



AGENDA OF THE SPECIAL MEETING
OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
September 9, 2020
7:00 P.M.

CALL TO ORDER

In light of the Governor’s Executive Order regarding social-distancing and restrictions on gatherings, the City of Birchwood Village is conducting its meetings of the City Council 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 attending. If you plan to attend it is suggested that you familiarize yourself with the technology in advance.

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

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

Join Zoom Meeting:

<https://us02web.zoom.us/j/89446085380?pwd=elhIVXkybGRSZ2o2eXFUUTNkV05RZz09>

Meeting ID: 894 4608 5380

Passcode: 384079

Phone: +1 312 626 6799

CALL TO ORDER

APPROVE AGENDA

COUNCIL REGULAR AGENDA

- A. Variance Case No. 20-02-VB for 415 Wildwood Avenue* (pp. 3-38, 65-68 & 73)
 - 1. Council Deliberation and Approval
- B. Variance Case No. 20-05-VB for 221 Wildwood Avenue* (pp. 39-63 & 69-73)
 - 1. Council Deliberation and Approval

ADJOURN

**VARIANCE CASE
NO. 20-02-VB**

415 WILDWOOD AVENUE

**REGULAR A
VARIANCE APPLICATION**



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: \$ 300.00
Payment Type (Circle One): Cash / Check / Money Order / Credit Card
Check/Money Order # 10027
Application Complete? Yes No If no, date application was deemed complete: _____
Signature of City Planner: [Signature] Date: 7/28/20

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) Cathryn Wandmacher
Address 415 Wildwood Ave
City Birchwood State MN Zip Code 55110
Business Phone _____ Home Phone [Redacted]

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

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

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

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:
I have installed a stone patio with a boulder wall. I did not know I needed a permit to install

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) patio + boulder wall
- 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:

City code 302.050 - impervious surface -
Patio is built on clean fill, class 5, sand
+ stone. There is space between each stone
for drainage. Before it was just a hill with
leaves + weeds, there was nothing to help
with the runoff.

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

I have consulted with a professional +
had plans drawn up for a rain garden that
will be bigger than the patio - I also have
put mulch on the slope.

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

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:

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot	6,761		
2. Maximum Impervious Surface (25% of item 1)			
3. Roof Surface	1026		
4. Sidewalks	95		
5. Driveways	750		
6. Other Impervious Surface	240	patio + boulder wall	
7. Total of Items 3-6	1895		
8. Percent Impervious Surface			

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.

patio + boulder wall  164 x 156
 walkway 117 x 56

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 streets & roadways in the course of construction, landscape, excavating, filing and grading operations.**

***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: Callie A. W. Orbach Date: 6-10-20

415 Wildwood Ave, Saint Paul, MN 55110-1618, Washington County



MLS Beds 2	MLS Sq Ft 932	Lot Sq Ft 6,767	MLS Sale Price \$235,000
MLS Baths 1	Yr Built 1900	Type SFR	MLS Sale Date 09/26/2019

OWNER INFORMATION			
Owner Name	Wandmacher Cathryn A	Taxpayer ZIP+4	1618
Taxpayer Address	415 Wildwood Ave	Taxpayer Carrier Route	C024
Taxpayer City and State	White Bear Lake, MN	Owner Occupied	Yes
Taxpayer Zip	55110		

LOCATION INFORMATION			
Municipality	Birchwood	School District Name	White Bear Lake
Zip Code	55110	School District	0624
Carrier Route	C024	Section #	30
Census Tract	703.03	Township #	30
Subdivision	Lakewood Park 03	Range #	21
Lot	2	Quarter	NE
Block	6	Quarter-Quarter	SW

TAX INFORMATION			
PID#	3003021130082	Special Assessment	\$265
PID	3003021130082	Preliminary Tax Amount	\$2,256
% Improved	23%	Payable Tax Year	2020
Legal Description	SUBDIVISIONNAME LAKEWOOD P ARK 3RD DIVISION LOT 2 BLOCK 6 SUBDIVISIONCD 25442 PT BEIN G SLY 5FT SD LT 2 & N1/2 LT 3 EX C SLY 4FT THEREOF		

ASSESSMENT & TAX				
Assessment Year	2019 - Preliminary	2018	2017	2016
Estimated Mkt. Value - Total	\$215,500	\$169,900	\$152,500	\$150,200
Estimated Mkt. Value - Land	\$150,000	\$130,000	\$117,000	\$117,000
Estimated Mkt. Value - Building	\$65,500	\$39,900	\$35,500	\$33,200
Taxable Mkt. Value - Total	\$197,700	\$148,000	\$129,000	\$126,500
Taxable Mkt. Value - Land	\$137,600	\$113,200	\$99,000	\$98,500
Taxable Mkt. Value - Building	\$60,100	\$34,800	\$30,000	\$28,000
YOY Taxable Mkt. Value Chg (\$)	\$49,700	\$19,000	\$2,500	
YOY Taxable Mkt. Value Chg (%)	33.58%	14.73%	1.98%	
Payable Tax Year	Total Tax	Change (\$)	Change (%)	
2017	\$1,490			
2018	\$1,702	\$212	14.23%	
2019	\$1,656	-\$46	-2.7%	

CHARACTERISTICS			
Lot Acres	0.1554	Basement Type	Tax: Crawl MLS: Partial, Crawl Space, Drain Tiled, Drainage System
Lot Sq Ft	6,767	Garage Type	Detached Garage
Lot Frontage	23	Parking Type	Detached Frame Garage
Lot Depth	240	Garage Sq Ft	240
Land Use - County	Res 1 Unit	Garage Capacity	MLS: 1
Land Use - CoreLogic	SFR	No. Parking Spaces	MLS: 1
# of Buildings	1	Roof Shape	Gable/Hip
Stories	1	Roof Type	Gable
Levels	1	Roof Material	Asphalt Shingle

Nominal

Buyer Name	Swenson Eric L & Bauman Jaclyn	Owner Record	Owner Record
Buyer Name 2	Bauman Jaclyn		
Seller Name		Owner Record	Owner Record
Document Type	Deed (Reg)	Deed (Reg)	Deed (Reg)

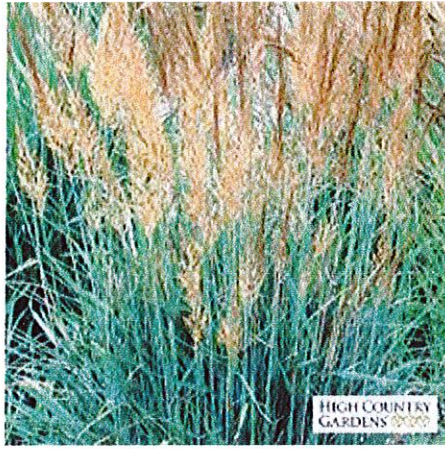
MORTGAGE HISTORY			
Mortgage Date	04/14/2020	11/19/2019	09/28/2018
Mortgage Amount	\$231,550	\$223,250	\$209,100
Mortgage Lender	Goldwater Bk Na	Goldwater Bk Na	Bell Bk
Borrower Name	Wandmacher Cathryan A	Wandmacher Cathryn A	Pehoski Anthony J
Borrower Name 2			Pehoski Julie A
Mortgage Type	Conventional	Conventional	Conventional

FORECLOSURE HISTORY	
Document Type	Lis Pendens
Foreclosure Filing Date	05/18/2017
Recording Date	05/18/2017
Original Doc Date	06/23/2015
Lien Type	Mtg
Buyer 1	Lutz Jeffrey A
Seller 1	Wells Fargo Bk Na
Title Company	Attorney Only



*Lot Dimensions are Estimated

Plants for Rain Garden



Turtlehead



Cornus Allenman's Compact



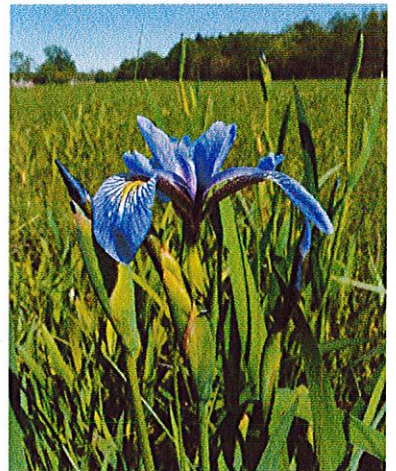
Yarrow Noblessa



Eupatorium Little Joe



Astilbe Delft Lace



Blue Flag Iris



Karl Foerster Grass



Baptisia



Liatris

August 17, 2020

PLANT LIST FOR
Cathy Wandmacher
415 Wildwood Ave,
Birchwood, MN 55110

Phone: 651 276-3726

DESIGN BY:

ROSALIE TALLEN

RESIDENTIAL GARDENS LLC

243 WILDWOOD AVE, ST PAUL, MN 55110

651 426-1500

rvtallen@comcast.net

www.residentialgardens.net

Plants

Quantity	Botanical Name	Common Name	Size	Price
7	Achillea ptarmica 'Noblessa'	YARROW NOBLESSA	CG#1	\$55.93
8	Astilbe chinensis 'Delft Lace'	ASTILBE DELFT LACE	CG#1	\$119.92
3	Baptisia australis	BAPTISIA AUSTRALIS	CG#1	\$23.97
6	Calamagrostis acutiflora 'Karl Foerster'	REED GRASS KARL FOESTER	CG#1	\$47.94
6	Chelone lyonii 'Hot Lips'	TURTLEHEAD HOT LIPS	CG#1	\$53.94
5	Cornus sericea 'Allenman's Compact'	DOGWOOD ALLENMAN'S COMPACT	CG#2	\$99.95
6	Eupatorium dubium 'Little Joe'	EUPATORIUM LITTLE JOE	CG#1	\$65.94
12	Iris versicolor	IRIS BLUE FLAG	CG#1	\$119.88
9	Liatris spicata	DENSE BLAZING STAR	CG#1	\$71.91
7	Sorghastrum nutans	INDIAN GRASS	CG#1	\$55.93

				Total:	\$715.31
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- a. The patio that I had built is approximately 225 sq feet. It is made from stones with spacing between each stone for drainage. Under the stone is sand, class five and clean fill. I have enclosed pictures to show the spacing between stones to help with the drainage.

















- b. My house is on a gradual slope. Along the east and west sides of the house there are gully's that have been made so the rain will run between the homes and to the front hill. On the north side I have mounds that help absorb the runoff and direct it away from the house then directs it to the east and west sides.
I will be installing a rain barrel on the east side of the house attached to the down spout from the gutters
I have ordered Silt Sock Sediment and Erosion Control Management for Storm-Water Management, Drainage Protection. I will be placing sections on the hill to absorb the rain water.





I have enclosed the plans for a rain garden on the west side of the hill and a low berm on the east side to direct water into the rain garden.

- c. I spoke with Bryan Pyann, a watershed restoration specialist with Washington Conservation District. He suggested a raingarden at a 6" ponding depth. large enough to capture 225 sq ft of impervious surface, ponding 3-6" deep. He suggested at a 6" deep raingarden that is 40sq ft. If you want to pond at 3" and your soils do not drain well, then I would do 70 sq ft.
To see if the soil is good enough, he had me dig a hole where the raingarden will be. I made a hole 12" around and 18" deep. I was trying to mimic how the soils would drain after back to back rainfalls and saturated soils.....So... I filled it with water, and once it drained completely I filled it again right away. I jammed a stick in the sidewall of the hole to mark how high the water was filled to. I came back every hour for the next few hours and measured how far down the water drains. If it drained faster than 0.5 inches per hour, and it did so the placement of the raingarden should be perfect.
- d. I am going to hire someone to install the raingarden, so it is installed with the correct slope etc.
- e. N/A
- f. In order to get the boulders for the wall up the hill, ground cover did get disrupted. It was just leaves and weeds before. I planted hostas, ferns and other grasses to help absorb the runoff. I also put mulch on the hill. I did remove a tree that was dead, but the stump and roots remain.
- g.
- h.
- i. I will be planting more grasses and will split hostas and in the fall and place where there are open spaces so eventually the whole hill will be filled with plants.
- j. As soon as I get approval, I plan to put the rain garden in.
- k. I will register the variance with the county when completed and approved by the commission and the city.

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 have enclosed the plans for putting 2 rain gardens on the slope of my hill. 230 and 170 sq feet. One on each side of my house capturing the runoff.

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.

On each side of the house will direct the water flow into the gardens. I will dig the garden 6-9 in deep with gently sloping sides. Using the excavated soil to create a small berm on the downhill side. Below is the maintenance and upkeep of the gardens. If necessary I can I also purchase a rain barrel to attach to one of my downspouts.

j. The applicant shall include the maintenance plan and a maintenance schedule for the approved stormwater management practices with the required permit application. *Water weekly for 2 months until the plants are established. Keep up routine pruning, mulching and weeding. Inspect site following rainfall events. Add or replace vegetation in eroded areas. If certain plants are not doing well will research a replacement plant. Remove any accumulate sediment or debris.*

Schedule:

Spring: New mulch, replace plants that may not have survived over winter

Summer: Weed, check after major rainfalls that water is being directed into the gardens and the debris is cleaned out to keep drainage appropriate.

Fall: Prune plants, mulch if needed, clean out and trim plants for winter

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. *Once the variance is approved will file for the proper permits.*

Measurements:

Lot size 6706.17

Roof surface 1172

Sidewalk 484.6

Driveway 857.14

Other impervious surface 305

Total line 3-6 (2818.74)

8/7/2020 10:29 AM

Cathy,

This is where my time cannot be used and I may have stretched it a bit in giving you some numbers initially. I am not allowed to provide design services for permit requirements. But I also do not want to leave you hanging for such a minor issue.

What I can say is this impervious area normally includes the rooftops, driveways, sidewalks, patios, and gravel surfaces. But some cities have different rules for what is considered impervious and what is not. I do not know the rules for your city, but these are the typical surfaces to include.

Your aerial photo that is available does not allow me to easily trace building footprints to get areas of each of these things (too many trees in the way). You will have to measure them manually, on the ground. I know your house is 912sq ft from the property records. Nothing else is measured.

FORMULA: Your total lot area is 6,768 sq ft (from the property records). Divide your impervious area by your total lot area. That will be your 'percent impervious' they are looking for. You will have to show the change from EXISTING to PROPOSED impervious (demonstrating what your new patio will add to the total)..... So add up all your EXISTING impervious areas (rooftops, driveways, sidewalks, patios, and gravel surfaces). Do not include your new patio in your EXISTING calculation. Once you have that number, the formula looks like this: Percent EXISTING Impervious Area = (EXISTING IMPERVIOUS AREA) / (TOTAL LOT AREA)

Percent PROPOSED Impervious Area = (PROPOSED IMPERVIOUS AREA) / (TOTAL LOT AREA)

Example (I am guessing at areas):

EXISTING IMPERVIOUS: House = 912sq ft, Garage = 400sq ft, Sidewalks and Driveway = 800sq ft ADD THEM UP = 2112

$2112/6768 = 31.2\%$ EXISTING Impervious area

Add in your proposed patio to the above numbers and divide that by 6768.

$2112+400 = 2512$

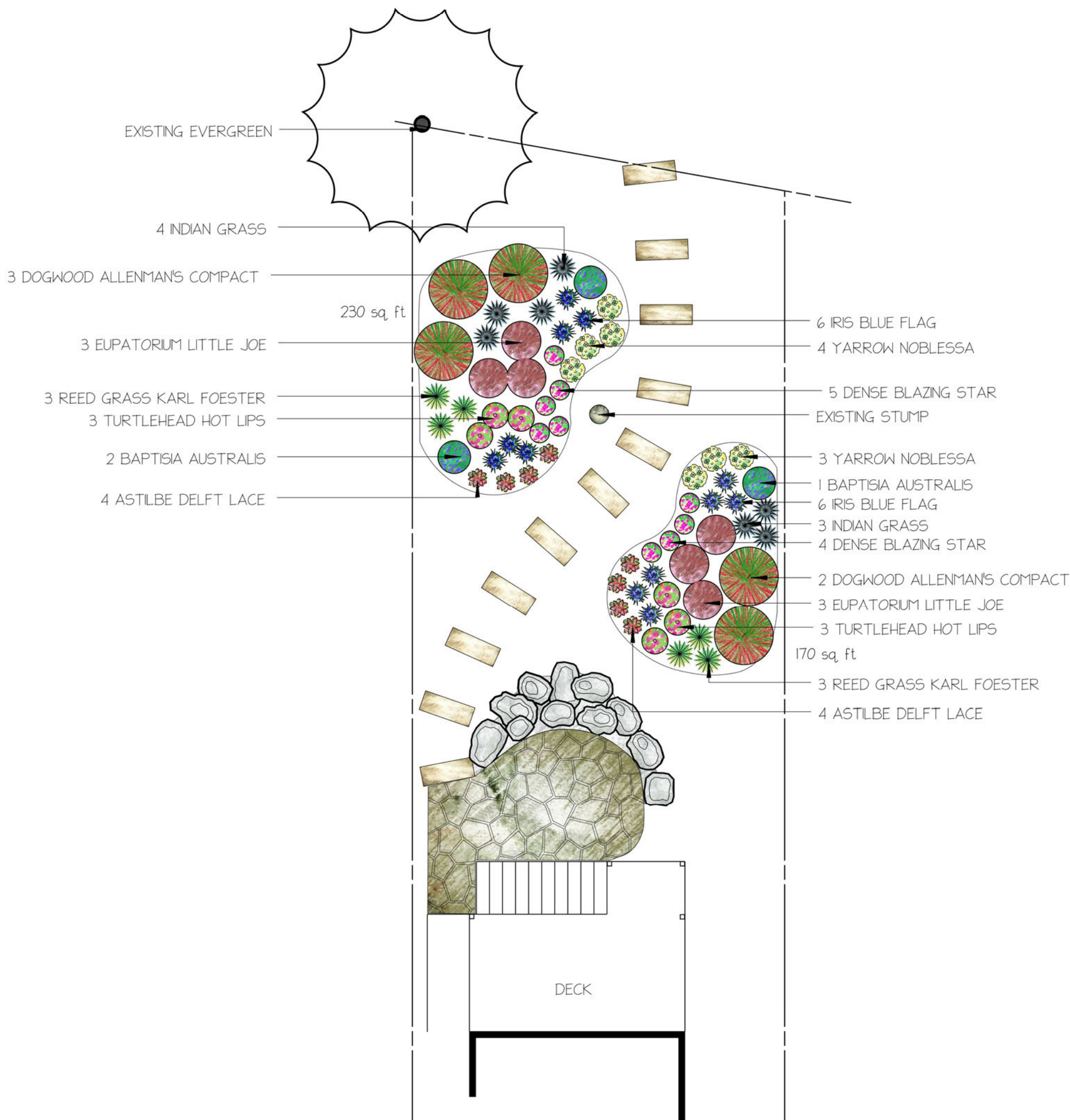
$2512/6768 = 37.1\%$ PROPOSED Impervious

I know it feels like a lot for them to request of you. But it is for protecting the lake water quality. And I know it is a little unfair to request you have an engineer do this simple calculation for you. So hopefully this gets you closer. Once they tell you how much area you have to capture in a raingarden, get back to me. I will run that number real fast and give you a screen shot of the spreadsheet I used.

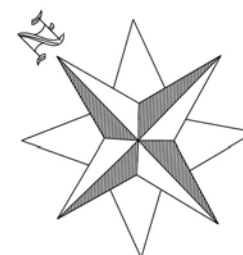
Sorry I can't help more. Good Luck.

Bryan Pynn
Watershed Restoration Specialist

Washington Conservation District Cell: 612.695.4187 Office: 651.330.8220 ext 36



WANDMACHER RESIDENCE		
415 WILDWOOD AVE BIRCHWOOD, MN 55110		
client:		
scale	date	revision
1" = 8'	6/8/20	
drawn by	checked by	drawing #
ROSALIE TALLEN	651 426-1500	



RESIDENTIAL GARDENS LLC
www.residentialgardens.net

**CITY OF BIRCHWOOD VILLAGE
MEMORANDUM**

TO: Birchwood Village Planning Commission

FROM: Thatcher Engineering, Inc.

DATE: July 28, 2020

APPLICANT: Cathryn Wandmacher, 415 Wildwood Avenue, Birchwood Village, MN

LOCATION: 415 Wildwood Avenue

REQUEST

Variance request #1: The Applicant is requesting a variance from City Code 302.050.

1. The applicant requests a variance from the requirement that states: "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:"
2. The request is because the applicant installed a stone patio with builder wall and did not know a permit from the City of Birchwood Village is required. The patio was built on clean sand, class 5, sand and stone. There is space between each stone for drainage.

Prior to the installation of the patio with builder wall, this property did not conform to City Code 302.050 because the impervious surface coverage of the lot was 26.9%. If approved, this project will change the impervious surface coverage of the lot to 30.3%. The applicant worked with the Washington Conservation District to determine how to have the rain garden mitigate the increase of impervious surface. The application and documents submitted with the application show that the proposed rain garden will fully mitigate the increase of impervious surface.

SITE CHARACTERISTICS

The subject lot is 6,970 square feet in size according to the Washington County web site. The lot is a narrow (about 28.0 feet wide) and contains a single-family residence with an unattached garage for one car. The lot has steep slopes.

PRACTICAL DIFFICULTY

- 1) The lot is extremely narrow and long, leaving little yard to work with.
- 2) The lot has steep slopes and topography challenges.
- 3) The lot is an undersized lot based on City Code.

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.

CTY 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 is an undersized lot with steep slopes and topography challenges. City Code 302.015 allows undersized lots to be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

REASONS FOR RECOMMENDING VARIANCE APPROVAL

Variance request #1:

1. The lot is an undersized lot with steep slopes and topography challenges.
2. This project would preserve the essential character of the locality.
3. The applicant will install a rain garden.

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 variances are 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.

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.

302.050 IMPERVIOUS SURFACES.

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.

*****THIS IS A SAMPLE MAINTENANCE AGREEMENT THAT HAS BEEN USED BY THE CITY FOR PAVER SYSTEMS PREVIOUSLY. THIS IS NOT USABLE AS IS FOR AN AGREEMENT TO MAINTAIN A RAIN GARDEN. YOU MAY SELECT TERMS OF THIS AGREEMENT IN YOUR RECOMMENDATION TO THE CITY COUNCIL.*****

[Space Above this Line for Recording Office Use Only]

MAINTENANCE
AGREEMENT

This Permeable Pavement Maintenance Agreement, hereinafter referred to as the, "Agreement," dated this ____th day of _____, 2020, the, "effective date," by and between John and Danelle Hartman, Property Owners, hereinafter referred to as, "Grantors," and the City of Birchwood Village, hereinafter referred to as the, "City."

WITNESSETH

WHEREAS, the City is authorized and required to regulate and control the disposition of storm and surface waters within the City as set forth by City ordinances; and

WHEREAS, the Grantors are the owners of a certain tract or parcel of land more particularly described as: _____ (Parcel ID Number __ - __ - __ - __ - __), including all improvements thereon, as shown on documents duly recorded in the Washington County property records, commonly referred to as _____ Street, hereinafter referred to as the "Property."

WHEREAS, the Grantors wish to construct certain improvements on the Property which will alter existing storm and surface water flow conditions on the Property and adjacent lands; and

WHEREAS, in order to accommodate and regulate these anticipated changes in existing storm and surface water flow conditions, the Grantors have agreed to build and maintain at their expense a storm and surface water management facility and system more particularly described as a permeable interlocking concrete pavement system ("System"). This System is shown on the plans titled: _____. The plans were prepared by: _____ and dated _____ (enclosed); and

WHEREAS, the City has reviewed and approved these plans, subject to the execution of this Agreement.

NOW, THEREFORE, in consideration of the benefit received by the Grantors and as a result of the City approval of its plans, the Grantors hereby covenant with the City as follows:

1. Grantors shall construct and perpetually maintain, at their sole expense, the above referenced System in strict accordance with said-plan approved by the City.
2. Grantors shall conduct in-service inspections, maintain and repair the System in accordance with the most current edition of the Interlocking Concrete Pavement Institute (ICPI) manual titled, Permeable Interlocking Concrete Pavements (currently in its third edition) to ensure that the System is properly maintained and continues to operate as designed and approved.
3. Grantors shall, on _____, and every ___ year anniversary thereafter for so long as the System is in operation, submit a letter to the City stating whether or not the System continues to operate as designed and approved. If the System does not continue to operate as designed and approved, the Grantors shall repair or replace the System within ninety (90) days and re-certify the repaired or replacement System with the City to ensure that the renewed System operates as it was designed and approved.
4. The City, its agents, employees and contractors shall have the perpetual right of ingress and egress over the Property and the right to inspect the System, at reasonable times and in a reasonable manner with 72 hours written notice, in order to ensure that the System is being properly maintained and continues to perform as designed and approved by the City.
5. The City shall notify Grantors in writing of any defects in the System within 30 days of any inspection it conducts and Grantors agree to correct any defects in the System within ninety (90) days of receipt of any such written notice per Paragraph 3 herein.
6. Grantors agree that if they fail to correct any such defects within ninety (90) days of receipt of written notice, or fail to maintain the System in accordance with applicable laws and regulations, or in the event of an emergency as determined by the City in its sole discretion, the City is authorized to enter the Property to make all repairs or perform all maintenance, construction or reconstruction the City deems necessary. The City shall invoice the Grantors for the cost of the work, both direct and indirect, and applicable penalties. If not paid, the City is authorized to assess the Property and said assessment shall be a lien against the Property and assigned to the County Assessor to be assessed to the property tax due of said Property and collected as ordinary taxes by the County and paid to the City.
7. Grantors shall indemnify, hold harmless and defend the City from and against any and all claims, demands, lawsuits, losses, damages and payments, including attorney's fees claimed or made against the City that are alleged or proven to result or arise from actions or inactions of the Grantors.

8. The commitments and requirements contained herein shall be considered covenants that run with the land. The Grantors, their successors, heirs or assigns, further agree that whenever the Property shall be sold or conveyed, they shall be subject to the commitments, agreements and provisions of this Agreement.

9. Grantors agree not to transfer or assign responsibility for complying with this Agreement.

10. The provisions of this Agreement shall be severable; if any clause, sentence or provision, or their applicability to Grantors, is held to be invalid by a Court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby.

11. This Agreement shall be recorded at the office of the Washington County Recorder, at the expense of Grantors.

12. In the event that the City shall determine, in its sole discretion, at any future time, that the System is no longer required, the City shall, at the request of Grantors, their heirs or assigns, execute a release of this Agreement, which the Grantors may record with Washington County, at their expense.

IN WITNESS WHEREOF, Grantors and the City have executed this Maintenance Agreement.

_____, Grantor

_____, Grantor

STATE OF MINNESOTA)
)SS.
COUNTY OF WASHINGTON)

Signed, sworn to, and acknowledged before me by _____, Grantors, this ____ day of _____, 20__.

Notary Public

CITY OF BIRCHWOOD VILLAGE

By: Mary Wingfield, Mayor

By: Tobin Lay, Administrator

Signed, sworn to, and acknowledged before me by Mary D. Wingfield, the Mayor, and Tobin Lay, the Administrator, of the City of Birchwood Village, this ____ day of _____, 20__.

Notary Public

This Agreement drafted by
and when recorded return to:

City of Birchwood Village
207 Birchwood Avenue
Birchwood Village, MN 55110
651.426.3403

**VARIANCE CASE
NO. 20-05-VB**

221 WILDWOOD AVENUE

**REGULAR B
VARIANCE APPLICATION**

**PAID
AUG 07 PAID**



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: <u>8/7/2020</u>	Amount Paid: \$ <u>300.00</u>
Payment Type (Circle One): Cash / <u>Check</u> / Money Order / Credit Card	
Check/Money Order # <u>0737</u>	
Application Complete? <u>Yes</u> <input checked="" type="checkbox"/> No <input type="checkbox"/> If no, date application was deemed complete: <u>8/25/2020</u>	
Signature of City Planner: <u>[Signature]</u>	Date: <u>8/25/20</u>

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) Janet & Rick Cristan
 Address 12210 Heather Ave N.
 City Hugo State MN Zip Code 55038
 Business Phone _____ Home Phone [Redacted]

2. Address of Property Involved if different from above: 221 Wildwood Ave
White Bear Lake, MN 55110-1622

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

4. Specific Code Provision from which Variance is requested: 302.020 see Attached

5. 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) Replace Apartment/Garage w/ Garage Only

7. Type of Structure Involved:

- Single Dwelling
- Garage
- Tennis Court
- Grading/Filling
- Other (describe) Detached Garage
- 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

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 Attached

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

See Attached

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: See Attached

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	21995		
2. Maximum Impervious Surface (25% of item 1)	5499	5499	
3. Roof Surface	2333	3940	+ 1607
4. Sidewalks			
5. Driveways	3414	1089	< 2325 >
6. Other Impervious Surface	952	461	< 491 >
7. Total of Items 3-6	6699	5490	< 1209 >
8. Percent Impervious Surface	30%	25%	

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:  Date: 8/7/20

Variance Attachment:

Rick and Janet Cristan 12210 Heather Ave N Hugo, MN 55038
651-260-0155

221 Wildwood Ave White Bear Lake, MN 55110-1622

Legal description: Lot 4, and the Northwesterly One-Half (1/2) of Lot 5, Block 5,
LAKEWOOD PARK FIRST DIVISION, Washington County, Minnesota

4.

302.020 STRUCTURE LOCATION REQUIREMENTS Lot Line or Land Boundary- All
Other Lot Lines/ All Other Structures 10 ft set back (Side yard setback)

5.

We are proposing to remove existing garage/apartment and replace with a new garage in the approximate same location of the current garage/apartment. The current garage/apartment is located 2 ft 6 inches off of NE property line and 14.8 ft setback from the street. City Building Code 302.020 requires a minimum 10 ft side yard setback and we are requesting a variance to locate the new garage with a side yard setback 2 ft 6 inches. In addition, we are proposing to move the garage further off the street to a 20 feet setback to allow for cars to be parked off the street safely.

8.

The reason for this variance request is based on the lot width at front building line being undersized at 67.51 feet, which is under the current required 80 ft minimum lot width at front building line as defined by code 302.010 LOT REQUIREMENTS. The code allows for this undersized lot because requirements of 302.010 are at least 60% met, however, house and garage placement are limited due to lot width.

In an effort to avoid a variance and find a functional and appealing solution the following alternate plans were considered:

- As a result of the undersized lot, rebuilding the garage at a 10 foot side set back from the NE line would place the driveway over the existing sewer line and three trees need to be removed.
- Rebuilding the garage at a 10 ft side yard setback from the SW property line would require that at least three trees need to be removed and the driveway would traverse across the sewer lines and yard, which would require additional hard surfaces.
- Adding additional garage stalls to the house structure would overwhelm the cottage style house and not be in keeping with the quaint nature of Birchwood Village.
- Keeping the current garage/apartment and updating to improve structural integrity, mitigate internal & external safety issues and improve street appeal to match main house is not a desirable solution. This option does not allow for improving parking close to street and eliminates mitigation of non-conformances of surrounding height, lot size, lot width and dwelling size. In addition, apartment ownership is not our intention.

Granting of this variance will not increase the amount of water drain off because the garage is being replaced in a similar location to where it is currently located and surface coverage for the existing garage/apartment and proposed garage are also similar. Existing garage/apartment (1256 sf) and Proposed garage (1120 sf).

Granting of this variance will not impair adequate lighting and air to existing property because there is minimal change to location. The proposed garage is 18 ft in height and the existing nonconforming garage/apartment is 22 feet high and therefor the proposed garage will allow the space to be more open. Replacing the aging garage will improve the street appeal by freshening up the look and improving safety. The style and materials of the garage will be in keeping with the neighborhood feel of Birchwood.

9.

A comprehensive storm water management plan is being prepared based on proposed house, garage, driveway and other landscaping. Pervious pavers and rain gutters will be used through out the project to manage runoff.

10.

Surveyor, applicant and builder have explored alternative garage solutions as described in item 8, paragraph two.

12.

The proposed garage will bring the following items into conformity per the City Building Code:

a) Per 302.010 LOT REQUIREMENTS, Sec. 1. Minimum lot size per dwelling unit will be brought into compliance because currently the lot has two dwellings and proposed garage will be eliminating the apartment above the garage.

Requirement of minimum lake abutting lot size per dwelling is 15000 sf therefore lot size for two dwellings needs to be more than 30,000 sf. This lake lot property is surveyed at 21,995 sf and therefor does not meet the 30,000 sf minimum lot size requirement. The proposed garage would eliminate the second dwelling and therefore the lot size of 21,995 sf would be above the 15000 sf minimum lot size for a lake abutting single dwelling lot. This change brings the lot into conformity for this portion of the code.

In addition the change from two dwellings to one dwelling will improve conformity for the minimum lot width at front building line per City Building Code 302.010, sec. 2. Requirement for front building lot line width for two dwellings is 135 ft and the lot is surveyed at 67.51 ft for this dimension. This is 67.49 feet over compliance for a two dwelling lot. The single dwelling minimum lot width at front building line requirement is 80 ft. When the proposed garage is built and eliminates the

apartment the 67.51ft existing lot width will still be an undersized lot, however it will only be out of conformance by 12.49 ft.

b) Per 302.020 STRUCTURE LOCATION REQUIREMENTS Sec. 2 MINIMUM SETBACK REQUIREMENTS Minimum setback requirements from municipal street for structures other than fences and driveway/walkways the requirement is 40 ft from street lot line. The proposed garage is to be at a setback of 20 feet utilizing City Building Code 302.020 Sec 4 SETBACK REQUIREMENTS EXCEPTIONS, a. Street and Highway Setbacks where a new structure may conform to the prevailing setback in the immediate vicinity. The existing garage/apartment is located at a setback of 14.8 feet and the neighboring garage has the same setback. The proposed garage is to be located with a 20 ft setback from the street. This will bring the proposed garage closer into compliance and allow for cars to be parked off the street and improve safety.

c) Per 302.040 STRUCTURE REQUIREMENTS Sec. 1, each dwelling unit must have a floor area of at least 900 sf. The current apartment square footage is 512 sf. The elimination of the apartment will remove this nonconformity.

d) Per 302.045 STRUCTURAL HEIGHT LIMITATION, the maximum height of a detached garage shall be no greater than 18ft. The current garage/apartment is nonconforming at 22 feet high. The proposed garage is 18 feet high and therefor will remove this nonconformity.

e) Per 302.050 IMPERVIOUS SURFACES, Sec 1, Limitation. Impervious surface coverage of lots shall not exceed 25% of the lot area. Current total lot impervious coverage is 30% (garage/apartment, asphalt parking in front of garage, asphalt exterior storage area in back of garage, asphalt parking area on west side of front lot, driveway, walkway, house including steps, patio, shuffle board court, built in fire place, sauna, stairs to lake, boulders and multiple retaining walls). Proposed total project impervious surfaces to be 25% coverage (garage, parking in front of garage, pervious driveway, house including patio, walkway, exterior landing lower level, sauna, various retaining walls and rocks). The new proposed site plan will bring impervious surface into conformity. In addition, a Comprehensive Storm Water Management plan is being prepared.

PRELIMINARY DESIGN
FOR BIDDING AND REVIEW PURPOSES ONLY
DO NOT USE FOR CONSTRUCTION

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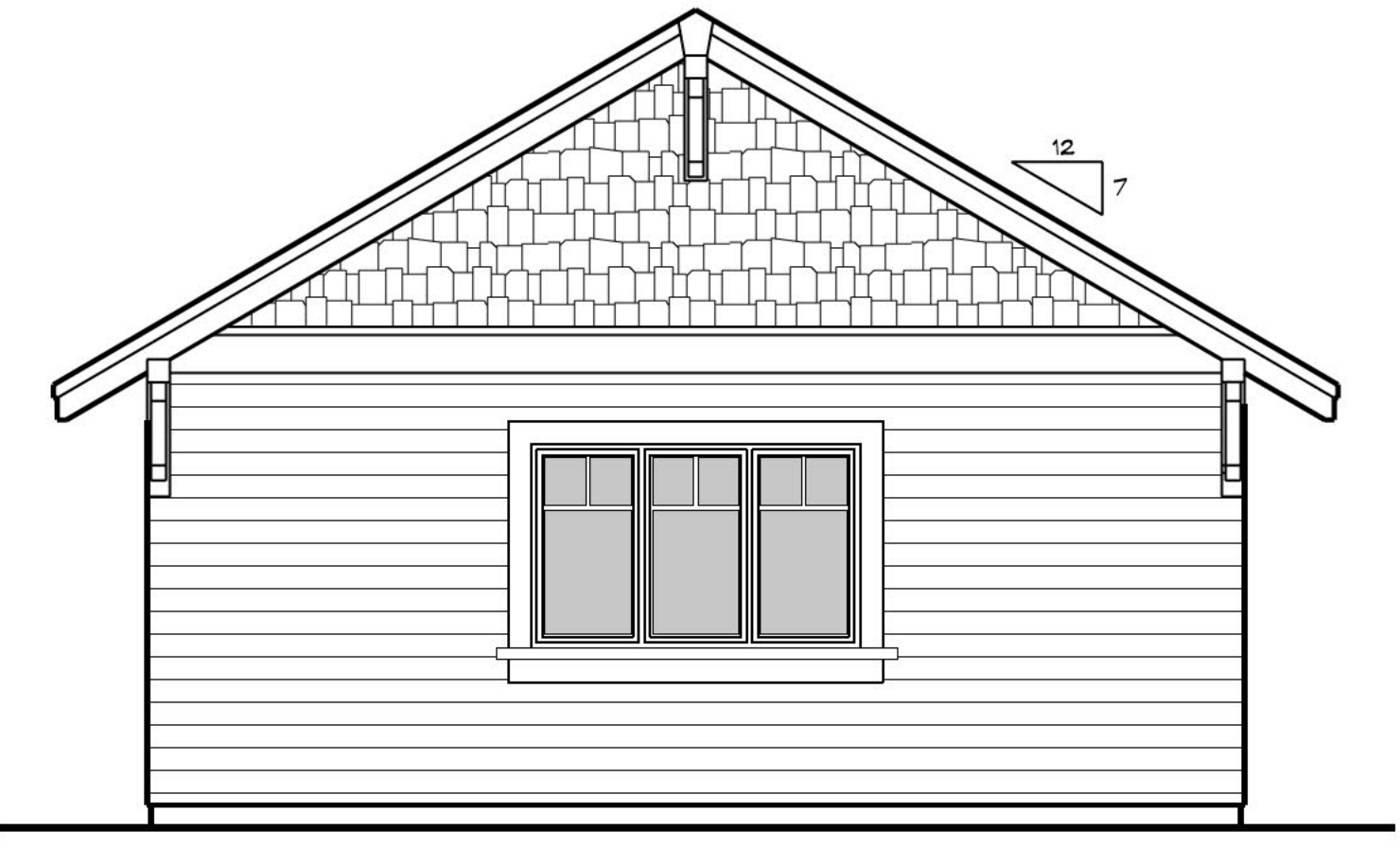


1
GA1.1
RIGHT ELEVATION
SCALE: 1/4" = 1' 0"

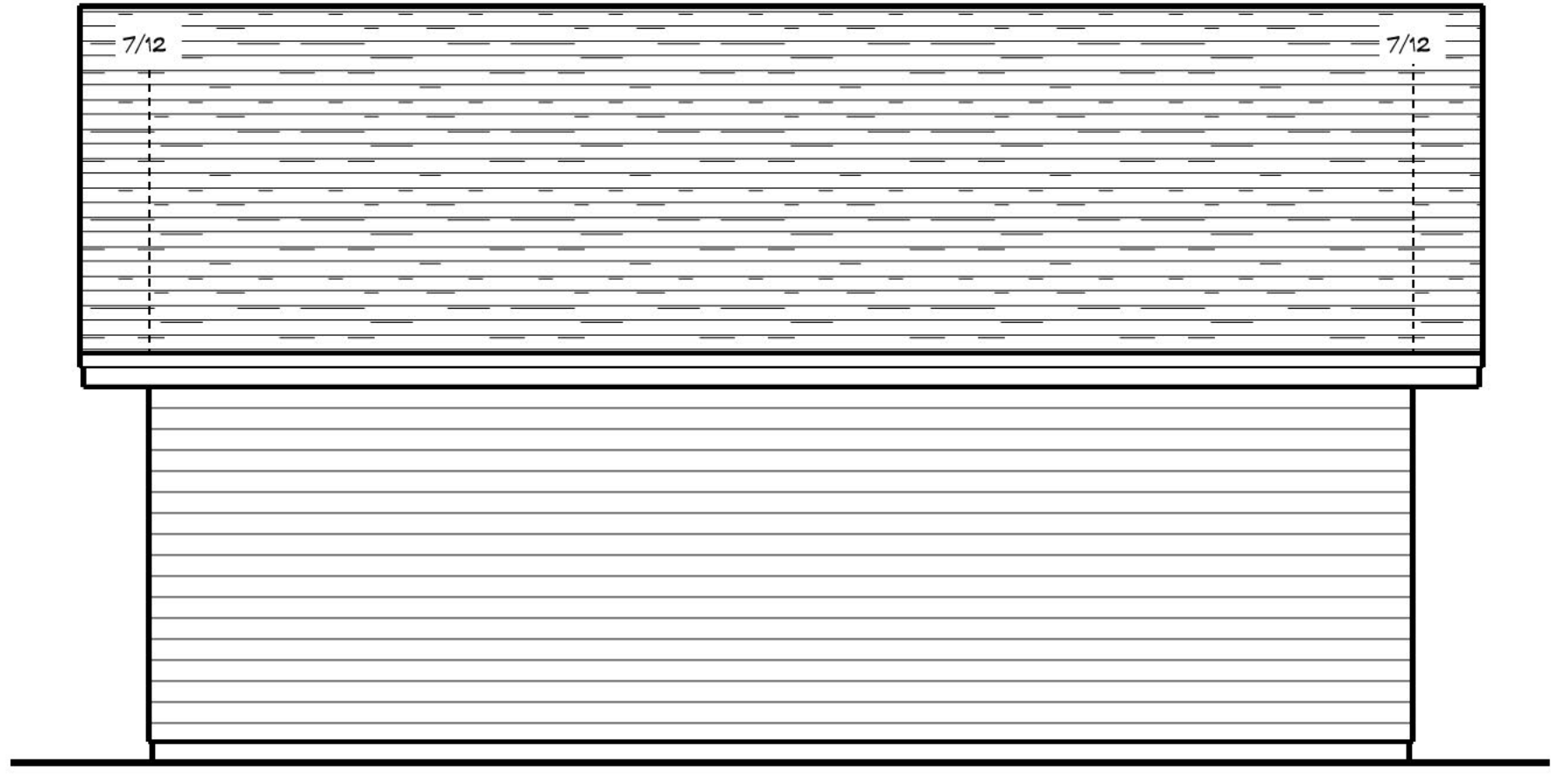
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1
GA1.1
REAR ELEVATION
SCALE: 1/4" = 1' 0"

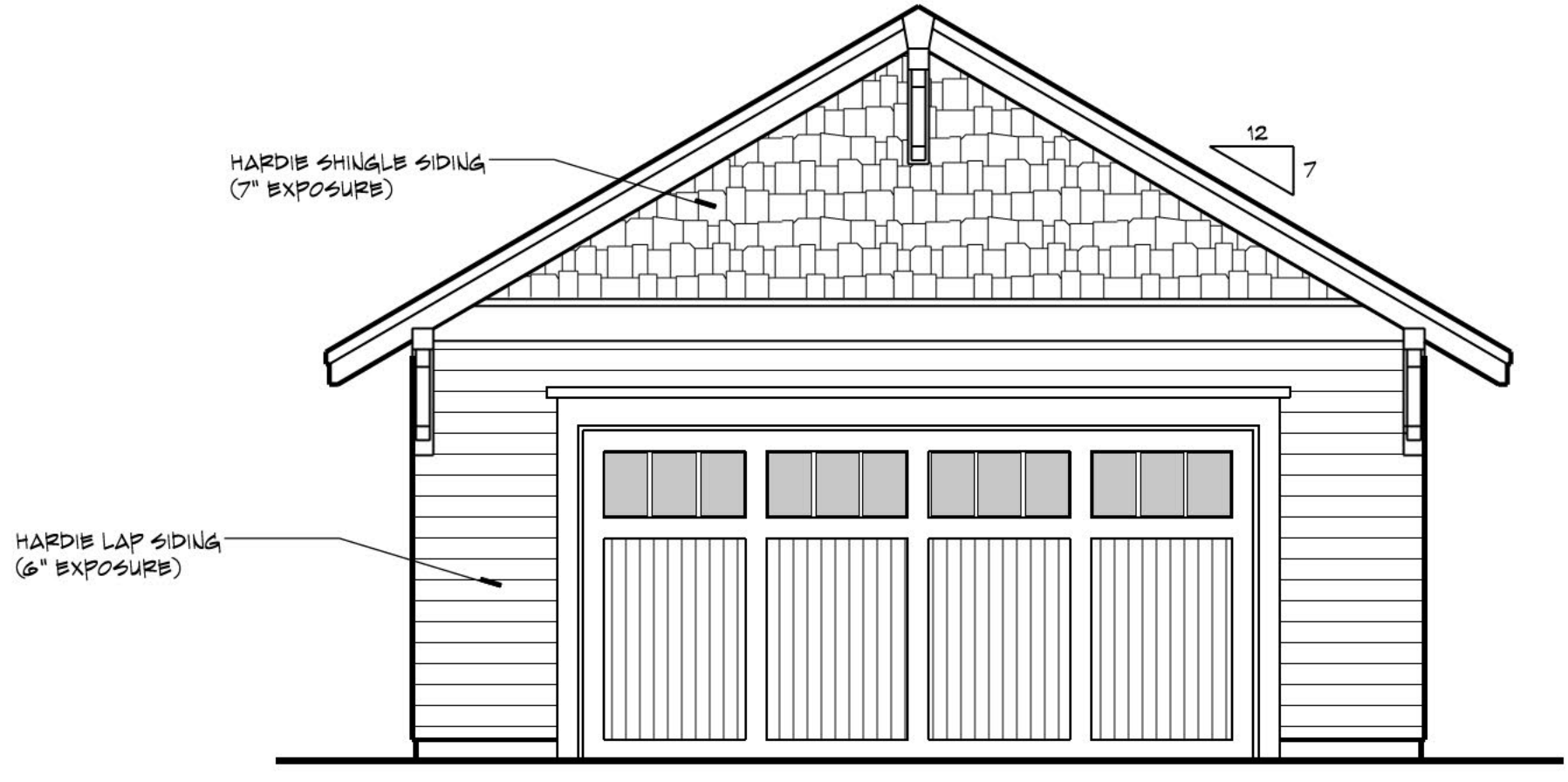


1
GA1.1
LEFT ELEVATION
SCALE: 1/4" = 1' 0"

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1
GA1.1
FRONT ELEVATION
SCALE: 1/4" = 1' 0"

AREA TABULATION	
GARAGE	729 SF
BONUS ROOM (W/IN)	979 SF

FLOOR AREAS ARE CALCULATED FROM THE OUTSIDE OF FOUNDATION WALLS AND/OR OUTSIDE FACE OF EXTERIOR STUD AT FRAMED WALLS. STAIRS ARE INCLUDED IN CALCULATIONS AT ALL LEVELS.

GENERAL NOTES

- ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING OF DRAWINGS
- KICKOUT FLASHING TO BE INSTALLED AS NOTED
- EXTERIOR WALL FINISHES TO VERIFY KICKOUT FLASHING IS INSTALLED PRIOR TO FINISHING
- CARPENTER TO FLASH ALL EXTERIOR WINDOWS & DOORS PER MIN. AND IRC CODE REQUIREMENTS
- WHILE EVERY EFFORT HAS BEEN MADE TO INSURE THESE PLANS ARE ACCURATE AND COMPLETE, THE OWNER/BUILDER MUST VERIFY ALL DIMENSIONS, CONSTRUCTION METHODS, SITE CONDITIONS AND SPECIFICATIONS AND BE RESPONSIBLE FOR SAME
- ANY NOTATIONS OF SIZES OF STRUCTURAL MEMBERS SUCH AS FOOTINGS, FOUNDATION SIZES, POSTS, BEAMS, JOISTS, RAFTERS, TRUSSES ETC. THAT APPEAR ON THESE PLANS ARE FOR DESIGN REVIEW AND BIDDING PURPOSES ONLY. IT IS RECOMMENDED A PROFESSIONAL ENGINEER BE ENGAGED TO CALCULATE AND DESIGN ALL STRUCTURAL COMPONENTS INVOLVED IN THIS STRUCTURE.

WINDOWS

- ANDERSEN 100 SERIES
- TYPE AND SIZE PER PLAN
- WINDOWS DESIGNATED WITH 'T' TO HAVE TEMPERED GLASS
- WINDOWS DESIGNATED WITH 'B' MEET BARBER CODES
- BUILDER TO VERIFY ALL ROUGH OPENING DIMENSIONS AND HEADER HEIGHTS.

EXTERIOR FINISHES

- SIDING (AS NOTED)
- HARDIEPLANK LAP SIDING
- 6" EXPOSURE
- PAINT POST INSTALLATION
- HARDIE SHINGLE SIDING
- 7" EXPOSURE
- HARDIETRIM BOARDS
- THICKNESS AND WIDTH AS NOTED

TRUSS SUPPLIER TO VERIFY ALL SPANS, PITCHES, HEBL HEIGHTS AND OTHER CONDITIONS CRITICAL TO PROPER TRUSS FABRICATION.
ANY STRUCTURAL COMPONENTS THAT MAY NOTED ON THESE PLANS ARE INTENDED FOR DESIGN/BID PURPOSES ONLY. IT IS RECOMMENDED THAT ALL STRUCTURAL DESIGN ELEMENTS BE REVIEWED BY A LOCAL LICENSED PROFESSIONAL STRUCTURAL ENGINEER. FINAL ROOF AND FLOOR TRUSS DESIGN AND LAYOUT TO BE PROVIDED BY YOUR LOCAL TRUSS SUPPLIER.

+++ STRUCTURAL NOTICE +++
ALL STRUCTURAL BEAM AND HEADER SIZES, BEARING CONDITIONS AND ANCHORING REQUIREMENTS MUST BE REVIEWED BY A STRUCTURAL ENGINEER BASED ON EXISTING SITE CONDITIONS. OWNER/BUILDER TO ASSUME ALL RESPONSIBILITY FOR ENTIRE STRUCTURE.

++ FOUNDATION ENGINEERING ++
ALL BUILDING FOUNDATION, FOOTING SIZES AND REINFORCING, INCLUDING POST FOOTINGS, TO BE DESIGNED ON-SITE BY LOCAL ENGINEER OR FOUNDATION CONTRACTOR BASED ON EXISTING SITE CONDITIONS.

++ FOOTING POST DEPTH: ++
OWNER/CONTRACTOR TO ADJUST DEPTH OF ALL HOUSE, GARAGE, SLAB AND DECK POST FOOTINGS TO MEET LOCAL CODES.



3459 Lake Elmo Ave
Lake Elmo, MN
651-964-2726
www.royaloaksdesign.com



ROYAL OAKS DESIGN, INC. ASSUMES NO RESPONSIBILITY FOR ANY STRUCTURAL OR DIMENSIONAL ERRORS OR OMISSIONS. THE CONTRACTOR AND/OR OWNER SHALL BE RESPONSIBLE FOR THE VERIFICATION AND CHECKING OF ALL NOTES, DETAILS, ELEVATIONS, SECTIONS AND FLOOR PLANS AND NOTIFY ROYAL OAKS DESIGN, INC. OF ANY ERRORS PRIOR TO START OF CONSTRUCTION. ROYAL OAKS DESIGN, INC. ASSUMES NO RESPONSIBILITY FOR THE WORKMANSHIP OF THE SUB-CONTRACTORS.

CRISTAN RESIDENCE



4614 Churchill Street
Shoreview, MN 55126

zawadskihomes.com

Document Date:
8/7/2020

Document Phase:

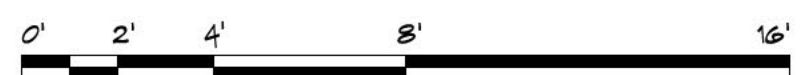
Drawn by: DML

ISSUE	DATE	REMARK

EXTERIOR ELEVATIONS
COLUMN DETAIL
OPENING TRIM DETAIL

1 **GA1.1** 3

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CRISTAN RESIDENCE



4614 Churchill Street
Shoreview, MN 55126

zawadskihomes.com

Document Date:

8/7/2020

Document Phase:

Drawn by: DML

ISSUE DATE REMARK

FOUNDATION PLAN

2 **GA2.1**

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AREA TABULATION	
GARAGE	729 SF
BONUS ROOM (W/IN)	979 SF

FLOOR AREAS ARE CALCULATED FROM THE OUTSIDE OF FOUNDATION WALLS AND/OR OUTSIDE FACE OF EXTERIOR STUD AT FRAMED WALLS. STAIRS ARE INCLUDED IN CALCULATIONS AT ALL LEVELS.

GENERAL NOTES

- ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALING OF DRAWINGS
- DIMENSIONS ARE FROM EXTERIOR FACE OF CONCRETE FOUNDATION WALLS AND CENTERLINE OF INTERIOR BEARING WALLS, POSTS AND BEAMS.
- FOUNDATION CONTRACTOR TO VERIFY ALL ROUGH-IN PLUMBING LOCATIONS AND ANY OTHER PENETRATIONS THRU CONCRETE FLOOR PRIOR TO CONSTRUCTION.
- BUILDER/FOUNDATION CONTRACTOR TO VERIFY FOOTING SIZE AND REINFORCEMENT REQUIREMENTS BASED ON EXISTING SOIL CONDITIONS PRIOR TO CONSTRUCTION.
- WHILE EVERY EFFORT HAS BEEN MADE TO INSURE THESE PLANS ARE ACCURATE AND COMPLETE, THE OWNER/BUILDER MUST VERIFY ALL DIMENSIONS, CONSTRUCTION METHODS, SITE CONDITIONS AND SPECIFICATIONS AND BE RESPONSIBLE FOR SAME.
- ANY NOTATIONS OF SIZES OF STRUCTURAL MEMBERS SUCH AS FOOTINGS, FOUNDATION SIZING, POSTS, BEAMS, JOISTS, R rafters, TRUSSES, ETC. THAT APPEAR ON THESE PLANS ARE FOR DESIGN REVIEW AND BIDDING PURPOSES ONLY. IT IS RECOMMENDED A PROFESSIONAL ENGINEER BE ENGAGED TO CALCULATE AND DESIGN ALL STRUCTURAL COMPONENTS INVOLVED IN THIS STRUCTURE.

WINDOWS

- ANDERSEN 100 SERIES SERIES
- STYLE AND SIZE AS NOTED
- WINDOWS DESIGNATED WITH "T" TO HAVE TEMPERED GLASS
- WINDOWS DESIGNATED WITH "H" MEET BARRIS CODES
- WINDOW HEADER HEIGHTS SET TO 7' 11-3/8" (U.N.S.)
- BUILDER TO VERIFY WINDOW AND DOOR ROUGH OPENINGS AND HEADER HEIGHTS

FLOOR SYSTEM

- ENGINEERED WOOD FLOOR TRUSSES
- DESIGNED TO MIN. L/480 DEFLECTION OF LESS
- TRUSS MANUFACTURER TO PROVIDE CHASES FOR ALL SUPPLY AND RETURN DUCTWORK
- TRUSS MANUFACTURER TO VERIFY FRAMING AT CANTILEVERS FOR POINT LOADS FROM ABOVE
- TRUSS MANUFACTURER TO VERIFY LOCATIONS OF ANY CONCENTRATED LOADS, SUCH AS GRANITE COUNTERTOPS, AND PROVIDE PROPER FRAMING AS NEEDED

FRAMING

- 8' 0" ROUGH CEILING HEIGHT
- PROVIDE SOLID BLOCKING AT ALL POINT LOADS
- ■ INDICATES BEARING POINT LOAD
- PROVIDE CONTINUOUS SOLID BLOCKING TO FOUNDATION BELOW - VERIFY LOADS W/ LOCAL STRUCTURAL ENGINEER

GENERAL NOTES - ROOF PLAN

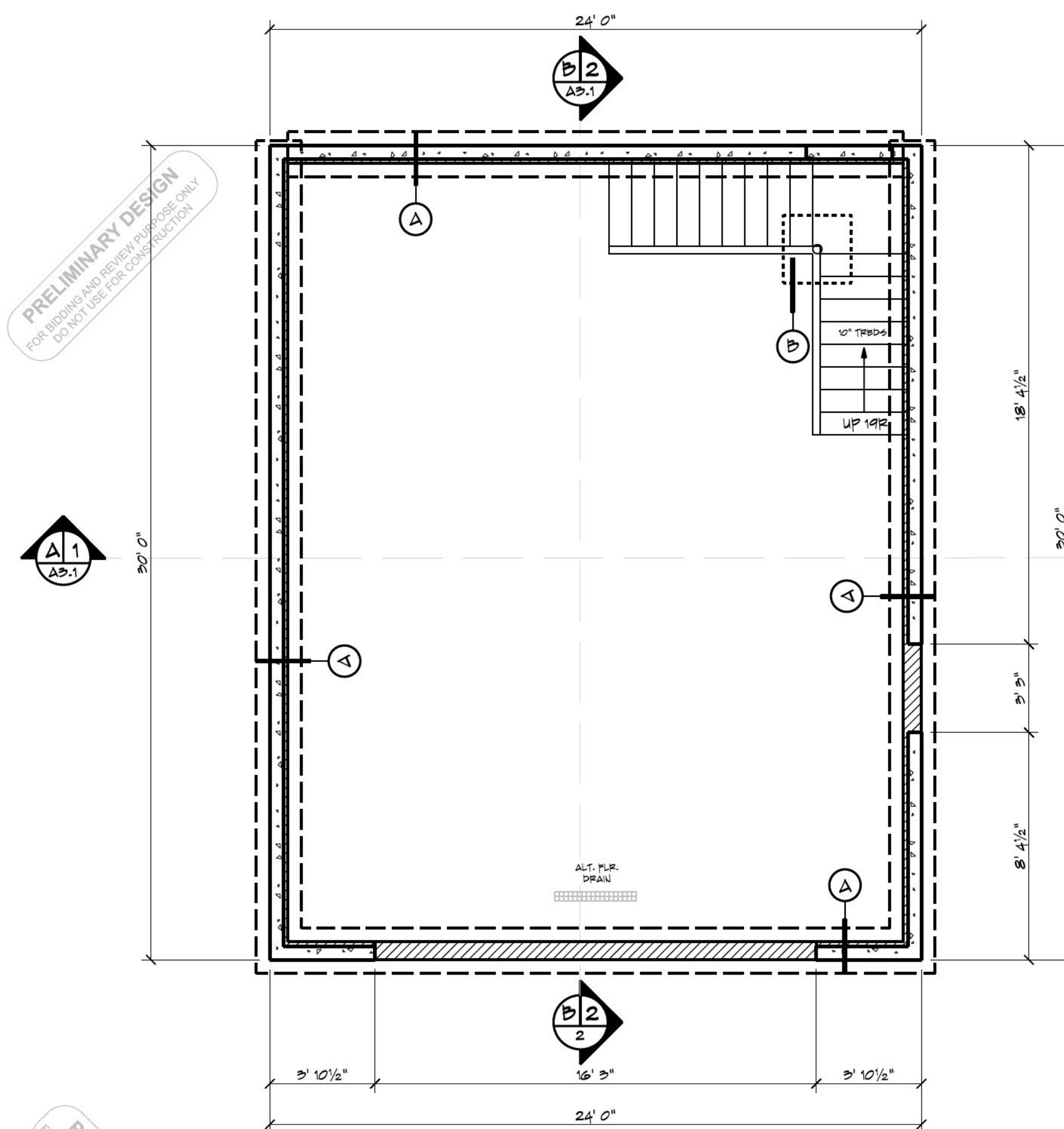
- TYPICAL OVERHAUNG DIMENSIONS (U.N.S.)
- BAYS = 20' x 24'
- ROOF VENTING TO BE 1/200 OF ATTIC AREA
- 90% IN BAYS 90% IN ROOF
- KEEP ROOF PENETRATIONS ON BACK OF SIDE OF ROOF AS MUCH AS POSSIBLE
- TRUSS MANUFACTURER TO VERIFY ALL PITCHES, OVERHAUNGS, HEEL HEIGHTS, EXTENDED CHORDS AND KNEEWALL HEIGHTS
- BUILDER TO REVIEW TRUSS DESIGN AND LAYOUT PRIOR TO TRUSS ORDER
- ICE & WATER SHIELD AT BAYS TO POINT OF 2' 0" BACK FROM INSIDE EDGE OF EXTERIOR WALL
- PULL ICE & WATER SHIELD ON ROOF PITCHES LESS THAN 4/12
- ROOFING CONTRACTOR TO INSTALL KICKOUT FLASHING AS NEEDED
- EXTERIOR WALL FINISHER TO VERIFY INSTALLATION PRIOR TO FINISHING

ROOF NOTES

- ICE & WATER SHIELD ALL VALLEYS
- ICE & WATER SHIELD UP 24" MIN. AT INTERSECTING ROOF AND WALL AREAS
- PREDRILL ALL HOLES WHERE SCREWS AND NAILS ARE BEING DRILLED THROUGH SIDING OR STUCCO. SEAL W/ SILICONE
- ALL PENETRATIONS OF EXTERIOR WALLS TO BE SEALED
- FLASH ALL DOORS AND WINDOWS
- CONTINUOUS VAPOR BARRIER AT ALL WALL FRAMING TO EXTERIOR AND TOP OF ALL TOP PLATES
- TAP® ALL VAPOR BARRIER JOINTS AND LAPS
- FOAM ALL PENETRATIONS THROUGH VAPOR BARRIER
- COVER ALL RIMS, CORNERS AND CANTILEVERS WITH BUILDING PAPER PRIOR TO SIDING

FOUNDATION LEGEND

- (A) 6" W x 8" H POURED ON 8" W x 4" H POURED ON 20" x 8" CONC FOOTING - 2" W x 8" H INT. LBS
- (B) 8" ADJUSTABLE STEEL COLUMN ON SPREAD FOOTING. SIZE AND REINFORCING BY OTHERS

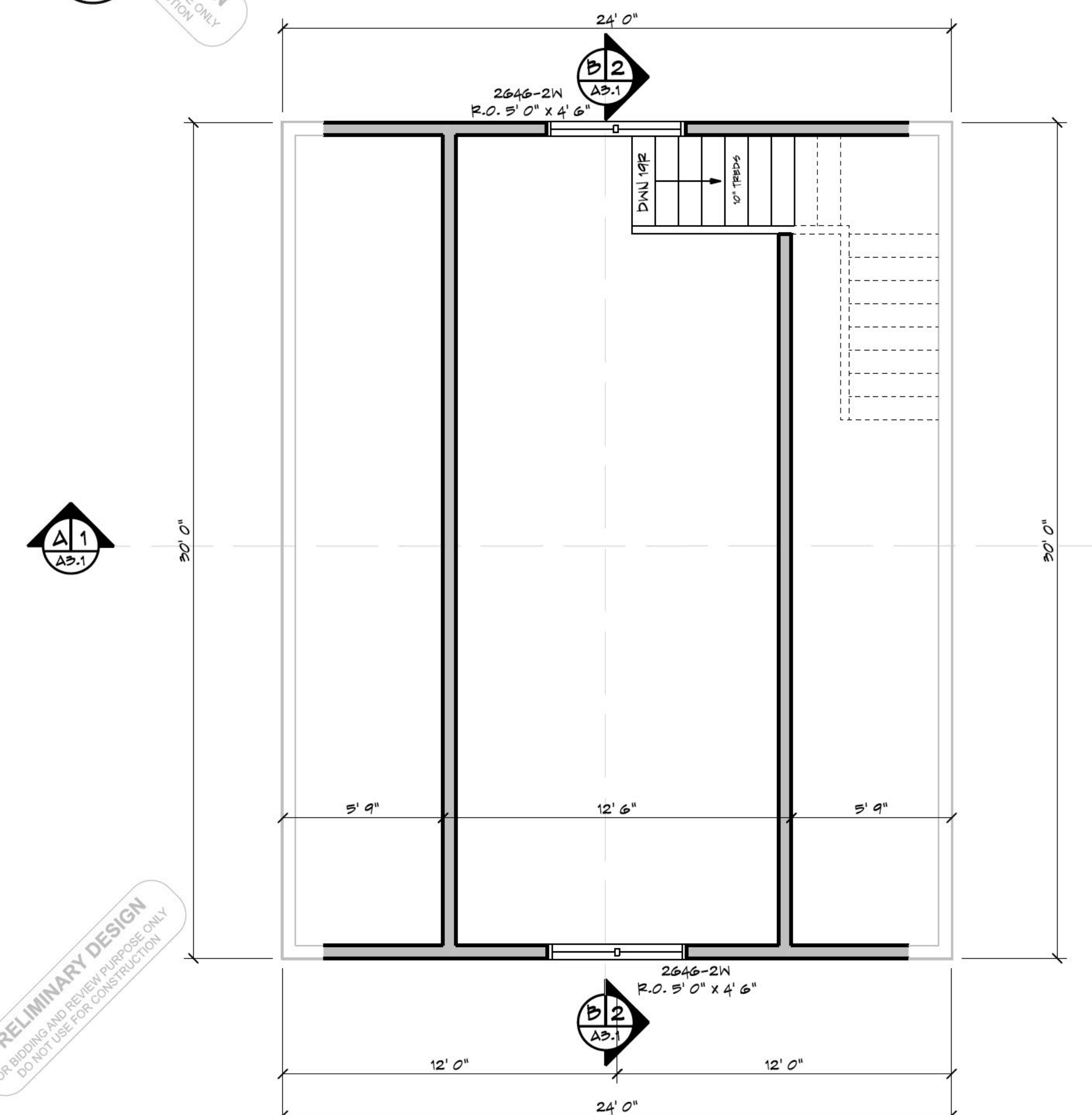


FOUNDATION GARAGE

SCALE: 1/4" = 1' 0"

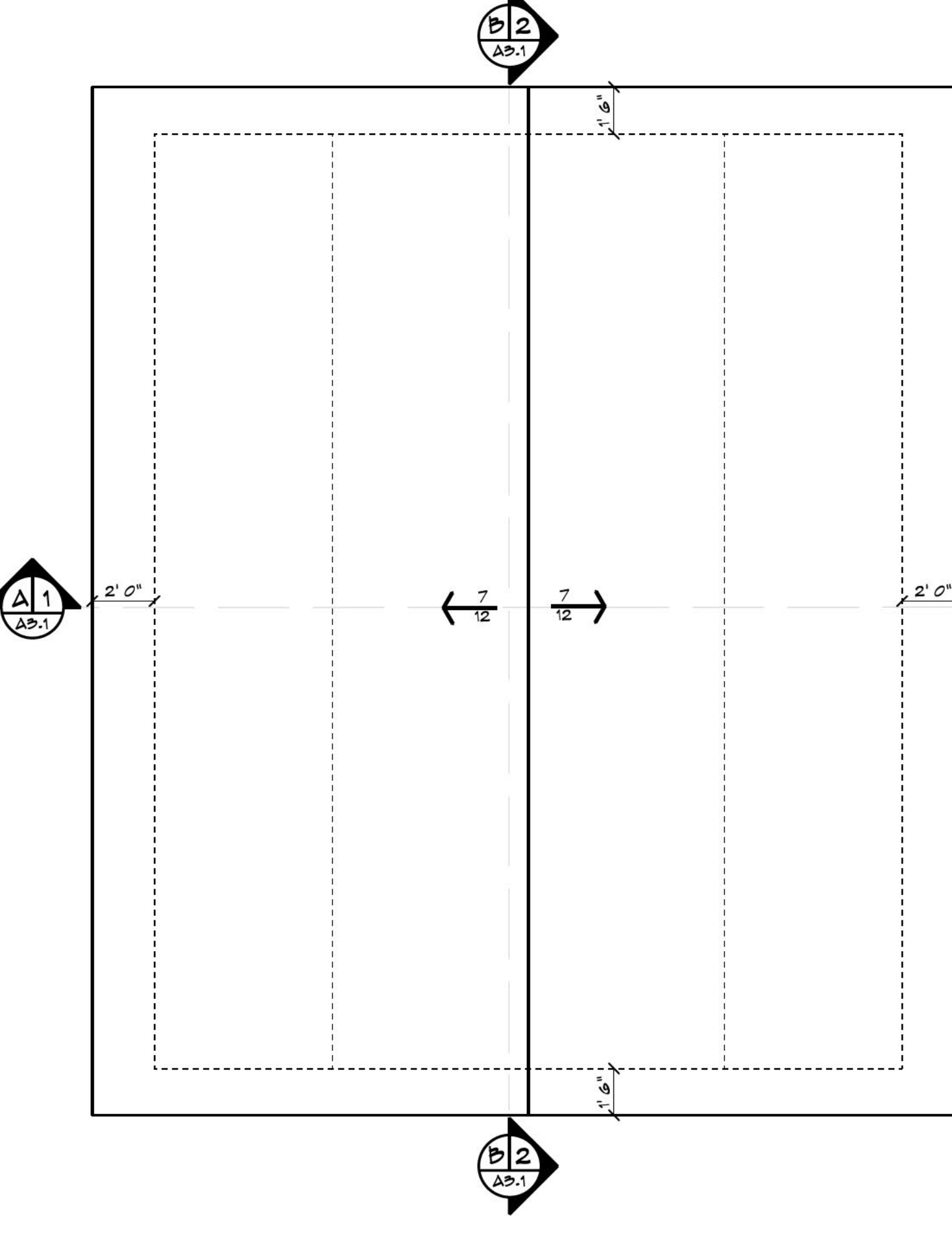
MAIN LEVEL GARAGE

SCALE: 1/4" = 1' 0"



UPPER LEVEL GARAGE

SCALE: 1/4" = 1' 0"



ROOF PLAN GARAGE

SCALE: 1/4" = 1' 0"

PRELIMINARY DESIGN
FOR BIDDING AND REVIEW PURPOSES ONLY
DO NOT USE FOR CONSTRUCTION

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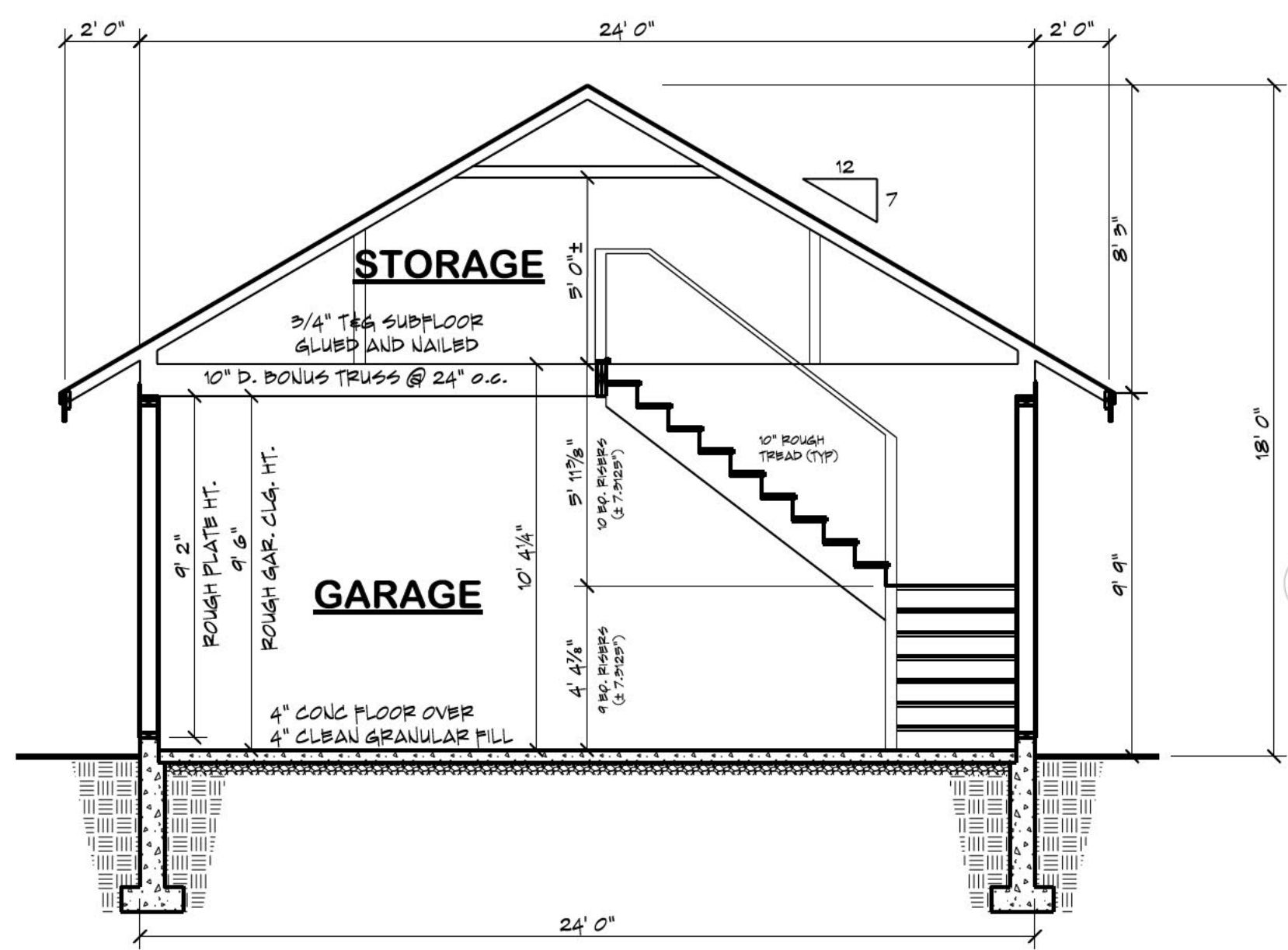
TRUSS SUPPLIER TO VERIFY ALL SPANS, PITCHES, HEBL HEIGHTS AND OTHER CONDITIONS CRITICAL TO PROPER TRUSS FABRICATION.
ANY STRUCTURAL COMPONENTS THAT MAY NOTED ON THESE PLANS ARE INTENDED FOR DESIGN/DID PURPOSES ONLY. IT IS RECOMMENDED THAT ALL STRUCTURAL DESIGN ELEMENTS BE REVIEWED BY A LOCAL LICENSED PROFESSIONAL STRUCTURAL ENGINEER. MINIAL ROOF AND FLOOR TRUSS DESIGN AND LAYOUT TO BE PROVIDED BY YOUR LOCAL TRUSS SUPPLIER.

+++ STRUCTURAL NOTICE +++
ALL STRUCTURAL BEAM AND HEADER SIZES, BEARING CONDITIONS AND ANCHORING REQUIREMENTS MUST BE REVIEWED BY A STRUCTURAL ENGINEER BASED ON EXISTING SITE CONDITIONS. OWNER/BUILDER TO ASSUME ALL RESPONSIBILITY FOR ENTIRE STRUCTURE.

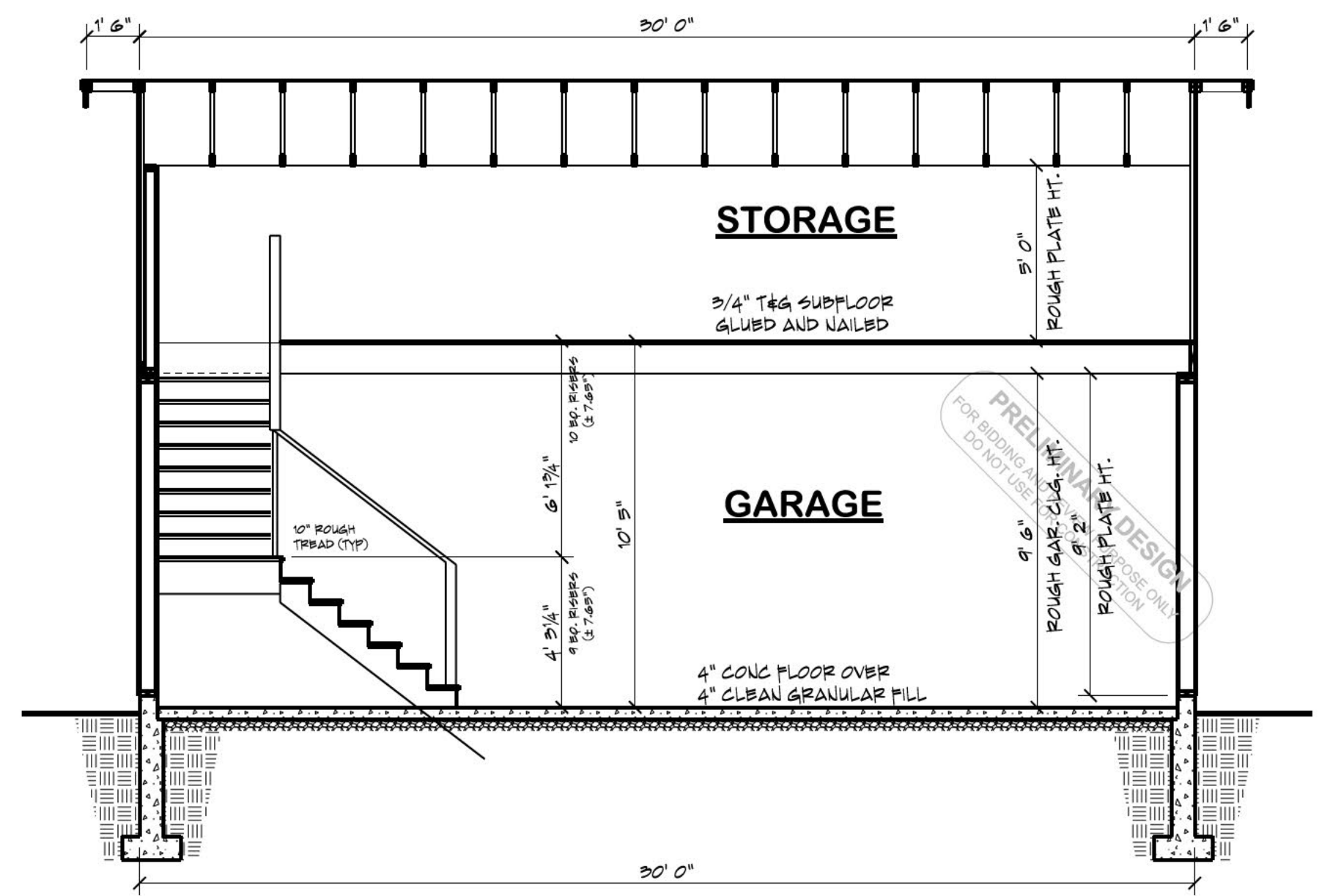
++ FOUNDATION ENGINEERING ++
ALL BUILDING FOUNDATION, FOOTING SIZES AND REINFORCING, INCLUDING POST FOOTINGS, TO BE DESIGNED ON SITE BY LOCAL ENGINEER OR FOUNDATION CONTRACTOR BASED ON EXISTING SITE CONDITIONS.

++ FOOTING FROST DEPTH ++
OWNER/CONTRACTOR TO ADJUST DEPTH OF ALL HOUSE, GARAGE, SLAB AND DECK POST FOOTINGS TO MEET LOCAL CODES.

FOR BIDDING AND REVIEW PURPOSES ONLY
DO NOT USE FOR CONSTRUCTION
PRELIMINARY DESIGN



1 CROSS SECTION "A"
GA3.1 SCALE: 1/4" = 1' 0"



2 CROSS SECTION "B"
GA3.1 SCALE: 1/4" = 1' 0"

PRELIMINARY DESIGN
FOR BIDDING AND REVIEW PURPOSES ONLY
DO NOT USE FOR CONSTRUCTION

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ROYAL OAKS DESIGN
3459 Lake Elmo Ave
Lake Elmo, MN
651-964-2726
www.royaloaksdesign.com
CERTIFIED PROFESSIONAL BUILDING DESIGNER
NATIONAL COUNCIL OF BUILDING DESIGNERS
Kieran J. Lieb 24-106

ROYAL OAKS DESIGN, INC. ASSUMES NO RESPONSIBILITY FOR ANY STRUCTURAL OR DIMENSIONAL ERRORS OR OMISSIONS. THE CONTRACTOR AND/OR OWNER SHALL BE RESPONSIBLE FOR THE VERIFICATION AND CHECKING OF ALL NOTES, DETAILS, ELEVATIONS, SECTIONS AND FLOOR PLANS AND NOTIFY ROYAL OAKS DESIGN, INC. OF ANY ERRORS PRIOR TO START OF CONSTRUCTION. ROYAL OAKS DESIGN, INC. ASSUMES NO RESPONSIBILITY FOR THE WORKMANSHIP OF THE SUB-CONTRACTORS.

CRISTAN RESIDENCE



4614 Churchill Street
Shoreview, MN 55126
zawadskihomes.com

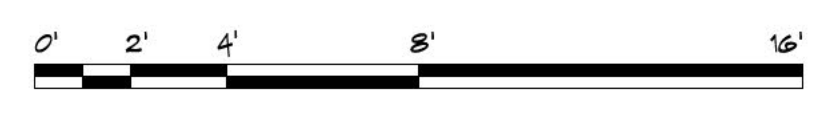
Document Date:
8/7/2020

Document Phase:

Drawn by: DML

ISSUE	DATE	REMARK
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BUILDING SECTIONS



Tobin Lay

From: Steven W. Thatcher <sthatcher@thatcher-eng.com>
Sent: Thursday, August 20, 2020 1:17 PM
To: Tobin Lay
Subject: RE: 221 Wildwood Building Permit
Attachments: 2020-8-20 Birchwood Village - Calculation of Maximum Height of a Structure - 221 Wildwood Avenue Detached Garage.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Caution: This email originated outside our organization; please use caution.

Tobin,

The proposed detached garage meets City Code height requirements. The calculation is attached.

Thanks,
Steve

Steven Thatcher, PE
Thatcher Engineering Inc.

6201 Creek Valley Road
Edina, MN 55439
Phone: 612-781-2188 Cell: 612-867-7234 Fax: 612-781-2188 Web: www.thatcher-eng.com

City of Birchwood Village
Calculation of Maximum Height of a Structure
221 Wildwood Avenue
Detached Garage
8/20/2020

- Given:** 1. Site Plan 1 dated 8/13/20
 2. Detached Garage Plan dated 8/7/20

Find: Does the Proposed Structure's Height meet the City Code Height Requirement?

Solution:

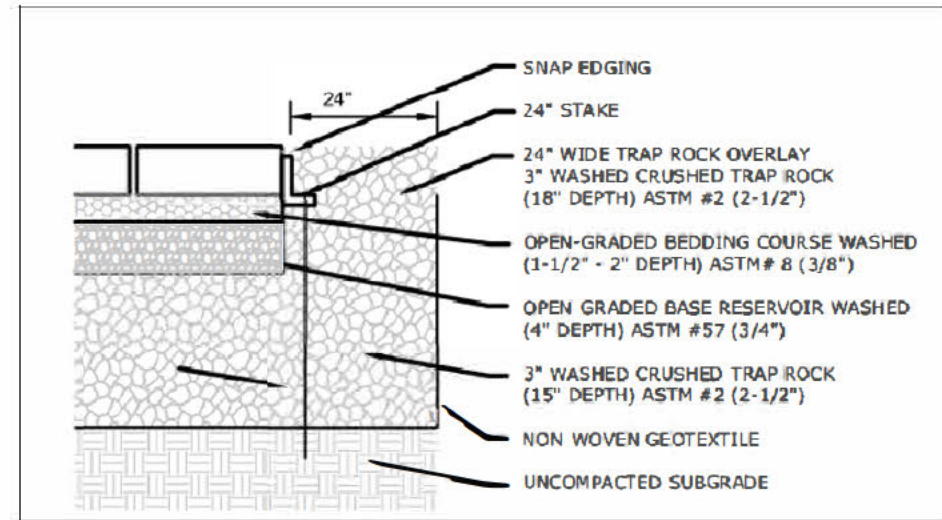
1 Step 1: Determine the Average Elevation of the Grade Plane Using Method A

Description	Ground Elevation	Ground Elevation	Average Ground Elevation	Distance between Ground Elevations (feet)	Average Ground Elevation Times Distance between Ground Elevations
Wall 1: North Side of Garage	942.50	942.50	942.50	30.00	28,275.00
Wall 2: East Side of Garage	942.50	943.50	943.00	24.00	22,632.00
Wall 3: South Side of Garage - East Section of Wall	943.50	943.90	943.70	15.00	14,155.50
Wall 3: South Side of Garage - West Section of Wall	943.90	943.50	943.70	15.00	14,155.50
Wall 4: West Side of Garage - South Section of Wall	943.50	942.80	943.15	4.00	3,772.60
Wall 4: West Side of Garage - Middle Section of Wall - Driveway	942.80	942.80	942.80	16.00	15,084.80
Wall 4: West Side of Garage - North Section of Wall	942.80	942.50	942.65	4.00	3,770.60
Total				108.00	101,846.00
Average Elevation of the Grade Plane (101,846.00 divided by 108.00 feet)					943.02

- 2 Step 2: Determine the Elevation of the Highest Point of the Structure**
 A. The proposed garage floor elevation = 942.80
 B. The proposed structure height = 18.00 feet
 C. The Elevation of the Highest Point of the Structure (942.80 plus 18.00 feet) = 960.80
- 3 Step 3: Determine the Proposed Structure Height**
 A. Step 2 (Elevation of the highest point of the structure) = 960.80
 B. Step 1 (Average elevation of the grade plane) = 943.02
 C. Proposed Structure Height = 17.78 feet
- 4 Step 4: Determine the City Code Requirement**
 A. The Maximum Height of a Detached Garage = 18 feet
- 5 Step 5: Conclusion**
 A. The proposed garage height meets the City Code height requirement

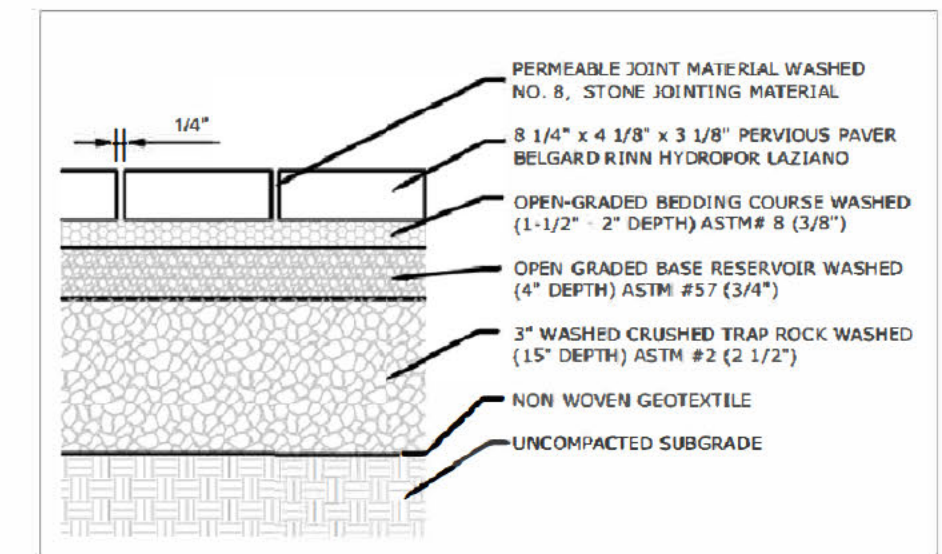
SITE PLAN 1 (PROPOSED GARAGE)

~for~ ZAWADSKI HOMES
~of~ 221 WILDWOOD AVENUE
BIRCHWOOD, MN



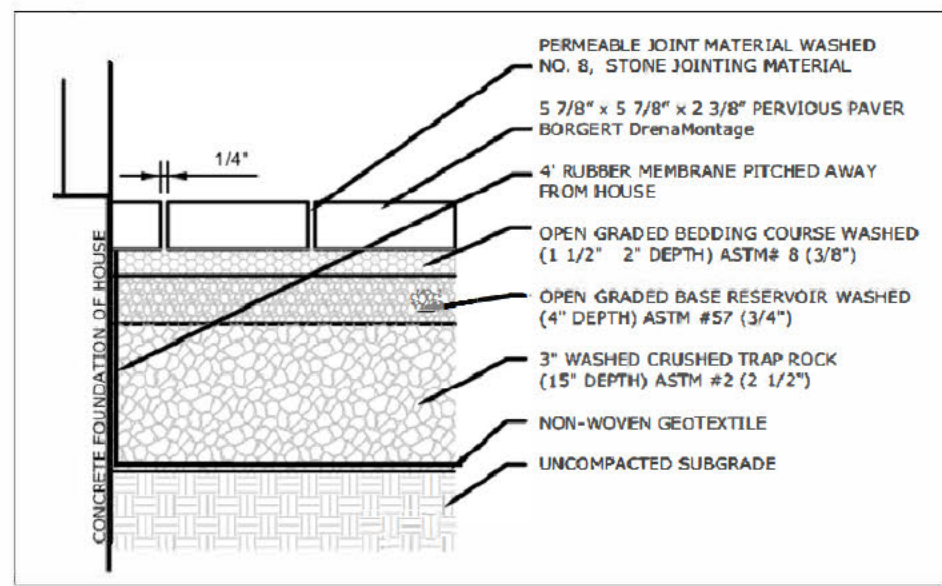
RIGID AND FLEX SNAP EDGING

N.T.S.



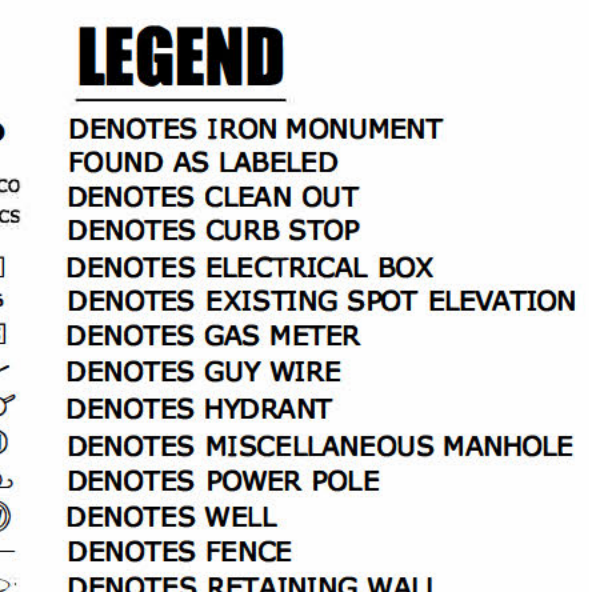
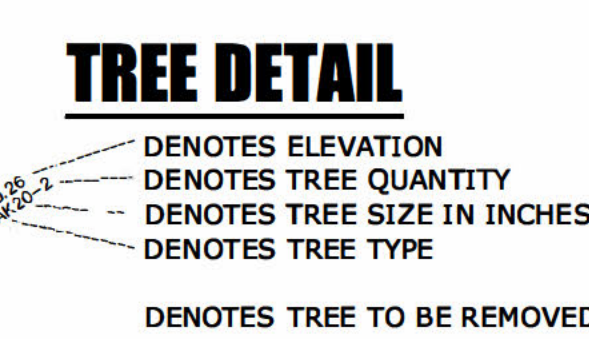
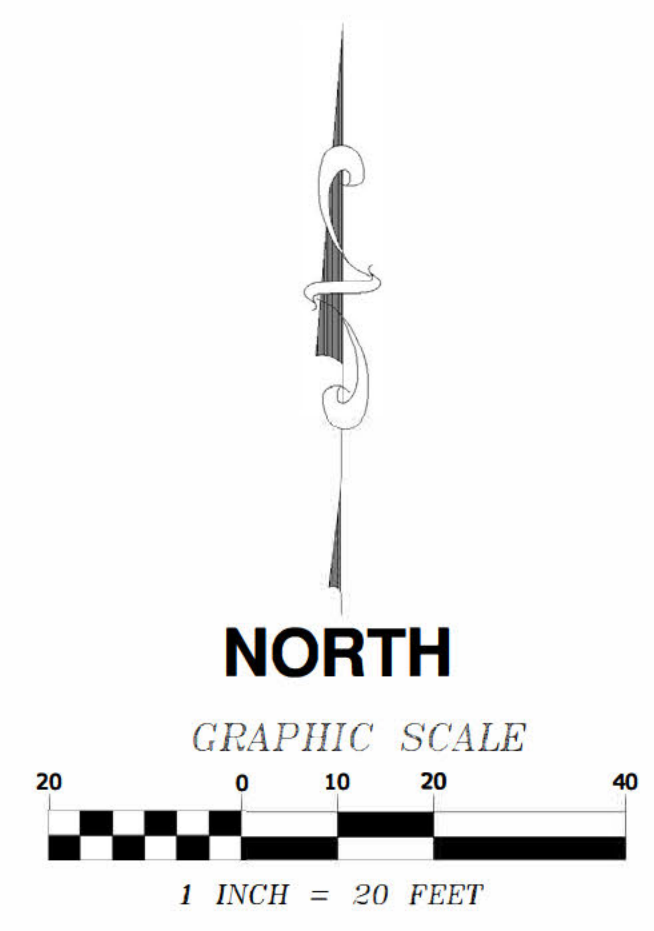
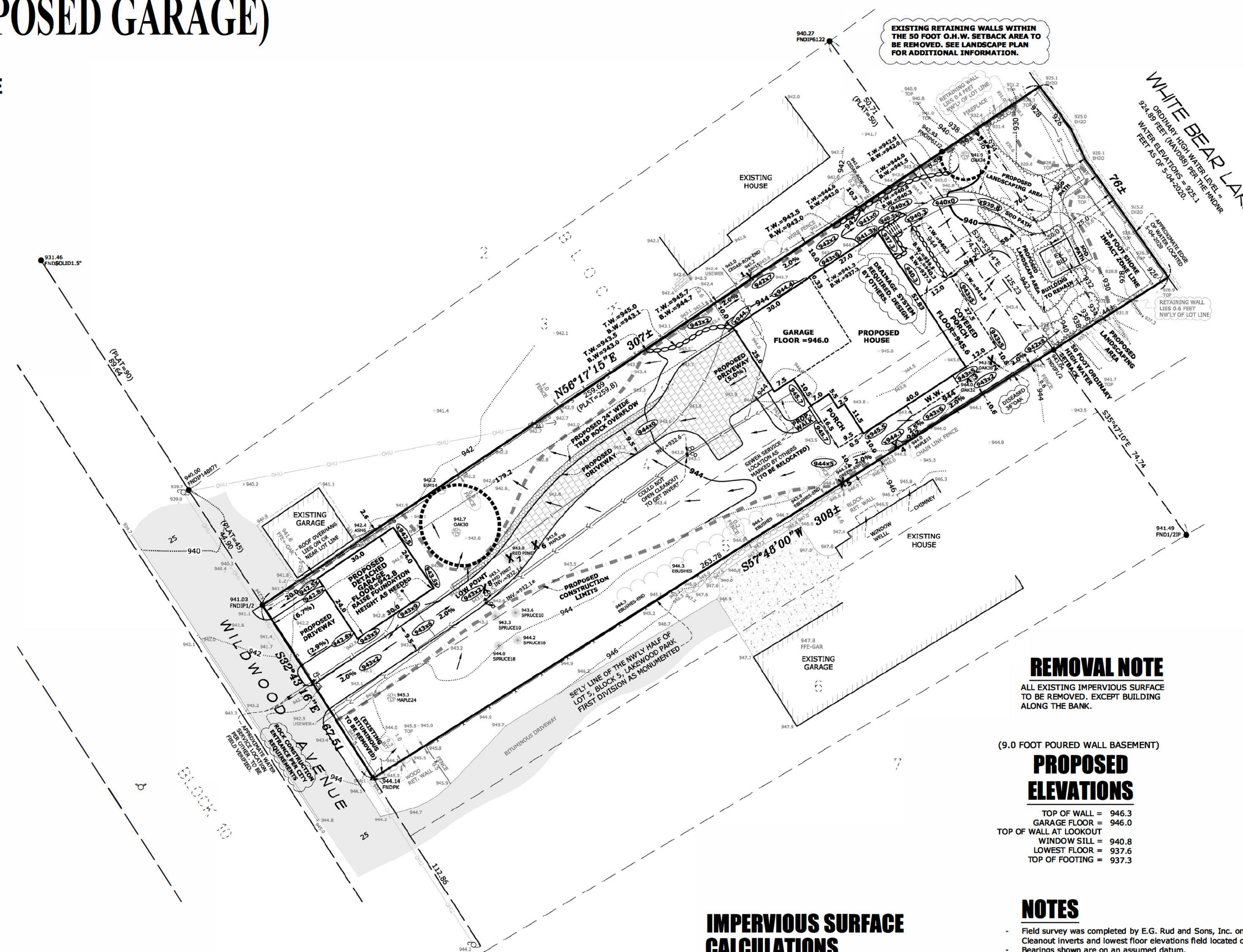
PERMEABLE PAVER SECTION

N.T.S.



PERMEABLE PAVER SECTION

DRIVEWAY ADJACENT TO GARAGE N.T.S.



REMOVAL NOTE

ALL EXISTING IMPERVIOUS SURFACE TO BE REMOVED. EXCEPT BUILDING ALONG THE BANK.

(9.0 FOOT POURED WALL BASEMENT)

PROPOSED ELEVATIONS

TOP OF WALL = 946.3
GARAGE FLOOR = 946.0
TOP OF WALL AT LOOKOUT = 940.8
WINDOW SILL = 937.6
LOWEST FLOOR = 937.0
TOP OF FOOTING = 937.3

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 05/04/2020. Cleanout inverts and lowest floor elevations field located on 7/27/2020.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 30-030-21-21-0031.
- Curb shots are taken at the top and back of curb.
- This survey was prepared based upon information found in the commitment for title insurance prepared by Legacy Title, as issuing agents for Chicago Title Insurance Company, File No. MN10295, dated effective May 18, 2020 at 12:00 A.M.
- Finished grade adjacent to home shall be 0.5 feet below top of block except at driveway and patio.

PROPERTY DESCRIPTION

[DESCRIPTION PER TITLE COMMITMENT]
Lot 4, and the Northwesterly One-Half (1/2) of Lot 5, Block 5, LAKEWOOD PARK FIRST DIVISION, Washington County, Minnesota.

BENCHMARK

MNDOT GEODETIC STATION: PARAGON
ELEVATION = 929.595 FEET (NAVD88)

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.
James E. Napier
JAMES E. NAPIER
Date: 08-06-2020 License No. 25343

IMPERVIOUS SURFACE CALCULATIONS

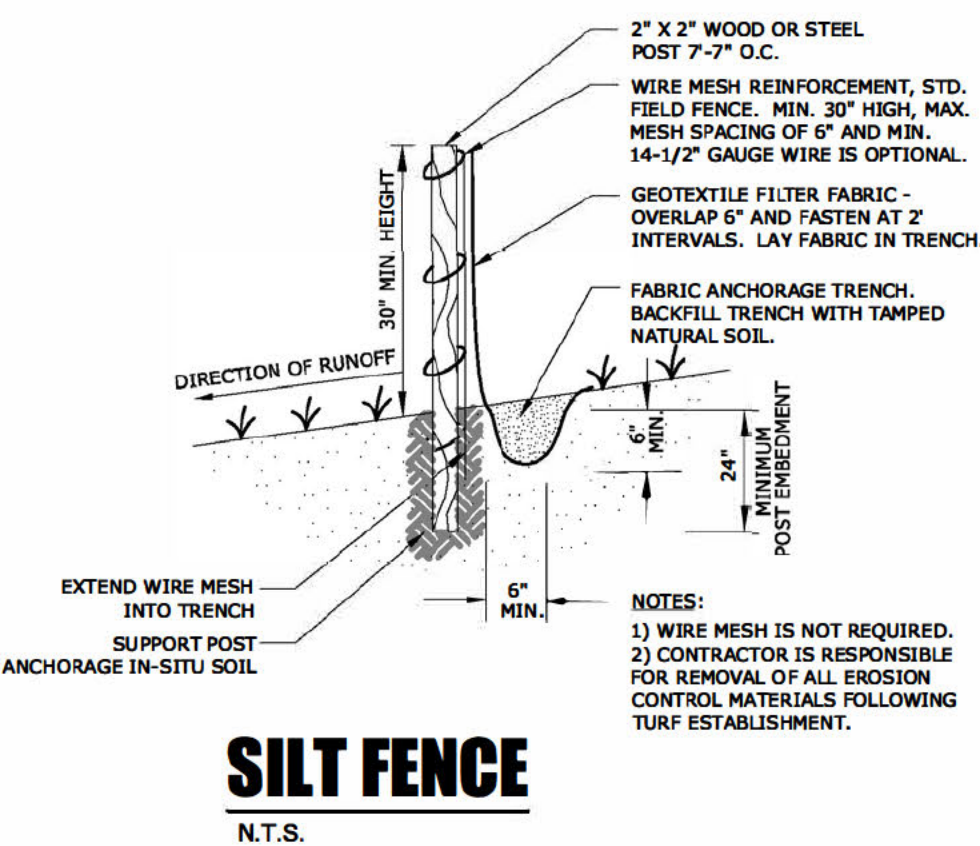
TOTAL LOT AREA	21,995 S.F.
EXISTING HOUSE AND CANTILEVERS	1,580 S.F.
EXISTING BITUMINOUS DRIVEWAY	3,414 S.F.
EXISTING GARAGE	512 S.F.
EXISTING GARAGE CANOPY (MINUS BIT.)	142 S.F.
EXISTING BUILDING	99 S.F.
EXISTING CONCRETE AND FIRE PLACE	702 S.F.
EXISTING OLD STONE STEPS	90 S.F.
EXISTING PLANTER AND RETAINING WALLS	160 S.F.
TOTAL EXISTING IMPERVIOUS SURFACE	6,699 S.F.
PERCENT EXISTING IMPERVIOUS	30.5%
PROPOSED HOUSE, GARAGE AND PORCHES	3,121 S.F.
PROPOSED DRIVEWAY	726 S.F.
PROPOSED DETACH GARAGE	720 S.F.
PROPOSED DETACHED DRIVEWAY	364 S.F.
PROPOSED SIDEWALK AND STEPS	161 S.F.
PROPOSED RETAINING WALLS	120 S.F.
EXISTING BUILDING TO REMAIN	99 S.F.
PROPOSED STONE OUTCROPPINGS AND STEPS	180 S.F.
TOTAL PROPOSED IMPERVIOUS SURFACE	5,491 S.F.
PERCENT PROPOSED IMPERVIOUS	25.0%
MAXIMUM ALLOWABLE IMPERVIOUS	5,499 S.F.
PROPOSED PAVER DRIVEWAY	1,502 S.F.
TOTAL PROPOSED PAVER AREA	1,502 S.F.

SEE LANDSCAPE PLAN FOR 180 S.F. OF IMPERVIOUS SURFACE FOR STONE OUTCROPPINGS AND STEPS WITHIN THE LANDSCAPED AREA.

TREE REPLACEMENT NOTES

- TREES TO BE REMOVED: (numbered on survey)
- Green Ash - 15" (no replacement necessary)
 - White Oak - 36" (diseased)
 - White Oak - 32"
 - Sugar Maple - 11"
 - Green Ash - 16" (no replacement necessary)
 - Silver Maple - 36" (no replacement necessary)
 - Red pine - 7"
 - Red pine - 7"
- REPLACEMENTS:
Based on the above list, proposed replacements are:
1. Two(2) deciduous trees of 2-1/2" diameter, and
2. Two(2) conifers of 6' in height.

The five trees will be located for planting on the final landscape plan, and the actual planting will be within 1 calendar year, or rather, in the summer of 2021. Tree locations to be determined.



SILT FENCE

N.T.S.

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 ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

ELI RUPNOW
Date: 08-13-2020 License No. 46681

STORMWATER MANAGEMENT PLAN AND PERMEABLE PAVER DESIGN BY SITE DESIGN.

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

DRAWN BY:	JEN	JOB NO.:	200415HS	DATE:	05/08/20
CHECK BY:	JER	FIELD CREW:	JH-CB		
1	06/10/20	Rev hse Add det Gar, Drive & Grades	JEN		
2	06/25/20	Rev hse Drive & Grades	JEN		
3	07/08/20	Rev per Builder	JEN		
4	07/10/20	Rev per Builder	JEN		
5	07/20/20	Moved Det. Garage 2.4 feet se	JEN		
6	07/29/20	City Comments	JEN		
7	08/06/20	Rev Gar. Loc. City Submittal	JEN		
8	08/13/20	Add Site Design Info.	JEN		
NO.	DATE	DESCRIPTION	BY		

CERTIFICATE OF SURVEY (EXISTING)

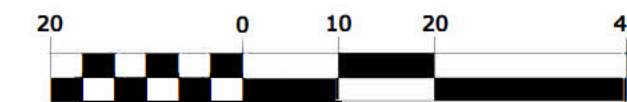
~for~ ZAWADSKI HOMES
 ~of~ 221 WILDWOOD AVENUE
 BIRCHWOOD, MN

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA	21,995 S.F.
EXISTING HOUSE AND CANTILEVERS	1,580 S.F.
EXISTING BITUMINOUS DRIVEWAY	3,414 S.F.
EXISTING GARAGE	512 S.F.
EXISTING GARAGE CANOPY (MINUS BIT.)	142 S.F.
EXISTING BUILDING	99 S.F.
EXISTING CONCRETE AND FIRE PLACE	702 S.F.
EXISTING OLD STONE STEPS	90 S.F.
EXISTING PLANTER AND RETAINING WALLS	160 S.F.
TOTAL EXISTING IMPERVIOUS SURFACE	6,699 S.F.
PERCENT EXISTING IMPERVIOUS	30.5%

NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES CLEAN OUT
- DENOTES ELECTRICAL BOX
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GAS METER
- DENOTES GUY WIRE
- DENOTES HYDRANT
- DENOTES MISCELLANEOUS MANHOLE
- DENOTES POWER POLE
- DENOTES WELL
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

BENCHMARK

MNDOT GEODETIC STATION: PARAGON
 ELEVATION = 929.595 FEET (NAVD88)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 05/04/2020. Cleanout inverts and lowest floor elevations field located on 7/27/2020.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 30-030-21-21-0031.
- Curb shots are taken at the top and back of curb.
- This survey was prepared based upon information found in the commitment for title insurance prepared by Legacy Title, as issuing agents for Chicago Title Insurance Company, File No. MN10295, dated effective May 18, 2020 at 12:00 A.M.

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.

James E. Napier
 JAMES E. NAPIER

Date: 08-06-2020 License No. 41578

PROPERTY DESCRIPTION

[DESCRIPTION PER TITLE COMMITMENT]

Lot 4, and the Northwesterly One-Half (1/2) of Lot 5, Block 5, LAKEWOOD PARK FIRST DIVISION, Washington County, Minnesota.

DRAWN BY: JEN	JOB NO: 200415HS	DATE: 06/25/20	
CHECK BY: JER	FIELD CREW: JH-CB		
1	07-29-20	Added Cleanout inv & hatch stone	JEN
2	08-06-20	City Submittal	JEN
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
 www.egrud.com

**CITY OF BIRCHWOOD VILLAGE
MEMORANDUM**

TO: Birchwood Village Planning Commission

FROM: Thatcher Engineering, Inc.

DATE: August 25, 2020

APPLICANT: Janet and Rick Cristan, 12210 Heather Avenue N., Hugo, MN 55038

LOCATION: 221 Wildwood Avenue, Birchwood Village, MN

REQUEST

Variance request #1: The Applicant is requesting a variance from City Code 302.020 Section 2.

1. The applicant requests a variance from the requirement that states "All Other Structures" must be setback 10 feet from "All Other Lot Lines."

The purpose of this request is to seek approval to remove a non-conforming existing garage and apartment above the garage and replace it with a new garage (no apartment above the garage) in approximately the same location. Doing so will bring the structure more into compliance with City Codes by reducing the structure's height to meet Section 302.045 requirements; eliminate the second-story dwelling above the existing garage to comply with Sections 302.010 & 302.040.1; and push the structure further away from the road and beyond the minimum setback allowed (Section 302.020.4.a) for prevailing setbacks from a municipal street.

Additionally, the applicant is proposing to bring the property into conformity with Section 302.050 by reducing the total impervious surface of the lot from 30% to 25%. The applicant plans to do this as part of a regular building permit that will remove and rebuild the primary dwelling on this lot.

Further, the applicant is seeking approval for a 20 foot prevailing municipal street setback as provided in Sec. 302.020.4.a. The setback of the garage at 217 Wildwood Avenue, located immediately northwest of the site, is 14.8 ft. from the street. There is no garage abutting the street on the property southeast of the site.

SITE CHARACTERISTICS

The subject lot is 21,995 square feet in size according to the Certificate of Survey prepared by E.G. Rud & Sons, Inc, Professional Land Surveyors (attached). The lot is approximately 307.5 feet deep and 67.51 feet wide at Wildwood Avenue and contains a single-family residence.

PRACTICAL DIFFICULTY

- 1) The lot width at Wildwood Avenue is 67.51 feet and is less than the current required minimum lot width which is 80 feet (City Code 302.010).
- 2) See application for additional information.

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.

CTY 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 challenges because of the existing lot width.

REASONS FOR RECOMMENDING VARIANCE APPROVAL

Variance request #1:

1. The lot has challenges because of the existing lot width.
2. 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 variances are 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.

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.

302.010. LOT REQUIREMENTS. All lots created after the date of enactment of this ordinance must conform to the following dimensions, utilizing only that land above the ordinary high water level of any lake, pond, or wetland.

1. Minimum lot size per dwelling unit:

Lots abutting lake or wetland:	15,000 sq. ft.
All other lots	12,000 sq. ft.

2. Minimum lot width at front building line and at the ordinary high water level of any lake or wetland:

Lots containing two dwelling units:	135 ft.
All other lots:	80 ft.

302.020. STRUCTURE LOCATION REQUIREMENTS

2. MINIMUM SETBACK REQUIREMENTS:

<u>Lot line or Land Boundary</u>	<u>TYPE OF STRUCTURE</u>		
	<u>Fences</u>	<u>Driveways & Walkways</u>	<u>All Other Structures</u>
Municipal Street Front, Back, and Side	20 ft.	0	40 ft.
County Road Front, Back, and Side	20 ft.	0	50 ft.
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

4. SETBACK REQUIREMENTS EXCEPTIONS.

a. Street and Highway Setbacks: If structures on adjacent lots, existing as on January 1, 1975, have lesser street or highway setbacks from those required, the

minimum setback of a new structure may conform to the prevailing setback in the immediate vicinity. The City Council shall, upon recommendation of the Planning Commission, determine the necessary minimum front yard setback in such areas.

302.040. STRUCTURE REQUIREMENTS.

- 1. Each dwelling unit must have a floor area of at least 900 square feet.

302.045 STRUCTURAL HEIGHT RESTRICTIONS

1. STRUCTURAL HEIGHT LIMITATION: The maximum height of a structure as calculated by Method A or Method B (see below) is as follows:

<u>Structure type</u>	<u>Structure Height Limitation</u>
Principal Structure/attached garage	30 feet
Detached garage	18 feet
Detached storage shed	12 feet

302.050 IMPERVIOUS SURFACES.

- 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.



BIRCHWOOD VILLAGE

Variance Findings Form

CASE NO. 20-02-VB 415 WILDWOOD AVE

**REGULAR A
FINDINGS FORM**

EACH OF THE FOLLOWING CRITERIA MUST BE SATISFIED TO APPROVE

#1: Is the request *in harmony with the general purposes and intent of the ordinance?*

The specific Ordinance states _____
(state ordinance requirement), the purpose of which is to _____

(explain what the ordinance requirement is intended to prevent or protect).

The proposed variance is for: _____

(explain proposal and potential effects).

This variance is/is not in harmony with the purpose and intent of the specific Ordinance because: _____

(explain how the proposal is in harmony with or undermines the purpose of the ordinance).

#2: Would granting the variance be *consistent with the comprehensive plan?*

The Comprehensive Plan contains the following policies and goals regarding this request: _____

(list applicable policies, goals, and maps, including citations).

Granting the variance is/is not consistent with the comprehensive plan because: _____

(explain how; relate details of the request to specific policies, goals, and maps).

#3: Are there *special conditions or circumstances* that are peculiar to the land, structure, or building involved?

There are/are no circumstances unique to the property that would prevent compliance with the specific Ordinance because: _____

(describe any physical characteristics of the land that are unique to this property that prevent compliance with the ordinance requirement, and whether the applicant has demonstrated that no other reasonable alternative exists that would comply with the ordinance; explain what makes this property different from other properties to justify why this applicant should be able to deviate from the ordinance when others must comply).

#4: Were the special conditions or circumstances created by the applicant's action or design solution?

The conditions that resulted in the need for the variance **were/were not** created by the applicant **because:**

_____ (if there are special conditions or circumstances, describe whether they were created by some action of the applicant/property owner).

#5: Will granting a variance result in any increase in the amount of water draining from the property?

Granting the variance **will/will not** increase the amount of water that drains from the property **because:**

_____ (if granting the variance will increase the amount of water that drains from the property, explain how and how much it will increase).

#6: Will granting the variance 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?

Granting the variance **will/will not** impair light and air to adjacent property, or diminish or impair property values in the area, or impair the public health, safety, or welfare of Birchwood residents **because:**

_____ (if granting the variance could be detrimental to neighbors or other Birchwood residents, explain how).

#7: A variance must not be granted *simply because there are no objections or because those who do not object outnumber those who do?*

Has this variance been granted only because of the number of objections to the request: Yes No

Explain: _____

_____ (If you believe

that the decision has been determined simply because of the number of supporters or objections, explain how).

#8: Does reasonable use for the property exist under terms of the Zoning Code?

Reasonable use for the property does/does not exist under terms of the Zoning Code because: _____

_____ (Describe how

the Zoning Code does or does not allow for reasonable use of the property. If reasonable use of the property

does exist under terms of the Zoning Code, the applicant's financial gain or loss shall not be considered in your

decision).

What is your decision? (Approve or Deny)

Remember - ALL criteria MUST be satisfied to approve.

If approved, what conditions will you impose? (Findings must support the conditions; explain the impacts of the proposed development and the conditions that address those impacts. Remember that findings must be directly related and proportional to the impacts created by the variance. Set specific timeframes and deadlines, and consider requiring the following to help ensure compliance with the conditions:

- *financial sureties to ensure that the required activities are completed within specified deadlines,*
- *as-built drawings and/or photos as proof of completion within the terms of the conditions, and/or*
- *long-term maintenance and operation agreements for stormwater best management practices and vegetation that must be protected or restored as a condition of approval, along with notices of restrictions recorded against properties to ensure that future property owners are aware of their responsibilities and don't unknowingly "undo" any conditions.)*



BIRCHWOOD VILLAGE

Variance Findings Form

CASE NO. 20-05-VB 221 WILDWOOD AVENUE

REGULAR B FINDINGS FORM

EACH OF THE FOLLOWING CRITERIA MUST BE SATISFIED TO APPROVE

#1: Is the request *in harmony with the general purposes and intent of the ordinance*?

The specific Ordinance states _____
(state ordinance requirement), the purpose of which is to _____

(explain what the ordinance requirement is intended to prevent or protect).

The proposed variance is for: _____

(explain proposal and potential effects).

This variance is/is not in harmony with the purpose and intent of the specific Ordinance because: _____

(explain how the proposal is in harmony with or undermines the purpose of the ordinance).

#2: Would granting the variance be *consistent with the comprehensive plan*?

The Comprehensive Plan contains the following policies and goals regarding this request: _____

(list applicable policies, goals, and maps, including citations).

Granting the variance is/is not consistent with the comprehensive plan because: _____

(explain how; relate details of the request to specific policies, goals, and maps).

#3: Are there *special conditions or circumstances* that are peculiar to the land, structure, or building involved?

There are/are no circumstances unique to the property that would prevent compliance with the specific Ordinance because: _____

(describe any physical characteristics of the land that are unique to this property that prevent compliance with the ordinance requirement, and whether the applicant has demonstrated that no other reasonable alternative exists that would comply with the ordinance; explain what makes this property different from other properties to justify why this applicant should be able to deviate from the ordinance when others must comply).

#4: Were the special conditions or circumstances created by the applicant's action or design solution?

The conditions that resulted in the need for the variance **were/were not** created by the applicant **because:**

_____ (if there are special conditions or circumstances, describe whether they were created by some action of the applicant/property owner).

#5: Will granting a variance result in any increase in the amount of water draining from the property?

Granting the variance **will/will not** increase the amount of water that drains from the property **because:**

_____ (if granting the variance will increase the amount of water that drains from the property, explain how and how much it will increase).

#6: Will granting the variance 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?

Granting the variance **will/will not** impair light and air to adjacent property, or diminish or impair property values in the area, or impair the public health, safety, or welfare of Birchwood residents **because:**

_____ (if granting the variance could be detrimental to neighbors or other Birchwood residents, explain how).

#7: A variance must not be granted *simply because there are no objections or because those who do not object outnumber those who do?*

Has this variance been granted only because of the number of objections to the request: Yes No

Explain: _____

_____ (If you believe that the decision has been determined simply because of the number of supporters or objections, explain how).

#8: Does reasonable use for the property exist under terms of the Zoning Code?

Reasonable use for the property does/does not exist under terms of the Zoning Code because: _____

_____ (Describe how

the Zoning Code does or does not allow for reasonable use of the property. If reasonable use of the property *does* exist under terms of the Zoning Code, the applicant's financial gain or loss shall not be considered in your decision).

What is your decision? (Approve or Deny)

Remember - ALL criteria MUST be satisfied to approve.

If approved, what conditions will you impose? (Findings must support the conditions; explain the impacts of the proposed development and the conditions that address those impacts. Remember that findings must be directly related and proportional to the impacts created by the variance. Set specific timeframes and deadlines, and consider requiring the following to help ensure compliance with the conditions:

- *financial sureties to ensure that the required activities are completed within specified deadlines,*
- *as-built drawings and/or photos as proof of completion within the terms of the conditions, and/or*
- *long-term maintenance and operation agreements for stormwater best management practices and vegetation that must be protected or restored as a condition of approval, along with notices of restrictions recorded against properties to ensure that future property owners are aware of their responsibilities and don't unknowingly "undo" any conditions.)*

MEMORANDUM



TO: Birchwood Village City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Planning Commission Variance Recommendation
DATE: September 2, 2020

Dear Mayor and Council Members,

The recommendation from the Planning Commission for the 415 & 221 Wildwood Ave variances are as follows:

- 415 Wildwood Ave – 4 Commissioners approved the variance and 1 did not. Recommended conditions for the variance are as follows:
 - Rain garden maintenance agreement that incorporates the applicant’s stated maintenance plan (included in the packet) and the requirements of Sec. 302.050.1.a-k
 - Registered with Washington County & filed with Birchwood
 - 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.
 - All application materials, maps, drawings and descriptive information submitted with this application shall become part of the building permit.
 - Land alteration may not cause adverse impact upon abutting property.
- 221 Wildwood Ave – 5 Commissioners approved the request for a 20 ft. prevailing setback from the road per Sec. 302.020.4.a.
5 Commissioners denied the request for a 2 ft. 6 inch sideyard setback; however, 3 Commissioners approved a 6 ft. sideyard setback and 2 did not. Recommended conditions for the variance are as follows:
 - The drainage system of the garage (gutters) must be approved by the City Engineer to keep water from entering the abutting property
 - The paver system being installed with the new house must be approved by the City Engineer to bring the impervious coverage of the lot to at least 25%
 - The trees must be saved that would have otherwise been removed with a 10’ sideyard setback.
 - Registered with Washington County & filed with Birchwood
 - 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.
 - All application materials, maps, drawings and descriptive information submitted with this application shall become part of the building permit.
 - Land alteration may not cause adverse impact upon abutting property.

Regards,
Tobin Lay