MEETING MINUTES (Final)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 6/27/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Michael Kraemer, Casey Muhm, Michelle Maiers-Atakpu

COMMISSIONERS ABSENT: Michael McKenzie

OTHERS PRESENT: Council Member Ryan Hankins, Ben Wikstrom – City Planner, Carson Schifsky

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:00 PM.

- 1. PUBLIC FORUM
 - a. none
- 2. APPROVE AGENDA
 - a. Motion by Maiers-Atakpu, 2^{nd} by Muhm to approve agenda as presented. Vote: Yes -4, No 0. Motion passed.
- 3. REGULAR AGENDA
 - a. Item A Review/Approve May 23, 2024 Planning Commission Meeting Minutes.
 - i. Motion by Muhm, 2^{nd} by Maiers-Atakpu to approve the minutes. Vote: Yes -4, No -0, Motion passed.
 - **b.** Item B 24-01-VB (425 Lake) Variance
 - 1. Review and Discuss Variance Application
 - a. Carson Schifsky Schifsky Companies was present representing the property owners at 425 Lake Ave and presented the details of the additional information supplied in the meeting packet for variance 24-01-VB.
 - i. Variance 24-01-VB requested variance from Village Code 302.020 STRUCTURE LOCATION REQUIREMENTS prohibiting retaining walls within 50' of the OHW of White Bear Lake.
 - Variance requested variation to allow construction of boulder retaining wall to be built 15 feet back (7 feet tall) and 10 feet stepped wall (4 feet tall) from OHW to stabilize the existing bank and slope and prevent

- **2.** Documents included engineering layout, details and calculations for the proposed boulder wall.
- b. Reference was made to Lisa Madore 5/21/2024 email outlining the concerns of property owner Kathy Madore (mother) who lives immediately north of 425 Lake Ave.
 - i. Concerns centered around eliminating any negative impacts from the proposed retaining wall construction to the Madore property, and prohibiting any additional runoff onto the Madore property.
- 2. Review City Planner Report
 - a. Ben Wikstrom City Planner presented his report on the review of the variance application.
- 3. Discuss Recommendations to City Council
 - a. Commission Findings-of-Fact:
 - i. The naturally occurring shoreline slope on the property exists within 10' of the OHW, is steep and slope erosion is occurring and ongoing maintenance will remain an issue.
 - ii. The slope of the property, creating the need for the wall and variance are peculiar to the land, is not caused by action of the owner.
 - *iii.* A retaining wall within the OHWL setback is a reasonable solution and is a reasonable request to mitigate the problem.
 - *iv.* The retaining wall construction will trigger and provide the opportunity to reconstruction deteriorating existing wooden stairway system.
 - **v.** The character of the neighborhood would not be altered with approval of the variance.
 - vi. Neighborhood property values will not be diminished with approval of the variance and construction of the wall.
 - *vii.* The construction of the wall as proposed will not increase the amount of water draining from the property.
 - viii. The construction of the wall will not impair an adequate supply of light and air to the adjacent properties.

- ix. The variance was evaluated on its own merits and the decision was not influenced by input from outside parties.
- **x.** The proposed wall construction and resultant site is a reasonable use for the property under the terms of the Zoning Code.
- b. Planning Commission Recommendation:
 - *i.* The City Council consider granting the variance with conditions. Advisory Planning Commission vote: Yes -4, No -0.
 - ii. Recommendation of approval of the variance is contingent on compliance with the following conditions.
 - **1.** The applicant receives approval of all necessary jurisdictional permits.
 - **2.** Applicant secure all applicable construction permits for the wall and stairway.
 - **3.** The applicant receives approval of the design parameter, calculations, and plans by the City engineer, City planner, and City building official as applicable.
 - **4.** Stairway and landing reconstruction shall meet all code requirements.
 - **5.** No increase in runoff onto adjacent properties.
- c. ORD 2024-06-03 (302.017) Lot Merge Requirement
 - *i.* Planning Commission Recommendation:
 - After considerable discussion with the City Planner the Planning Commission recommendation was to stay with existing Code sections related to "Non-conforming Lots", and "Lot of Record" to effect resolution of these matters and not adopting this new code segment.

ADJOURN 8:44 PM

d. Motion by Motion by Maiers-Atakpu, 2^{nd} by Muhm to adjourn meeting. Vote: Yes - 4, No - 0. Motion passed.