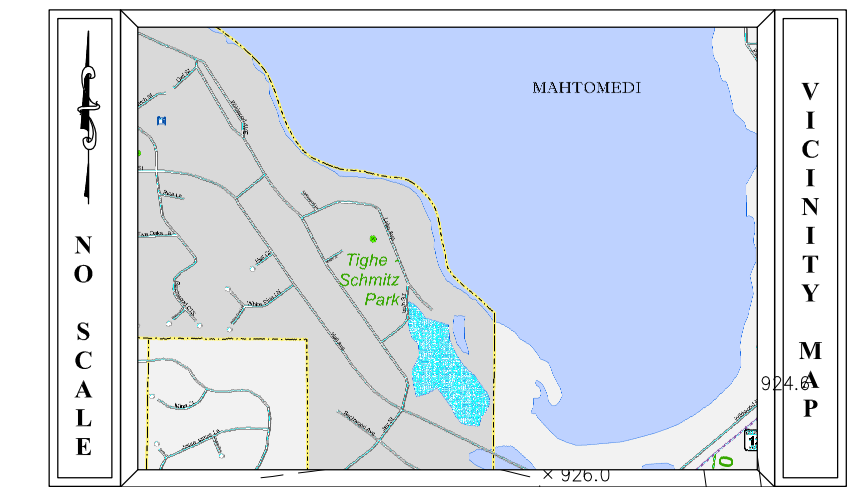
We have not received the current zoning classification and building setback requirements from the insurer.

- 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 visibly 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 651/454-0002.

Existing Hardcover		Proposed Hardcover	
Lot Area	= 13,029 S.F.	Lot Area	= 13,029 S.F.
House Area	= 1,327 S.F.	House Area	= 1,808 S.F.
Garage Area	= 939 S.F.	Existing Garage Area	= 939 S.F.
Driveway Area	= 10,71 S.F.	Utility Pads Area	= 14 S.F.
Concrete Area	= 691 S.F.	Entry Porch Area	= 30 S.F.
Ret Wall Area	= 101 S.F.	Retaining Wall	= 40 S.F.
Total Area	= 4,149 S.F.	Screen Porch Area	= 224 S.F.
Coverage	= 31.84%	Impervious Driveway	= 777 S.F.
		Total Area	= 3,852 S.F.
		Coverage	= 29.56%
Existing Elevations		Proposed Elevations	
Garage Floor Elevation	= 928.6	PerVIOUS Sidewalk Area	= 297 S.F.
First Floor Elevation	= 931.7	PerVIOUS Patio Area	= 319 S.F.
Lowest Opening Elevation	= 929.5	PerVIOUS Driveway	= 1,098 S.F.
Basement Floor Elevation	= 925.0		

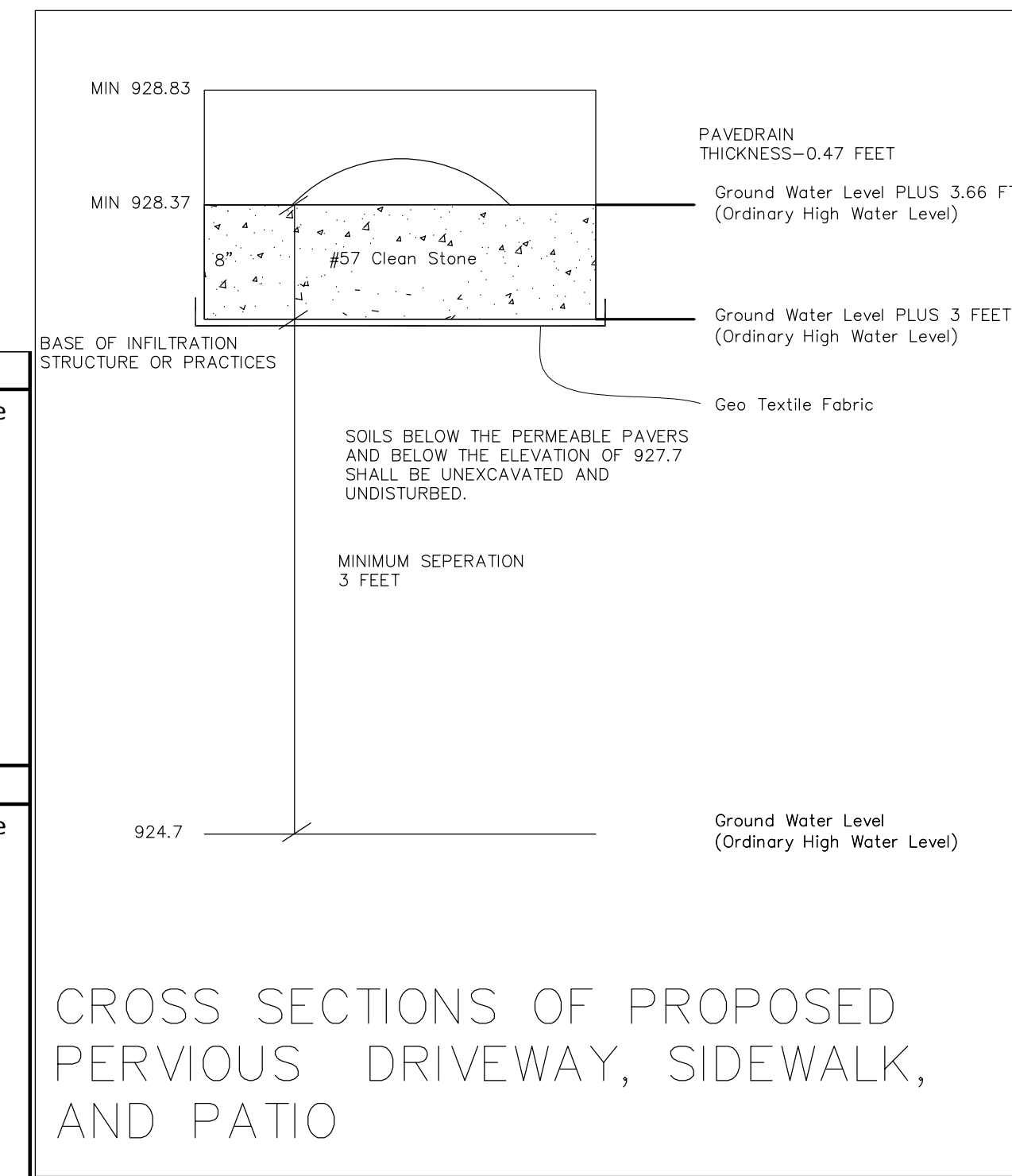


Bearings are based on the Washington County Coordinate System (NAD 83 - 1986 adj.)



Storage Calculations:

	Rate Control			Rate Control		
	Drainage to Street	Drainage to Lake	Drainage to South	Drainage to Street	Drainage to Lake	Drainage to Lake
2 Yr Existing (2.87 in/24hrs)	0.18 cfs	0.20 cfs	0.15 cfs	2 Yr Existing	0.24 cfs	0.11 cfs
2 Yr Proposed (2.87 in/24hrs)	0.12 cfs	0.06 cfs	0.08 cfs	2 Yr Proposed	0.04 cfs	0.06 cfs
10 Yr Existing (4.28 in/24hrs)	0.32 cfs	0.37 cfs	0.27 cfs	10 Yr Existing	0.44 cfs	0.23 cfs
10 Yr Proposed (4.28 in/24hrs)	0.24 cfs	0.12 cfs	0.21 cfs	10 Yr Proposed	0.39 cfs	0.09 cfs
100 Yr Existing (7.47 in/24hrs)	0.64 cfs	0.76 cfs	0.55 cfs	100 Yr Existing	0.96 cfs	0.57 cfs
100 Yr Proposed (7.47 in/24hrs)	0.48 cfs	0.34 cfs	0.42 cfs	100 Yr Proposed	0.88 cfs	0.22 cfs
	Volume Control			Volume Control		
	Drainage to Street	Drainage to Lake	Drainage to South	Drainage to Street	Drainage to Lake	Drainage to Lake
2 Yr Existing (2.87 in/24hrs)	697.00 cf	571.00 cf	450.00 cf	2 Yr Existing	978.00 cf	340.00 cf
2 Yr Proposed (2.87 in/24hrs)	377.00 cf	372.00 cf	122.00 cf	2 Yr Proposed	155.00 cf	219.00 cf
10 Yr Existing (4.28 in/24hrs)	1,204.00 cf	1,018.00 cf	795.00 cf	10 Yr Existing	1,733.00 cf	667.00 cf
10 Yr Proposed (4.28 in/24hrs)	721.00 cf	765.00 cf	356.00 cf	10 Yr Proposed	525.00 cf	366.00 cf
100 Yr Existing (7.47 in/24hrs)	2,439.00 cf	2,121.00 cf	1,643.00 cf	100 Yr Existing	3,682.00	1,561.00 cfs
100 Yr Proposed (7.47 in/24hrs)	1,599.00 cf	1,917.00 cf	980.00 cf	100 Yr Proposed	1,586.00	964.00 cfs



FIELD CREW	NO.	BY	DATE	REVISION
DM AK	1	EMW	5/20/2021	ADDED BASEMENT FLOOR ELEVATION
DRAWN	2	EMW	9/3/2021	REVISED EXISTING HARDCOVER
JPR/EMW	3	EMW	9/3/2021	PROPOSED COND. FOR HARDCOVER VARIANCE
CHECKED	4	DLS	9/7/2021	ROUGH STORM WATER CALCULATIONS
DLS	5	DLS	10/11/2021	ROUGH STORM WATER CALCULATIONS
DATE	6	DZB	10/20/2021	ADD LOT DIMENSIONS
4/28/21	7	DLS	2/15/2022	REVISED SITE PLAN

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 19th day of May, 2021.
Daniel L. Schmidt
 Daniel L. Schmidt, PLS Minnesota License No. 26147
 schmidt@sathre.com

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

TWP:30-RGE.21-SEC.30
 Washington County
BIRCHWOOD VILLAGE, MINNESOTA

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

DOCUMENT 7



PaveDrain, LLC Maintenance Plan
Birchwood Village
White Bear Lake, MN
Size: Approximately 800 Ft²

Cleaning

PaveDrain recommends that the joints between the PaveDrain blocks are cleaned once a year. We recommend this is done in the spring to summer (May – July). This cleaning process will be done by PaveDrain, LLC or approved PaveDrain, LLC vendor.

The cleaning process will be achieved by pre-wetting the PaveDrain area (either by natural rain fall or use of a garden hose), then pressure-washing the joints clean with a pressure-washer (provided by PaveDrain, LLC). The debris in these joints will then be clean by a wet-dry extractor (provided by PaveDrain, LLC). Finally, the surface will be sprayed clean with a typical garden house and/or pressure-washer by PaveDrain, LLC.

Any requirements of water and/or electricity shall be provided by Property Owner.

Yearly Cleaning Cost \$2,100.00**

** = Additional cleaning could occur outside of the yearly cleaning in the event of unforeseen environmental challenges, such as (but not limited to) a tree falling, building fire, mudslide, etc.

Sealing

The PaveDrain blocks are required by PaveDrain, LLC to be sealed during the initial install. After that, PaveDrain, LLC recommends that the blocks are sealed every two (2) years after the initial install. This sealing shall be performed by PaveDrain, LLC (or) an approved PaveDrain, LLC vendor. This sealant used shall also be approved by PaveDrain, LCC.

Bi-Yearly Sealing Cost \$800.00

NOTE: Pricing above is good from present day until 12/31/2022

Jeff Buch
PaveDrain, LLC
Plymouth, MN



Mobile: (763) 292-0754
jbuch@pavedrain.com
www.pavedrain.com



- Home (/)
- Why PaveDrain?
- Why PaveDrain? (/why-pavedrain)
- INFIL-Tracker by P4 Infrastructure (/infil-tracker-by-p4-infrastructure)
- Where it Goes (/where-it-goes)
- PaveDrain Projects (/pavedrain-projects)
- How to Design It
- Interactive Design Tool (/infiltrationcalculator)
- Design Assistance (/design-assistance)
- Testing & Analysis (/testing)
- LEED Credits (/leed)
- Submittals (/submittals)
- Cost Analysis (/cost)
- Installation & Maintenance
- Installation (/installation)
- Maintenance (/maintenance)
- Repair (/repair)
- Sales & Distribution (/sales-distribution)
- News (/news)
- Contact (/contact)

DMS (<http://login.pavedrain.com>)



Installation &
Maintenance

INSTALLATION



(/INSTALLATION)

Regular City Council Meeting - March 8, 2022

MAINTENANCE

(/MAINTENANCE)

REPAIR (/REPAIR)

Maintenance on the PaveDrain system is drastically different from other pervious or permeable surfaces.

Due to the size of the individual PaveDrain blocks, the joints are designed to be left open; the added expense of aggregate interlock and re-filling is not required. Each individual block interlocks and is surrounded by 6 additional units.

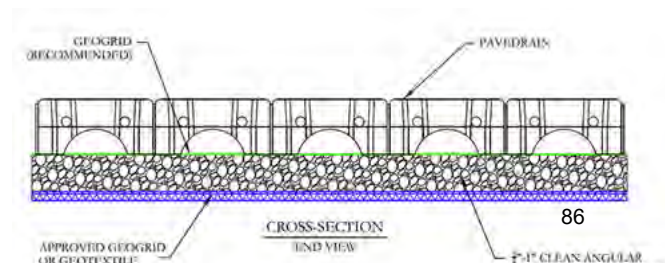
The 1/4" joint between the individual PaveDrain blocks is a well-designed balancing act between form and functionality. The gap is well within ADA requirements, but also allows a significant amount of water to drain down the sides WITHOUT becoming clogged with sediment particles.

Over time the sediment particles continue to be washed down into the larger diameter stone bedding layer. (SEE CROSS-SECTION). Leaves and other small biodegradable materials will be broken down in the aggregate bedding layer from

PaveDrain Maintenance Vac H...



Elgin Whirlwind Test on PaveD...



the water and air that is allowed into
penetrate down into the system.

Cross-section end view.

Following the initial installation, the PaveDrain system should be checked bi-monthly to assess the amount of infiltration still occurring. Ideally, the visual inspection should occur during a rain event. A residential or urban setting with a significant amount of debris may need to be checked more frequently.

PAVEDRAIN MAINTENANCE MANUAL

(Updated on 5/6/19)

Click here for the latest version of the
PaveDrain Maintenance Manual
(/s/PaveDrain-Maintenance-Manual-
V7.pdf)

Unlike other permeable systems, even if

maintenance is not regularly carried out the PaveDrain system can be back in working order by the PaveDrain VAC Head.


The open joint concept of the PaveDrain system allows sedimentation and debris that washes off of traditional surfaces to be washed down between the joints of the PaveDrain system and into the aggregate bedding layer.

It could be years before the PaveDrain System needs to be maintained.

However, it is recognized that even the PaveDrain System can clog in a residential or urban streetscape with heavy debris. Trees (magnolia trees, willow trees, evergreens, etc.) that drop an excessive amount of foliage (cones, seeds, pines, leaves) onto the PaveDrain System may need to be occasionally vacuumed with the PaveDrain Vac Head for this type of foliage.



If a combination truck is not available, then the second best option is to utilize compressed air with a wand attachment. A video of this process is available on line.



PaveDrain Vac Head (left) attached to Combination Vac Truck (right).

Click here for the PaveDrain Vac Head Instruction Manual (/s/PaveDrain-Vac-Head-Instruction-Manual-v5.pdf)

PaveDrain Maintenance Demonstration

PaveDrain Maintenance



The Unmistakable PaveDrain System Maintenance Advantage

As a worst case scenario no other system can be removed allowing for the subgrade to be cleaned and then re-installed.

Maintenance will vary greatly from site-to-site depending on the amount of silt, sedimentation and storm events that occur. The internal storage chamber and larger diameter aggregate bedding layer allow for a significant amount of silts and sedimentation to occur. However, IF it is determined that the system needs cleaning, the PaveDrain System is the only permeable product that is designed to be removed, the aggregate drainage layer cleaned, then re-installed in the same order using all of the original materials. It is doubtful that an entire parking structure will need to be removed. It is anticipated that only a minimal number of mats will

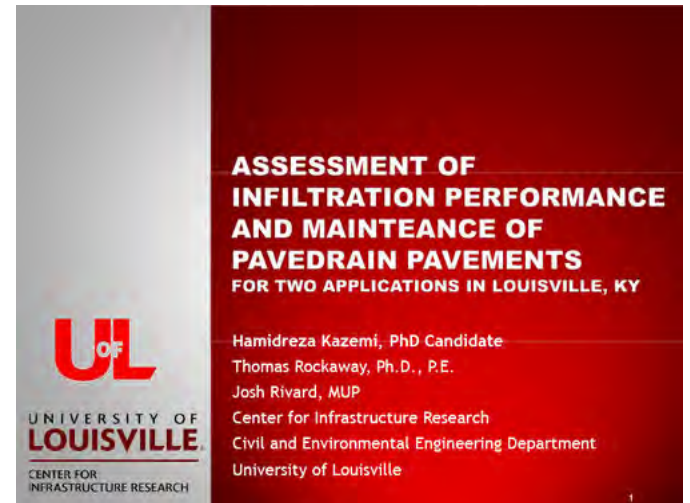


The PaveDrain System can be mechanically lifted for more thorough cleaning.

Regular City Council Meeting - March 8, 2022
require removal and subsequent re-
installation.

PaveDrain Maintenance Study from the University of Louisville

Click to download the study



(<https://www.facebook.com/PaveDrain/>)



(<https://twitter.com/PaveDrain/>)



(<https://www.youtube.com/user/PaveDrain/feed>)



(<https://www.hydrocad.net/pavedrain.htm>)



(<https://thewatercouncil.com>)

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DOCUMENT 8



Sustainable Stormwater Solutions



Structural and Environmental Benefits

The PaveDrain® system combines modern-day functionality with a structural concept used for centuries to create *the* revolutionary permeable paving solution. This system incorporates a patented arch design in the middle of an articulating concrete block to create an internal storage chamber that can be used as a reservoir for stormwater runoff, while simultaneously providing strength for heavy vehicular loads. The PaveDrain System is designed to be a critical component of Low Impact Development (LID) allowing for the infiltration of stormwater runoff.

The PaveDrain system is an aesthetically pleasing Permeable Articulating Concrete Block/ Mat (P-ACB/M)¹ that provides installation ease and flexibility to meet current and future stormwater management regulations. The PaveDrain system provides infiltration, storage, detention, conveyance and a paving surface all in one. When combined, these features allow for a reduction or elimination in stormwater infrastructure costs while minimizing environmental impact. The PaveDrain system works.

¹P-ACB/M is a registered certification mark of ECS Solutions, LLC

ASTM Standards & ADA Compliance

The PaveDrain system meets the requirements of ASTM D6684-04 and is recognized by the USEPA as a structural Best Management Practice (BMP) for stormwater infiltration. The Americans with Disabilities Act (ADA) Design Guidelines require that surface openings shall not exceed 1/2" and shall be firm, stable, and slip resistant. The PaveDrain System easily exceeds all these requirements by incorporating a 1/4" gap between individual PaveDrain blocks.

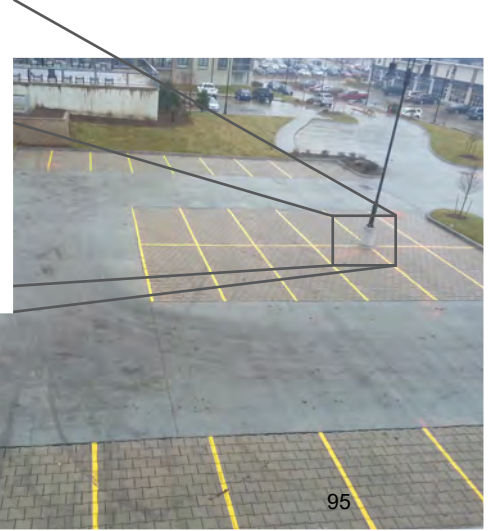
Applications

- ▣ Parking Lots
- ▣ Alley Ways
- ▣ Intersections
- ▣ Low Speed Roadways
- ▣ Emergency Access Lanes
- ▣ Residential Driveways



Why the PaveDrain System?

As part of the Clean Water Act, the EPA developed the National Pollution Discharge Elimination System (NPDES) to improve water quality by regulating point sources and non-point sources that discharge pollutants into waters of the U.S. PaveDrain captures and treats 100% of the surface water and allows you to route stormwater and control peak flows.



Infiltration Report

The PaveDrain® system was tested in accordance with ASTM C1701/ C1701M-09 by an independent third party engineering firm. The tests were conducted on different PaveDrain installations that had not been maintained on an average of more than 2 years and still infiltrated in excess of 1,500 inches/hour per one foot diameter.

	Test #1	Test #2
Inside Dia. of Infiltration Ring (in)	12.19	12.19
Elapsed Time of Test (sec)	20.9	21.95
Infiltration Rate (in/hr) (I=KM/(D2*tr))	1,630	1,560
Avg. Infiltration Rate (in/hr)	1,595	

PaveDrain® System Properties

Thickness.....5.65" (+ 1/8")
 Unit Dimensions.....12.00" x 12.00"
 Unit Weight.....45-49 lbs
 Unit.....1 Sq. Ft. Nominal
 Percentage Open Space: 7% Surface, 20% Storage Area

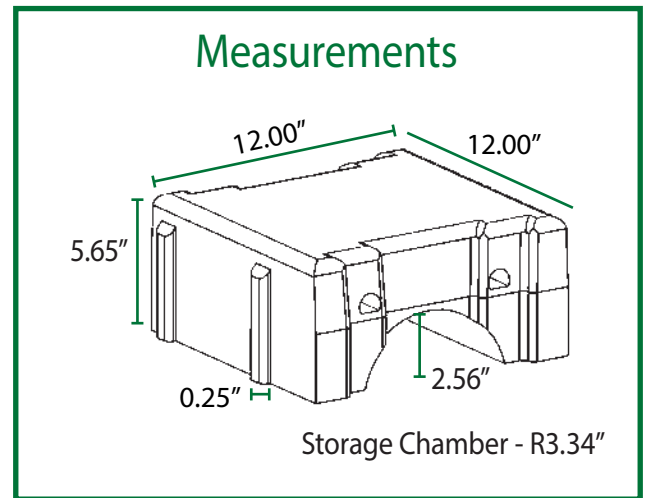
Each individual block is interlocked by six (6) units



PaveDrain® System Blocks End View Cross Section

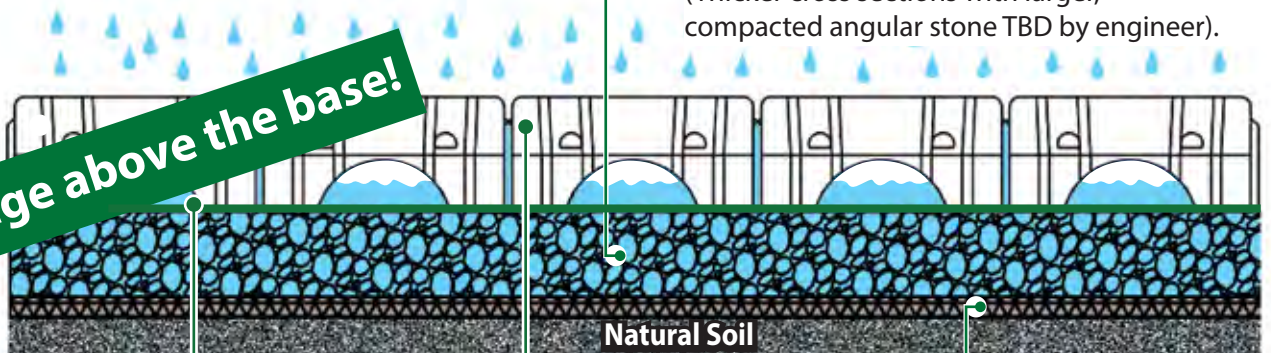


Passes AASHTO HS-25 Truck Loading



4"- 8" Minimum bedding stone compacted to no movement. Stone to be ¾" – 1" dia. clean, angular. No fines.
 (Thicker cross sections with larger, compacted angular stone TBD by engineer).

Storage above the base!



Recommended biaxial geogrid

Natural Soil

PaveDrain® System

Engineer approved geogrid or geotextile

Maintenance and Repair

The PaveDrain system is designed as an open joint concept between the blocks. Existing installations have required little, if any maintenance over multiple years. If the joints become filled or obstructed, maintenance is accomplished by using a conventional combination sewer vacuum truck and the PaveDrain Vac Head. If a significant amount of sediment accumulates in the aggregate bedding stone, PaveDrain can be removed allowing the subgrade to be cleaned and then the same product re-installed. Repair of individual PaveDrain blocks can be accomplished without removing the (mat) cables. For more detailed information on these topics go to www.pavedrain.com and select Installation & MAINTENANCE and then click REPAIR.

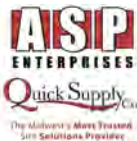


PaveDrain Vac Head



Additional Benefits

- Up to 5 LEED Credits: Sustainable Sites; Credit 6.1, 6.2, 5.1, 5.7 & Materials & Resources: Credit 5.1.
- Initial installations show a drastic reduction in the use of deicing salts over traditional asphalt and concrete surfaces.
- Installed by hand or with conventional construction equipment in all types of weather for fast, economical installations.
- Available in multiple mat sizes for customized applications
- Available in several color options
- No seams to catch on steel snow plow blades.
- Increased skid resistance over traditional pavements.
- Solar Reflectance Index (SRI) range of 36 – 41 for lighter colored units.
- Unlike traditional catch basins, varmints cannot enter drainage system.
- Regional manufacturing supporting local economies.
- Adaptable to small areas (retrofits) where retention ponds are outdated or not practical.

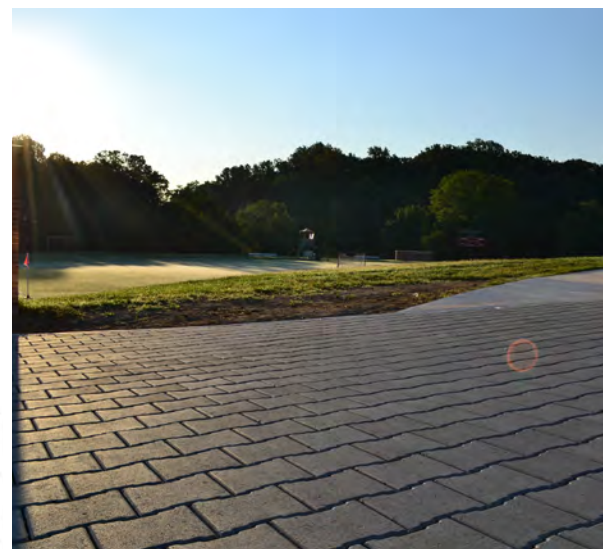


Distributed by:
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PaveDrain, LLC
 Global Water Center
 247 Freshwater Way Milwaukee, WI 53204
 (888) 575-5339 Office
www.pavedrain.com



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 PaveDrain System is a registered trademark of PaveDrain, LLC



The PaveDrain System is protected by the following U.S. and Canadian Patents; U.S. No. 8,251,607, No. D609,369, No. 8,366,843 & Canadian No. 133082. Additional patents pending.

PAVEDRAIN®



Performance Testing Stormwater Management Academy at the University of Central Florida (UCF)

UCF STORMWATER ACADEMY PAVEDRAIN® PERFORMANCE REPORT

The final PaveDrain performance report was completed May 2016 and submitted from the University of Central Florida (UCF) Stormwater Management Academy Research and Testing Laboratory (SMART Lab) by Manoj Chopra, Ph.D, P.E; Mike Hardin, Ph.D, P.E., CFM; Ikiensinma GogoAbite, Ph.D.' and Kristen Lassen.

TESTING SCOPE

The UCF Stormwater Academy evaluation of the PaveDrain® system was conducted to determine: 1) Infiltration performance of different sections, 2) System's ability to be rejuvenated (i.e. cleaned/maintained) under soil loading conditions and 3) PaveDrain® porosity (sustainable void space).

INFILTRATION PERFORMANCE

The PaveDrain® infiltration performance was determined by:

- 1) Obtaining the initial infiltration rates
- 2) Hyper-loading with two different types of soils to simulate a lifetime of pavement sediment loading
- 3) Testing as a system fully-loaded with sediment
- 4) Performing maintenance using the PaveDrain® VacHead attached to Vac Truck
- 5) Obtaining post-maintenance infiltration rates.

INFILTRATION RATES

Initial infiltration rates were determined using two different test methods:

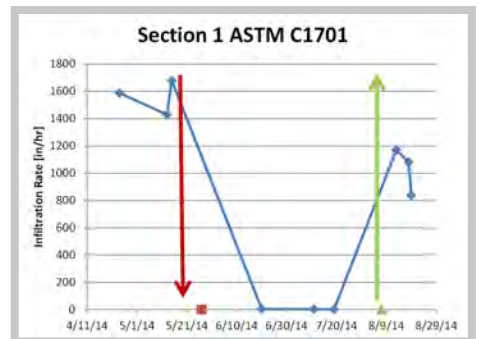
ERIK Method	ASTM Method
Initial Rate: 11,652 in/hr	Initial Rate: 1,554 in/hr
Clogged condition: 3.7 inches per hour	Clogged condition: 2.9 in/hr
Following Maintenance: 7,015 inches per hour	Following Maintenance: 1,080 in/hr

OPERATING POROSITY (Sustainable Void Space)

Operating Porosity represents the sustainable void space of the PaveDrain system, which was calculated to be 19.5%. This means that the arch within the PaveDrain block is equal to 1.1 inches of stormwater storage **ABOVE** the base.

CONCLUSION

“The testing completed on the PaveDrain® permeable pavement system shows that this system is able to infiltrate rainwater and effectively be rejuvenated by the PaveDrain® VacHead if it becomes clogged with sediment. With the amount of void space provided in the typical Pave Drain® system design, it can be inferred that these systems will be able to satisfactorily infiltrate Stormwater with longer maintenance intervals.”
Mike Hardin, Ph.D., P.E., CFM





ERIK Test Method



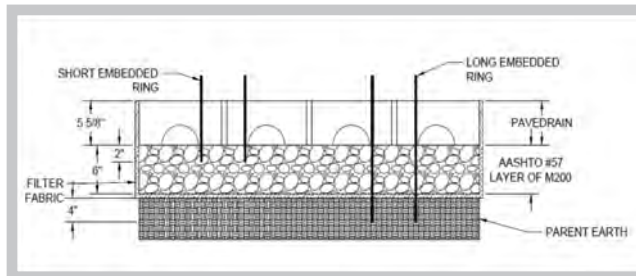
ERIK Device



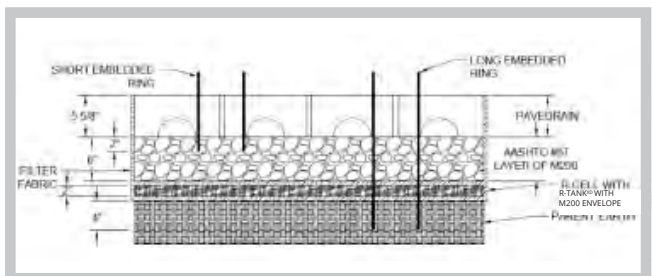
Maintenance with Vac Head



Completed job City of Melbourne



Section 1 - Typical PaveDrain Cross-Section with 6" AASHTO #57



Section 3 - Integrated Infrastructure Cross-Section with PaveDrain, 6" AASHTO #57 and 2" R-Tank[®]

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acfenvironmental.com

ACF Environmental - Florida Warehouse
500 Plumosa Avenue, Altamonte Springs, FL 32701
407.628.9375



PAVE
DRAIN
pavedrain.com

For more information about Stormwater Management, contact
Inside Sales at 800.448.3636 email at info@acfenv.com

CITY OF BIRCHWOOD VILLAGE MEMORANDUM

TO: Andy Gonyou, City of Birchwood Village Administrator

FROM: Thatcher Engineering, Inc.

DATE: February 4, 2022

REGARDING: Variance Application for Fence received by the City on January 25, 2022 (Variance Case No. 22-02-VB).

APPLICANT: Greg and Kathy Sherwood, 15 Birchwood Lane, Birchwood Village, MN 55110

PROPERTY OWNER(S): Greg and Kathy Sherwood

LOCATION: 15 Birchwood Lane, Birchwood Village, MN 55110

BACKGROUND

On December 7, 2021, the City Birchwood Village (City) received a zoning permit application (Application #1) for a fence prepared by Michels Homes and signed by Andy Michels on November 30, 2021 (Applicant #1). Application #1 included a plan titled "As-built Survey" prepared by E. G. Rud & Sons, Inc. and signed by them on November 9, 2021 (Plan). This Plan shows impervious surface calculations. This Plan and impervious surface calculations are not required to be submitted to the City with a zoning permit application for a fence. Applicant #1 did not request a review of the Plan or the impervious surface calculations. However, a preliminary analysis of the Plan and impervious surface calculations was appropriate because (1) the information is in Application #1, and (2) if the City has any concerns regarding the information, TEI believes that Applicant #1 would appreciate knowing the concerns.

On December 20, 2021, Thatcher Engineering, Inc. (TEI) prepared a memorandum regarding Application #1 which is attached (Document #1). This memorandum concludes that (1) Application #1 is incomplete and inaccurate and (2) a variance is required to construct the proposed fence.

On or about January 12, 2022, the City received an email from Greg Sherwood that included a variance application but did not include the application fee. This email states: "Attached is a variance request for placement of a fence along our property line. Please let me know if you need any other information. There was a survey submitted to the City for the zoning permit."

The variance application is attached (Document #2) and the survey submitted to the City with the zoning permit application for a fence (Which TEI understands is the "Plan") is attached (Document #3).

On January 25, 2022, the City received the application fee of \$600.00 and escrow payment of \$3,000.00. Thus, the date of receipt of this variance request is January 25, 2022 and means the 15 business day deadline is February 14, 2022.

REQUEST

Variance request #1:

The Applicant requested a variance from City Code 302.020 STRUCTURE LOCATION REQUIREMENTS.

1. City Code 302.020.2: The required minimum setback of a fence from a County Road is twenty (20) feet.
2. A variance is needed from the minimum setback requirement for the fence because of the following:
 - a. The proposed setback for the fence for the County Road on the west side of 15 Birchwood Lane is 0.5 feet which is less than the City Code required minimum setback of 20.0 feet.
 - b. The Plan (Document #3) shows East County Line Road directly adjacent to the west side of 15 Birchwood Lane.

Page 2 of the variance application refers to a previous special city council meeting but does not provide the date of the meeting. The minutes of a special meeting of the City Council dated July 26, 2021 show that 15 Birchwood Lane was discussed. The minutes are attached (Document #4).

SITE CHARACTERISTICS

The lot area is approximately 23,186 square feet according to the Plan prepared by E. G. Rud & Sons, Inc. dated November 9, 2021. The lot is approximately 99.88 feet wide, 209.93 feet deep, and contains a single-family residence and detached garage.

PRACTICAL DIFFICULTY

- 1) The lot has steep slopes and topography challenges.

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 variances 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. Variations 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 has steep slopes and topography challenges.

REASONS FOR RECOMMENDING VARIANCE APPROVAL

Variance request #1:

1. This project would preserve the essential character of the locality.

REASONS FOR RECOMMENDING VARIANCE DENIAL

Variance request #1:

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 submit a stormwater and erosion control plan prepared and signed by a licensed professional engineer because the Plan submitted by the applicant shows that a part of the fence (located west of the detached garage) may cause flooding because the fence is across the drainage ditch/swale on the Sherwood's property. 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."

DOCUMENT 1

CITY OF BIRCHWOOD VILLAGE MEMORANDUM

TO: Andy Gonyou, City of Birchwood Village Administrator

FROM: Thatcher Engineering, Inc.

DATE: December 20, 2021

REGARDING: Zoning Permit Application for Fence received by the City on December 7, 2021

APPLICANT: Michels Homes, Greg & Kathy Sherwood's contractor

PROPERTY OWNER(S): Greg & Kathy Sherwood

LOCATION: 15 Birchwood Lane, Birchwood Village, MN 55110

BACKGROUND

On December 7, 2021, the City Birchwood Village (City) received a zoning permit application for a fence prepared by Michels Homes and signed by Andy Michels on November 30, 2021 (Application). The Application (attached) includes a plan titled "As-built Survey" prepared by E. G. Rud & Sons, Inc. and signed by them on November 9, 2021 (Plan). The Plan shows impervious surface calculations.

This Plan and impervious surface calculations are not required to be submitted to the City with a zoning permit application for a fence.

The Applicant does not request a review of the Plan or the impervious surface calculations. However, a preliminary analysis of the Plan and impervious surface calculations is appropriate because (1) the information is in the Application, and (2) if the City has any concerns regarding the information, TEI believes the Applicant would appreciate knowing the concerns.

DOCUMENT

After reviewing the Application including the Plan and impervious surface calculations, Thatcher Engineering, Inc. (TEI) prepared this memorandum.

ANALYSIS: Zoning Permit Application for a Fence

1. City Code 301.080.1.b states: “A Zoning Permit shall be required for the following projects: Fences.”
2. The Application is incomplete for the following, but not limited to the following, reasons:
 - a. The Application does not include sufficient information to determine if the proposed fence will meet City Code requirements including City Code 302.070 CITY FENCE ORDINANCE. The information required includes the following:
 - i. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.
 - ii. Height. No fence shall exceed six feet six inches (78”) in height above grade at any point. Posts shall not exceed 12 inches above the adjacent fence.
 - iii. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties
 - b. A variance is required to construct the proposed fence because the proposed setback does not meet City Code 302.020 requirements.
 - i. City Code 302.020. STRUCTURE LOCATION REQUIREMENTS 2. MINIMUM SETBACK REQUIREMENTS: shows that the minimum setback of a fence from a county road lot line or land boundary is 20 feet. The Application does not meet this requirement because it shows the proposed fence to be constructed 0.5 feet east of a county road lot line or land boundary (East County Line Road).
 - c. The Application does not include sufficient information to show that the proposed fence will (1) not block stormwater and (2) not cause flooding. A part of the proposed fence (from the garage to the right-of-way line of East County Line Road) is across a drainage easement that TEI understands that the property owners, Greg & Kathy Sherwood, signed or agreed to sign.

3. The Application is inaccurate for the following reasons:
 - a. Page 1 of the Application states that no variance is required. However, a variance application is required based on the Application which shows that the proposed fence does not meet setback requirements (City Code 302.020).
 - b. The Applicant is responsible to ensure the accuracy and completeness of information in the Application (From the "Notice" section of the Application signed by the Applicant).

4. The Application is unclear because of the following:
 - a. The Plan is not legible because the location of the north end of the fence adjacent to the east property line is unclear.
 - b. The Application is ambiguous regarding whether or not the Applicant is requesting the City to review one or all of the following; (1) Zoning Permit Application for fence, (2) As-built Survey (Plan), or (3) impervious surface calculations.
 - c. The Application must be clear and unambiguous.

PRELIMINARY ANALYSIS: As-built Survey and Impervious Surface Calculations

As-built Survey

1. As-built Survey (Plan)

The definition of an as-built survey is a record of the final location of constructed improvements. The survey is conducted after construction is completed and includes the location of buildings, sidewalk, water pipes, sewer pipes, utilities, easements, and pavement. An as-built survey is used by the City to determine compliance with City Code requirements.

2. The Plan does not meet the definition of an as-built survey because of the following:

- a. The Plan shows improvements that have not been completed because it states the following:
 - i. Proposed garage.
 - ii. Proposed asphalt driveway.
 - iii. Proposed fence.

- iv. Retaining wall per builder. An as-built survey plan is based on a field survey and should not state: "Retaining wall per builder."
 - v. Proposed rain garden swale.
 - vi. Proposed concrete sidewalk.
 - vii. Proposed allowances.
- b. The Plan does not show improvements that have been completed as follows:
- i. The installed covered deck addition to the west side of the house (Photo 1 – Image dated November 30, 2021).
 - ii. The installed flat fieldstone boulders (a.k.a. rip rap rock) near White Bear Lake (Photos 2 and 3 – Images dated November 30, 2021).
 - iii. The granite steps near White Bear Lake.
- c. The Plan does not show easements, restrictions or encumbrances that may exist on the property.

Impervious Surface Calculations

1. Impervious Surface Calculations

- a. The Plan shows the following:
- i. Impervious Surface Calculations (Calculations)
 - 1. Total Impervious Surface = 4,428 square feet
 - 2. Percent Impervious = 19.1%
 - ii. Proposed Allowances (Allowances)
 - 1. Total Impervious Surface = 1,366 square feet
 - 2. Percent Impervious = 5.9%
- b. It appears that the above calculations and allowances do not include the following existing impervious surfaces:
- i. The impervious surface area of the installed covered deck addition to the west side of the house.
 - ii. The impervious surface area of the flat fieldstone boulders (a.k.a. rip rap rock) installed near White Bear Lake.

- iii. The impervious surface area of the granite steps installed near White Bear Lake.
- iv. Rock or other impervious surfaces for the proposed rain garden swale or other areas.
- c. If after construction is completed, (1) the area used for the Calculations and (2) the area used for the Allowances is impervious, it appears that the impervious surface of the lot will be 25% (the maximum allowed by City Code is 25%).
- d. If after construction is completed, the impervious area not included in the above Calculations and Allowances is included, the total impervious surface area of the lot will be greater than 25%.

ADDITIONAL INFORMATION

Additional information or variance requests from other City Code requirements may be required by the City depending on the work proposed by the Applicant and the information provided to show the proposed work.

The City may require an as-built plan to document that the improvements when completed meet City Code requirements including impervious surface area requirements.

CONCLUSIONS

1. The Application is incomplete and inaccurate.
2. A variance is required to construct the proposed fences.

RECOMMENDATION

TEI recommends the following to the City of Birchwood Village:

1. Notify the Applicant that the Application is incomplete.

APPLICATION

Permit #
APPROVALS:
Eng: _____
Plng _____
Bldg _____
for office use only

Please Note:
All Permits must be accompanied with a checklist and survey



207 Birchwood Ave, Birchwood, MN 55110
651-426-3403 Fax 651-426-7747
Email: info@cityofbirchwood.com

ZONING/CONDITIONAL USE Permit Application

PRINT OR TYPE APPLICATION

Site Information

Address 15 BIRCHWOOD LANE, BIRCHWOOD MN 55110

Is a variance required? Yes No If yes, provide Planning Department information _____

Work Description

Proposed starting date 12/1/2021 Completion date 1/1/2022

ZONING

CONDITIONAL USE

- Land Disturbance (greater than 100 sq ft/ 50 cubic yds)*
- Beach sand replacement (above the OHWL not to exceed 400 sq ft and/or 50 cubic yds in volume)*
- Decks/platforms (less than 30" above grade not attached to structure with frost ftg)
- Driveways/sidewalks/patio (whose area is greater than 100 sq ft)*
- Fences*
- Retaining Wall*
- Stairs/lifts to lake or water body*
- Shed (144 sq ft)*

- Land Disturbance (slopes toward a lake, pond, wetland, Watercourse)*
- Land Disturbance (greater than 400 Sq ft and/or more than 50 cubic yds)*
- Solar Energy System
- Swimming Pool*
- Tennis/pickleball courts*
- Home Occupation
- *PLEASE NOTE- Any person applying for a Conditional Use Permit (301.070) shall fill out and submit to the City Clerk at least (14) days prior to the Planning Commission meeting a "Conditional Use Permit form. A fee to be set by the City Council shall be paid.
- *Surveys are required with permit**

Additional Description: NEW FENCE

Valuation 10,000.00

Applicant is: Owner Contractor

Contractor Information

Company name MICHEL'S HOMES MN Contractors License # BC29K447
Address 5959 CENTERVILLE RD. City NORTH OAKS State MN Zip 55127
Contact person name ANDY MICHEL'S
Phone 651-653-1210 Cell 651-248-7534 Email ANDY@MICHEL'SHOMES.COM Fax N/A

Homeowner Information

Name GREG + KATHY SHERWOOD
Address 15 BIRCHWOOD LANE
City BIRCHWOOD State MN Zip 55110
Phone N/A Cell GREG: 651-241-6112 Email GKSHERWOOD@FMAIL.COM Fax N/A
KATHY: 651-270-9699

NOTICE:

The City and its representative accept no responsibility for error 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

Any changes to this application will make the permit voidable unless amendments are approved by the City with prior consent. The applicant will provide (separate documents, surveys, and calculations) to the City, showing the affected areas, grade plane, change in elevation, and imperious surface.

The applicant shall comply with all provision of the State Building, Plumbing, Mechanical, Electrical, and Fire Codes, as well as all City Ordinances governing zoning and buildings. The State of Minnesota regulates all electrical work. The continued validity of this permit is contingent upon the applicant's compliance of all work done and materials used, with the plans and specifications herewith submitted, and with the applicable ordinances of the City.

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 which will be built in conformance with such representation.

Applicant's signature  Date 11/30/2021

Applicant's printed or typed name ANDY MICHELS

Owner/Applicant Statement - To be completed only when the homeowner is the permit applicant

I understand the State of Minnesota requires residential contractors, residential remodelers and residential roofers be licensed to work in the State unless they qualify for a specific exemption from the licensing requirements. By signing this statement, I certify that I am building or improving this dwelling myself. I claim to be exempt from state licensing requirements because I am not in the business of building on speculation or for resale. I certify I have not built or improved any other residential structures in the State within the past twelve months. I also acknowledge that, because I do not have a state license, I forfeit any mechanic's lien rights to which I may otherwise have been entitled under MS 514.01.

I further acknowledge I may be hiring independent contractors to perform certain aspects of the improvements on this dwelling, and I understand some of these contractors may be required to be licensed by the State. I understand unlicensed residential contracting, residential remodeling and residential roofing activity is a misdemeanor under Minnesota law, and I forfeit my rights to reimbursement from the Contractors Recovery Fund in the event any contractors I hire are unlicensed.

Homeowner's Signature: _____ Date: _____

Contact the Minnesota Department of Commerce, Enforcement Division to determine if a contractor is licensed or exempt or to check on contractor status. Metro: (651) 296-2594, Outstate: 1 (800) 657-3602, www.commerce.state.mn.us/mainbc.htm

For office use only:

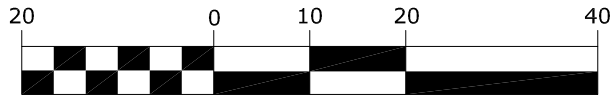
Special Approvals	req	rec	Cert of insurance or cash Escrow		Permit Fees	
Washington County			Soil Investigation Report or Shoring Plan		City Plan Review Fee	\$
Rice County			Existing Conditions Report		Planner Review Fee	\$
WBL Conservation Dist			Demolition Notification		State Surcharge Fee	\$
Dept Natural Resource (DNR)			Construction Signage		Permit Escrow Fee	\$ 3,000.00
City Council			Stormwater/Erosion Control Plan		TOTAL	\$

AS-BUILT SURVEY

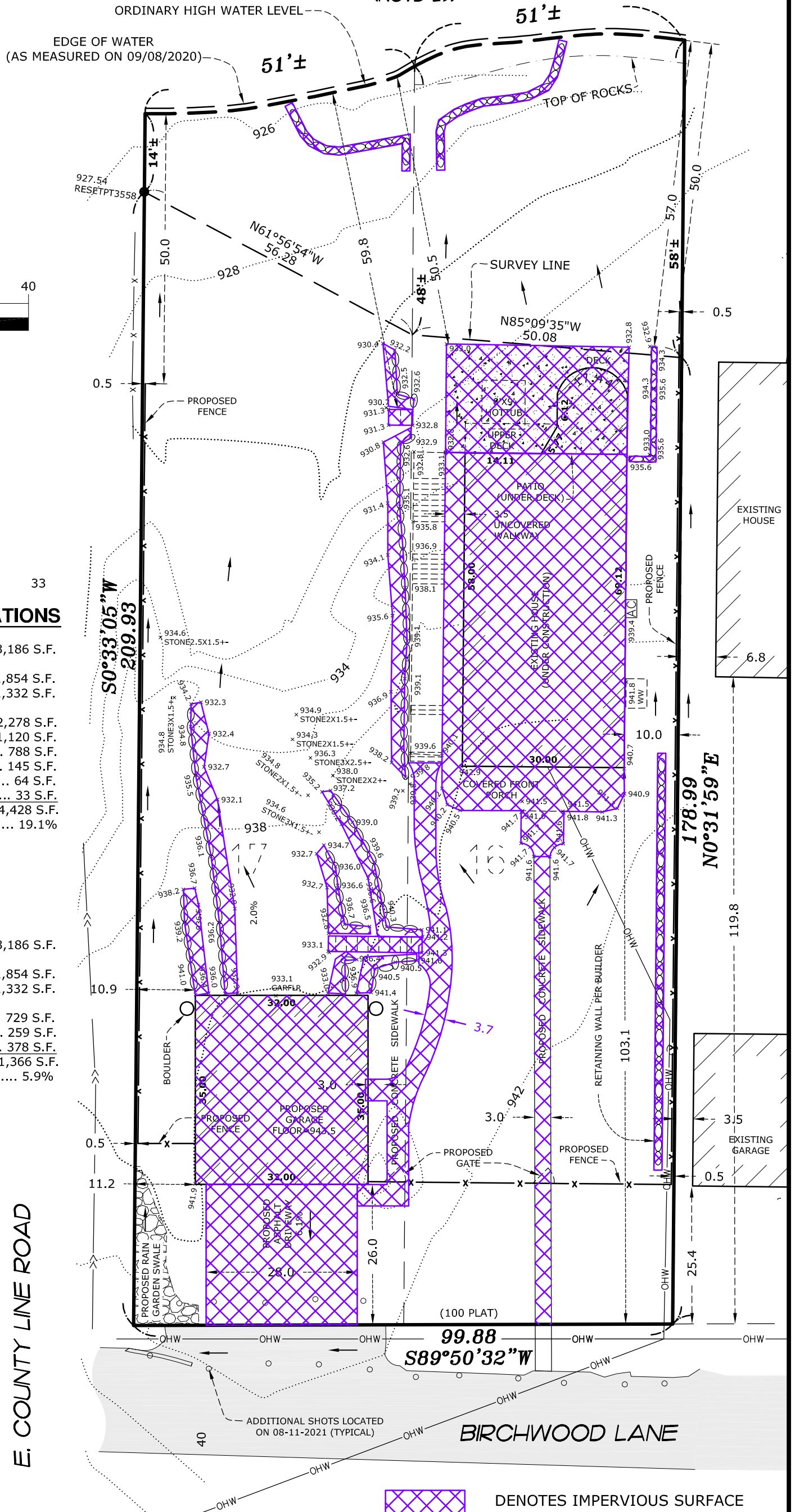
~for~ MICHELS CONSTRUCTION
 ~of~ 15 BIRCHWOOD LANE
 BIRCHWOOD, MN

WHITE BEAR LAKE
 OHWL = 924.7
 (NGVD 29)

GRAPHIC SCALE



1 INCH = 20 FEET



IMPERVIOUS SURFACE CALCULATIONS

TOTAL AREA OF LOT 16 & 17 (ABOVE OHWL)	23,186 S.F.
TOTAL AREA OF LOT 16 (ABOVE OHWL)	11,854 S.F.
TOTAL AREA OF LOT 17 (ABOVE OHWL)	11,332 S.F.
EXISTING HOUSE/COVERED FRONT PORCH	2,278 S.F.
PROPOSED GARAGE	1,120 S.F.
EXISTING RETAINING WALLS	788 S.F.
EXISTING REAR PATIO CONCRETE	145 S.F.
EXISTING LANDSCAPE STEPS	64 S.F.
EXISTING WALL STONES	33 S.F.
TOTAL IMPERVIOUS SURFACE	4,428 S.F.
PERCENT IMPERVIOUS	19.1%

PROPOSED ALLOWANCES

TOTAL AREA OF LOT 16 & 17 (ABOVE OHWL)	23,186 S.F.
TOTAL AREA OF LOT 16 (ABOVE OHWL)	11,854 S.F.
TOTAL AREA OF LOT 17 (ABOVE OHWL)	11,332 S.F.
PROPOSED ASPHALT DRIVEWAY	729 S.F.
PROPOSED FRONT SIDEWALK/PAVERS	259 S.F.
PROPOSED SIDEWALK FROM GARAGE TO HOUSE ...	378 S.F.
TOTAL IMPERVIOUS SURFACE	1,366 S.F.
PERCENT IMPERVIOUS	5.9%

Lots 16 and 17, BIRCHWOOD, Washington County, Minnesota.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: Minnesota License No. 41578

Dated 9th day of November 2021.

BEARING DATUM: Washington			
REVISIONS			
1	11-9-21	UPDATE IMPERVIOUS	CMB
2			
3			
NO.	DATE	DESCRIPTION	BY

SCALE: 1" = 20'
JOB NO. 19696HS
DATE: 11-08-21
DRAWN BY: BCD
CREW: DT/CT

E. G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701
 www.egrud.com

PHOTO 1



PHOTO 2



PHOTO 3



DOCUMENT 2



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) Greg and Kathy Sherwood

2. Address 15 Birchwood Lane

City Birchwood Village State MN Zip Code 55110

Business Phone _____ Home Phone 651 271 6112

3. Address of Property Involved if different from above: _____

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

5. Specific Code Provision from which Variance is requested: 302.020 Structure location

6. Describe in narrative form what the Applicant is proposing to do that requires a variance:
Place a fence along the property line on the west side of the property

7. Type of Project:

- New Construction (empty lot)
- Addition
- Demolition
- Landscaping
- Repair or removal of nonconforming structure
- Other (describe) Fence construction _____

8. Type of Structure Involved:

- Single Dwelling
- Garage
- Tennis Court
- Grading/Filling
- Other (describe) _____
- Double Dwelling
- Addition
- Pool

9. 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:

During a previous Special session of the City Council review, it was decided that a setback of 20 feet from the county road as detailed in City Code 302.020 does not apply to this lot as the Curt Feistner Park separates the county road from 15 Birchwood Lane. Mr .Thatcher’s request for a variance is in direct conflict of this decision. We would like to request the fence placement along the property line on the west side of the lot. We would also like to have our dog have full access to the property. We were allowed to place the garage structure with a ten foot set back from the property, so it is impractical to have the 20 foot setback apply to the fence placement.

10. 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:

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

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

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

If yes, explain:

14. 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:

15. Please provide the applicable information in the following Table: Survey has been submitted

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot			
2. Maximum Impervious Surface (25% of item 1)			
3. Roof Surface			
4. Sidewalks			
5. Driveways			
6. Other Impervious Surface			
7. Total of Items 3-6			
8. Percent Impervious Surface			

16. 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
 - 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.

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: Greg Sherwood

Date: 1-12-2022

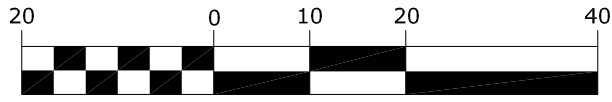
DOCUMENT 3

AS-BUILT SURVEY

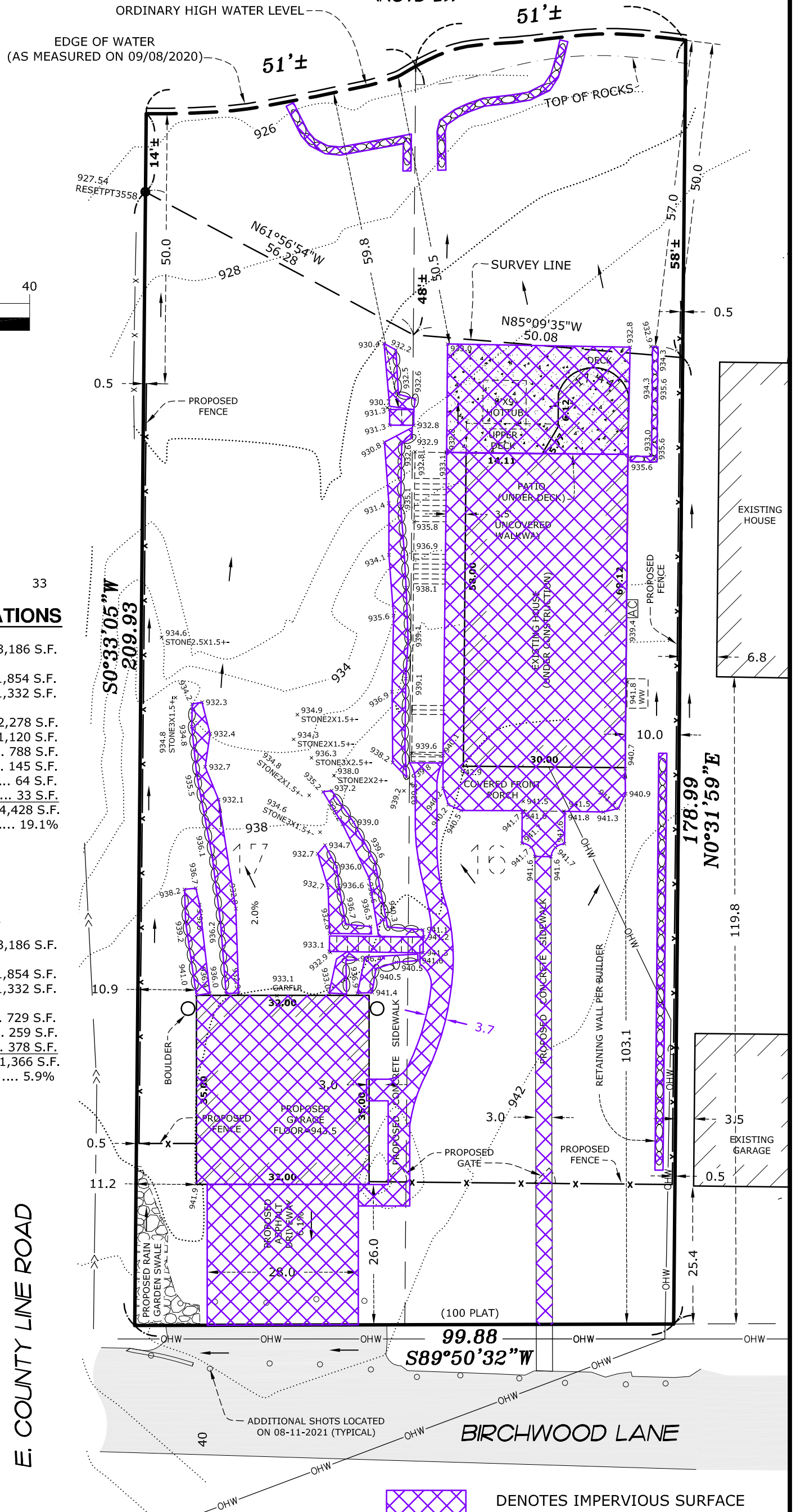
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WHITE BEAR LAKE
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GRAPHIC SCALE



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IMPERVIOUS SURFACE CALCULATIONS

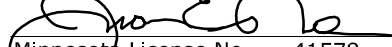
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Lots 16 and 17, BIRCHWOOD, Washington County, Minnesota.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: 
 Minnesota License No. 41578

Dated 9th day of November 2021.

BEARING DATUM: Washington			
REVISIONS			
1	11-9-21	UPDATE IMPERVIOUS	CMB
2			
3			
NO.	DATE	DESCRIPTION	BY

SCALE: 1" = 20'
JOB NO. 19696HS
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DRAWN BY: BCD
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DOCUMENT 4

**SPECIAL MEETING OF THE
CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
JULY 26, 2021
6:00PM**

CALL TO ORDER

Mayor Wingfield called the meeting to order at 6:00pm

MEMBERS PRESENT: Mayor Wingfield, Councilmembers: Mark Foster, Justin McCarthy, John Fleck, Keven Woolstencroft

STAFF PRESENT: City Administrator Andy Gonyou, City Attorney, H. Alan Kantrud, City Engineer Steve Thatcher (by phone)

CITY BUSINESS – REGULAR AGENDA

A. City of White Bear Lake Contracts

- a. Introductions
 1. Ellen Highniker – Manager of White Bear Lake
 2. Chief of Fire - Greg Peters
 3. Finance Director - Kerri Kindsvater
- b. Birchwood Village Council & City of White Bear Lake Representatives discussion
 1. Power point presentation and discussion
 - i. Changes/Improvements since 2018
 - Staffing
 - Facilities
 - Apparatus/Equipment
 - ii. Call/run data
 - ii. Financial trends
 - iv. Discussion

B. 15 Birchwood Lake

- b. Review & Discuss Pending Permit Application
 - i. Steve Thatcher, City Engineer spoke by phone in regards to his findings on their garage
 - ii. Sherwood's explained their position on the grade issue getting their garage a couple feet above street level
- c. Discussion was made on the rip rap done without a permit
 - i. Sherwood's explained what was put down by shoreline
 - ii. A Zoning permit and plans need to be submitted for rip rap
 - iii. Survey required
- d. Discussed that they need a CUP permit for land disturbance activity
 - i. If they have a building permit no CUP is required
- e. Discussed a fence
 - i. no fence on property
 - ii. will get permit after garage permit
- f. Setbacks were discussed
- g. Discussed the flow of the water from garage

MINUTES/SpecialmeetingofCityCouncil/7262021

MOTION MADE BY MAYOR WINGFIELD TO AUTHORIZE CITY ATTORNEY KANTRUD AND THE STEVE THATCHER THE CITY ENGINEER TO PROCEED INTO A CONTRATUAL RELATIONSHIP TO RESOLVE THE STORM WATER DRAINAGE IN THE AREA THAT ENCOMPASES BOTH THE DRILINGS FORMER PROPERTY AND THE SHERWOODS NEW PROPERTY AND THE CITS BIRCHWOOD LANE. COUNCILMEMBER FLECK SECONDED. AYES: ALL MOTION PASSED.

C. First Reading of Ordinance 2021-07-01, Sec 308. Subdivision of Land

a. Council Deliberation & Approval

i. Councilmember McCarthy discussed some of the wording he thought should be changed

a. City Attorney Kantrud will review and make the necessary changes for Second Reading

II. Land Dedication For Public Site And Open Spaces Or Fee Lieu was discussed

b. Order Public Hearing & Second Reading

MOTION MADE BY MAYOR WINGFIELD TO ACCEPT THE FIRST READING OF THE CODE 308 OF THE SUBDIVISION TASK FORCE AS AMENDED AND ORDER THAT THE SECOND READING BE PUT ON FOR PUBLIC HEARING AT COUNCIL MEETING IN AUGUST. COUNCILMEMBER FLECK. AYES: ALL. MOTION PASSED

MOTION MADE BY MAYOR WINGFIELD TO HAVE A SPECIAL MEETING ON MONDAY, AUGUST 2, 2021 AT 6:00PM, REVIEWING REPLACEMENT LANGUAGE FOR 308 120 REGARDING PARK DEDICATION OR FEE IN LIEU OF. SECONDED BY COUNCILMEMBER FLECK. AYES: ALL. MOTION PASSED

D. Deputy Clerk Access to City Website (Mayor Wingfield)

MOTION MADE BY MAYOR WINGFIELD AUTHORIZING CITY DEPUTY CLERK SMITH TO HAVE ACCESS TO THE WEBSITE AND WORK WITH SCOTT FREEBERG. COUNCILMEMBER FLECK SECONDED. AYES: ALL. MOTION PASSED

MOTION MADE BY COUNCILMEMBER FLECK TO ADJOUN. SECONDED BY COUNCILMEMBER WOOLSTENCROFT. AYES: ALL MOTION PASSED

ADJOURNED AT 10:47PM

ATTEST:

MAYOR MARY WINGFIELD

CITY ADMINISTRATOR ANDY GONYOU

RESOLUTION 2022-06

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION AUTHORIZING AN EXTENSION TO THE DEADLINE FOR FINAL
DETERMINATION OF VARIANCE CASE 22-02-VB**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has received a request for variance with a case number of 22-02-VB; and

WHEREAS, the Planning Commission of the City of Birchwood Village has not yet made a final advisory opinion on variance case 22-02-VB; and

WHEREAS, the City of Birchwood Village has a policy in place compliant with State Statute 15.99 to extend the final decision making deadline on such variance cases

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. In compliance with City Policy (INTAKE PROCEDURE FOR ZONING AND VARIANCE APPLICATIONS) and Minn. Statute 15.99, the City of Birchwood Village is establishing a 60 day extension to the deadline for decision in the variance case of 22-02-VB. The original deadline of 03/25/2022 has now been extended to 05/24/2022.

Resolution duly seconded and passed this 8th day of March, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

An ordinance amending Section 404 of the City's code.

The following is a SUMMARY of the Ordinance:

On 03/08/2022 the City amended Code 404

Amending the section of code regulating housing standards in city code.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Ave, Birchwood, MN or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4

CITY OF BIRCHWOOD VILLAGE MEMORANDUM

TO: Andy Gonyou, City of Birchwood Village Administrator

FROM: Thatcher Engineering, Inc.

DATE: February 18, 2022

REGARDING: Variance Application

APPLICANT: Susan Welles of Husnick Homes, Inc., 2370 County Road J, Suite 105, White Bear Lake, MN 55110.

PROPERTY OWNER(S): Sandy Kriz Buerkle and David Buerkle

LOCATION: 529 Lake Avenue, Birchwood Village, MN 55110

BACKGROUND

On January 31, 2022, the City Birchwood Village (City) received an application for two (2) variances for 529 Lake Avenue (Application) signed by Susan Welles of the builder Husnick Homes, Inc. (Applicant).

On February 16, 2022, Thatcher Engineering, Inc. (TEI) received from the Applicant updated documents including an updated variance application signed by the Applicant dated January 31, 2022 (Updated Application).

The property owners intend to do the following:

1. Retain the original house.
2. Build an addition and remodel the original house as follows:
 - a. Remove existing attached garage and living space above it which does not meet the City Code required 10 foot side yard setback.
 - b. Install a new attached garage and living space above it that meets the City Code required 10 foot side yard setback.
3. Install a raingarden.

TEI understands that the lot will continue to contain one dwelling unit.

The structure is a non-conforming pre-existing structure because of the following:

1. The existing structure is set back 6.7 feet from the south side yard which is less than the City Code required minimum setback of 10 feet.
2. The existing structure is set back 6.4 feet from the north side yard which is less than the City Code required minimum setback of 10 feet (the proposed work will eliminate this setback deficiency).
3. The existing structure is set back 27 feet from the Ordinary High Water Level of White Bear Lake which is less than the City Code required minimum setback of 50 feet.

The Applicant is making the requests because the current house and attached garage are not adequate for aging in place.

REQUESTS

The Updated Application requests the following variances:

Variance Request #1 (Non-Conforming Uses Requirement): The Applicant is requesting a variance from City Code 301.050. **NON-CONFORMING USES.**

1. City Code 301.050 states:

"A. Definitions

1. Non-Conforming Pre-Existing Structure: A structure existing at the time of the adoption of a zoning control that was lawful prior to the time of the adoption of the zoning control but does not comply with that control.
2. Non-Conforming Pre-Existing Use: A use or occupation of land existing at the time of the adoption of a zoning control that was lawful prior to the time of the adoption of the zoning control but does not comply with that control.

B. A non-conforming pre-existing structure or use existing at the time of the adoption of an additional zoning control may be continued, including through repair, replacement, restoration, maintenance, or improvement, unless:

1. the non-conforming pre-existing structure or non-conforming pre-existing use is discontinued for a period of more than one year,; or
2. the non-conforming structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.

C. A non-conforming pre-existing structure or non-conforming pre-existing use may not be moved or expanded except:

1. If the expansion or move brings the non-conforming pre-existing structure or use into conformance with the zoning code; or
2. The conforming portion of a non-conforming structure may be expanded provided that such modification or expansion does not increase the portion of the structure that is non-conforming, and provided that the modification otherwise conforms to the provisions of the zoning code; or
3. The non-conforming portion of a non-conforming structure may be modified so long as the modification does not increase the horizontal or vertical size of the non-conforming portion;

D. Notwithstanding paragraphs B and C, the repair, replacement, maintenance, improvement, or expansion of non-conforming structures or uses in floodplain areas must be done such that the structure or use maintains eligibility for the National Flood Insurance Program and such repair, replacement, maintenance, improvement, or expansion may not increase flood damage potential or increase the degree of obstruction to flood flows in a floodway.

E. Impervious Surfaces. Non-Conforming Pre-Existing Structures on lots that do not comply with the impervious surfaces requirement set forth in 302.050 prior to any expansion may be expanded provided that 301.050.C is met with respect to the other requirements of sections 200 and 300 and provided that the expansion does not increase the impervious surface coverage of the lot.

F. Variances are not to be granted for the provisions of 301.050 but instead may be granted for other sections of chapters 200 or 300 that cause the existing or proposed structure or use to be non-conforming.”

A variance is needed for the increase of vertical size of the structure because the increase is to the non-conforming portion of the structure. The proposed increase is about seven (7) inches to address current roof issues.

A variance is not needed for the increase of horizontal size of the structure because (a) the increase is to the conforming portion of the structure, (b) the modification does not increase the portion of the structure that is non-conforming, and (c) the modification otherwise conforms to the provisions of the zoning code.

Variance Request #2 (Impervious Surfaces): The Applicant is requesting a variance from City Code 302.050 IMPERVIOUS SURFACES.

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."

The Updated Application shows that the existing impervious surface coverage is 30.3% and the proposed impervious surface coverage will be 29% which is above the 25% maximum allowed by City Code 302.050. Thus, the Updated Application must show that the requirements in Code 302.050.1.a to k. are satisfied to apply for a variance.

SITE CHARACTERISTICS

The lot area is 12,921 square feet according to the plan prepared by E. G. Rud and Sons, Inc. dated February 15, 2022. The lot is narrow (about 50.0 feet wide at White Bear Lake and about 80 feet at Lake Avenue) and contains a single-family residence with attached garage.

PRACTICAL DIFFICULTY

The lot is extremely narrow and long.

ADDITIONAL INFORMATION

Additional information or variance requests from other City Code requirements may be required by the City depending on the work proposed by the Applicant and the information provided to show the proposed work.

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 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 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

Variance Request #1 (Non-Conforming Uses Requirement): The Applicant is requesting a variance from City Code 301.050. NON-CONFORMING USES. A variance is needed for the increase of vertical size of the structure because the increase is to the non-conforming portion of the structure. The proposed increase is about seven (7) inches to address current roof issues.

Variance Request #2 (Impervious Surfaces): The Applicant is requesting a variance from City Code 302.050 IMPERVIOUS SURFACES. The information in the Updated Application shows that the proposed work meets the City's requirements to be eligible to apply for a variance for impervious surfaces (City Code 302.050.1.a through k).

The Application states that the lot is substandard by area (12,921 square feet). However, a variance is not needed from the minimum lot size requirement because the lot size (12,921 square feet) is more than the City Code required minimum lot size of 9,000 square feet (15,000 feet x 60%). Also, a variance is not needed from the minimum lot width requirement because the lot width at the front building line for the new structure (approximately 67 feet) is more than the City Code required minimum lot width of 48 feet (80 feet x 60%) for a lot containing one dwelling unit.

Page 2 of the report prepared by Solutions Blue, Inc. dated February 17, 2022 states: "The design elevations and volumes of the rain garden are as follows: Bottom of BMP 927.50 feet." Plan C400 prepared by Solutions Blue, Inc. dated February 17, 2022 shows the bottom elevation of the BMP to be 927.70 feet. The bottom elevation of the BMP must be at or above 927.70 feet to meet the City required 3.0 feet above the Ordinary High Water Level of White Bear Lake. The report is different than the plan and should be corrected.

REASONS FOR RECOMMENDING VARIANCE APPROVAL

Variance request #1 and #2:

1. The lot is extremely narrow and long.
2. This project would preserve the essential character of the locality.

REASONS FOR RECOMMENDING VARIANCE DENIAL

Variance request #1 and #2:

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."
2. The following could be argued:
 - a. That the Application is 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 a requested variance is approved, the approval may be 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 Applicant and approval by the City Council.
3. Land alteration may not cause adverse impact upon abutting property.
4. Prior to the City approving an occupancy permit, the Owners shall record a City approved rain garden maintenance agreement at Washington County property records and return a copy to the City for verification.
5. The variance shall not be valid unless the Owner properly records the variance at the Washington County property records and returns a copy to the City for verification.

DOCUMENT 1



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: 02/03/2022 Amount Paid: \$ 6000/13,000
Payment Type (Circle One): Cash / Check / Money Order / Credit Card
Check/Money Order # 5443/41200
Application Complete? Yes No If no, date application was deemed complete: _____
Signature of City Planner: [Signature] Date: 2/18/22

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.

- Name of Applicant(s) Susan Welles
Address 2370 County Road J, Suite 105
City White Bear Lake State MN Zip Code 55110
Business Phone 612.998.8404 Home Phone _____
- Address of Property Involved if different from above: 529 Lake Ave.
- Name of Property Owner(s) if different from above and describe Applicant's interest in the property:
Sandy Kriz Buerkle and David Buerkle
- Specific Code Provision from which Variance is requested: 301.020, 302.050
- Describe in narrative form what the Applicant is proposing to do that requires a variance:
See attached

6. Type of Project:

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

7. Type of Structure Involved:

- Single Dwelling
- Garage
- Tennis Court
- Grading/Filling
- Other (describe) _____
- Double Dwelling
- Addition
- Pool

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:

See attached narrative

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:

We will be decreasing the overall impervious surface on the lot as well as
incorporating a rain garden on the property to offset additional stormwater over the
City's 25% allowable.

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

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

2/17/22

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

If yes, explain: The existing garage is in the side setback. The new garage will conform for all setbacks.

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:

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot	12,921	12,921	0
2. Maximum Impervious Surface (25% of item 1)	3,230	3,230	0
3. Roof Surface	1,515	2,200	+685
4. Sidewalks	420	395	-25
5. Driveways	1,669	1,154	-515
6. Other Impervious Surface	316	0	-316
7. Total of Items 3-6	3,920	3,749	-171
8. Percent Impervious Surface	30.3%	29%	-1.3%

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
 - 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.

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: Susan Welles Date: 1-31-2022

DOCUMENT 2

January 31, 2022

To City of Birchwood Planning Commission,

I am petitioning you today on behalf of Sandra Kriz Buerkle and David Buerkle to ask for variances to remodel their residence at 529 Lake Ave. They have been long time residents in the community and are currently looking to remodel the property to better suit them for aging in place and address current issues within the home.

The lot at 529 Lake Ave. is considered substandard by size at 12,921 sq. ft. The house is in the Shoreland Overlay district. The home at present consists of two parts. The first being the original structure built in the 50's and fronting White Bear Lake. The second is an attached garage addition facing Lake Ave that later had living space added above. The remodel proposes to retain the original house and remove the existing garage addition and replace it with a new garage and living space above. The original house foundation falls within the required setback in the NE corner and side as does the existing garage along the SW elevation. (See attached survey) I am proposing to eliminate the garage setback deficiency and bring the new garage into compliance. The existing NE house corner will remain intact with the remodel, but I am asking for a variance to extend a line of non-conformity to address current roof issues. There are existing fractured rafters in this portion of the house that need to be replaced. The existing roof was constructed with 2 X material and hand framed. There is currently bowing of additional rafters given the span they are supporting. Energy code requires a minimum of a 7" energy heel at the juncture of exterior walls to the roof. The current roof allows for less than 4". The existing cedar shake roof needs to be replaced and asbestos has been found in the plaster covering the existing ceiling and walls and needs to be completely removed. In light of the existing condition of the roof and asbestos plaster I would like to remove the roof in its entirety and replace it with a conventional trussed roof that will meet current energy code. Because of this I am asking for a variance to raise the height of non-conformity as it pertains to the new roof. The house has a modest 6:12 pitch which already satisfies the City's code for structure height being under 30'. The difference in heel height from existing to meet energy code should be less than 4-5" given the existing overhang of 24".

In addition to the roof issues the current house does not have a prominent front door which has caused issues in the past with emergency vehicles gaining access to the home. As part of the remodel a new Front Entrance is being proposed that will have a presence along Lake Ave and serve to mitigate this issue in the future.

The existing property has an overall impervious surface of 30.3%. While designing the remodel I have proposed removing all existing sidewalks, asphalt driveway, planters, shed and pavers per attached survey. I have also reduced the amount of impervious opening at the base of the driveway where it meets the street allowing for more stormwater to be captured on the lot. If accepted the proposed new impervious surface with new designed driveway and addition will bring the total on the lot down to 29% impervious and will be less than current conditions on the lot. In addition we will be installing a rain garden on the Lake Ave. side of the home to mitigate the additional stormwater run-off towards the south for the percentage above the City's 25% allowable. I have attached stormwater calcs and erosion control design for the Commission's review as well as survey and proposed site plan.

For these reasons I am asking you to consider a variance on the following City Codes {301.020} as it pertains to existing height in the areas of non-conformity and {302.050} as it pertains to impervious surface.

Please review our attached proposal for this project and site plan that outline the above conditions. We will be following all other City of Birchwood codes and ordinances to construct this home as designed and submitted for your review.

Sincerely,

Susan Hebert Welles

Project Designer

DOCUMENT 3



Date: February 14, 2022

Revised: February 17, 2022

Subject: Stormwater Management Memo
529 Lake Ave, Birchwood, MN
Drainage Design Calculations

On behalf of Husnik Homes, Inc, Solution Blue has prepared drainage design calculations to be included in the project documents. Below is the Stormwater Management Memo detailing the drainage design calculations and BMPs included in this project, as well as pertinent attachments.

EXECUTIVE SUMMARY

The proposed project is located at 529 Lake Avenue in Birchwood, Minnesota ("Site"). The proposed disturbance area for this project is under 10,000 and drains to White Bear Lake. The Rice Creek Watershed ("Watershed") also requires stormwater management devices if the disturbance threshold is over 10,000 sf of new or reconstructed impervious. The City is the LGU for stormwater regulations for this project, but the only applicable standard for this site is to demonstrate no increase runoff rates from the existing 2-, 10-, 100-yr and the 10-day snow melt design storms. The purpose of this memo is to address these regulations. This project includes demolishing and building additions to the existing house, demolishing the driveway, and constructing a new driveway, grading to tie into existing elevations and will disturb less than one acre of total area.

We analyzed the existing and preliminary proposed Site hydrology using HydroCAD. To estimate existing and proposed runoff rates we performed hydrology modeling for the existing and proposed Site. We divided the Site into drainage boundaries, input land use, soils information, surface storage, and precipitation depths corresponding to the required design storms. This project site contains silty sand soils predominantly, which are commonly Type B soils and typically acceptable for infiltrating storm runoff based on information from the MN Stormwater Manual and provided soils report. A Soils Map and report showing the entire Site can be found in Attachment C.

The proposed stormwater management design will route the site runoff around the house towards White Bear Lake to slow down the runoff, as well as use a rain garden to further reduce the runoff on site. Comparing this BMP to the existing conditions against the design storms shows that the proposed design reduces the overall discharge rate off the site.

PROPOSED CONDITION CALCULATIONS

The proposed site is graded to direct the majority of the site's runoff towards the front of the house and uses a rain garden to further reduce the amount of runoff generated on site. **Since the soils report provided by Kilo Engineering details the on-site soils' infiltration rates, we used a design infiltration rate of 0.55 in/hr based on the tested values from the Geotechnical Engineers, and graded with the intent to collect and route as much runoff to the rain garden as possible before overflowing to Lake Ave. The grading in the rear yard of the residence will remain largely unchanged towards White Bear Lake.**



The City requires rate control measures be implemented on sites of this size. The construction of the home, additions and driveway connection **removes approximately 171 sf of impervious coverage from the site**, for a total impervious site coverage of approximately **3,749 sf**. Existing drainage patterns around the proposed site will be maintained when tying the grades back into the existing ground elevations, refer to the Drainage Maps in Attachment A for site coverage.

RATE CONTROL

To provide enough volume control and peak flow retention for the 10-, and 100-year events, and the ten-day snowmelt, runoff was directed discharge point (infiltrating through the rain garden, or sheet flowing off the driveway). Overall, the HydroCAD model showed no increase in runoff rates in the Proposed design.

Table 1 Peak Runoff Rates

Rainfall Event	Existing Runoff Rate (cfs) ¹	Proposed Runoff Rate (cfs) ²
2-yr 24 hour (2.79")	0.32	0.05
10-yr 24 hour (4.16")	0.79	0.75
100-yr 24 hour (7.24)	2.02	1.97
10-day Snow Melt (7.00")	0.24	0.23

¹ See Attachment B HydroCAD report: Existing.

² See Attachment B HydroCAD report: Proposed.

VOLUME CONTROL

The proposed rain garden for this project is designed with the required water quality volume storage in mind. The rain garden will be graded with an overland berm for outlet control that will retain the required water quality volume on-site and control the discharge rate. The water quality volume is assumed to be an instantaneous volume between the bottom elevation and the overflow berm elevation. See the calculations below for the volume retention for the rain garden:

$$\begin{aligned}
 \text{Water Quality Volume (cf)} &= (\text{Site Impervious Area}) \times 1.1 \text{ in} \left(\frac{1 \text{ ft}}{12 \text{ in}} \right) \\
 &= (3,749 \text{ sf}) \times 1.1 \text{ in} \left(\frac{1 \text{ ft}}{12 \text{ in}} \right) = 343.66 \text{ cf}
 \end{aligned}$$

The design elevations and volumes of the rain garden are as follows:

Bottom of BMP	927.50 feet
Overflow Berm Elevation	929.90 feet
WQV (Volume between bottom and overflow)	346 cubic feet
100-yr Peak Elevation	929.73 feet

BMP MAINTENANCE

The rain garden will need routine maintenance by the homeowner once construction has been completed. The homeowner shall inspect the uphill side of the rain garden, where the water is entering the BMP, to ensure that there is no buildup of sediment or debris from the yard. This can be done monthly during spring to fall or after



large rain events. The vegetation and turf in and around the rain garden shall be inspected every two months during spring to fall to make sure it is healthy and free of weeds; this ensures the soils can still infiltrate stormwater runoff and aren't clogged with excess or invasive plant life. Care must be taken by the contractor during construction, and the homeowner afterwards, to not compact the soils within the rain garden so as not to prohibit infiltration into the ground. The contractor and homeowner shall not fertilize the vegetation within the BMP so that phosphorous and other chemicals do not infiltrate into the soil as well.

CONCLUSION

The proposed stormwater management plan for the residence at 529 Lake Ave will implement stormwater best management practices that provide enough rate control for the project Site. The proposed stormwater management plan for the Site consists of the following stormwater BMPs: a rain garden.

The Site was modeled using HydroCAD for the existing and proposed design storm events based on Atlas-14 models to confirm that the project meets the stormwater rate control requirements from the [City of Birchwood](#). Our findings indicate the Site will successfully achieve the goals for peak runoff rate.

Please do not hesitate to contact Benjamin Lucas (651-289-5535, blucas@solutionblue.com) with any questions regarding this submittal or if additional information is needed.

Sincerely,
Solution Blue, Inc.

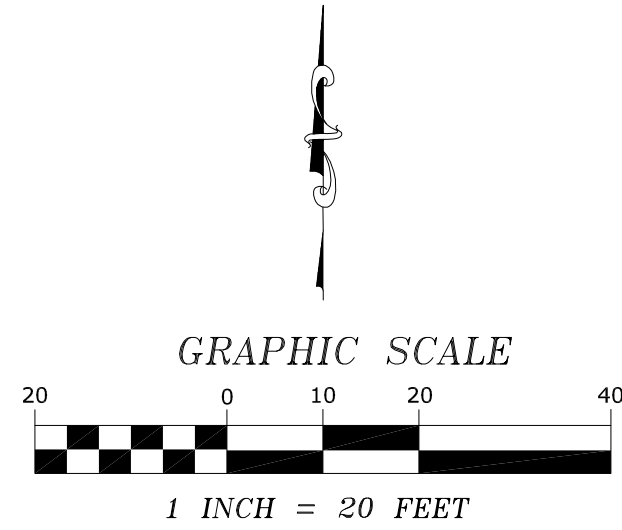
A handwritten signature in black ink that reads "Benjamin Lucas".

Benjamin Lucas, P.E.
Project Engineer

DOCUMENT 4

SITE PLAN

~for~ **HUSNIK HOMES**
 ~of~ **529 LAKE AVENUE**
BIRCHWOOD, MN



LEGEND

- DENOTES IRON MONUMENT FOUND
- x1011.2 DENOTES EXISTING ELEVATION
- DENOTES GUY WIRE
- DENOTES MAILBOX
- DENOTES POWER POLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES STEPPING STONE
- (800.0) DENOTES PROPOSED ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES RETAINING WALL
- DENOTES BUILDING SETBACK LINE
- DENOTES FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 06/21/2021.
- Bearings shown are on Washington County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

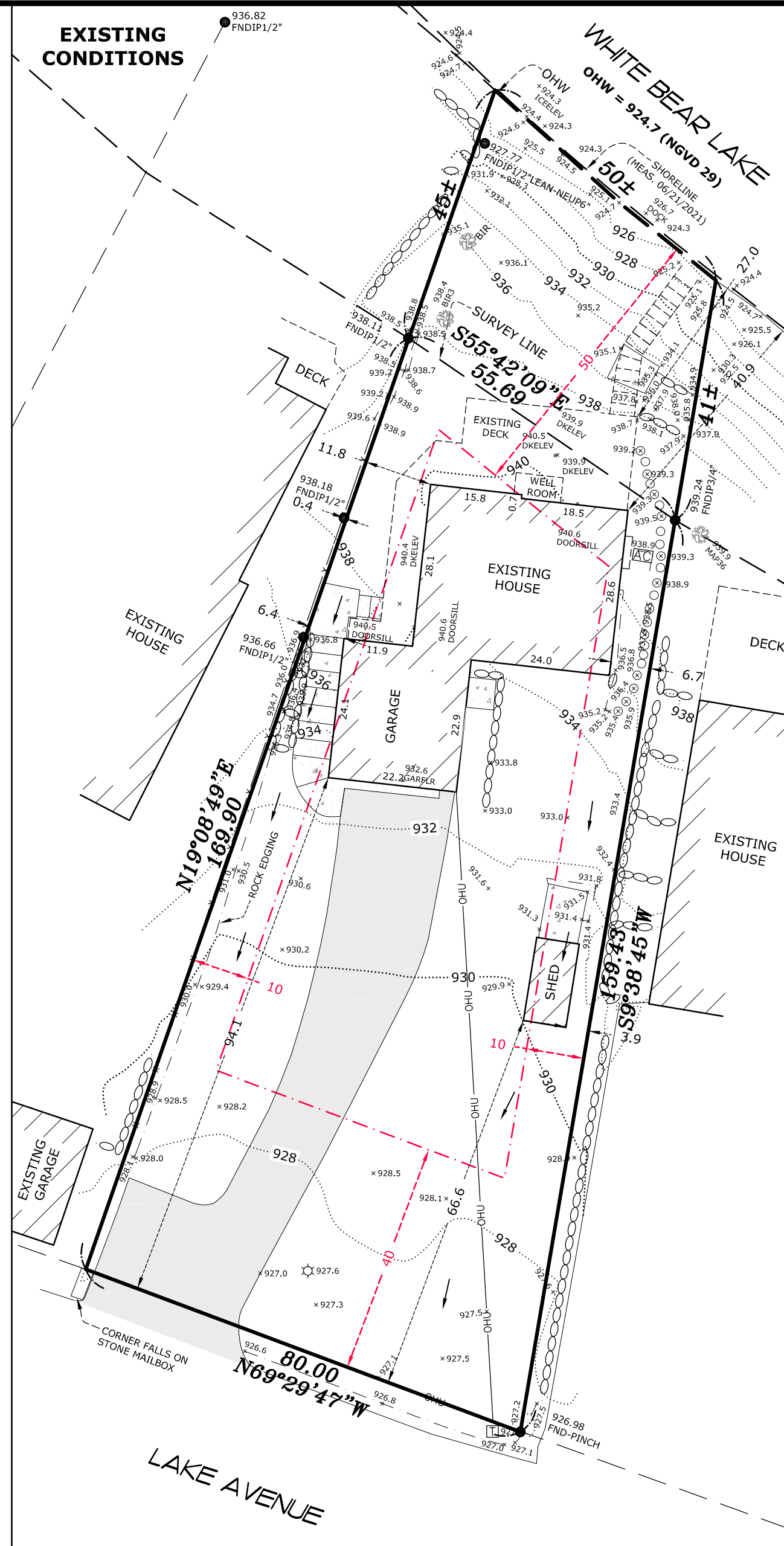
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: 02/15/2022 License No. 41578

E.G. RUD & SONS, INC.
 EST. 1977
Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

www.egrud.com

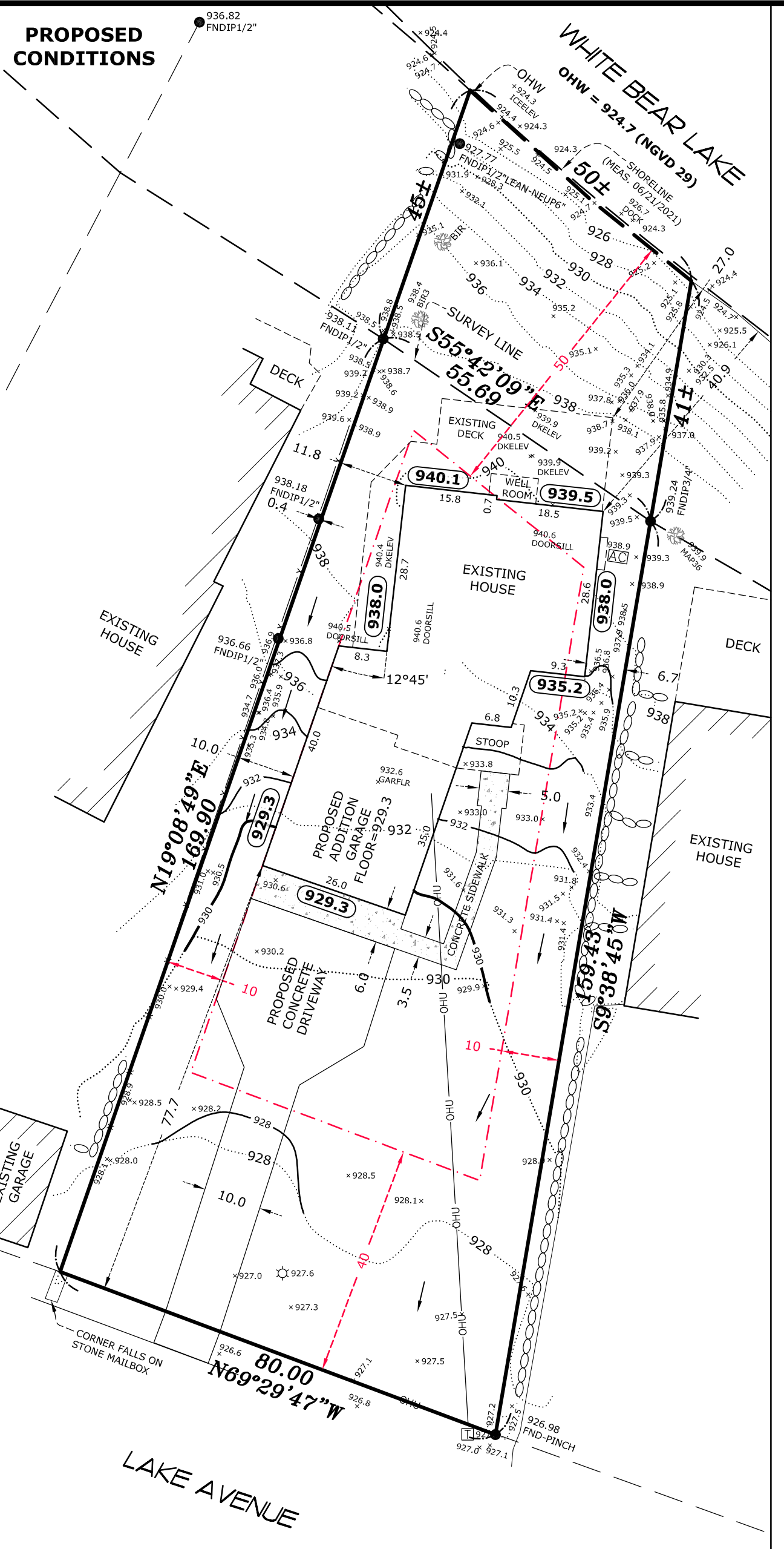


EXISTING IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE O.H.W.	12,921 S.F.
HOUSE AND GARAGE	1,515 S.F.
DRIVEWAY	1,669 S.F.
CONCRETE	420 S.F.
RETAINING WALL/ROCK EDGING	167 S.F.
SHED	108 S.F.
STEPPING STONES	41 S.F.
TOTAL IMPERVIOUS SURFACE	3,920 S.F.
PERCENT IMPERVIOUS	30.3%

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE O.H.W.	12,921 S.F.
HOUSE, GARAGE, WELL ROOM	2,200 S.F.
CONCRETE	314 S.F.
STOOP	81 S.F.
CONCRETE DRIVEWAY (TO ROAD)	1,154 S.F.
TOTAL IMPERVIOUS SURFACE	3,749 S.F.
PERCENT IMPERVIOUS	29.0%



HOUSE ELEVATIONS

- MAIN FINISHED FLOOR = 940.6
- ENTRY FINISHED FLOOR = 936.3
- EXISTING BASEMENT = 932.9
- NEW BASEMENT = 931.1
- GARAGE FLOOR = 929.3

BENCHMARK

BENCHMARK: Top nut of hydrant located near 115 Birchwood Avenue.
 Elevation = 997.64
 Datum = (NGVD29)

DRAWN BY: BCD	JOB NO: 210802HS	DATE: 11/18/21	
CHECK BY: JER	FIELD CREW: DT/CT		
1	02/15/22	UPDATED IMPERVIOUS	
2			
3			
NO.	DATE	DESCRIPTION	BY

Lot 7, Block 2, LAKEWOOD PARK 3RD DIVISION, Washington County, Minnesota.

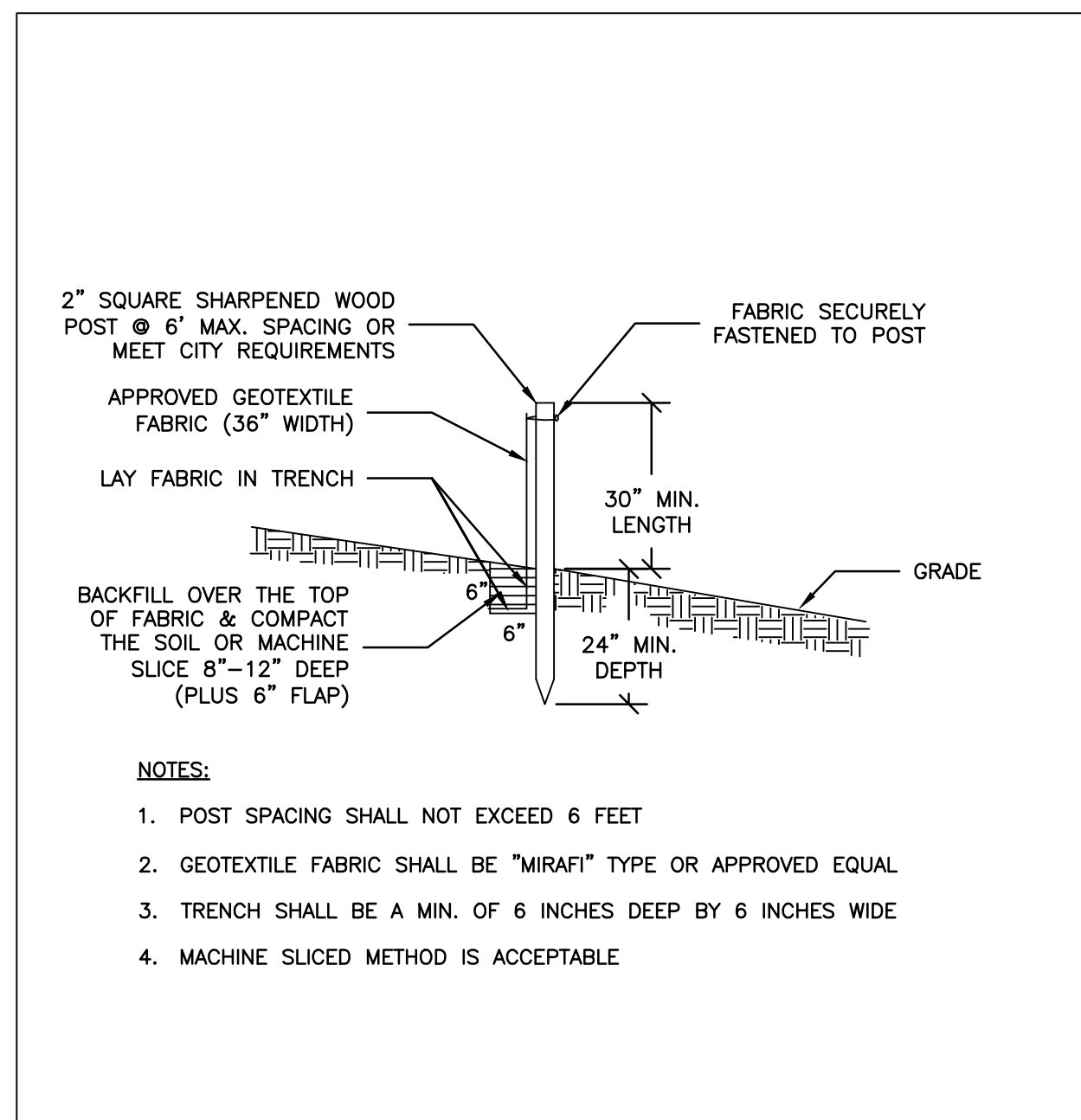
DOCUMENT 5

PROJECT INFORMATION:

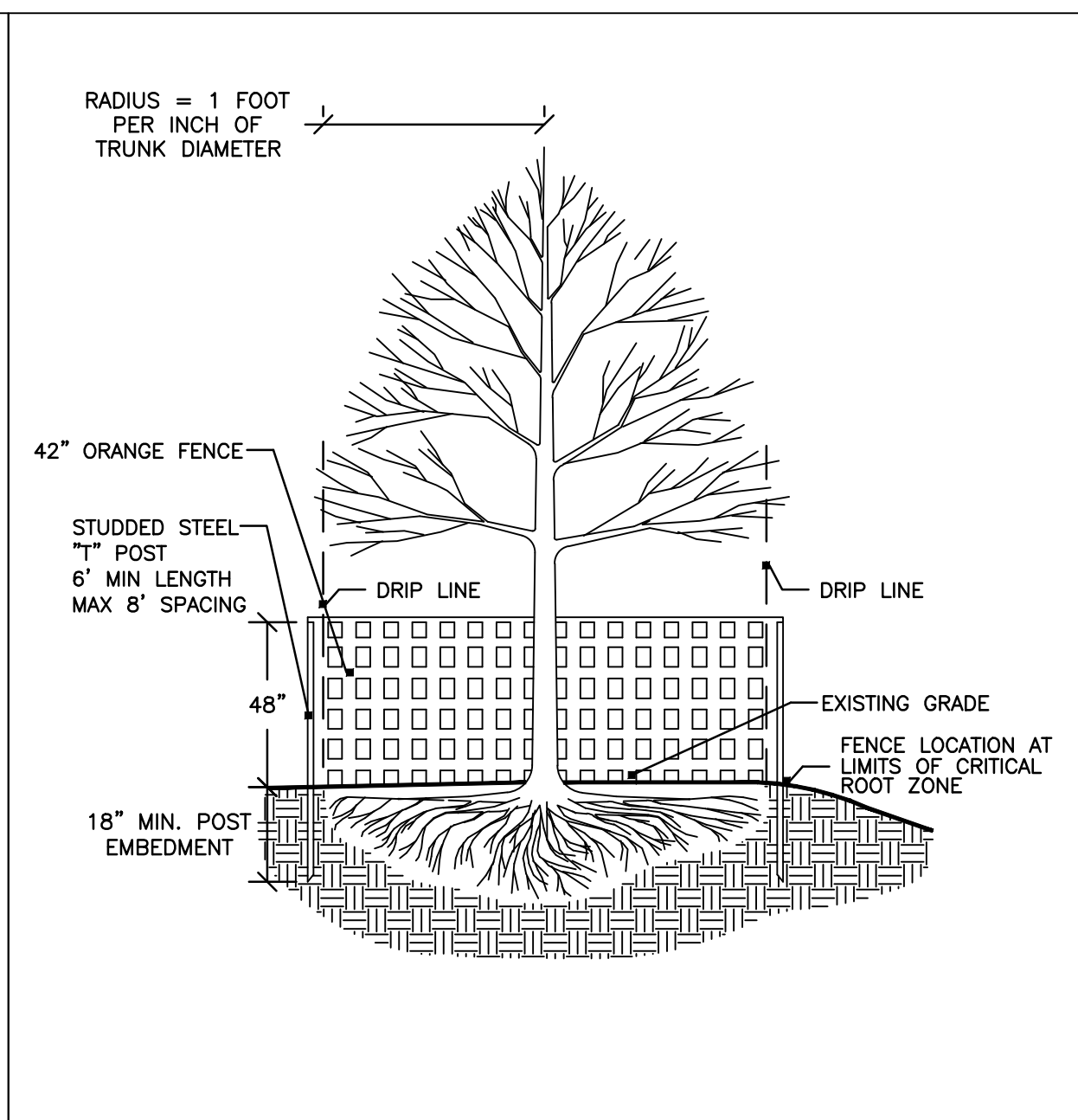
PROJECT NAME: 529 LAKE AVE RESIDENCE
 DESCRIPTION: SINGLE FAMILY RESIDENTIAL HOME STRUCTURE ON THE SHORE OF WHITE BEAR LAKE.
 SITE ADDRESS: 529 LAKE AVE
 CITY: WHITE BEAR LAKE
 STATE: MINNESOTA
 ZIP CODE: 55110
 COUNTY: ANOKA
 LATITUDE: 45.058°W (DECIMAL)
 LONGITUDE: -92.970°N (DECIMAL)

AREA SUMMARY

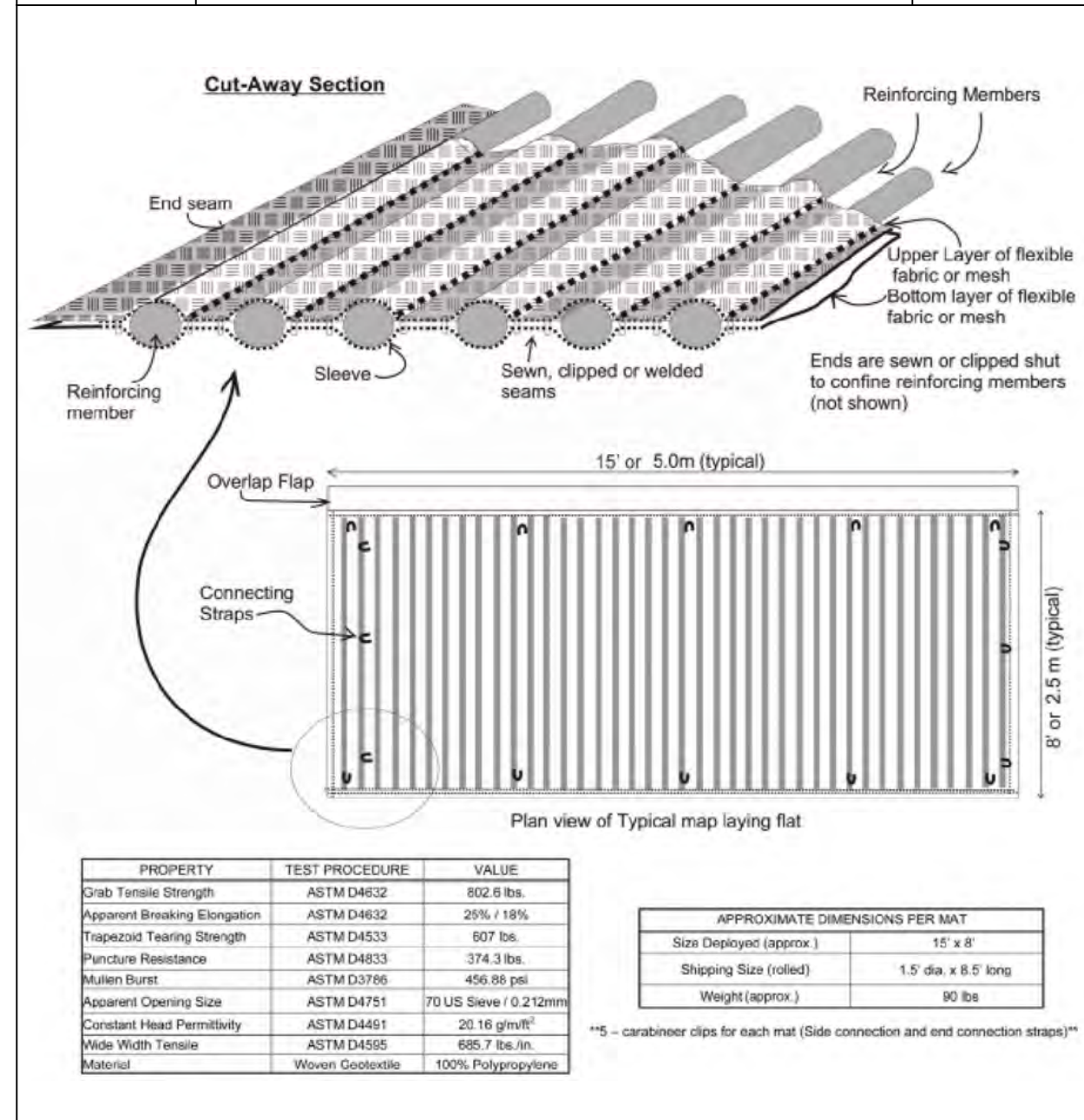
PAVEMENT AREA	1,549 SF
BUILDING AREA	2,200 SF
SEEDING AREA	7,492 SF
PRE-CONSTRUCTION IMPERVIOUS	3,920 SF
POST-CONSTRUCTION IMPERVIOUS	3,749 SF



EROS-02	EROSION CONTROL	REVISED 10/24/19
	SILT FENCE - STANDARD MACHINE SLICED	DRAWN BL SCALE NTS SOLUTION BLUE, INC.



EROS-01	EROSION CONTROL	REVISED 10/24/19
	TREE PROTECTION FENCE	DRAWN BL SCALE NTS SOLUTION BLUE, INC.



EROS-06	EROSION CONTROL	REVISED 02/12/20
	CONSTRUCTION ENTRANCE - AGES MUD MAT	DRAWN BL SCALE NTS

GENERAL EROSION AND SEDIMENTATION CONTROL NOTES:

- CONTRACTOR MUST NOTIFY CITY INSPECTOR PRIOR TO ANY LAND DISTURBANCES. FAILURE TO DO SO MAY RESULT IN FINES, THE REVOCATION OF PERMIT AND A STOP WORK ORDER BEING ISSUED.
- THE EROSION & SEDIMENT CONTROL PLAN (ESC) IS COMPRISED OF EROSION & SEDIMENT CONTROL PLAN SHEET, THIS DRAWING (EROSION & SEDIMENT CONTROL DETAILS), GENERAL ESC NOTES, PLUS THE PERMIT AND ALL SUBSEQUENT REPORTS AND RELATED DOCUMENTS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETING & SUBMITTING THE APPLICATION FOR THE MPCA GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY WHEN CONSTRUCTION ACTIVITY FOR THE PROJECT DISTURBS GREATER THAN 1 ACRE. ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORMWATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE SWPPP AND THE STATE OF MINNESOTA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT (NPDES PERMIT) AND BECOME FAMILIAR WITH THE CONTENTS. THE SWPPP AND ALL OTHER RELATED DOCUMENTS MUST BE KEPT AT THE SITE DURING CONSTRUCTION.
- INSTALL PERIMETER EROSION CONTROL AT THE LOCATIONS SHOWN ON THE PLANS PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE OR CONSTRUCTION ACTIVITIES. SILT FENCE SHALL FOLLOW EXISTING CONTOURS AS CLOSELY AS FEASIBLE.
- BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE. USE 2 INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST 6 INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXTEND THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE USING A GEO-TEXTILE FABRIC BENEATH THE AGGREGATE TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
- GENERAL CONTRACTOR SHALL DENOTE ON PLAN THE TEMPORARY PARKING AND STORAGE AREA WHICH SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATION PORTABLE FACILITIES, OFFICE TRAILERS AND TOILET FACILITIES.
- REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS. REMOVAL SHALL BE ON A DAILY BASIS WHEN TRACKING OCCURS AND MAY BE ORDERED BY MINNEAPOLIS INSPECTORS AT ANY TIME IF CONDITIONS WARRANT. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
- INSTALL INLET PROTECTION AT ALL PUBLIC AND PRIVATE CATCH BASIN INLETS, WHICH RECEIVE RUNOFF FROM THE DISTURBED AREAS. CONTRACTOR SHALL CLEAN, REMOVE SEDIMENT OR REPLACE STORM DRAIN INLET PROTECTION DEVICES ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAIN EVENT. SEDIMENT DEPOSITED IN AND/OR PLUGGING DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF THE CONTRACTOR. HAY BALES OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
- LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. IF REMAINING FOR MORE THAN SEVEN DAYS, STABILIZE THE STOCKPILES BY MULCHING, VEGETATIVE COVER, TARPS, OR OTHER MEANS. CONTROL EROSION FROM ALL STOCKPILES BY PLACING SILT BARRIERS AROUND THE PILES. TEMPORARY STOCKPILES LOCATED ON PAVED SURFACES MUST BE NO LESS THAN TWO FEET FROM THE DRAINAGE/GUTTER LINE AND SHALL BE COVERED IF LEFT MORE THAN 24 HOURS.
- MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPLACE DETERIORATED, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
- TEMPORARILY OR PERMANENTLY STABILIZE ALL CONSTRUCTION AREAS WHICH HAVE UNDERGONE FINAL GRADING, AND ALL AREAS IN WHICH GRADING OR SIDE BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY AGAINST EROSION DUE TO RAIN, WIND AND RUNNING WATER WITHIN 7 DAYS. USE SEE AND MULCH, EROSION CONTROL MATTING, AND/OR SODDING AND STAKING IN GREEN SPACE AREAS. REMOVE ALL TEMPORARY SYNTHETIC, STRUCTURAL, NON-BIODEGRADABLE EROSION AND SEDIMENT CONTROL DEVICES AFTER THE SITE HAS UNDERGONE FINAL STABILIZATION WITH PERMANENT VEGETATION ESTABLISHMENT. FINAL STABILIZATION FOR PURPOSES OF THIS REMOVAL IS 70% ESTABLISHED COVER OVER DENUDED AREA.
- READY MIXED CONCRETE AND CONCRETE BATCH/MIX PLANTS ARE PROHIBITED WITHIN THE PUBLIC RIGHT OF WAY. ALL CONCRETE RELATED PRODUCTION, CLEANING AND MIXING ACTIVITIES SHALL BE DONE IN THE DESIGNATED CONCRETE MIXING/WASHOUT LOCATIONS AS DETERMINED BY THE CONTRACTOR. UNDER NO CIRCUMSTANCES MAY WASHOUT WATER DRAIN INTO THE PUBLIC RIGHT OF WAY OR INTO ANY PUBLIC OR PRIVATE STORM DRAIN CONVEYANCE.
- DUE TO THE GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES TO PREVENT EROSION.
- CHANGES TO APPROVED EROSION CONTROL PLAN MUST BE APPROVED BY THE EROSION CONTROL INSPECTOR PRIOR TO IMPLEMENTATION. CONTRACTOR TO PROVIDE INSTALLATION AND DETAILS FOR ALL PROPOSED ALTERNATE TYPE DEVICES.
- STREET SWEEPING SHALL BE PERFORMED IF SEDIMENT COLLECTS ON STREETS.
- ALL CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY, THIS INCLUDING BACKFILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.



529 LAKE AVENUE REMODEL
 529 LAKE AVENUE
 HUSNIK HOMES
 WHITE BEAR LAKE, MN

SUMMARY

DESIGNED: RTK DRAWN: RTK
 REVIEWED: BUL
 PHASE: PERMIT INITIAL ISSUE: 01/28/22

REVISION HISTORY

#	DATE	DESCRIPTION
01	01/28/2022	PERMIT SET
02	02/14/2022	SITE REVISION

CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

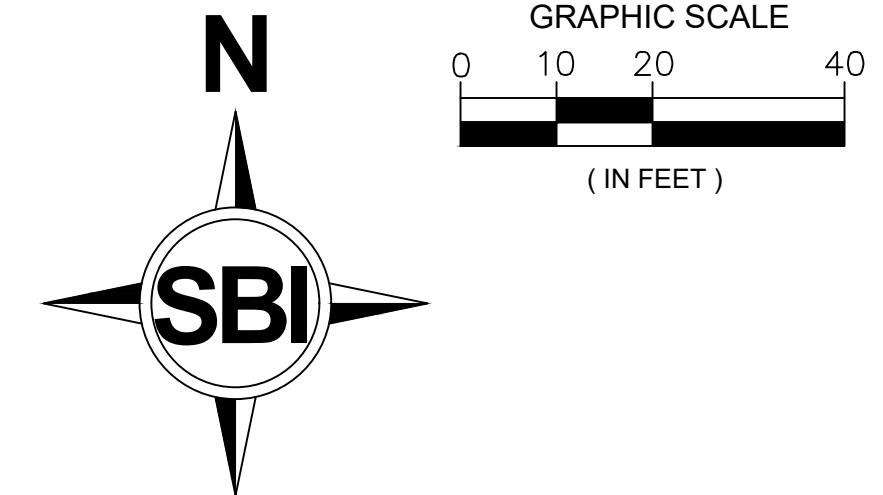
BENJAMIN LUCAS

DATE: 2.14.22 REG. NO. 54265

EROSION AND SEDIMENT CONTROL DETAILS

SOLUTION BLUE PROJECT NO: 220103

C200

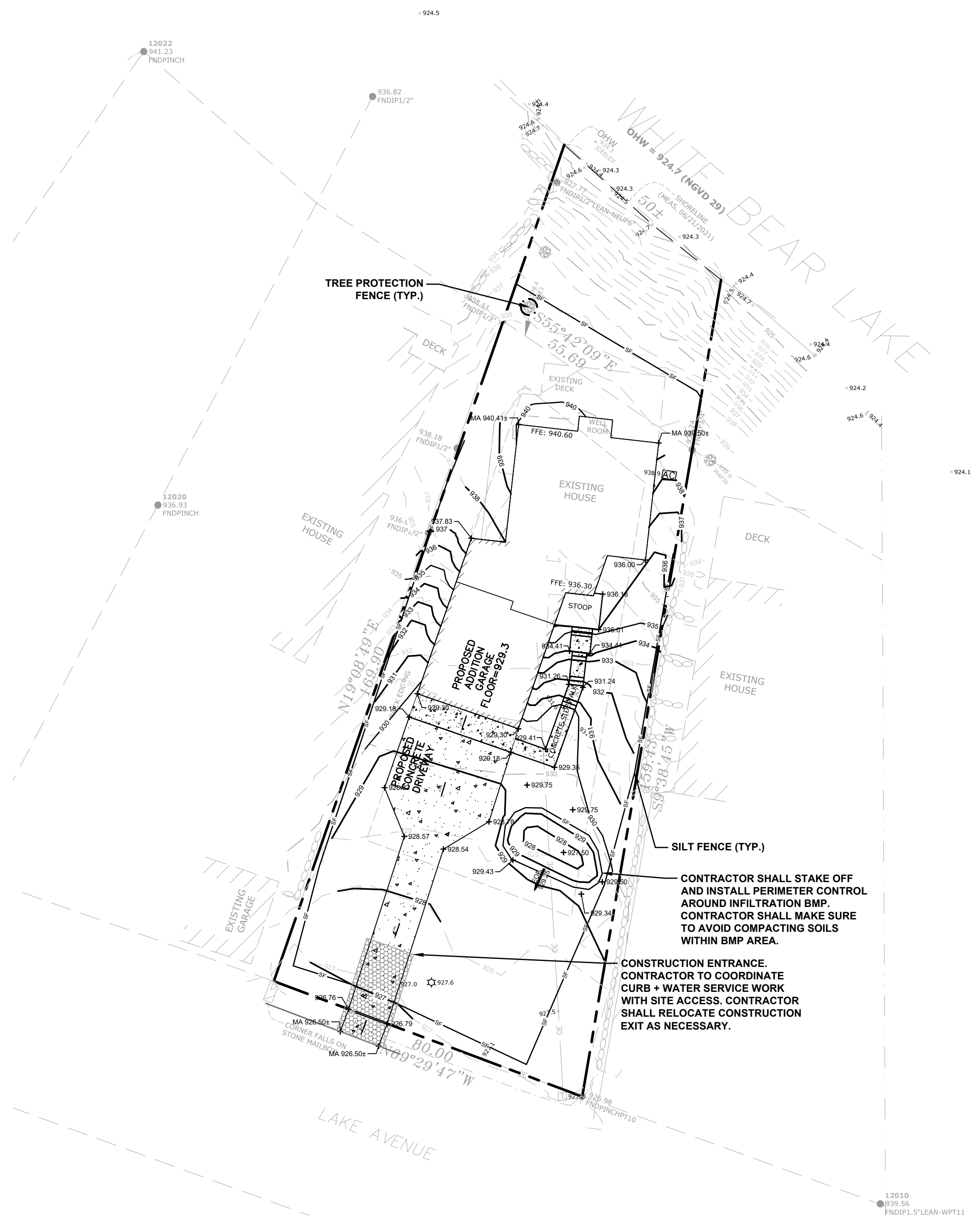


LEGEND

	PROPOSED	EXISTING
PROPERTY LINE	---	---
LIMITS OF CONSTRUCTION	---	---
BUILDING	---	---
TOPOGRAPHIC INDEX CONTOUR	~800~	~800~
TOPOGRAPHIC CONTOUR	~802~	~802~
CURB & GUTTER	---	---
STORM SEWER	---	---
DRAINTILE	---	---
SWALE	---	---
SOIL BORINGS	---	---
FLARED END SECTION INLET	---	---
FLARED END SECTION OUTLET	---	---
RIP RAP	---	---
CONSTRUCTION ENTRANCE	---	---
EROSION CONTROL BLANKET	---	---
INLET PROTECTION	---	---
GUTTER OUT CURB	---	---
SILT FENCE	SF	---
DIRECTION OF OVERLAND FLOW	---	---
BIO-ROLL	---	---

PHASE I EROSION CONTROL MATERIALS QUANTITIES

ITEM	UNIT	QUANTITY
SILT FENCE	LINEAR FEET	426
CONSTRUCTION ROCK ENTRANCE	EACH	1
TREE PROTECTION FENCE	EACH	1



529 LAKE AVENUE REMODEL
529 LAKE AVENUE
HUSNIK HOMES
WHITE BEAR LAKE, MN

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BENJAMIN JUCAS
DATE: 2.14.22 REG. NO. 54265

EROSION AND SEDIMENT CONTROL PLAN
SOLUTION BLUE PROJECT NO: 220103

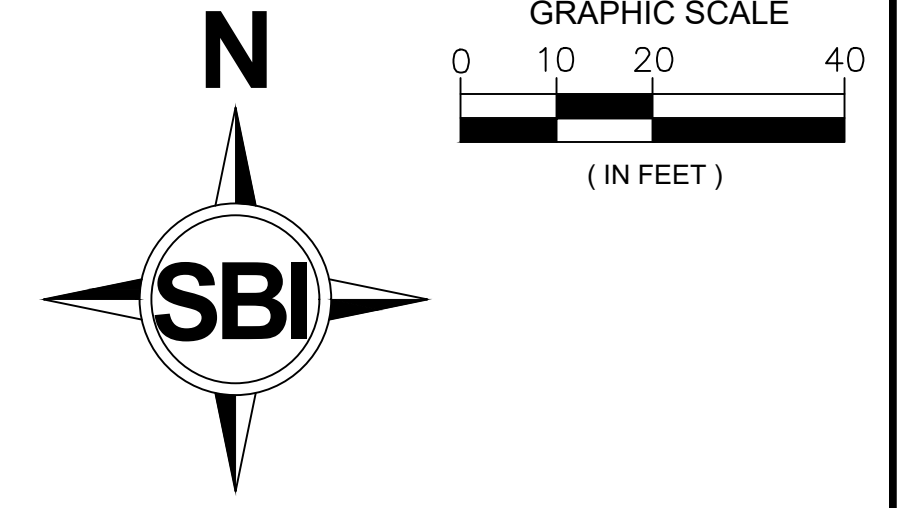
C201

CADD USER: Reed Kaeppe FILE: C:\USERS\REED_KAEPPE\PROJECTS\202103 - 529 LAKE AVE BIRCHWOOD - HUSNIK\WORKING FILES\CADD\DWG\PLAN SHEETS\C200 - EROS.DWG PLOT SCALE: 1:1 PLOT DATE: 2/15/2022 2:22 PM



STATE LAW: 48 HOURS BEFORE EXCAVATING OR DEMOLISHING BUILDINGS, CALL 811 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES. THIS SERVICE LOCATES UTILITY OWNED LINES BUT NOT PRIVATE LINES.

THE LOCATIONS OF UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE EXACT LOCATION OF ALL UTILITIES (PUBLIC AND PRIVATE) MUST BE DETERMINED BEFORE COMMENCING WORK.



LEGEND

	PROPOSED	EXISTING
PROPERTY LINE	---	---
LIMITS OF CONSTRUCTION	---	---
BUILDING	=====	=====
CURB & GUTTER	=====	=====
SWALE	---	---
SOIL BORINGS	+	+
SIGN & BOLLARD	+	+
LIGHT POLE	+	+
STANDARD DUTY ASPHALT	[Pattern]	[Pattern]
PERMEABLE PAVERS	[Pattern]	[Pattern]
CONCRETE SIDEWALK	[Pattern]	[Pattern]
CONCRETE PAVING	[Pattern]	[Pattern]

SITE DATA

SITE ADDRESS:	
TOTAL LOT AREA:	12,921 SF
CONSTRUCTION LIMITS AREA:	11,412 SF
EXISTING IMPERVIOUS AREA:	3,920 SF
PROPOSED NEW IMPERVIOUS AREA:	3,749 SF
NET IMPERVIOUS CREATED:	-171 SF
DISTURBED AREA:	3,920 SF
BUILDING FOOTPRINT AREA:	2,200 SF

GENERAL GEOMETRIC AND PAVING NOTES:

1. SITE DIMENSIONS SHOWN ON THIS PLAN SHALL BE USED FOR ALL LAYOUT WORK. CHECK ALL PLAN AND DETAIL DIMENSIONS. PAVING SHALL BE LAID OUT ON SITE BY A REGISTERED LAND SURVEYOR.
2. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF EXIT PORCHES, RAMPS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
3. MATCH NEW AND EXISTING PAVEMENT SURFACES, SIDEWALKS AND CURBS AT SAWCUT LINES, ALLOWING NO PONDING OF WATER AT JOINTS. PROVIDE SMOOTH GRADE TRANSITION ACROSS NEW AND EXISTING JOINTS.
4. ALLOW MINIMUM OF SEVEN DAYS CURE FOR CURB AND GUTTER PRIOR TO PAVING.
5. ALLOW MINIMUM OF 24 HOUR COOLING PRIOR TO ALLOWING TRAFFIC ON BITUMINOUS PAVING.
6. SEE DETAIL SHEET C900 FOR CONCRETE PAVEMENT SECTION DEPTHS AND SPECIFICATIONS.
7. SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS AND DOOR LOCATIONS.



529 LAKE AVENUE REMODEL
 529 LAKE AVENUE
 HUSNIK HOMES
 WHITE BEAR LAKE, MN

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 DATE: 2.14.22 REG. NO. 54265

CIVIL SITE PLAN

SOLUTION BLUE PROJECT NO: 220103

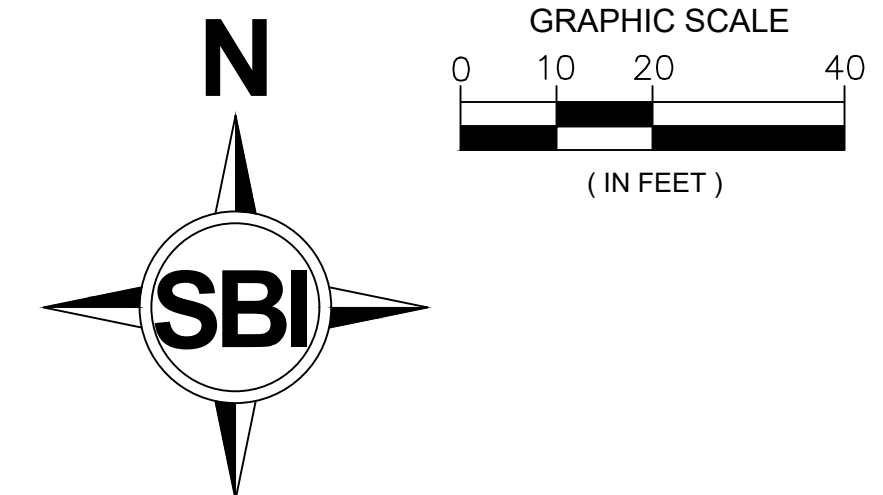
C300

CADD USER: Reed Kaeppe FILE: C:\USERS\REED KAEPPE\PROJECTS\202103 - 529 LAKE AVE BIRCHWOOD - HUSNIK\WORKING FILES\CADD\DWG\PLAN SHEETS\C300 - SITE.DWG PLOT SCALE: 1:1 PLOT DATE: 2/15/2022 2:23 PM

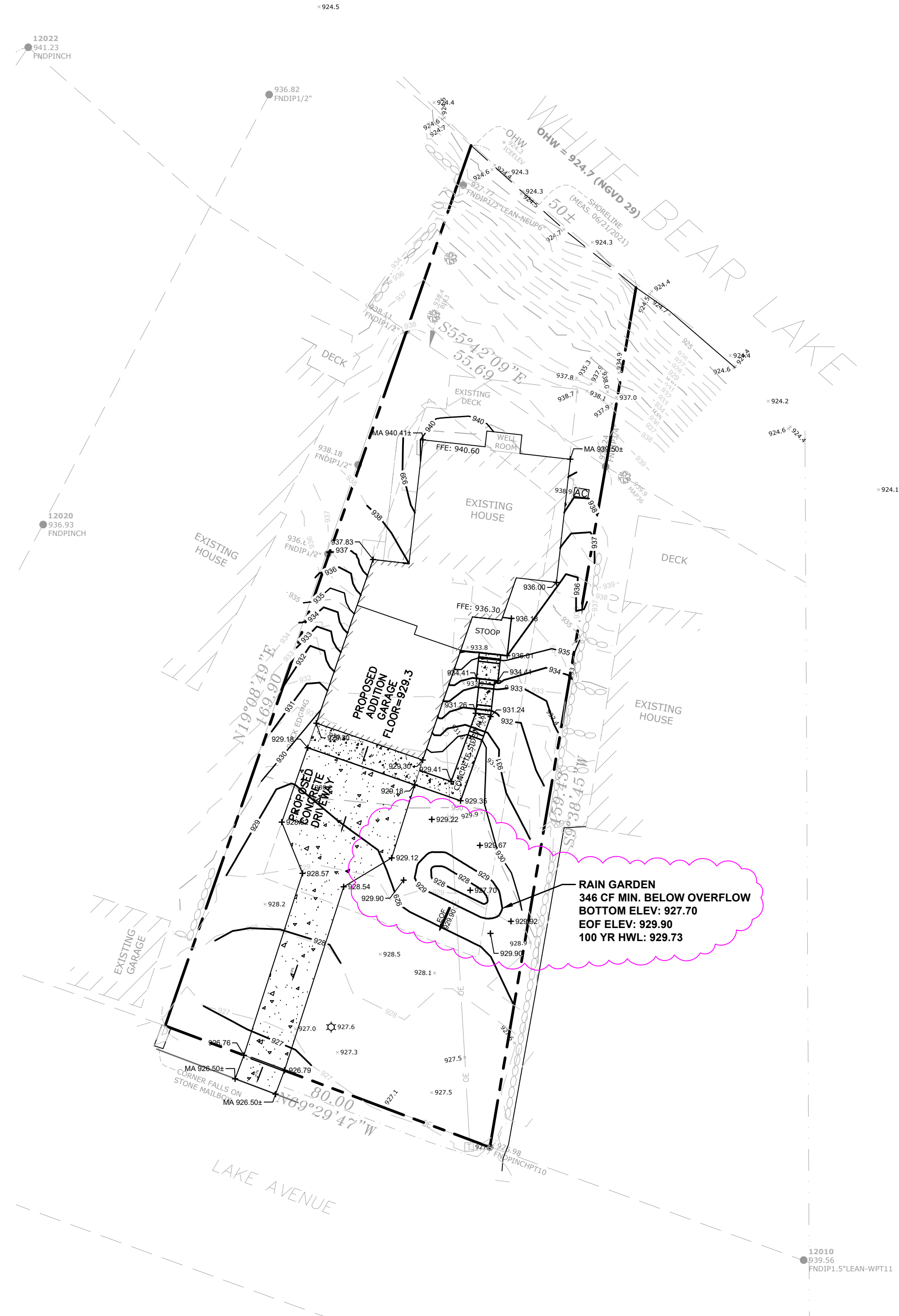


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LEGEND	PROPOSED	EXISTING
PROPERTY LINE	---	---
LIMITS OF CONSTRUCTION	---	---
BUILDING	---	---
TOPOGRAPHIC INDEX CONTOUR	~800~	~800~
TOPOGRAPHIC CONTOUR	~802~	~802~
CURB & GUTTER	---	---
STORM SEWER	---	---
DRAINTILE	---	---
SWALE	---	---
SOIL BORINGS	+	+
SPOT ELEVATION	+800.00	+800.00
DRAINAGE SLOPE	1.0%	
EMERGENCY OVERTFLOW	800.00	



GENERAL GRADING NOTES:

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IN PLACE BEFORE BEGINNING SITE GRADING ACTIVITIES.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIAL TO BE HANDLED, AND FOR THE AMOUNT OF GRADING TO BE DONE. ALL COSTS ASSOCIATED WITH IMPORTING SUITABLE MATERIAL AND EXPORTING UNSUITABLE/EXCESS/WASTE MATERIAL SHALL BE INCLUDED IN THE BID PRICE.
3. CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
4. SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION SITE.
5. CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.

A GEOTECHNICAL ENGINEERING SOILS REPORT HAS BEEN COMPLETED BY:

COMPANY: KILO ENGINEERING
ADDRESS: 1244 COUNTY B RD WEST, ROSEVILLE MN, 55113
PHONE: 605-651-4263

CONTRACTOR SHALL OBTAIN A COPY OF THIS REPORT.
6. CONTRACTOR SHALL STRIP, STOCKPILE AND RE-SPREAD EXISTING ONSITE TOPSOIL, IF MATERIAL IS APPROVED BY THE LANDSCAPE ARCHITECT AND/OR SPECIFICATIONS. PROVIDE A UNIFORM THICKNESS OF 6" MINIMUM IN ALL DISTURBED AREAS TO BE LANDSCAPED.
7. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL UNLESS OTHERWISE DIRECTED.
8. REFER TO LANDSCAPE PLAN FOR PERMANENT TURF RESTORATION AND PLANTING INFORMATION.
9. MAINTAIN TEMPORARY PROTECTION MEASURES DURING CONSTRUCTION ACTIVITIES. SEE SITE REMOVALS PLAN FOR ADDITIONAL INFORMATION. PROVIDE ADDITIONAL PROTECTION AS NECESSARY AS WORK PROGRESSES.
10. PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED SURFACE GRADE.
11. SPOT ELEVATIONS SHOWN ADJACENT TO CURB REFER TO GUTTER/FLOW LINE (LABELED WITH G AT CURB HEIGHT TRANSITIONS). SPOT ELEVATION SHOWN FOR TOP OF CURB ARE LABELED WITH TC (TOP OF CURB). SPOTS LABELED MA REFERS TO MATCH EXISTING GRADE, TS REFERS TO TOP OF STEP, TW/BW REFERS TO TOP AND BOTTOM OF WALL.
12. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AT ALL TIMES.
13. NO GRADED SLOPES SHALL EXCEED 3:1 (HORIZONTAL TO VERTICAL) UNLESS OTHERWISE NOTED.
14. UNIFORMLY GRADED AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
15. LIMIT THE DISTURBED AREA AS MUCH AS POSSIBLE AND CONDUCT GRADING OPERATIONS IN A MANNER TO MINIMIZE THE POTENTIAL FOR EROSION.
16. NO CONSTRUCTION, DEMOLITION OR COMMERCIAL POWER MAINTENANCE EQUIPMENT SHALL BE OPERATED WITHIN THE CITY BETWEEN THE HOURS OF 6:00 P.M. AND 7:00 A.M. ON WEEKDAYS OR DURING ANY HOURS ON SATURDAYS, SUNDAYS AND STATE AND FEDERAL HOLIDAYS, EXCEPT UNDER PERMIT.

529 LAKE AVENUE REMODEL
529 LAKE AVENUE
HUSNIK HOMES
WHITE BEAR LAKE, MN

SUMMARY

DESIGNED: RTK DRAWN: RTK
REVIEWED: BJL
PHASE: PERMIT INITIAL ISSUE: 01/28/22

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03	02/17/2022	CITY COMMENT RESPONSE

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BENJAMIN LUCAS
DATE: 2.17.22 REG. NO. 54265

GRADING AND DRAINAGE PLAN

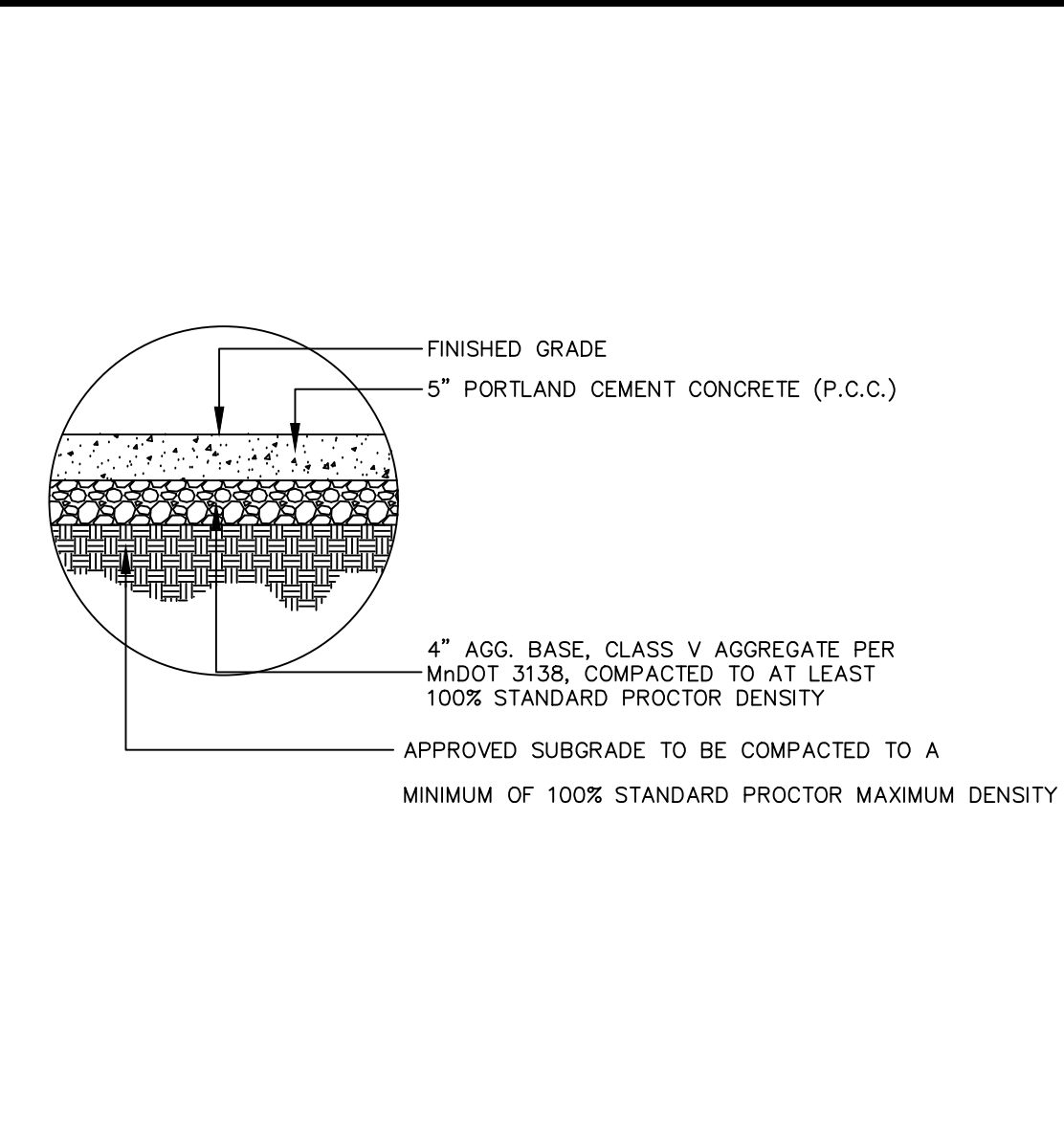
SOLUTION BLUE PROJECT NO: 220103

C400

CADD USER: Benjamin Lucas FILE C:\USERS\BENJAMIN LUCAS\PROJECTS\220103-529 LAKE AVE BIRCHWOOD - HUSNIK\WORKING FILES\CADD\DWG\PLAN SHEETS\C400 - GRAD.DWG PLOT SCALE: 1:1 PLOT DATE: 2/17/2022 9:10 AM

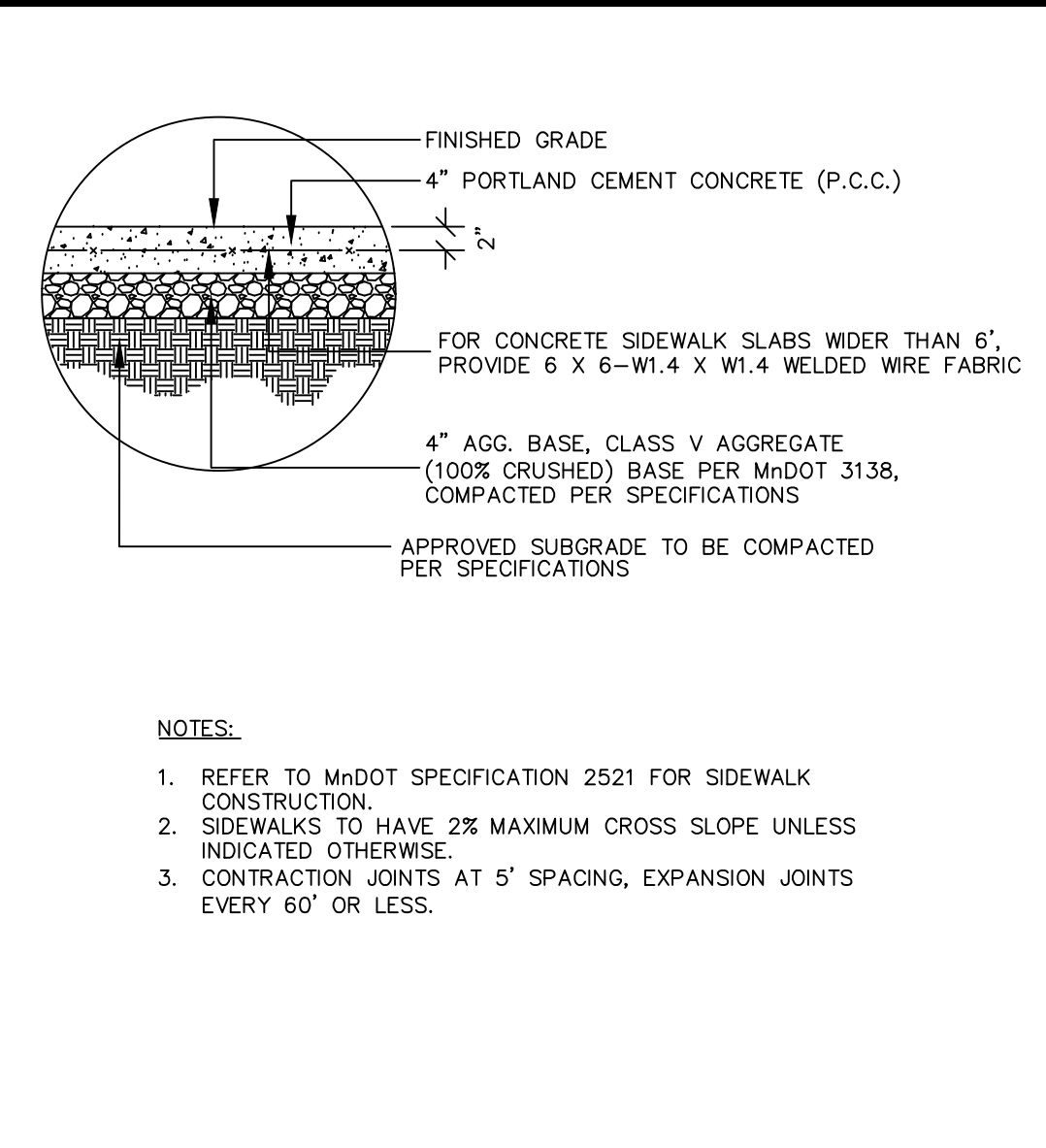
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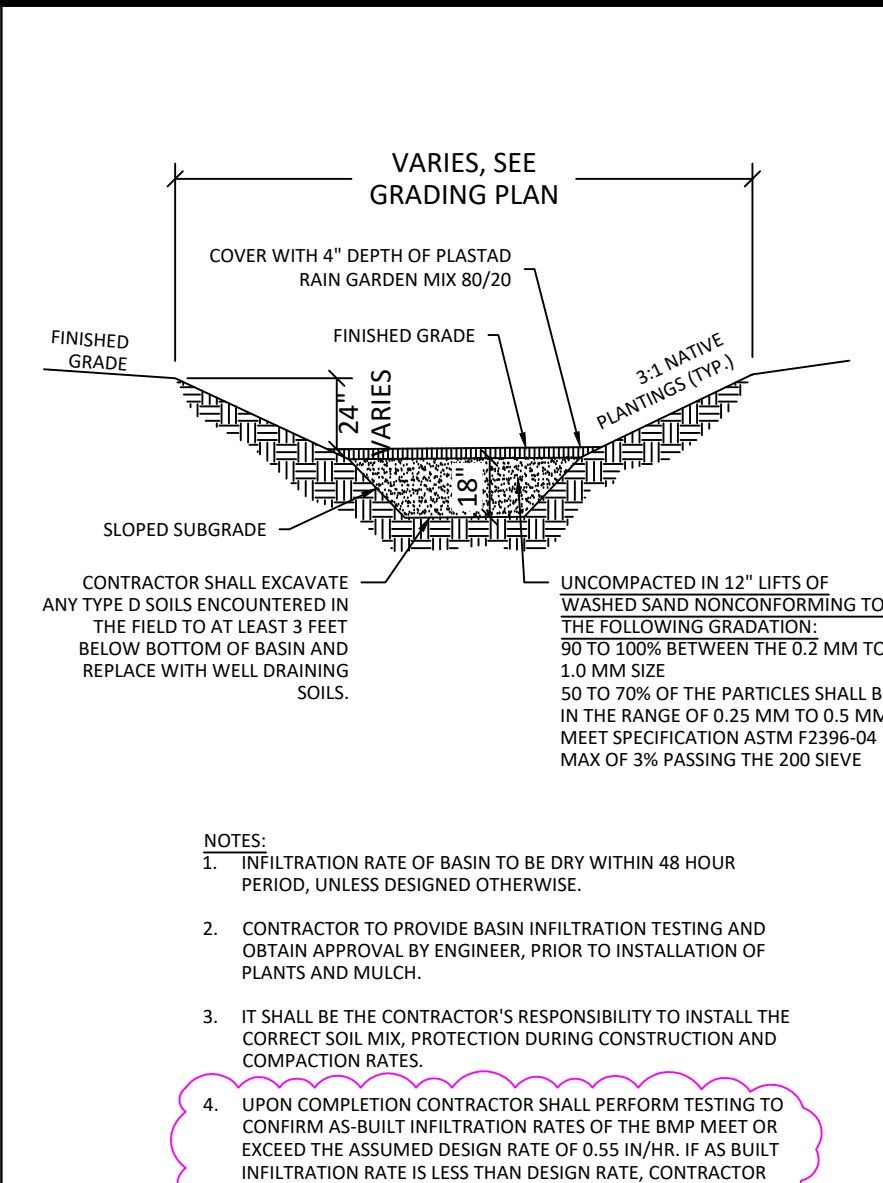
SITE-04 CIVIL SITE
TYPICAL CONCRETE PAVEMENT SECTIONS

REVISED 10/29/19
DRAWN BL
SCALE NTS
SOLUTION BLUE, INC.



SITE-05 CIVIL SITE
TYPICAL CONCRETE SIDEWALK SECTION

REVISED 10/29/19
DRAWN BL
SCALE NTS
SOLUTION BLUE, INC.



GRAD-01 INFILTRATION BASIN CROSS SECTION
NOT TO SCALE

GRAD-01: 10/21

- INFILTRATION BASIN NOTES:**
- THE BASIN SHALL BE CONSTRUCTED FROM OUTSIDE THE BASIN LIMITS. IF THIS IS NOT POSSIBLE FOR SOME AREAS, ONLY LOW GROUND PRESSURE EQUIPMENT SHALL BE ALLOWED TO COMPLETE THE WORK. RUBBER Tired EQUIPMENT IS STRICTLY PROHIBITED FROM WORKING WITHIN THE INFILTRATION BASINS.
 - THE INFILTRATION BASIN SHALL BE OVER EXCAVATED TO ENSURE THE WATER INFILTRATES WITHIN 48 HOURS.
 - IN ORDER TO MAXIMIZE THE INFILTRATION RATE OF THE SOILS, THE CONTRACTOR SHALL MAKE EVERY EFFORT POSSIBLE TO AVOID COMPACTION OF POND AND INFILTRATION BASIN SOILS.
 - INFILTRATION AREA MAY ONLY BE EXCAVATED TO ITS BASE AFTER THE CONTRIBUTING WATERSHED IS STABLE. EXCAVATION SHALL BE COMPLETED WITH A BACKHOE TO MINIMIZE COMPACTION OF THE SOILS.
 - ANY COMPACTION OF INFILTRATION BASIN SOILS MUST BE LOOSENED BY THE CONTRACTOR.
 - THE FINISHED GRADE ELEVATIONS ON THE PLANS INDICATE THE FINISHED GRADE OF THE TOPSOIL OR PLANTING SOIL.
 - GRADING TOLERANCE FOR SUB CUT:
VERTICAL +/- 0.2 FEET
HORIZONTAL +/- 1.0 FEET
 - THE CONTRACTOR SHALL SURVEY THE BOTTOM ELEVATION OF THE RETENTION POND AND INFILTRATION BASINS UPON COMPLETION OF THE SUB CUT AND PROVIDE THE SURVEY INFORMATION TO THE ENGINEER. THE ENGINEER SHALL NOTIFY THE CONTRACTOR OF AREAS THAT DO NOT MEET THE TOLERANCES SPECIFIED.
 - THE TYPES OF SOILS INSTALLED IN THE RETENTION POND AND INFILTRATION AREAS IS SHOWN ON THE INDIVIDUAL DRAWINGS AND DETAILS.
 - GRADING TOLERANCES FOR THE FINISHED GRADE OF THE BASINS:
VERTICAL +/- 0.1 FEET
HORIZONTAL +/- 0.5 FEET
 - THE CONTRACTOR SHALL CONTACT THE ENGINEER UPON FINAL PLACEMENT OF THE PLANTING SOIL/TOPSOIL SO THAT A SURVEY OF THE FINISHED GRADE CAN BE COMPLETED. THE ENGINEER SHALL NOTIFY THE CONTRACTOR OF AREAS THAT DO NOT MEET THE TOLERANCES SPECIFIED. THE CONTRACTOR SHALL CORRECT THE WORK ACCORDINGLY.

GRAD-02 INFILTRATION BASIN NOTES
NOT TO SCALE

GRAD-02: 10/21



529 LAKE AVENUE REMODEL
529 LAKE AVENUE
HUSNIK HOMES
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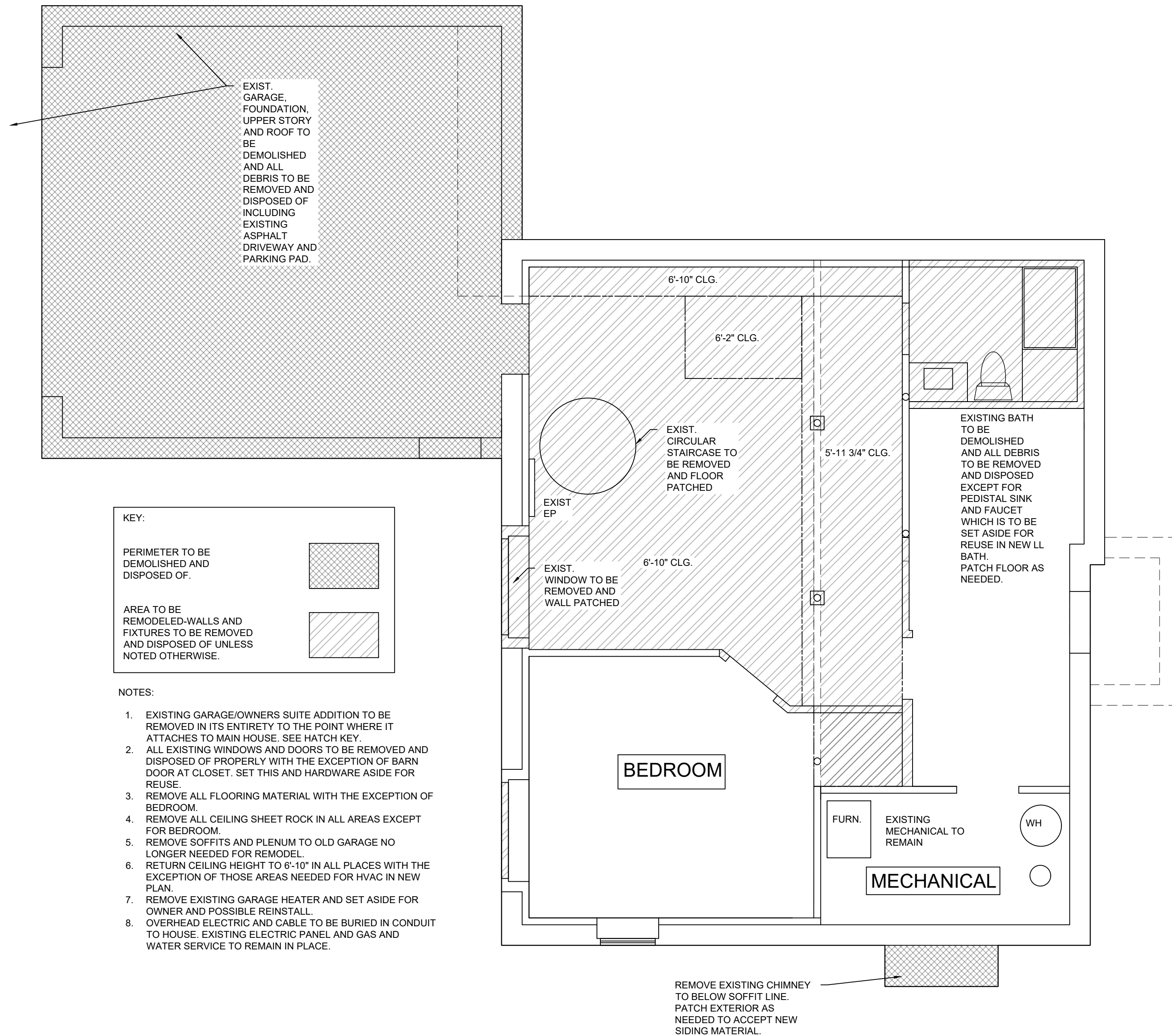
BENJAMIN LUCAS
DATE: 2.17.22 REG. NO. 54265

SITE DETAILS

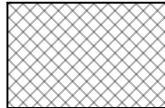
SOLUTION BLUE PROJECT NO: 220103


C900

CADD USER: Benjamin Lucas FILE: C:\USERS\BENJAMIN LUCAS\PROJECTS\220103-529 LAKE AVE BIRCHWOOD - HUSNIK\WORKING FILES\CAD\DWG\PLAN SHEETS\C900 - DETL.DWG PLOT SCALE: 1:1 PLOT DATE: 2/17/2022 9:01 AM



KEY:

PERIMETER TO BE DEMOLISHED AND DISPOSED OF. 

AREA TO BE REMODELED-WALLS AND FIXTURES TO BE REMOVED AND DISPOSED OF UNLESS NOTED OTHERWISE. 

- NOTES:**
- EXISTING GARAGE/OWNERS SUITE ADDITION TO BE REMOVED IN ITS ENTIRETY TO THE POINT WHERE IT ATTACHES TO MAIN HOUSE. SEE HATCH KEY.
 - ALL EXISTING WINDOWS AND DOORS TO BE REMOVED AND DISPOSED OF PROPERLY WITH THE EXCEPTION OF BARN DOOR AT CLOSET. SET THIS AND HARDWARE ASIDE FOR REUSE.
 - REMOVE ALL FLOORING MATERIAL WITH THE EXCEPTION OF BEDROOM.
 - REMOVE ALL CEILING SHEET ROCK IN ALL AREAS EXCEPT FOR BEDROOM.
 - REMOVE SOFFITS AND PLENUM TO OLD GARAGE NO LONGER NEEDED FOR REMODEL.
 - RETURN CEILING HEIGHT TO 6'-10" IN ALL PLACES WITH THE EXCEPTION OF THOSE AREAS NEEDED FOR HVAC IN NEW PLAN.
 - REMOVE EXISTING GARAGE HEATER AND SET ASIDE FOR OWNER AND POSSIBLE REINSTALL.
 - OVERHEAD ELECTRIC AND CABLE TO BE BURIED IN CONDUIT TO HOUSE. EXISTING ELECTRIC PANEL AND GAS AND WATER SERVICE TO REMAIN IN PLACE.

1 LOWER LEVEL DEMO PLAN
 D1 1/4" = 1'-0"

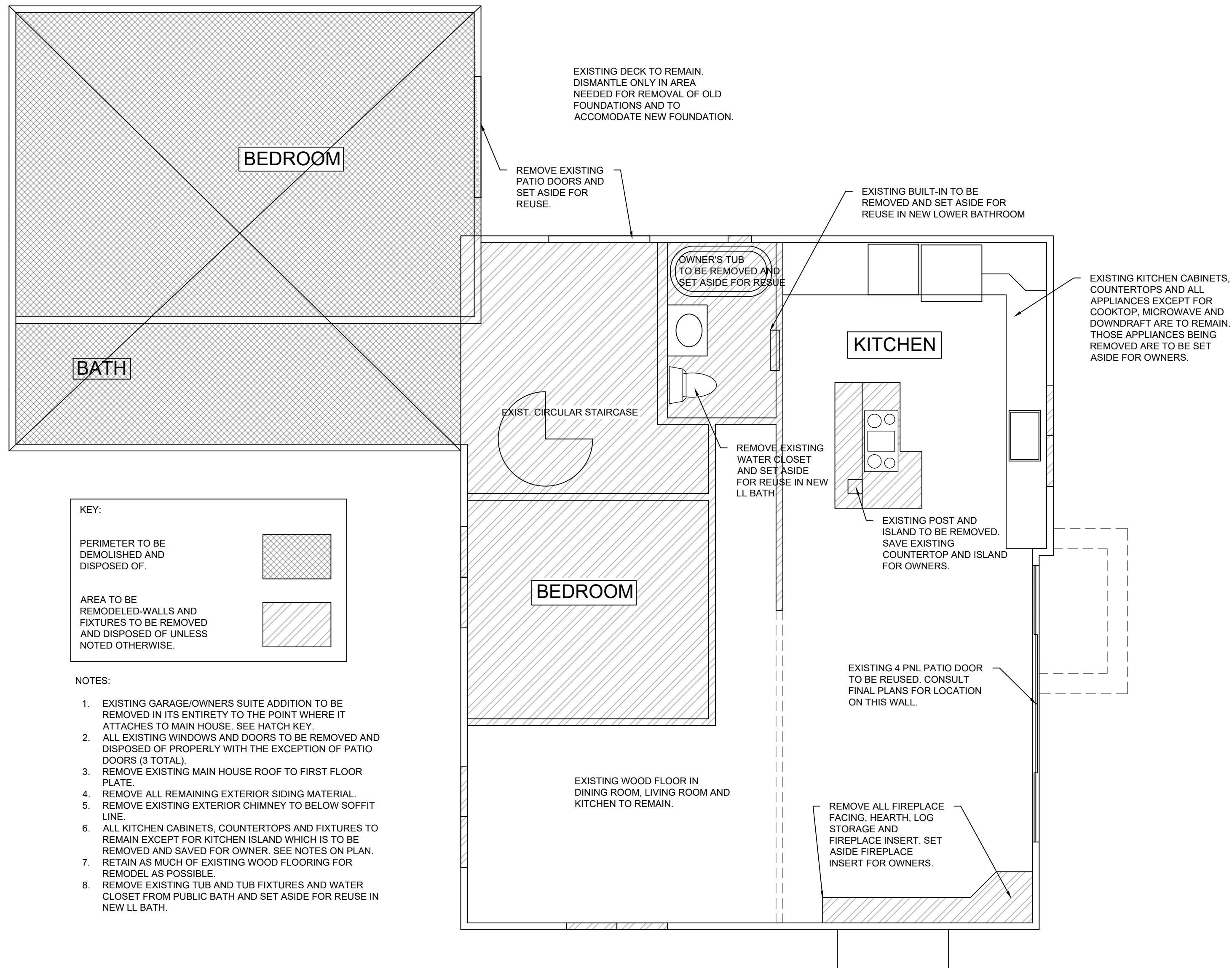
Susan Hebert Welles
 Residential Design & Consulting
 P. 612.998.8404
 e-mail: hebertwelles@gmail.com

HUSNIK HOMES, INC
 P. 651.426.7462
 e-mail: plusnik@husnikhomes.com

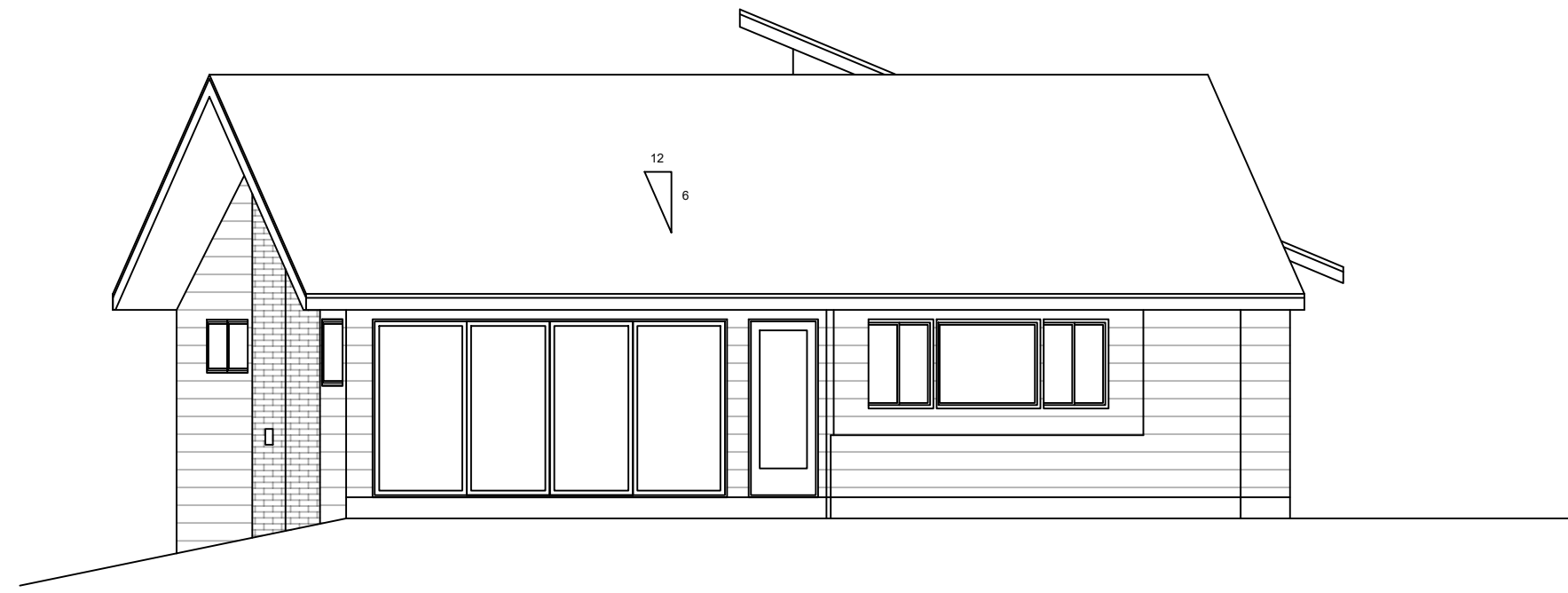
REMODELED LAKE HOME FOR:
DAVID BUERKLE AND SANDY KRIZ-BUERKLE
 529 LAKE AVE.
 BIRCHWOOD VILLAGE, MINNESOTA

ISSUE DATE
 JANUARY 31, 2022
 REVISIONS

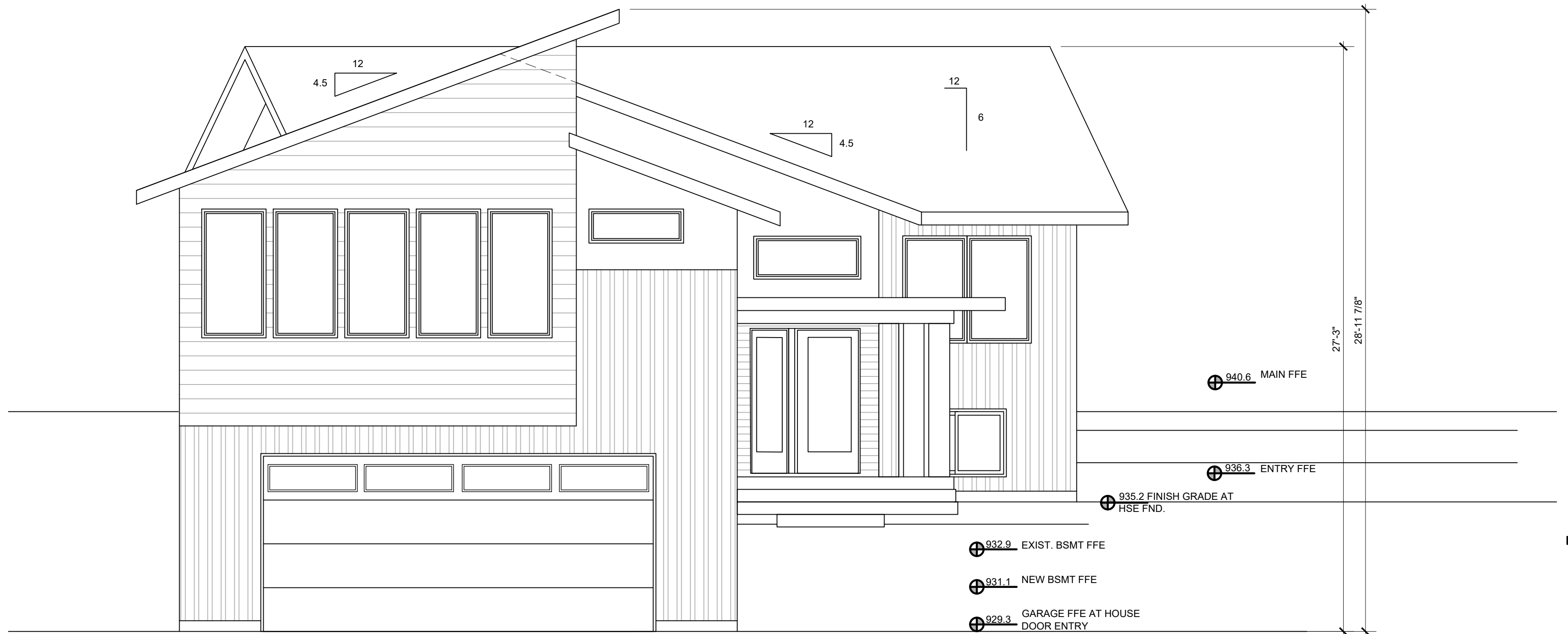
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 OF 2
 164



1 UPPER LEVEL DEMO PLAN
D2 1/4"= 1'-0"



1 LAKE ELEVATION
A2 1/4" = 1'-0"



1 FRONT ELEVATION
A1 1/4" = 1'-0"

Susan Hebert Welles
Residential Design & Consulting
P. 612.998.8404
e-mail: hebertwelles@gmail.com

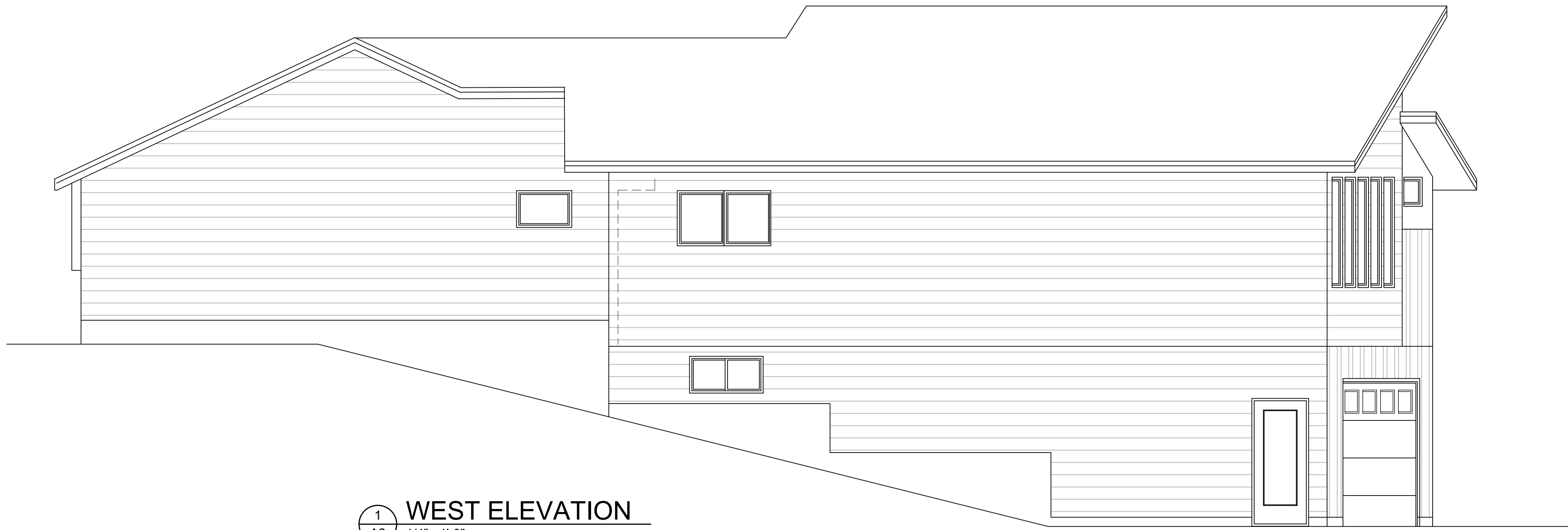
HUSNIK HOMES, INC
P. 651.426.7462
e-mail: plusnik@husnikhomes.com

REMODELED LAKE HOME FOR:
DAVID BUERKLE AND SANDY KRIZ-BUERKLE
529 LAKE AVE.
BIRCHWOOD VILLAGE, MINNESOTA

ISSUE DATE
JANUARY 31, 2022
REVISIONS

JOB #202110

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1 WEST ELEVATION
A2 1/4"= 1'-0"



2 EAST ELEVATION
A2 1/4"= 1'-0"

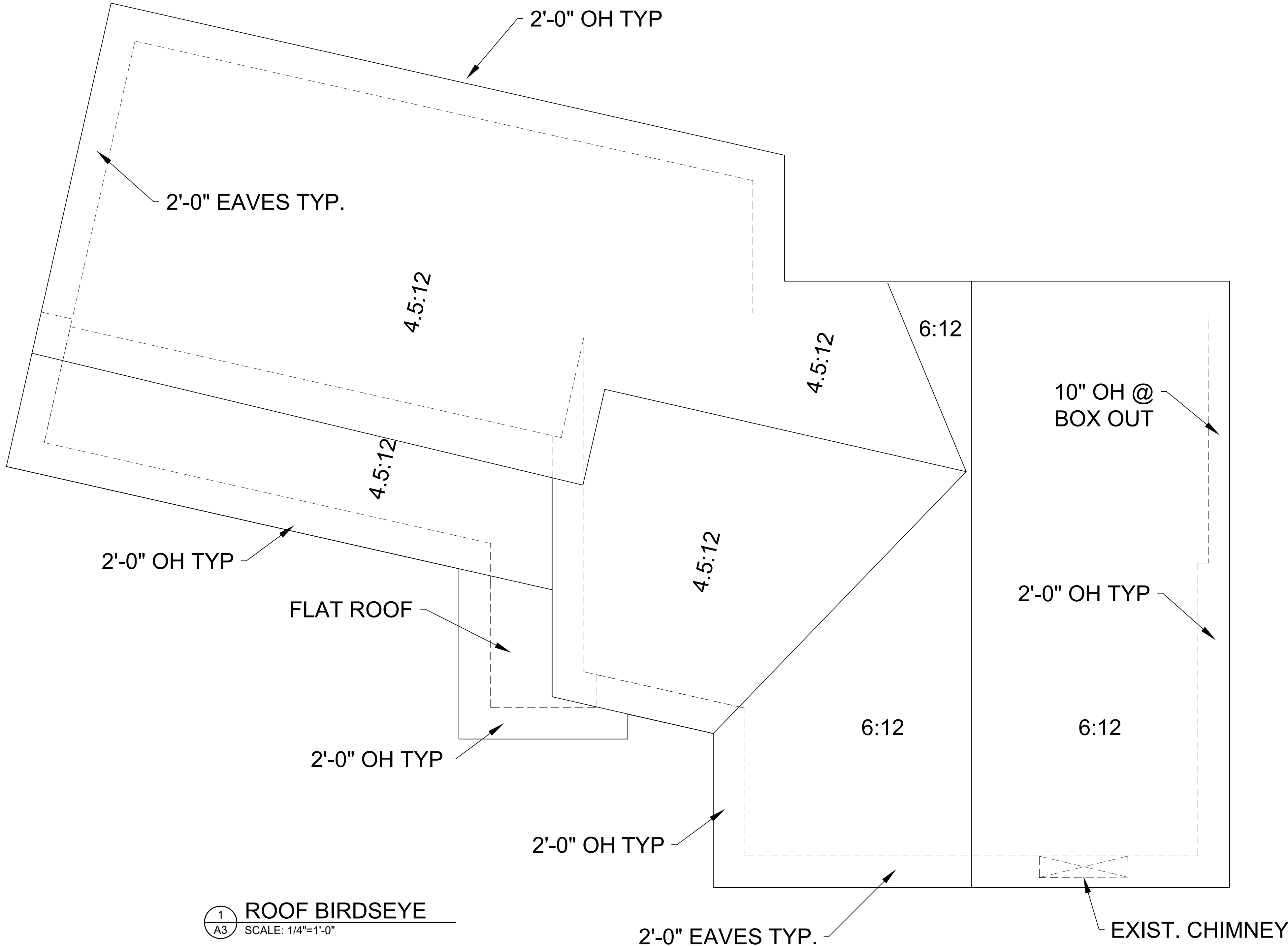
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1 ROOF BIRDSEYE
 A3 SCALE: 1/4"=1'-0"

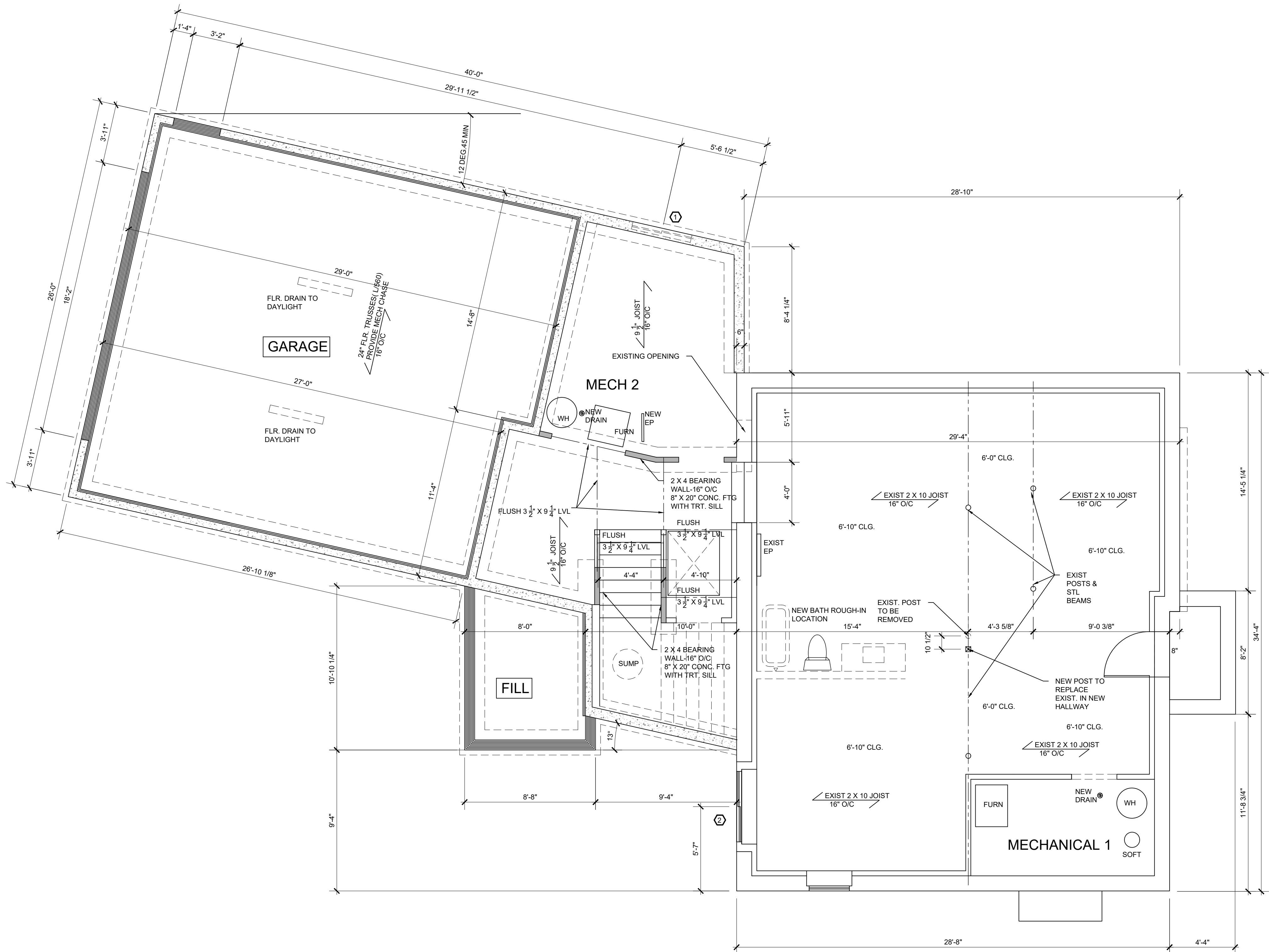
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1 FOUNDATION PLAN
 A4 1/4" = 1'-0"

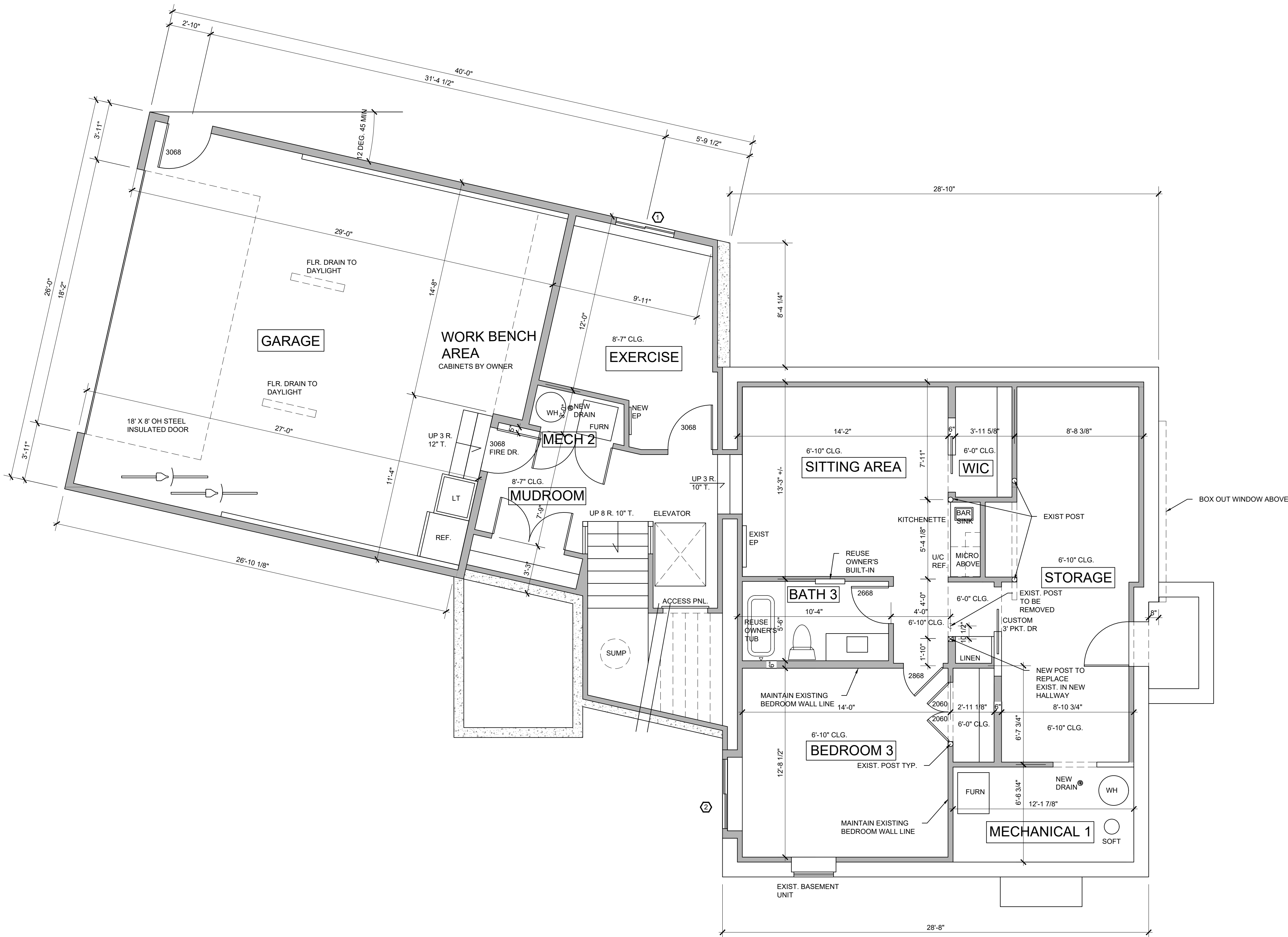
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1 LOWER FLOOR PLAN
 A5 1/4" = 1'-0"

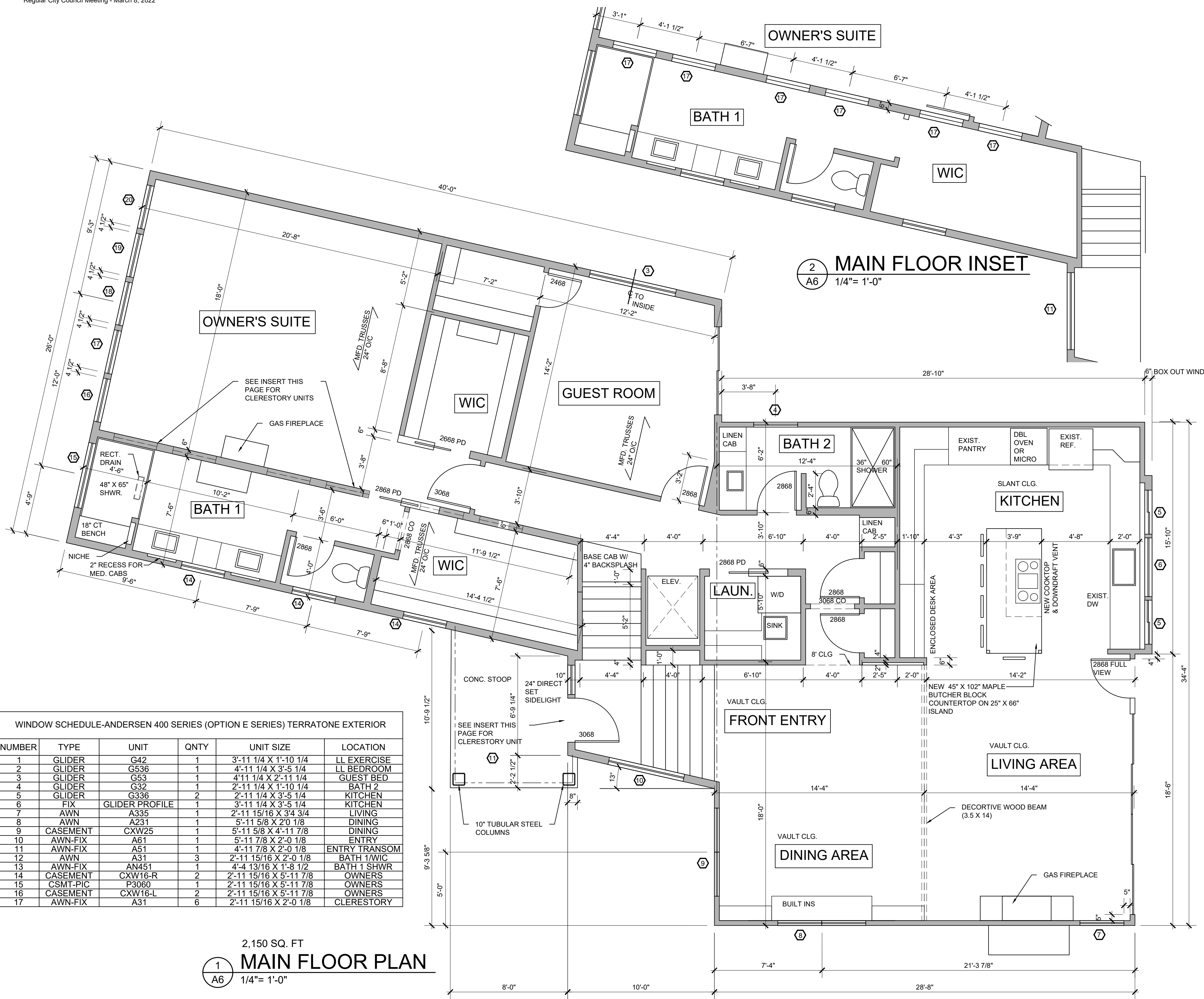
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WINDOW SCHEDULE-ANDERSEN 400 SERIES (OPTION E SERIES) TERRATONE EXTERIOR

NUMBER	TYPE	UNIT	QNTY	UNIT SIZE	LOCATION
1	GLIDER	G42	1	3'-11 1/4 X 1'-10 1/4	LL EXERCISE
2	GLIDER	G536	1	4'-11 1/4 X 3'-5 1/4	LL BEDROOM
3	GLIDER	G53	1	4'-11 1/4 X 2'-11 1/4	GUEST BED
4	GLIDER	G32	1	2'-11 1/4 X 1'-10 1/4	BATH 2
5	GLIDER	G336	2	2'-11 1/4 X 3'-5 1/4	KITCHEN
6	FIX	GLIDER PROFILE	1	3'-11 1/4 X 3'-5 1/4	KITCHEN
7	AWN	A335	1	2'-11 15/16 X 3'-4 3/4	LIVING
8	AWN	A231	1	5'-11 5/8 X 2'-0 1/8	DINING
9	CASEMENT	CXW25	1	5'-11 5/8 X 4'-11 7/8	DINING
10	AWN-FIX	A61	1	5'-11 7/8 X 2'-0 1/8	ENTRY
11	AWN-FIX	A51	1	4'-11 7/8 X 2'-0 1/8	ENTRY TRANSOM
12	AWN	A31	3	2'-11 15/16 X 2'-0 1/8	BATH 1/WIC
13	AWN-FIX	AN451	1	4'-4 13/16 X 1'-8 1/2	BATH 1 SHWR
14	CASEMENT	CXW16-R	2	2'-11 15/16 X 5'-11 7/8	OWNERS
15	CSMT-PIC	P3060	1	2'-11 15/16 X 5'-11 7/8	OWNERS
16	CASEMENT	CXW16-L	2	2'-11 15/16 X 5'-11 7/8	OWNERS
17	AWN-FIX	A31	6	2'-11 15/16 X 2'-0 1/8	CLERESTORY

2,150 SQ. FT
1
A6 MAIN FLOOR PLAN
 1/4" = 1'-0"

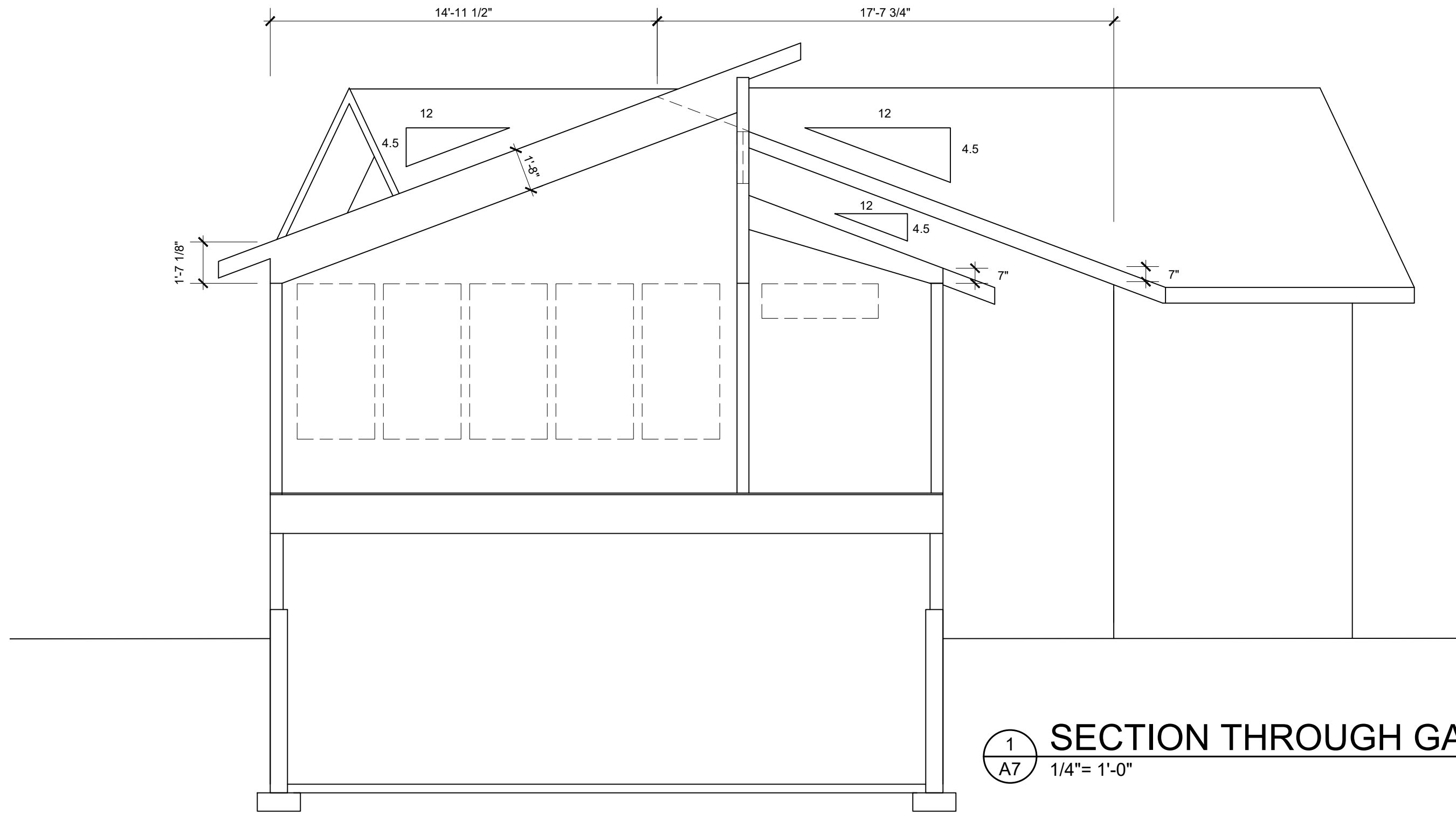
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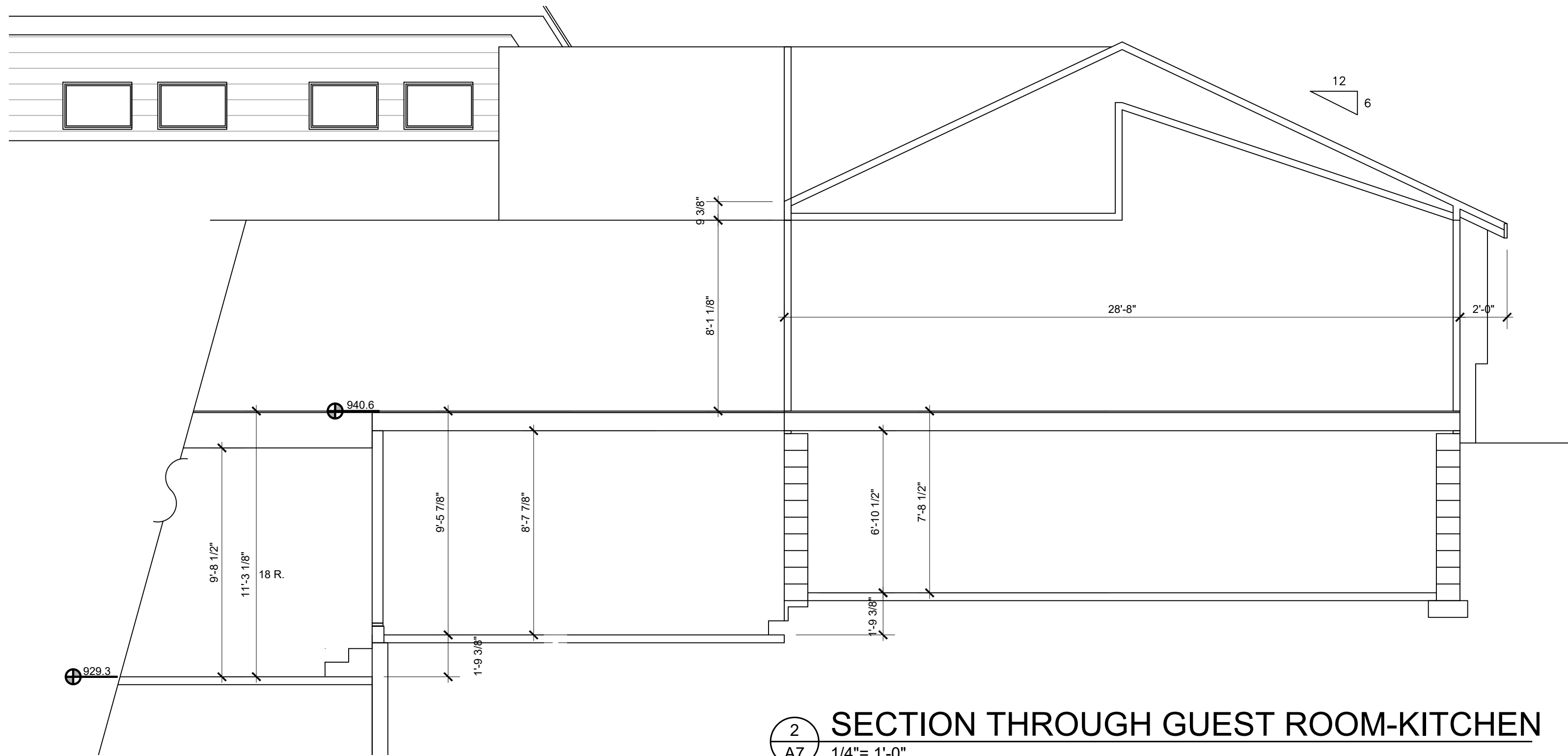
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 BIRCHWOOD VILLAGE, MINNESOTA

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1 SECTION THROUGH GARAGE-OWNER'S SUITE
 1/4" = 1'-0"



2 SECTION THROUGH GUEST ROOM-KITCHEN
 1/4" = 1'-0"

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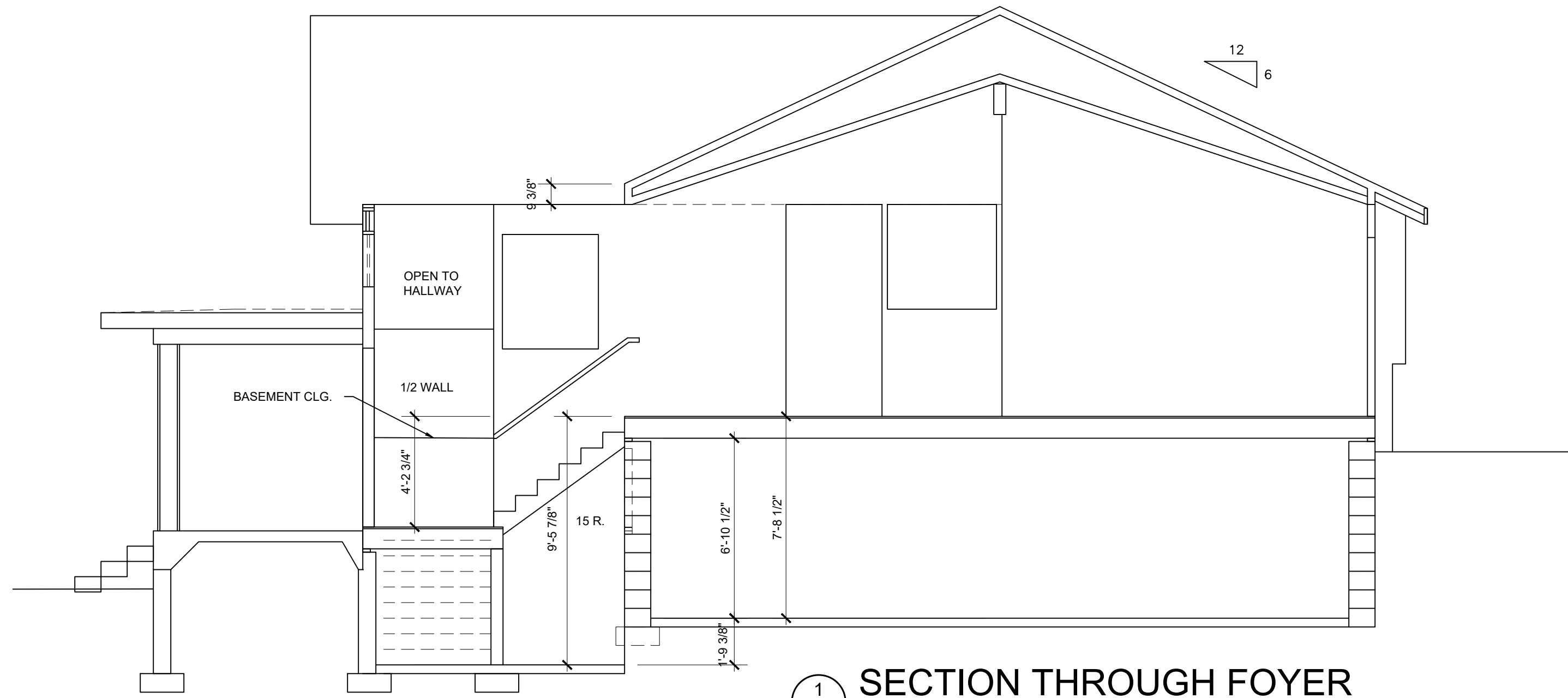
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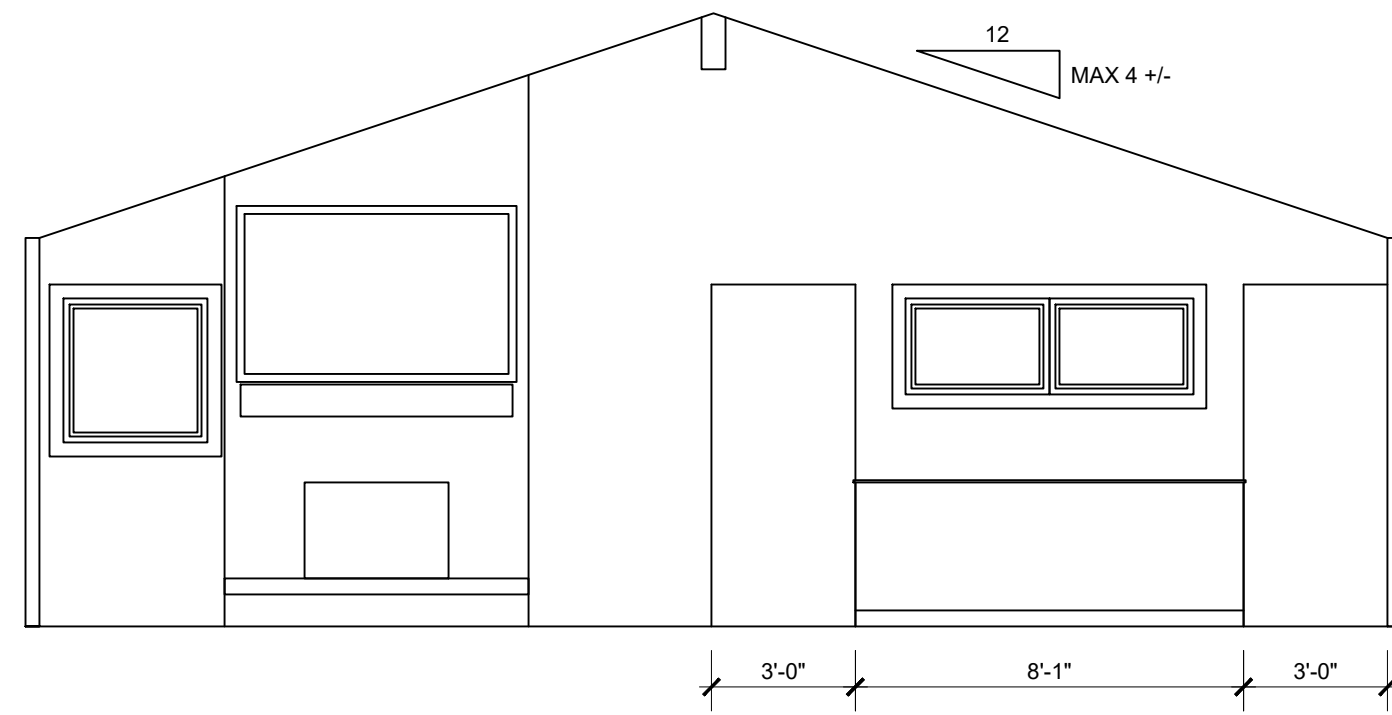
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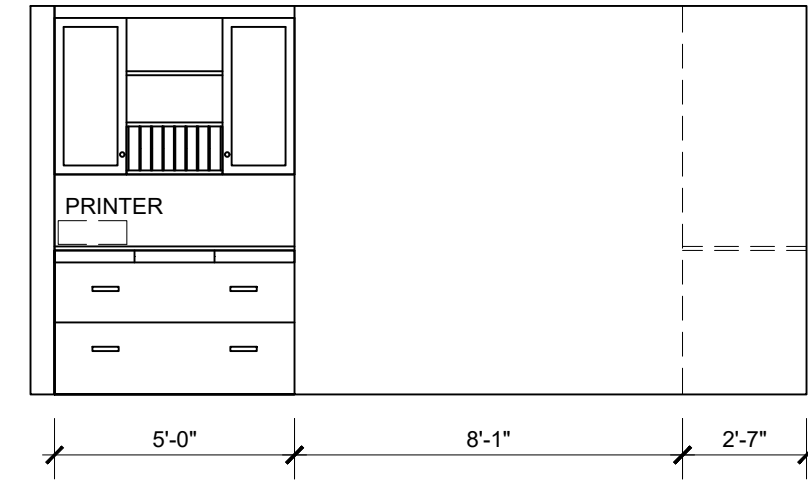
SHEET
A7
 OF 9
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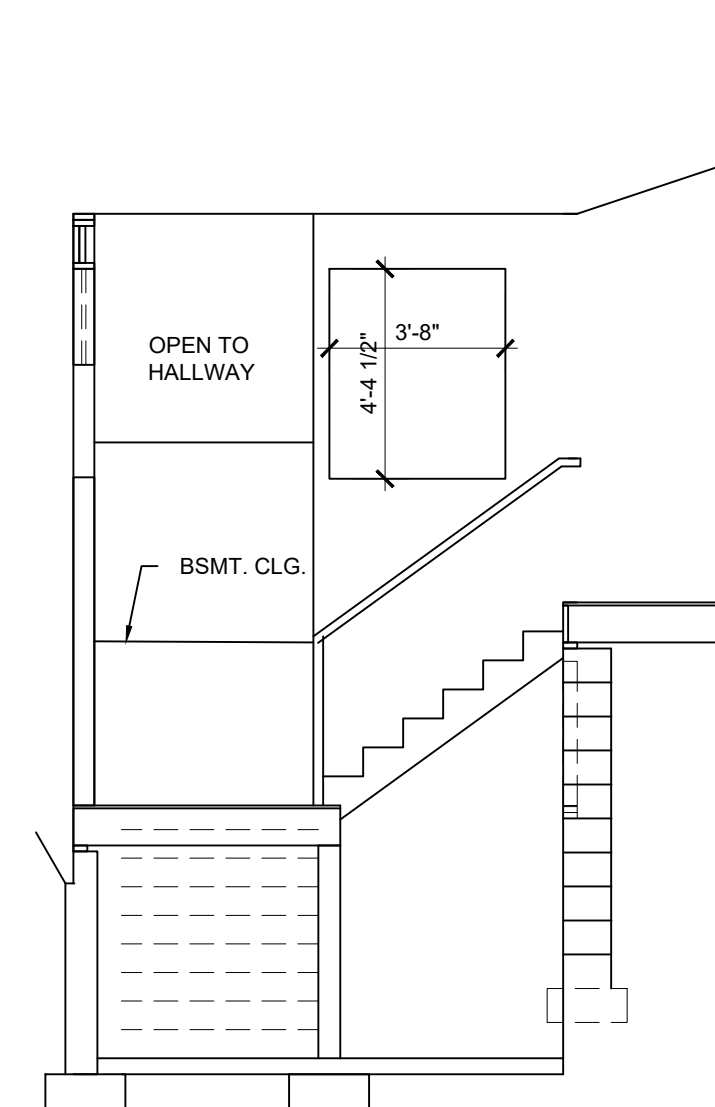
1 SECTION THROUGH FOYER
A8 1/4" = 1'-0"



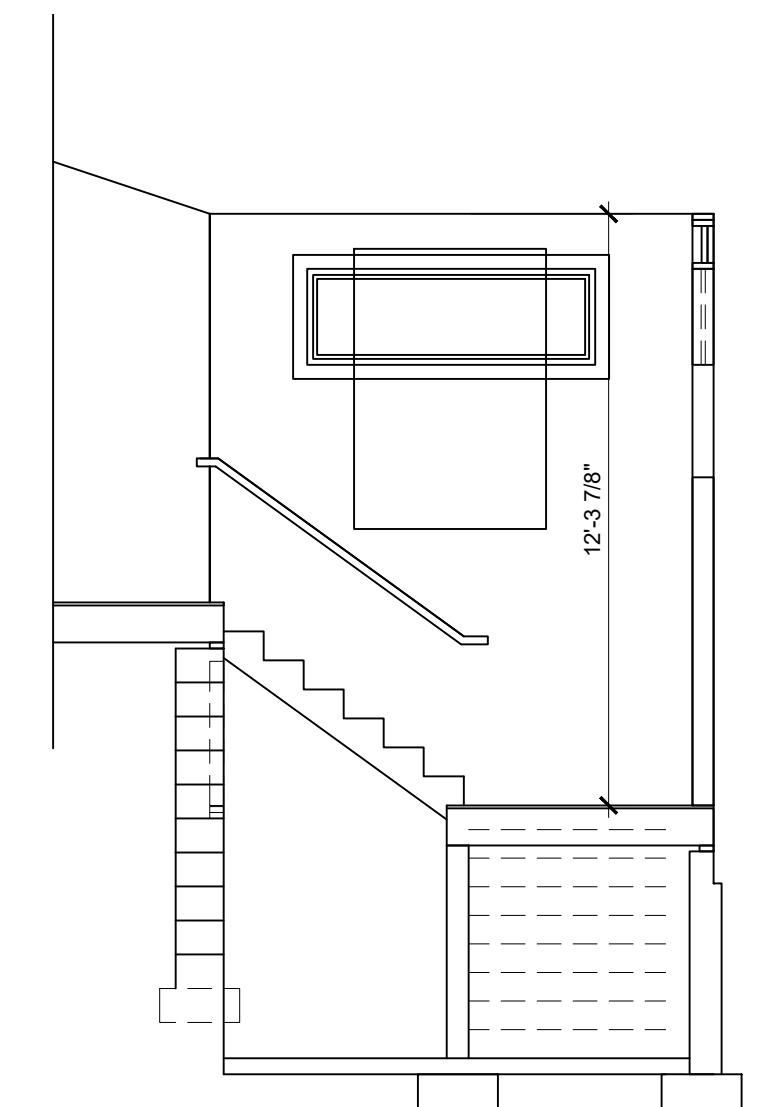
2 LIVING ROOM - DINING ELEVATION
A8 1/4" = 1'-0"



3 SOUTH KITCHEN WALL
A8 1/4" = 1'-0"



4 WEST FOYER WALL
A8 1/4" = 1'-0"



5 EAST FOYER WALL
A8 1/4" = 1'-0"

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ORDINANCE 2022-02-01

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE AMENDING HOUSING STANDARDS IN THE CITY CODE

The City Council of the City of Birchwood Village hereby ordains that Chapter 404 (Housing) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 404. HOUSING

404.010. TITLE. This chapter shall be known and may be cited and referred to as the Minimum Standards Housing Ordinance of the City.

404.020. APPLICATION. The provisions of this chapter shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation.

404.030. DEFINITIONS. Certain words or terms in this chapter are defined for the purpose hereof as follows: words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural number the singular; the words "dwelling", "dwelling unit #", or "premises" include the words "or any part thereof".

1. Approved. Shall mean approved by the Inspector of Buildings appointed to enforce the provisions of this chapter.

2. Half-Basement or lower level. A portion of a building located partly underground but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

3. Basement. A portion of a building located partly or wholly underground and having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

4. Dwelling. Any building or structure, or part thereof, which is used or intended to be used for living or sleeping.

5. Dwelling Unit. A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking.

6. Extermination. The control or elimination of insects, rodents or other pests by eliminating their harborage, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, by blocking their access to a dwelling, or by any other recognized and legal pest elimination methods approved by the City, pursuant to the appropriate Code.

~~7. First Story. That story of a dwelling at or next above the average grade of adjoining ground.~~

~~8.7. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.~~

~~9.8. Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.~~

~~10.9. Housing Appeals Board. Defined in 404.140.~~

~~11.10. Housing Inspector. Shall mean the Inspector of Buildings of the City of Birchwood Village, appointed to enforce the Code.~~

~~12.11. Infestation. The substantial presence, within or around a dwelling or in or near waste disposal containers, of any insects, rodents or other pests.~~

~~13. Light Housekeeping. The use of a room or rooms for combined living, sleeping and dining purposes by individuals or groups of persons having part of a dwelling such as stairs or halls in common but living independently of each other and doing their cooking upon the premises, whether in the same or in other units, as distinguished from a dwelling unit or apartment having normal kitchen and toilet facilities.~~

~~14. Light Housekeeping Unit. The room or rooms occupied for light housekeeping purposes by one individual or group of persons living independently of other such individuals or groups.~~

~~15.12. Occupant. Any person living, sleeping, cooking or eating in or having possession or use of a dwelling unit.~~

~~16.13. Owner. Any legally responsible person who alone or jointly or severally with others:~~

- ~~a. Has legal title to any dwelling with or without actual possession thereof; or~~
- ~~b. Has charge, care or control of any dwelling as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this Code to the same extent as if he were the owner.~~

~~17.14. Person. Shall include any individual, firm, corporation, association or partnership.~~

~~18.15. Plumbing. Water pipes, mechanical garbage disposal units, waste pipes, water closets, sinks, installed dishwashers and clothes washing machines, lavatories, bathtubs, shower baths, catch basins, drains, vents and other similar supplied fixtures, including all connections to water or sewer lines.~~

~~19. Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.~~

~~20. Rooming House. Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator.~~

~~21. Rubbish. Any inorganic waste such as tin cans, glass, paper, sweepings, etc. Stones, sod, earth, concrete, demolition waste, large automobile parts, large appliances, hazardous waste, tree trunk sections over four (4) inches in diameter, animal wastes except when adequately wrapped, or articles so heavy or bulky they cannot be easily lifted by one man shall not be considered rubbish.~~

~~22.16. Supplied. Paid for, arranged, furnished, or provided by or under control of the owner or operator.~~

~~23. Refuse. Any putrescible and nonputrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator residue, and market and industrial solid wastes.~~

404.040. COMPLIANCE WITH REQUIREMENTS. No person shall occupy or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this chapter.

404.050. REQUIREMENTS FOR SANITATION.

1. Sink, Flush Water Closet, Lavatory Basin and Bathtub or Shower in dwellings. Refer to [the](#) State Building Code ~~1205 (d)~~.
2. Access to Bathrooms and Water Closets. Refer to [the](#) State Building Code ~~511~~.
3. Floors and Ventilation of Bathrooms and Water Closets. Refer to [the](#) State Building Code ~~510~~.
4. Piped Hot and Cold Running Water. Refer to [the](#) State Plumbing Code ~~4715~~.

404.060. REQUIREMENTS FOR LIGHT, VENTILATION AND HEATING.

1. Window Area and Ventilation. Refer to [the](#) State Building Code ~~1205 (b)~~.
2. ~~Screening.~~

~~a. When flies or other pests are prevalent, all openable windows as required by State Building Code 1205 (b) shall be effectively screened, and screen doors shall be maintained in good condition.~~

~~b. Every basement window used for ventilation, and every other opening to a building which might provide an entry for rodents, shall be supplied with a screen or other device as will effectively prevent their entrance.~~

~~3.2. Electrical Outlets. Refer to [the](#) State Electrical Code~~

~~4.3. Heating Facilities. Refer to [the](#) State Building Code ~~1212.~~~~

404.070. REQUIREMENTS FOR FLOOR SPACE AND GENERAL OCCUPANCY.

1. Floor Space. Refer to [the](#) State Building Code ~~1207.~~
2. Access to Sleeping Rooms. Refer to [the](#) State Building Code ~~1204.~~
3. Ceiling Height of Habitable Rooms. Refer to [the](#) State Building Code ~~1207.~~
4. Basement or Half-Basement Occupancy. Refer to [the](#) State Building Code ~~1205.~~

404.080. REQUIREMENTS FOR SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND DWELLING UNITS.

1. Structural Soundness.
 - a. Members - Every foundation, door, outer wall, ceiling and roof shall be weather tight, water tight, and rodent proof, shall be capable of affording privacy, and shall be kept in good repair.

b. Openings - Every window, exterior door and basement hatchway or stairway shall be weather tight, water tight and rodent proof and shall be kept in good working condition and repair.

c. Stairs and Porches - Every inside and outside stair and handrail, and every porch and porch rails shall be so constructed as to safely support the maximum load that normal use may require and shall be kept in safe condition and good repair at all times. The Housing Inspector may require a handrail for each stair if deemed necessary.

d. Every stairway of more than 3 risers must have a handrail of height corresponding to State Statute requirements and be safely enclosed to handrail height.

2. Mechanical Soundness of Plumbing. All plumbing shall comply with the State Plumbing Code.

3. Exits. Every dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space ground level, as required by the Minnesota Statutes and the Code of the City.

4. Effectiveness. Every supplied facility, piece of equipment, or utility which is required under this Section shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

404.090. REQUIREMENTS FOR CLEANLINESS AND GARBAGE AND TRASH DISPOSAL.

1. Owner or Owner-Occupant Responsibility. Every owner or owner occupant shall be responsible for the cleanliness of all parts of a dwelling and premises shared in common by more than one family and for provision of the following utilities and services, except where such responsibility is assumed by an operator or an occupant by agreement.

a. Extermination of insects, rodents or other pests; except that where only one dwelling unit is infested, the occupant of such infested unit shall be responsible for its extermination, unless the dwelling is not maintained in a reasonable ~~rat~~ rodent proof or insect proof condition.

b. Provisions of all other facilities, utilities, service or conditions required by this chapter and chapter 402.

2. Occupant Responsibility. Every occupant of a dwelling unit shall be responsible for keeping the occupied area and premises and all plumbing equipment and facilities in a clean, safe and sanitary condition at all times. Refuse shall be disposed of in accordance with chapter 402.

404.100. EMERGENCY DISCONTINUANCE OF SERVICE OR UTILITIES. No owner or occupant shall cause any service, facility, equipment or utility to be removed from or shut off from or discontinued in any occupied dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies when discontinuance of service is approved by the Housing Inspector. Upon discontinuance of gas or electric service for cause by a public utility company or upon discontinuance of any municipal or other service for cause, the Housing Inspector shall be notified, and shall thereupon take immediate steps to have the responsible person correct conditions leading to such discontinuance of services. This section shall not be construed to prevent the cessation or discontinuance of any such service upon order of the Housing Inspector or any other authorized officials.

404.110. DANGEROUS DWELLINGS. Refer to State Building Code ~~203~~ for regulations on dangerous dwellings.

1. Declaration of Nuisance and Orders.

a. All dangerous dwellings or parts thereof within the terms of State Building Code ~~203~~ are hereby declared to be public nuisances, and shall be vacated and repaired or demolished in accordance with the provisions of Section 404.130.

b. In any case where a dangerous dwelling is 50 percent or more damaged or decayed, or deteriorated from its original structure, or where it cannot be repaired,

so as to comply with the terms of the State Building Code it shall be ordered vacated and demolished in accordance with the provisions of Section 404.130.

404.120. ENTRY AND INSPECTION OF DWELLINGS.

1. The Housing Inspector is hereby authorized, with the consent of the homeowner or if he has obtained a warrant or other court order authorizing the inspection, to make inspections to determine the condition of dwellings, dwelling units and premises located within the City in order to safeguard the health and safety of the occupants of such dwellings and of the general public. For this purpose and upon showing proper identification, the Housing Inspector is authorized to enter, examine and survey, at any reasonable hour, all dwellings, dwelling units and premises, and the owner, occupant or the person in charge thereof, shall give the Housing Inspector free access thereto for the purpose of such inspections.

2. Every occupant of a dwelling shall give the owner thereof of his agent or employee access to any part of such dwelling or its premises at any reasonable hour for the purpose of making any repairs or alterations which are necessary to effect compliance with the provisions of this section or any lawful order issued pursuant thereto.

404.130. ENFORCEMENT: SERVICES OF NOTICES AND ORDERS: HEARINGS.

1. Notices of Violation

a. Whenever the Housing Inspector determines that there has been a violation of any provision of this chapter, he shall give notice of such violation to the person or persons responsible therefore and order compliance with the Code as hereinafter provided. Such notice and order shall be in writing on an appropriate form and shall include:

(i) A list of the violations, with reference to the section of this chapter violated, and an order as to the remedial action required to effect compliance with this chapter.

(ii) Specification of a reasonable time for compliance.

(iii) Advice concerning the procedure for appeal. Such notice and order shall be served upon the owner, occupant or agent in person; provided, however, that the notice and order shall be deemed to be deemed to be properly served if such owner, occupant or agent is sent a copy thereof by registered mail to his last known address and a copy is posted in a conspicuous place in or on the dwelling affected.

b. Whenever the Housing Inspector determines that a dwelling is a dangerous dwelling as defined in State Building Code ~~203~~, he shall:

(i) Affix upon the door or entrance to such dwelling a printed placard declaring that such dwelling is unfit for human habitation and is ordered vacated. No person shall deface or remove such placard from any dwelling which has been condemned as unfit for human habitation and placarded as such. The Housing Inspector shall remove the placard whenever the defect or defects upon which the condemnation and placarding were based have been eliminated.

(ii) Serve notice, as provided herein to the owner and occupant or lessee of any building found by him to be a dangerous dwelling within the standards set forth in Section 404.110 that: (1) the owner must vacate and repair or demolish said building in accordance with the terms of notice and this Section, and (2) the occupant or lessee must vacate said building or, with the consent of the owner, may have it repaired, in accordance with the notice and order, and remain in possession.

2. Hearings.

a. Any person affected by a notice and order issued in connection with the enforcement of this section may request and shall be granted a hearing on the matter before the Housing Appeals Board, provided such person shall file ~~in the Office of the Housing Inspector~~ with the City Clerk a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty (30) days of the date the notice and order are served. Upon receipt of the petition, the ~~Housing Inspector~~ City Clerk shall set a time and place for a hearing before the Housing Appeals Board and shall give the petitioner written notice thereof. Said hearing shall be held within thirty (30) days after a petition has been filed, and the petitioner shall be given an opportunity to be heard and to show cause why the notice and order should be modified or withdrawn. The failure of the petitioner or his representative to appear and to state his case at such hearing shall have the same effect as if no petition were filed.

b. After the hearing, the Housing Appeals Board by a majority vote, shall sustain, modify or withdraw the notice, depending on its findings as to whether the provisions of this section have been complied with, and the petitioner and the Housing Inspector shall be notified within ten days in writing of such findings.

c. The proceedings of the hearing, including the findings and decision of the Housing Appeals Board and the reasons therefore shall be summarized in writing and entered as a matter of public record ~~in the office of the Housing Inspector~~ with the City Clerk. Such record shall also include a copy of every notice and order issued in connection with the case.

3. Orders to Vacate.

a. Where a notice of violation and order to comply have been served pursuant to this section and, upon reinspection at the end of the time specified for compliance, and if no petition for a hearing has been filed, it is found that the violation or violations have not been remedied, the Housing Inspector may order the dwelling, or parts thereof affected by the continued violations, vacated in accordance with the following procedure:

(i) Dwellings shall be vacated within a reasonable time, not to exceed 60 days.

(ii) Vacated dwellings shall have all outer doors firmly locked and basement, cellar and first and second story windows barred or boarded to prevent entry.

(iii) Vacated dwellings shall not again be used for human habitation until written approval is secured from the Housing Inspector.

b. If a dwelling or part thereof is not vacated within the time specified in the order of vacation, the Inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or part thereof.

4. Emergency Order. Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, he may issue an order so stating, and notwithstanding any other provisions of this section such order shall take effect and shall be complied with immediately. Upon petition to the Housing Appeals Board, petitioner shall be afforded a hearing pursuant to paragraph 2 of this section.

5. Vacation and Demolition.

a. If the owner, occupant, or lessee fails to comply with the order of the Housing Inspector or the action of the Housing Appeals Board after hearing, the Housing Inspector shall cause such dwelling or part thereof to be vacated and repaired or demolished as the facts may warrant and shall, with the assistance of the City of Birchwood Village Attorney, cause the costs of such repair or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a suit of law against the owner.

b. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous dwelling as defined herein is immediately vacated and repaired or demolished, the Housing Inspector shall cause its immediate vacation and repair or demolition. The costs of such emergency repair or demolition shall be collected in the same manner as provided in Paragraph (a) of this subsection.

404.140. HOUSING APPEALS BOARD.

1. A Housing Appeals Board is hereby created as authorized by this Section.

a. Membership - The Board shall consist of five members to be selected by the City Council annually, or, in the absence of such selection by the City Council, ~~the City Council shall~~may act as the Housing Appeals Board, and the City Clerk shall be ex-officio member of the Board and act as secretary and shall not be able to vote.

2. The Board shall elect a Chairperson ~~man~~ from its members, except where the Board is the City Council, in which case, the Chairperson shall be the Mayor. The Housing Appeals Board shall:

a. ~~Adopt rules and procedures consistent with this Section, elect its own officers, and Conduct all proceedings in accordance with the Open Meeting Laws and~~ keep a record of all proceedings, including the vote of each member on each case heard. No member of the Board shall take part in any hearing or determination in which he has directly or indirectly, any personal or financial interest. Three members of the Board in attendance at any meeting shall constitute a quorum.

b. Interpret the intent of the section in specific cases where, upon appeal, it clearly appears that, by reason of special conditions, undue hardship would result from literal application of any action of the section. Where such undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section provided the dwelling will vary only a reasonable minimum from the literal provisions of the section and will comply generally with spirit and intent of the regulations as to sanitation, safety and rehabilitation. Any such variance shall be permitted only by the concurring vote of at least three members of the Board.

404.150. INTERPRETATION. The provisions of this chapter shall be held to be the minimum requirements to protect the health, safety, and welfare of the people of the City, and where this chapter imposes greater requirements than imposed by other provisions or law or ordinance, the provisions of this chapter shall control.

404.160. SEPARABILITY. Should any chapter, section or provision of this Code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Code as a whole or any part

thereof other than the part so declared to be invalid.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 8th day of March 2022.

RESOLUTION 2022-05

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-02-01, AN ORDINANCE AMENDING SECTION 404 OF
CITY CODE**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted Ordinance No. 2022-02-01, which amends the language of City Code Section 404; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-02-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 8th day of March, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

An ordinance amending Section 404 of the City's code.

The following is a SUMMARY of the Ordinance:

On 03/08/2022 the City amended Code 404

Amending the section of code regulating housing standards in city code.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Ave, Birchwood, MN or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4

ORDINANCE 2022-02-03

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE REPEALING CITY CODE 301.065

The City Council of the City of Birchwood Village hereby ordains that section 301.065 of the Municipal Code of the City of Birchwood Village is hereby repealed:

~~**301.065 PROVISION FOR VARIANCES.** Where enforcement of the strict provisions of the Zoning Code would cause undue hardship a variance may be granted to allow deviation from the requirements, in accordance with Minnesota Statutes, Chapter 462. (See Section 304. VARIANCES AND APPEALS). See section 304, Variances.~~

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 8th day of March 2022.

ORDINANCE 2022-02-04

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE AMENDING CITY CODE 302.055

The City Council of the City of Birchwood Village hereby ordains that section 302.055 of the Municipal Code of the City of Birchwood Village is hereby amended to read:

302.055 LAND DISTURBANCE ACTIVITY STANDARDS.

...
~~3. Variance. Any person who seeks a variance from any requirement of section 302.055 shall comply with the requirements of Chapter 304 (ZONING CODE: VARIANCES AND APPEALS).~~

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 8th day of March 2022.

ORDINANCE 2022-02-05

CITY OF BIRCHWOOD VILLAGE WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE REPEALING AND REPLACING CITY CODE 304

The City Council of the City of Birchwood Village hereby ordains that section 304 of the Municipal Code of the City of Birchwood Village is hereby repealed and replaced in its entirety with the following section:

304. VARIANCES.

304.005 Board of Appeals. The City Council is hereby established as the Board of Appeals (Board) and shall have the power to hear and decide variances under this section and appeals under section 310 in which it is alleged that there is an error in any administrative order, requirement, decision, or determination made in the interpretation or enforcement of the Zoning Code.

304.010 Variances, Definition. A variance is a modification or variation of a provision of the zoning code as applied to a specific piece of property or use.

304.015 Procedure for Obtaining a Variance. The owner or owners of land seeking a variance must file an application for a variance with the Clerk in accordance with the requirements of 304.020. Once the Clerk deems the application complete, the application will be heard by the Planning Commission in accordance with the requirements of section 304.025, which will issue an advisory report to the City Council on whether the variance should be granted. The City Council, acting as the Board of Adjustments and Appeals, will then issue a final determination on whether the variance is to be granted or denied in accordance with section 304.030.

304.020 Variance Application Requirements. Before consideration of a variance, an application for variance shall be made on forms provided by the City Clerk. The application shall be accompanied by the required information described below and by all required fees. Each application must include at a minimum:

- a. The legal description and address of parcel.
- b. Name, address, and phone number of applicant (and of the owner if owner is not the applicant).
- c. Plot plan drawn to scale. Elevation contour lines are required.
- d. Plan showing existing and proposed new and changed structures on the lot.
- e. Existing structures on adjacent lots.
- f. A certificate by a registered professional land surveyor verifying the location of all buildings, setbacks and building coverage.
- g. A certificate by a registered professional land surveyor certifying other facts that in the opinion of the City are necessary for evaluation of the application.
- h. A separate enumeration of each section of the code to which a variance is requested along with a demonstration that the criteria set forth in section 304.040 are met for each enumerated section.
- i. Evidence demonstrating compliance with regulations of other governmental units when required by provisions of this code, State Law, or regulations of other governmental units.

Non-limiting examples of government units which may have applicable regulations include the State of Minnesota, Rice Creek Watershed District, Minnesota Department of Natural Resources, White Bear Lake Conservation District, and the Minnesota Pollution Control Agency.

- j. Other documentation as applicable and as required by the City Code for the type of variance sought (see for example the impervious surface requirements of 302.050).

304.025 Variance Hearing and Recommendation by the Planning Commission. The Planning Commission is hereby established to hear and advise the Council on requests for variances. After the City Clerk determines that a variance application is complete and all fees have been paid, and any technical analysis by the City Planner and/or Engineer has been completed and a report issued, the Planning Commission shall conduct a public hearing in which the Planning Commission shall hear the oral and written views of interested persons. The Planning Commission shall make a recommendation, by majority vote, to the City Council on whether, in the opinion of the Planning Commission, the variances presented on the application should be granted or denied. The Planning Commission may recommend the grant of a variance subject to any conditions deemed reasonable by the Planning Commission.

304.030 Final Decision. Once the Planning Commission has had a reasonable opportunity to review and report to the City Council, the City Council shall decide on the application for variance by majority vote. Notice of the decision shall be mailed to the applicant. The City Council may impose conditions on the granting of the variance. When variances are denied, the City shall include explanation as to why the variance was denied. When a variance is granted, an explanation of any conditions imposed on the granting of the variance shall also be included. The Council shall maintain a record of its proceedings relative to the application for variances which shall include the minutes of its meetings and final order concerning the variance application. Where applicable, notice of the final order shall be sent to other government agencies as required by law.

304.035 Revocation and Termination of Variances. A violation of any condition set forth or required in granting a variance shall be a violation of this Code and automatically terminates the variance. A variance shall become null and void one year after it was granted, unless made use of within the year or such longer period as prescribed by the Council.

304.040 Standards for Variances. Variances may be granted when the applicant for the variance establishes:

1. That there are practical difficulties in complying with the zoning ordinance;
2. That the proposed structure or use is in harmony with the general purposes and intent of the ordinance; and
3. That the proposed structure or use is consistent with the City's comprehensive plan.

"Practical difficulties," as used in connection with the granting of a variance, means that i.) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; ii.) the plight of the landowner is due to circumstances unique to the property 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.

304.045 Notice of Hearings. Notice of Variance Hearings, both at the Planning commission and the City Council shall be given according to this section.

1. Notice of variance hearings shall be mailed not less than ten (10) days before the date of the hearing to the person who filed the application for variance, and to each owner of property situated wholly or partially within 200 feet of the property lines to which the variance relates.
3. No new notice need be given for any hearing which is continued to a specified future date.

304.050 Time for Action. A final decision shall be rendered within sixty (60) days from the date of the application unless the applicant has been notified within fourteen days (14) days that the application for variance is incomplete. The City Administrator is authorized to request additional time under Minnesota Stat. §15.99(f) as necessary.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 8th day of March 2022.

RESOLUTION 2022-04

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-02-05, AN ORDINANCE REPEALING AND REPLACING
SECTION 304 OF
CITY CODE**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted Ordinance No. 2022-02-05, which repeals and replaces the language of City Code Section 304; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-02-05 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 8th day of March, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

An ordinance repealing and replacing Section 304 of the City's code in its entirety.

The following is a SUMMARY of the Ordinance:

On 03/08/2022 the City amended Code 304

Repealing and replacing in its entirety the section of code regulating the procedure for obtaining a variance to city code.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Ave, Birchwood, MN or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4

ORDINANCE 2022-02-06

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

AN ORDINANCE ADDING SECTION 310 TO THE CITY CODE

The City Council of the City of Birchwood Village hereby ordains that section 310 of the Municipal Code of the City of Birchwood Village is hereby added:

310 ADMINISTRATIVE APPEALS

310.010 Board of Appeals and Adjustments. As stated in Section 304.005, the City Council shall serve as the Board of Appeals and Adjustments. These powers include hearing and deciding appeals in which it is alleged that there is an error in any administrative order, requirement, decision, or determination made by an administrative officer in the interpretation or enforcement of Chapters 200 and 300 of this code.

310.015 Administrative Appeals. A person who deems themselves aggrieved by an alleged error in any order, requirement, decision or determination (hereinafter, "administrative decision") made in the interpretation or enforcement of any provision of chapters 200 and 300 of this code, may appeal the order, requirement, decision, or determination to the Board of Appeals and Adjustments.

310.020 Procedure for Appealing an Administrative Decision. A person who wishes to appeal any order, requirement, decision, or determination made in the interpretation or enforcement of any provision of chapters 200 and 300 of this code may appeal by filing a written appeal with the City Clerk within 30 days after the date of such order, requirement, decision or determination. The appeal shall fully state the order to be appealed and the relevant facts of the matter.

310.025 City Council Hearing. Once the Planning Commission has had a reasonable opportunity to review and report to the City Council on the merits of the appeal, the City Council shall decide on the merits of the appeal. Notice of the decision shall be mailed to the applicant. The City shall include explanation as to why the appeal was approved or denied. The Council shall maintain a record of its proceedings relative to the appeal which shall include the minutes of its meetings and final order concerning the variance application. Where applicable, notice of the final order shall be sent to other government agencies such as the Minnesota Department of Natural Resources (DNR), as required by law.

310.030 Notice of Hearings. A notice of hearings for appeals of administrative decisions shall be given to the appellant and shall be published in the official newspaper once at least ten days before the day of the hearing.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 8th day of March 2022.

ORDINANCE 2022-02-07

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING IRRIGATION SYSTEM STANDARDS IN THE CITY
CODE**

Whenever any premises are connected to the City water system, there shall be maintained a complete physical separation between the City water supply system and a private water and/or irrigation system so that it is impossible to intentionally or unintentionally allow any water produced by a private system to be introduced in the supply line from the City system. Pursuant to Minnesota Administrative Rule, 4725.3350, the City requires that any such connections be outfitted with backflow prevention technology to protect the City water supply generally.

The City Council of the City of Birchwood Village hereby ordains that Chapters 209 and 309 of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

202.093 IRRIGATION SYSTEMS. A permit is required for installation of a permanent in-ground irrigation system installed after April 1, 2022.

202.094 FUNCTIONAL BACKFLOW PREVENTION DEVICES REQUIRED. All irrigation systems, whether installed after April 1, 2022 or before April 1, 2022, shall have a functioning automatic backflow prevention device designed and installed to prevent backflow of irrigation water into the City water supply system. The valve shall be of a type approved by the building official and installed pursuant to a permit and inspection. Per UPC, Sec. 605.3.1, dual check-valve backflow preventers shall comply with ASSE 1024 or CSA B64.6 605.4.

202.095 COSTS ASSESSABLE TO PROPERTY OWNER FOR DAMAGES CAUSED BY LACK OF FUNCTIONING BACKFLOW PREVENTION. In addition to the criminal consequences for the violation of the City Code, the property owner(s) of an irrigation system lacking a suitable functioning backflow prevention device is responsible for any and all costs incurred by the City resulting from contamination of the City water supply from a backflow originating from an irrigation system on their property. Said costs may be assessed to the property taxes of said property owner, if not paid within 30 days of demand.

309.065 EXCEPTIONS. No permit shall be required for the following:

- A. Approved surface landscaping work.
- B. Approved private sidewalks, street furnishings, posts and pillars
- C. Snow removal activities.
- ~~D. Irrigation systems provided that the system does not connect directly to water mains in the ROW installed at the property owner's risk.~~
- ~~E. D. Activities of the City of Birchwood Village~~
- F. E. If granted approval by the city, piercing or drilling a street or sidewalk/trail pavement for the purpose of exploratory examination or utility depth determination

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 8th day of March 2022.