



MEETING OF THE PLANNING COMMITTEE

CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
April 23rd, 2026, @ 7 pm

MEMBERS

Andy Sorenson, Chair
Ben Wikstrom, City Planner
Casey Muhm, Member
Michael McKenzie, Member
Michelle Maiers, Member
Mike Kraemer, Secretary
Jennifer Arsenault, Planning Liaison

CALL TO ORDER

ROLL CALL

OPEN PUBLIC FORUM

APPROVE PRIOR MEETING MINUTES

pgs. 1-3

AGENDA

1. 543 Wildwood Ave Front Yard Setback Variance - Concept Review* pgs. 4-23

a. Background information for 543 Wildwood Ave

b. Concept Plan

2. Discussion of Various Land Use Ordinances - City Code Sections 300-310* pgs. 24-25

Discussion led by both Ben Wikstrom, City Planner and Marcus Johnson, City Engineer

ADJOURN

* Denotes items that have supporting documentation provided

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 3/26/2026

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: – Andy Sorenson, Michael Kraemer, Casey Muhm, Michelle Maiers-Atakpu arrive 7:07 PM,

COMMISSIONERS ABSENT: Michael McKenzie

OTHERS PRESENT: City Engineer – Marcus Johnson, City Planner - Ben Wikstrom,

1. CALL TO ORDER: Chairman - Sorenson called meeting to order at 7:02 PM.
2. PUBLIC FORUM
 - a. None
3. APPROVE MINUTES – Minutes from December 18, 2025 regular meeting. Motion by Muhm, 2nd by Sorenson to approve the minutes. Vote: Yes – 3, No – 0 Motion to approve passed.
4. REGULAR AGENDA
 - a. Item A – EDUCATIONAL DISCUSSION FOR PERVIOUS VS IMPERVIOUS PAVER OPTIONS
 - i. “Best Applications”, (Presented by Marcus Johnson, City Engineer)
 1. “Best Applications” document prepared by Engineer Johnson was a thorough comparison on the design and application of pervious vs impervious pavers.
 - a. Planning Recommendations
 - i. The City consider making a document similar to the one prepared by City Engineer Johnson generally available to City residents as an informational tool to who are considering installation of paver systems in the Village of Birchwood.
 - ii. The City code be updated to include terminology that mandates that applicants seeking to use “pervious paver systems” to offset the City’s “impervious surface” code thresholds, comply with the following:
 1. Use MN Pollution Control Agency - MN Storm Water Manual Resource: Design Criteria for Permeable Pavement for the design.

2. Provide a “pervious paver system design’ (including paver unit selection, infiltration and volume storage system calculations and design) approved by a registered professional engineer or secure written design approval from the City Engineer and City Planner.
3. Where requested by City Engineer, provide soil boring(s) and soil permeability calculation for the proposed pervious paver installation site.
4. The applicant provides photo documentation that the system was constructed per plan. (This is anticipated to include photos with visual documentation of construction techniques, subgrade conditions, materials, layer depths, and finished grades.) **Note:** This photo documentation is suggested in-leu of continuous on-site inspection, to provide future institute documentation on the paver system in case problems develop or the system needs to be rebuilt.
5. The applicant secure final positive as-built testing of the system by the City Engineer.
6. Provide a signed on-going “stormwater management/pervious paver maintenance plan” agreement with the Village including commitment to ongoing maintenance, and definition of periodic infiltration testing intervals and techniques. This agreement should bind with the property and not just the individual.

b. ITEM B - VARIANCE FINDINGS AND STAFF QUESTIONNAIRE CHECKLIST

- i. General discussion ensued related to the current BIRCHWOOD VILLAGE – Variance Findings Form
 1. **Planning Commission Recommendations**
 - a. City Planner was asked to review the form and offer suggestions on how to make the form as useful as possible especially as it relates to the consideration of issues of “special conditions or circumstances”, “practical

difficulties” and “reasonable use”. It is anticipated the suggestions will be presented for discussion at the April, 2026 Planning Commission meeting or subsequent work session.

c. GENERAL DISCUSSION OF ORDINANCE 301 AND 302

- i. City Engineer Marcus Johnson and City Planner Ben Wikstrom suggested there are elements of Ordinance Section 301 and 302 that are inconsistent and/or needing review. They requested the opportunity to assemble a list of items for review and discussion by the Planning Commission at the April, 2026 meeting or a subsequent work session.
- ii. **Planning Commission Recommendation**
 1. The Planning Commission agreed to participate in the suggested discussion when available.

ADJOURN 9:08 PM

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

memo

To: Birchwood Village Planning Commission
Alan Kantrud, City Administrator

From: Ben Wikstrom, Planning Consultant

CC:

Date: April 23, 2026 Meeting

Re: 543 Wildwood Avenue Concept Plan (future variance discussion)

Background Information and Lot Requirements

Kevin Albers, the owner of 543 Wildwood Avenue, is proposing to build a detached garage on the higher part of his property, near the right-of-way. The proposed structure is 40'X32', and the applicant is requesting a variance from the front setback, from 30' to 14'.

The property, containing two lots of record, is 28,000 s.f. in size, according to Washington County property records, and is 100' in width. There may be a requirement to combine the lots with any project approval, due to non-conformities and the principal structure straddling the property line.

The applicant has provided a thorough packet for your review; please see the pages following this memo for more detailed descriptions and information on the proposed project and requested variance.

Aerial Image



NOTE: Parcel highlighted shows garage lot; property includes adjacent parcel

Neighborhood



Surrounding Uses

North: Single-family homes; adjacent and second property both have non-conforming ROW setbacks

East: Tighe-Schmitz Park

South: Single-Family homes; adjacent property has non-conforming ROW setback

West: Wildwood Ave. and Single-Family homes

Process

The purpose of a concept plan review is for the applicant to get feedback from the Planning Commission regarding a potential project. No opinions offered by commissioners are to be taken as definitive intentions regarding a future vote on any application.

Recommendation

Staff has no recommendation for a concept review. The commission should review the sketches with the applicant to offer feedback on the project, and give initial opinions on the validity of the proposal. Because this would be a variance application, the ultimate (assuming the applicant formally applies for a variance) recommendation to the City Council by the Planning Commission should be mindful of some general criteria for the granting of a variance:

- Is there a practical difficulty in complying with the ordinance?
- Was the need for the variance created by the applicant (meaning, is there something unique about this property, house location, etc. that is in place to contribute to a practical difficulty that wasn't the result of an action taken by the current owner)?
- Is this a reasonable request?
- Would the variance, if granted, alter the character of the neighborhood?

If the applicant decides to move forward, a survey will be required to ensure the correct measurements and exact proposed setbacks, impervious surface calculations, etc. Staff or the commission may wish to require information supplemental or in addition to building plans, that they deem necessary in order to make a decision/recommendation on a variance application.

543 Wildwood Ave, Birchwood Garage Project Feedback Request

Property Owner Name: Kevin Albers

1. Objective: Seek feedback from planning commission on proposed project and variance/exception request prior to beginning the official variance process.

Please Note: Some official documents are missing and would be provided during official process.
Official site survey, grade plane calculation etc.

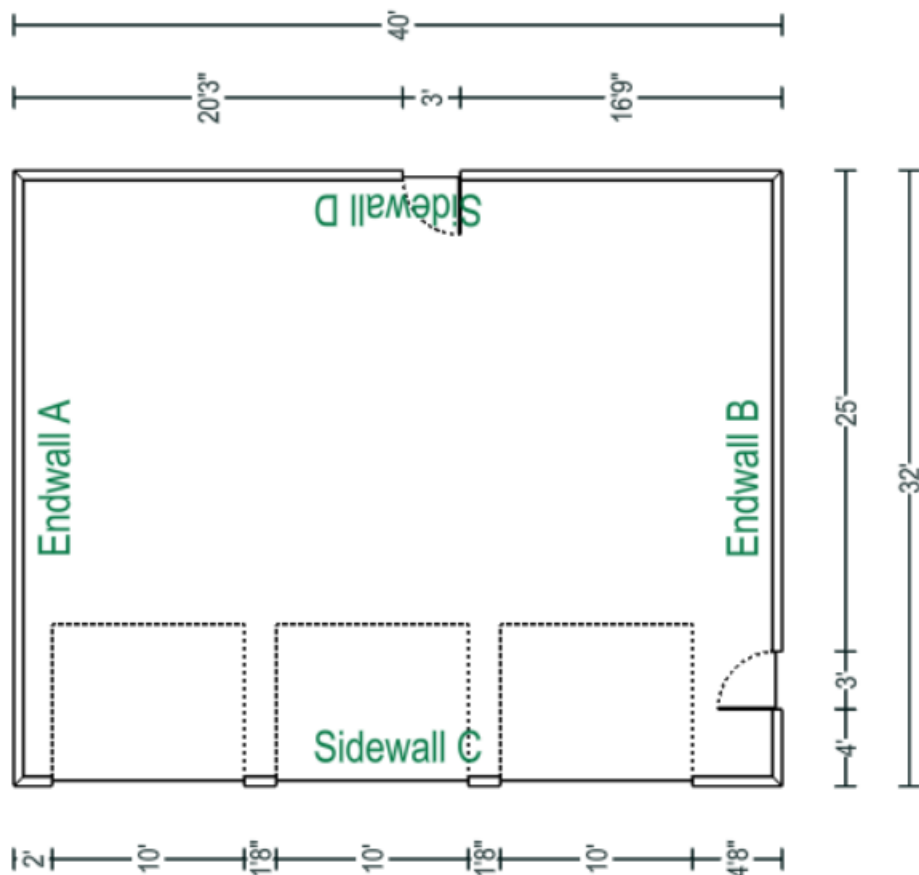
1. Project Overview
2. Unique Circumstances to Property
3. Scaled Site Sketches
4. Prevailing Setback in Area
5. Arial View of Site and Proposed Garage
6. Additional Support
7. Nearby Examples of Similar Sized Garages
8. Tree Images
9. Summary

Project Overview

- Location of Project: 543 Wildwood Ave
- Subject site is 28,000 sq ft in size (100' x 280') and is a double lot. Property contains a one-story single-family residence and two small sheds. The street side of the lot sits somewhat at the top of a hill.
- Description of Proposed Project: Build a 3 car garage in the front yard (Wildwood ave side of property) with a reduced front setback due to:
 1. Unique property circumstances of large mature trees which have critical root zones. Adherence to code would create a high risk of irreversible damage and decline of the large mature trees as the garage would have to be built deep within these critical root zones without the requested variance.
 2. Requested Exception per Birchwood City Code 302.020.4 that allows new structures to conform to prevailing setback in the immediate vicinity with council review and approval.
- Garage would not alter the feel and look of the neighborhood and would maintain character. Side setbacks of 10ft would be maintained, only front setback is being requested.
- Project would also remove two grandfathered in accessory structure sheds that are not compliant with code side setbacks of 10ft, bringing these items into compliance.
- Requested Street Side Property Line Setback:
Variance of 16ft from the street side property setback less than permitted by code (14ft requested property line setback vs code of 30ft).
- Garage Details:
32' deep x 40' wide. Approx 17ft tall overall height. Standard gable roof. Asphalt architectural shingles. Fiber cement siding with a cedar shake profile with a complementing color to the house. Cement Driveway from street to garage. Garage would have gutters to control runoff. Impervious surface calculations would be far below allowable limit.
- I have spoken with both my adjacent neighbors and both are in support of this project (533 wildwood and 545 wildwood)

Project Overview

Garage Concept 3D Visual



Project Overview

Impervious Surface Calculations

- Impervious surface amount would be well within the allowed percentage (12.9% total).

	Existing	Proposed	Change
Total Square Footage of Lot	28,000		
Maximum impervious surface (25%)	7,000		
Roof Surface	1,225	2,505	+1,280
Sidewalks	30	95	+65
Driveway	0	1,026	+1,026
Other			
Total:	1,255	3,626	+2,371
Percent Impervious	4.4%	12.9%	+8.4%

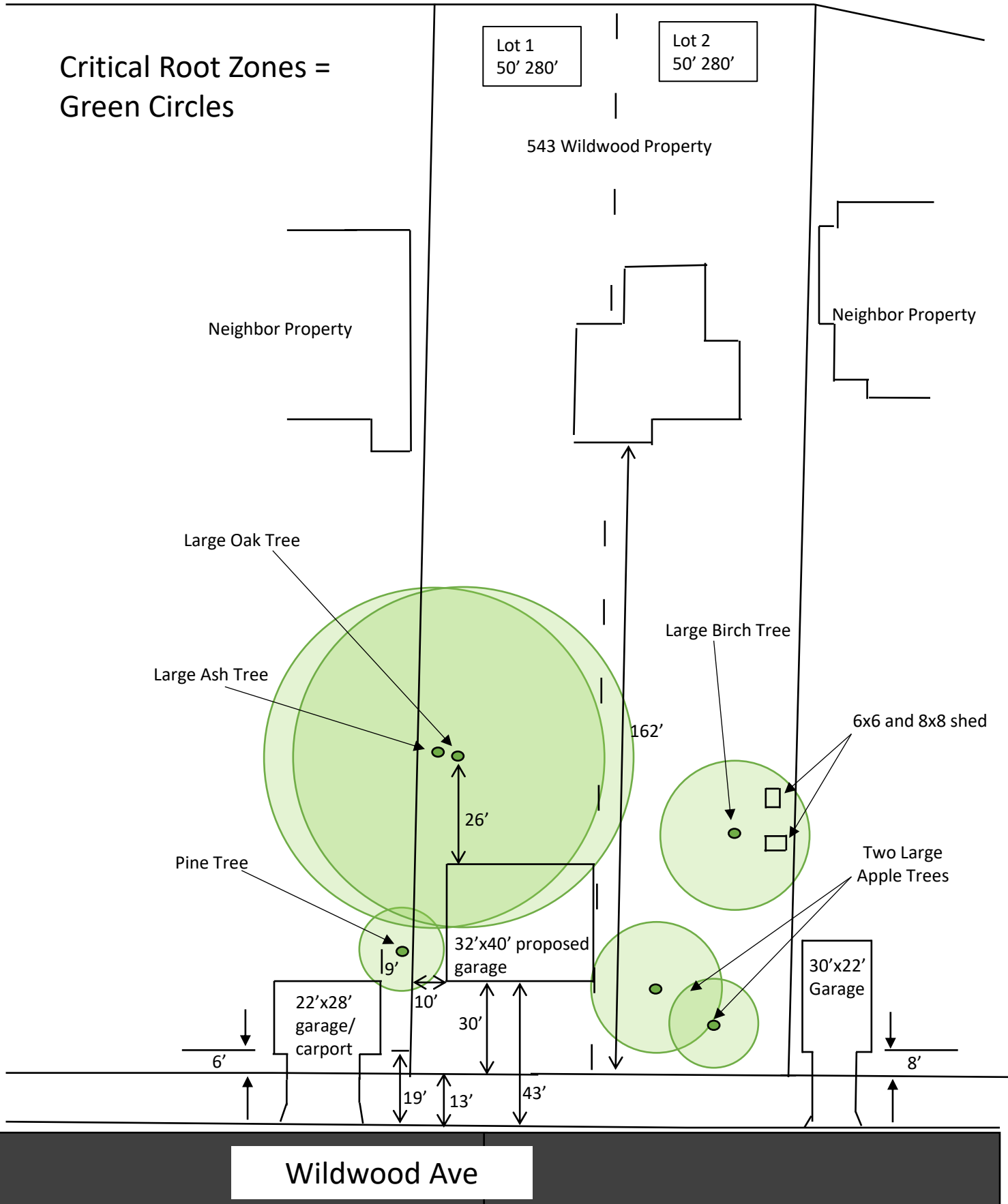
Unique Circumstances

- Practical difficulty exists from unique circumstances of the property, not from self created project design.
- The property contains multiple large mature trees including oak, birch, ash and two apple trees in the front half of the yard, which based on their high sensitivity to soil compaction and root damage makes it not possible to build a garage without significant risk these significant trees.
 - The large oak tree (approx 40" trunk diameter) would be impacted if garage is built on the east side of the property, if built based on 30ft code setback. The minimum critical root zone is 40ft and a safer zone for no dig or construction is 58ft from the tree. The garage built to code setbacks would be only 26ft from the oak and ash (same size) tree, causing significant risk of damage to them. Mature oaks are some of the most sensitive trees to root damage or soil compaction in their critical root zones, as well as having root structures that spread out far and wide from the tree. Whereas pine trees for example are more resilient and adaptable, while also having root structures that are more concentrated near the tree and grow downward, rather than outward like oaks.
- If the garage is moved to the west side of the property, to reduce root zone damage of the oak and large ash tree next to it, it would require the destruction and removal of two mature significant apple trees and encroach on a large mature birch tree critical root zone which risks significant damage to this tree.
- Moving the garage or reducing the size of the garage would not solve the underlying issue because the tree constraints would still remain.
- The proposed garage size represents the minimum necessary for reasonable residential use: accommodates two vehicles with safe clearance, allows functional storage and equipment space, provides adequate maneuverability inside structure. Reducing the depth of the garage to mitigate the root zone impact of the oak or other trees would significantly reduce the reasonable functional use of the garage.

Scaled Sketch of Property and Proposed Garage Location Showing Critical Root Zones Being Impacted - **30ft Setback**

12

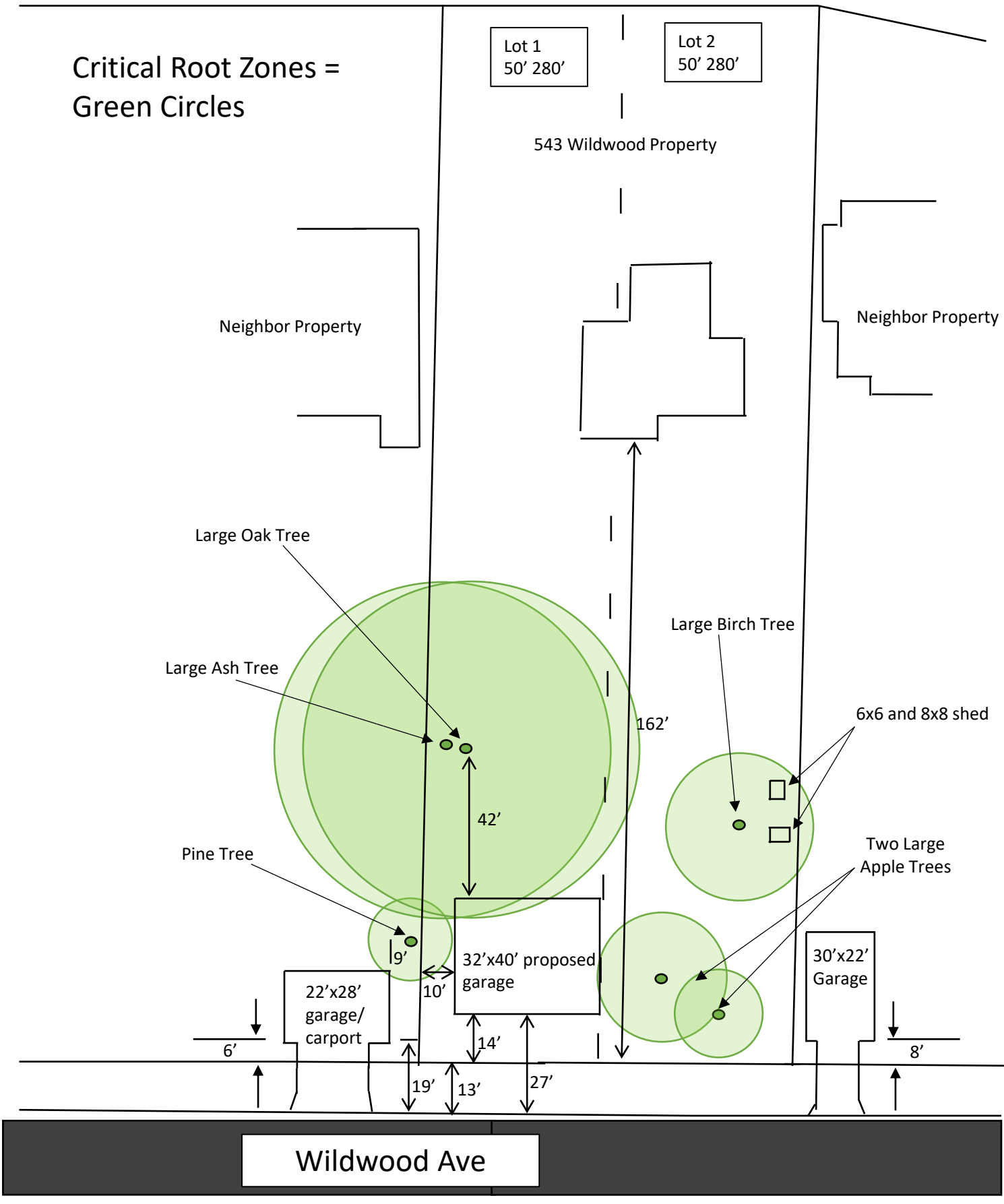
Critical Root Zones =
Green Circles



Scaled Sketch of Property and Proposed Garage Location
Showing Critical Root Zones with **Requested 14ft Setback**

13

Critical Root Zones =
Green Circles



Prevailing Setback Code Exception

- Requesting to vary from section 302.020.2, a variance of 16ft from the street side property setback less than permitted by code (14ft vs 30ft). Requesting an exception to the setback requirement per code section 302.020.4 which allows new structures to conform to the prevailing setback in the immediate vicinity with Council review and approval.

Snap shot of Birchwood code provision used in past requests to Birchwood Planning Commission

REGULAR C PREVAILING SETBACK

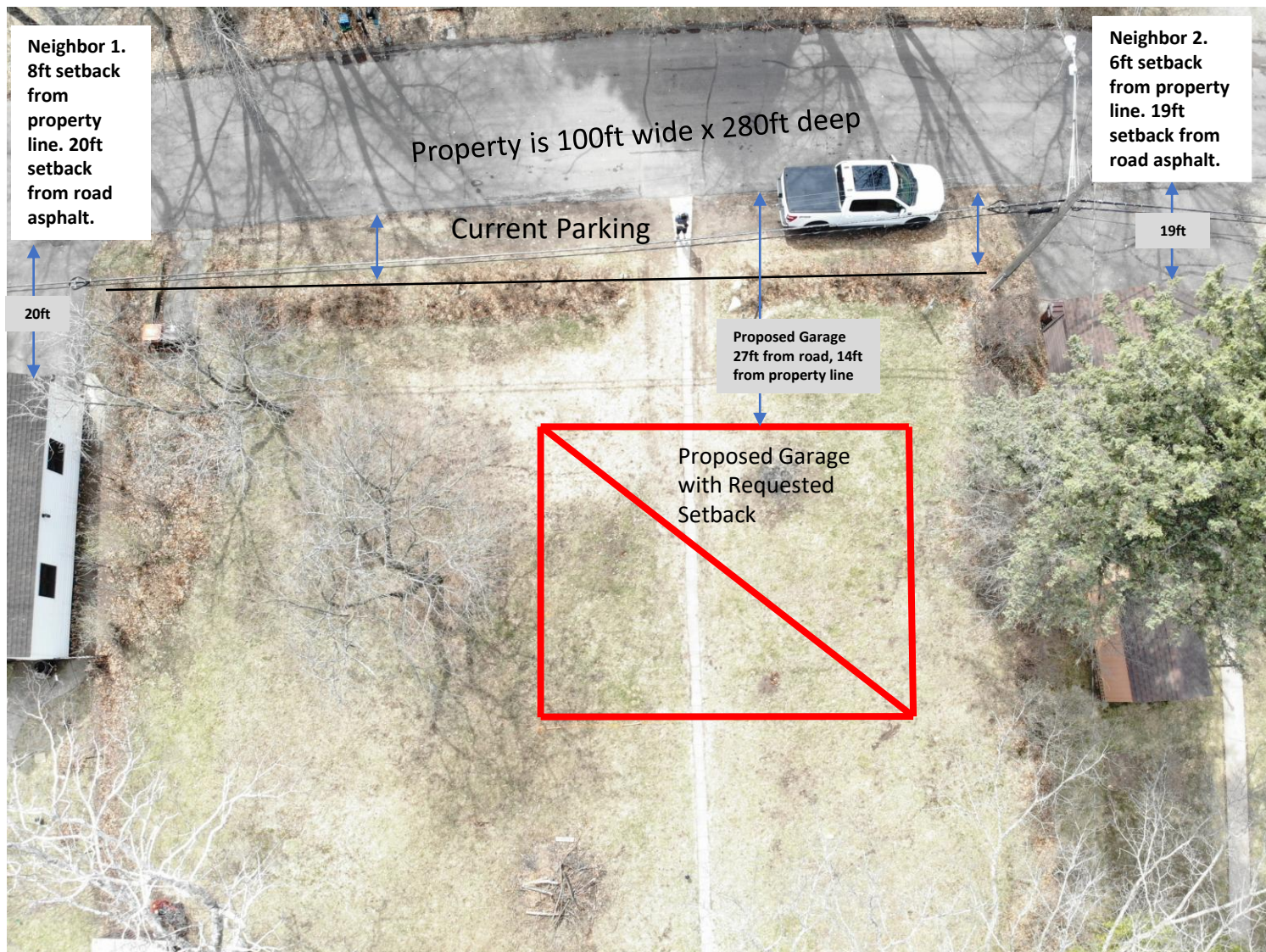
BIRCHWOOD CITY CODE:

302.020.4. 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.

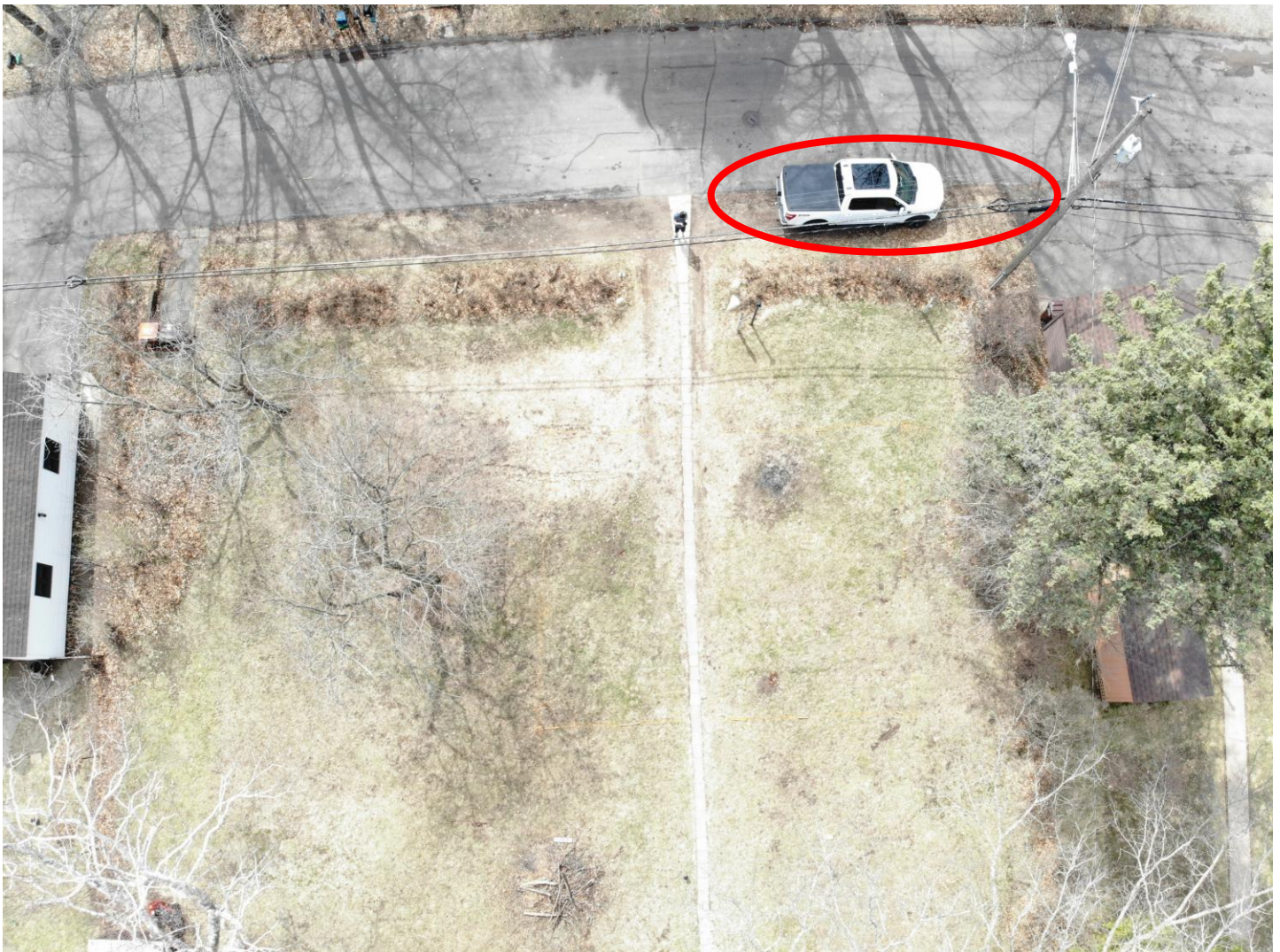
- Both adjacent neighbors (immediate vicinity) have a much less prevailing setback than what is being requested. Neighbor on East side of property has a 6' setback from property line and the neighbor on the West side of property has an 8' setback from property line. The requested 14' setback is a more conservative depth than the prevailing neighborhood pattern. The 14' setback allows equitable use of the property in a reasonable manner while also improving the parking situation that currently exists.

Arial View Showing Setbacks and Requested Setback



Additional Support

- Current parking is directly next to road and located on city right of way. Residents and visitors have to park right off the street without a buffer area for safety.
- New driveway would give 5-10ft of buffer from the road for a car or truck (depending on size) which is significantly more than current parking situation.
- This would also allow the 543 wildwood property owner to bring two sheds that are not aligned with current code for side setbacks (1-2ft setbacks on the sheds) to be removed and bring overall the property more in line with ordinance intent.



Additional Support - Immediate Vicinity Adjacent Properties



Nearby Example

- 517 Wildwood Ave (two properties East down the street). Similar size garage to what is being proposed with a less than code setback.



Nearby Example

- 613 Wildwood Ave (three properties down the street to the West). Similar size garage to what is being proposed with a less than code setback



Image of Large Oak and Ash Tree (East Side)



Image of Large Birch Tree & Two small sheds on West Side



Image of Two Mature Apple Trees on West Side of Property



Summary

- The request comes down to a practical and reasonable site solution. The real issue is not garage size or self created, it is the location of the mature trees and the need to avoid unnecessary damage to their critical root zones. Moving the garage back or reducing its depth does not materially fix that problem. It simply leaves a significantly less functional garage while still creating the same critical root-zone conflict.
- The requested setback also fits the actual development pattern in this area. The prevailing setbacks nearby are already much closer to the front property line, and the code specifically allows that prevailing pattern to be considered. The proposal is therefore not only consistent with the neighborhood, but actually more conservative than the setbacks already established immediately around the property.
- For all of those reasons, this request represents an equitable and responsible use of the property, preserves important natural features, maintains neighborhood character, and is in line with both the intent of the ordinance and the long-term plan.

memo

To: Birchwood Village Planning Commission
Alan Kantrud, City Administrator

From: Ben Wikstrom, Planning Consultant

CC:

Date: April 23, 2026 Meeting

Re: Ordinance Discussion

Marcus and I have reviewed Sections 301 and 302 and highlighted subsections that we believe need work. We will lead the discussion on this topic, and refer to our own notes to request clarification of the broader topics. We will not include the highlighted sections for the packet, as there are too many smaller items and vague clarifications needed that would be overwhelming during a review ahead of the meeting.

In general, here is a list of the subsections we will discuss, with a brief description of the issues we have found:

Section 301

- | | |
|---------|--|
| 301.040 | No more than two accessory structures allowed. By definition (Section 300), a detached garage is considered an accessory structure. Is the intent to allow only one other structure of any kind? |
| 301.055 | Engineer has some questions for clarification related to administration of permits, specific duties, securities, etc. |
| 301.060 | Engineer has questions on hours of activity |
| 301.070 | Clarification needed on Land Disturbance Activities and CUP triggers. Additionally, tennis courts vs. other sports courts, impervious patios, etc. |
| 301.080 | This section needs a lot of work. Both Engineer and Planner have questions related to the types of uses that require zoning permits, exceptions and omissions, etc. |

Section 302

- 302.015 Clarification on Lots of Record needed; date of implementation
- 302.020 Setback chart needs revisions to clarify uses (landscape barriers vs. retaining walls) and setbacks from non-address or non-front streets; discussion on “nominal structures.”
- 302.040 Reference to storage shed; outdated square footage (based on changes to State Building Code), and conflicts with accessory structure definition in Section 300
- 302.045 General discussion on height calculations, methods vs. exhibits, tallest point limitations, grading and filling, etc.
- 302.050 This subsection will be the main topic of potential amendments, as a continuation of March meeting; too many highlights to summarize. Marcus will lead this discussion.
- 302.055 Another subsection that needs many points of clarification/discussion. Marcus will lead. Planner’s questions relate to grading and filling, vegetative alterations, and land disturbance activities standards.
- 302.070 Many points of clarification for fences and requirements, noted by both Engineer and Planner

The discussion will include some references to Section 300, particularly definitions, that conflict with other sections of the ordinance. Most noted above. Some general references to Section 304 and 306 (variances and CUPs) will be needed.