



MEETING OF THE PLANNING COMMITTEE

CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 26th, 2026, @ 7 pm

MEMBERS

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

CALL TO ORDER

ROLL CALL

APPROVE PRIOR MEETING MINUTES (pp 1-8)

OPEN PUBLIC FORUM

AGENDA

A. EDUCATIONAL DISCUSSION FOR PERVIOUS VS IMPERVIOUS PAVER OPTIONS "Best Applications", (Presented by Marcus Johnson, City Engineer) * (pp 9-13)

1. Discuss "Do It Yourselfer" Requirements of Paver Paths, Paver Patios, Etc.
Should criteria be established?

See diagram "A" attached*(p 14)

2. MN Storm Water Manual Resource: Design Criteria for permeable pavement

https://stormwater.pca.state.mn.us/design_criteria_for_permeable_pavement

- a. Discuss What Products to Use—environments and situations can be different

* Denotes items that have supporting documentation provided

b. Paver Manufacturer Examples

<https://unilock.com/product/eco-promenade-ecoterra-ontario/>

<https://www.belgard.com/products/permeable-pavers/>

c. Rochester Permeable Paver Information

See diagram "B" attached* (p 15)

B. VARIANCE FINDINGS AND STAFF QUESTIONNAIRE CHECKLIST

1. Review findings checklist* (pp 16-19)
2. Review staff questionnaire* (pp 20-21)

C. GENERAL DISCUSSION OF CITY CODE SECTIONS 301 AND 302 (Ben Wikstrom)

ADJOURN

* Denotes items that have supporting documentation provided

MEETING MINUTES (Draft)
Birchwood Planning Commission Regular Meeting 12/18/2025
Submitted by Michael Kraemer – Secretary

COMMISSIONERS PRESENT – Acting Chairman – Michelle Maiers-Atakpu, Michael Kraemer, Casey Muhm

COMMISSIONERS ABSENT – Andy Sorenson, Michael McKenzie

OTHERS PRESENT: Ben Wikstrom – City Planner, Marcus Johnson – City Engineer, Jennifer Arsenault – Mayor, Joe and Therese Galatowitsch, Ben Reiss – representing Sue and Al Reiss 127 Wildwood Ave

CALL TO ORDER: Acting Chairman – Michelle Maiers-Atakpu called the meeting to order at 7:00.

APPROVAL OF AGENDA: Motion by Muhm, 2nd by Maiers-Atakpu to approve the agenda. Vote: Yes – 3, No – 0. Motion passed.

OPEN PUBLIC FORUM - None

REGULAR AGENDA

1. **Variance Review 131 Wildwood Ave – Principal Structure (attached garage) east side-yard setback from 10' to 5'.**
 - a. Review Staff Report (Supporting information was provided.)
 - i. City Planner Ben Wikstrom reviewed his staff report and the project history including the decisions forwarded from the March 8, 2025 Planning Commission meeting where the variance(s) for side yard (5') and street frontage (16') setbacks for a free-standing garage had been approved.
 - ii. City Planner Ben Wikstrom introduced a December 15, 2025 memo from Sue and Al Reiss, 125 Wildwood Ave raising concerns related to the proposed variances. (This memo had not been made available to the Planning Commission prior to the meeting. A single copy of the memo was made available from City Engineer and circulated among the Planning Commission at the meeting.)
 1. Concerns in the memo included the following:
 - a. Protection of the city's tree canopy and replacement of significant trees per city code 302.55 (2.d.3 & 3a) (Replacement one for one.) Site plans indicate that 10 of

12 existing legacy trees are proposed to be removed on the site.

i. Finding of Fact:

1. City Engineer indicated that four of the trees to be removed lie within the new house foot print, three lie within the raingarden or retaining wall footprint and three were of marginal condition, safety risk or diseased.
2. The proposed landscaping plan reviewed by City Planner (not in Planning Commission packet) includes the planting of two legacy trees, and 50+ shrub/trees plantings including a hedge buffer along west property line.
3. Planner indicated legacy tree removal and proposed planting plan appeared to be reasonable compliance with the legacy ordinance.

b. Non-compliance with 30' setback of principal structure from roadway right-of-way.

i. Finding of Fact

1. (See discussion below of agenda Item #2. Variance Review for 131 Wildwood Ave – Principal Structure (attached garage) ROW Set-back from 30' to 16'.)

c.

b. Open Public Hearing

- i. Ben Reiss, who was present representing Sue and Al Reiss, 127 Wildwood Ave, was asked to respond as to the accuracy of the memo issues description presented by City Planner Ben Wikstrom. He indicated that Mr. Wikstrom's verbal presentation of the memo's details was an accurate representation of the December 15, 2025 memo.

c. Consider Application

i. Finding of Fact

1. *Is the request reasonable with the general purpose and intent of the ordinance? Why or why not?*
 - a. The 5' dimension is a reasonable compromise from the 10' code considering the 49,5' lot width and limited buildable area on the site.
2. *Are the special conditions or circumstances that are peculiar to the land, structure, or building involve? Why or why not?*

- a. The 49.5' lot width is a common limiting configuration of the platting in Birchwood. This coupled with the bluff line impacts on the lot leaves limited options for building site.
 - b. The attempt to maximize with the roadway setback for principal structure and the attempt to maximize onsite stormwater treatment and off-street parking indicated the proposed 5' setback was a reasonable attempt to comply with the intent of the code.
- 3. *Were the special conditions or conditions or circumstances created by the applicant's action or design solution? Why or why not?*
 - a. Yes, the special conditions were created by the applicant's attempt to maximize with the roadway setback for principal structure and the attempt to maximize onsite stormwater treatment and off-street parking.
- 4. *Will granting the variance result in any increase in the amount of water draining from the property? Why or why not?*
 - a. The proposed surface water management plan minimizes the amount of water draining from the property and provides improved onsite stormwater runoff containment and treatment compared to existing conditions.
- 5. *Will granting a 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? Why or why not?*
 - a. The proposed variance applies only to the placement of the proposed attached garage. The garage placement improves separation of the structure from the city street, increases open space between the structure and the street right-of-way line. The garage location minimizes the impacts of garage activity away from the street which improves street safety and creates locations for stormwater collection and treatment. Landscaping and grading plans resulting from the variance are anticipated to improve stormwater management and to create a positive "green" buffer between the street and adjacent properties.
 - b. The lowering of the roof height below the roofline of the principal structure, the proposed use of increased roof pitch and dormers on the garage's second floor maximizes structure useable space while minimizing the footprint and the "mass" of the structure that might have been allowed by code per a 18' tall. This improves the aesthetics and view-sheds of adjacent properties, and maintains light and air circulation.

6. *A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do.*
 - a. Concerns as presented in the Reiss December 15, 2025 memo were considered in the deliberation on this variance.
7. *Is the applicant proposing a reasonable use for the property under terms of the Zoning Code? Why or why not?*
 - a. The proposed garage size, location and footprint appear to be a reasonable approach for the use of the property. It minimalizes the garage footprint to minimal practical dimensions while maximizing areas for greenspace and stormwater collection and treatment.
 - b. The proposed garage configuration which includes dormers on a second floor affords maximized usage on a minimized footprint.

ii. Assign Conditions

1. Roof height to the peak of the “attached” garage shall be limited to 20.5’ maximum and the roof pitch shall be less than 3 to 12.
2. This 5’ side-yard setback variance applies only to the proposed 21’ x 28’ “attached” garage.
3. All construction activities and impacts shall be confined within the property boundaries including drainage, grading, landscaping and future structure maintenance.

iii. Approve or Deny Variance

1. Advisory Motion: Motion with by Kraemer to approve the 5’ east property line set back variance, with conditions, for the proposed attached garage at 131 Wildwood Ave, 2nd by Muhm. Vote: Yes – 3, No – 0

2. Variance Review for 131 Wildwood Ave – Principal Structure (attached garage) ROW Set-back from 30’ to 16’.

- a. Review Staff Report (supporting documentation provided)
- b. Open Public Hearing – none
- c. Consider Application

i. Finding of Fact

1. *Is the request reasonable with the general purpose and intent of the ordinance? Why or why not?*
 - a. The request is reasonable with the intent of the ordinance. The 16’ setback accomplishes spirit of the code which is setback of structures from the roadway. By maximizing the setback (16’) to what the lot can reasonably accommodate, affords neighborhood with improvement of non-conforming garage location issues. The setback

provides open space separation behind the street ROW and adds off-street parking. The installation of an internal site driveway and increased garage set back from the street right-of-way improves sight distances and reduces the blind traffic movements of vehicle backing on to the an already congested roadway.

2. *Are the special conditions or circumstances that are peculiar to the land, structure, or building involve? Why or why not?*
 - a. The lot size and bluff line location minimize the amount of practical buildable lot depth. Achieving the 30' setback would not be practical.
3. *Were the special conditions or conditions or circumstances created by the applicant's action or design solution? Why or why not?*
 - a. The lot size and bluff line restrictions were pre-existing and not the result of the applicant. The ability to respond to the site limitations and code limited the options available to the applicant. The applicant's design incorporated minimal practical garage footprint and resulted in the proposed 16' foot street setback.
4. *Will granting the variance result in any increase in the amount of water draining from the property? Why or why not?*
 - a. No increase. The proposed surface water management plan utilizing pervious pavers and rain gardens minimizes the amount of water draining from the property and provides improved onsite stormwater runoff containment and treatment compared to existing conditions.
5. *Will granting a 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? Why or why not?*
 - a. The proposed variance applies only to the placement of the proposed attached garage. The garage placement improves separation of the structure from the city street, increases open space between the structure and the street right-of-way line. The garage location minimizes the impacts of garage activity away from the street which improves street safety and creates locations for stormwater collection and treatment. Landscaping and grading plans resulting from the variance are anticipated to improve stormwater management and to create a positive "green" buffer between the street and adjacent properties.
 - b. The lowering of the roof height below the roofline of the principal structure, the proposed use of increased roof

pitch and dormers on the garage's second floor maximizes structure useable space while minimizing the footprint and the "mass" of the structure that might have been allowed by code per a 18' tall. This improves the aesthetics and view-sheds of adjacent properties, and maintains light and air circulation.

6. *A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do.*
 - a. Concerns as presented in the Reiss December 15, 2025 memo were considered in the deliberation on this variance.
7. *Is the applicant proposing a reasonable use for the property under terms of the Zoning Code? Why or why not?*
 - a. The existing size of the lot and the proximity of the lake's bluff line limited the lot's buildable footprint and the amount of street setback that could be accomplished by a relocated garage. The original garage was approximately the same size and located against the street ROW with no setback.
 - b. The proposed 16' garage setback and the installation of the driveway interior to the property provided increased on-site parking, increased street site distances, reduces vehicle conflicts is a reasonable use of the property.

ii. Assign Conditions –

1. Roof height to the peak of the "attached" garage shall be limited to 20.5' maximum and the roof pitch shall be less than 3 to 12.
2. This 16' street setback variance applies only to the proposed 21' x 28' "attached" garage.

iii. Approve or Deny Variance

1. Advisory Motion: Motion by Muhm, 2nd by Maiers-Atakpu to approve the variance accepting the 16' street setback for the attached garage with conditions. Vote: Yes – 3, No – 0

3. Variance Review for 131 Wildwood Ave – Impervious Surface

- a. Review Staff Report (Supporting information was provided)
- b. Open Public Hearing - none
- c. Consider Application

i. Finding of Fact

1. *Is the request reasonable with the general purpose and intent of the ordinance? Why or why not?*

- a. The information provided in the application indicated the applicant will comply with all the code requirements to accommodate a site impervious surface percentage in excess of 30%. Appears the applicant request is reasonable and complies with the general purpose and intent of City Ordinance 302.050. (6).
2. *Are the special conditions or circumstances that are peculiar to the land, structure, or building involve? Why or why not?*
 - a. The site is an under-sized riparian lot. The size of the lot coupled with the sizing of structures and impervious site treatment is creating impervious surfaces in excess of 30%.
3. *Were the special conditions or conditions or circumstances created by the applicant's action or design solution? Why or why not?*
 - a. Yes, the special conditions were created by the applicant's creation of impervious surfaces on the lot and the properties proximately to the shoreline of White Bear Lake. City code requires impervious surfaces in excess of 30% require establishment of a Riparian Buffer planting area equivalent to 8% of the shoreland impact zone for every 1% the impervious surface percentage exceeds 25%.
4. *Will granting the variance result in any increase in the amount of water draining from the property? Why or why not?*
 - a. The proposed surface water management plan minimizes the amount of water draining from the property and provides improved onsite stormwater runoff containment and treatment compared to existing conditions.
 - b. The City Engineer has reviewed the stormwater Management Plan and is supports its completeness.
5. *Will granting a 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? Why or why not?*
 - a. The implementing the surface water management plan proposed for the site will have little impact on surrounding properties other than to improve surface water treatment and control.
6. *A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do.*
 - a. Concerns as presented in the Reiss December 15, 2025 memo were considered in the deliberation on this variance.

7. *Is the applicant proposing a reasonable use for the property under terms of the Zoning Code? Why or why not?*

- a. The use of impervious surfaces and the proposed surface water management plan appears to be reasonable application and in compliance with existing code.

ii. Assign Conditions

- 1. Compliance with City Code 302.050.(3-8) – Impervious Surface in excess of 30%.
 - a. This shall include but not be limited to
 - i. Stormwater Management Plan
 - ii. Development of Maintenance Agreement
 - iii. Filing of Variance, Permit, and Maintenance Agreement with Washington County
- 2. Completion of Infiltration test identified in the City Engineer's 12.8.2025 review letter shall be performed and resultant requirements be approved by City Engineer and Planner.
- 3. Stormwater management plan be detailed to satisfaction of City Engineer and filed with deed.

iii. Approve or Deny Variance

- 1. Advisory Motion: Motion by Kraemer, 2nd by Maiers-Atakpu to approve the variance to exceed the 30% impervious surface percentage with conditions. Vote: Yes – 3, No – 0

APPROVE MINUTES - Meeting of March 6, 2025

1. Motion by Muhm, 2nd by Maiers-Atakpu to approve the edited minutes. Vote: Yes – 3, No - 0. Motion passed.

APPROVE MINUTES - Meeting of August 28, 2025

1. Motion by Kraemer, 2nd by Muhm to approve the minutes. Vote: Yes – 3, No - 0. Motion passed.

ADJORN: Motion by Maiers-Atakpu, 2nd by Muhm - to adjourn the meeting at 8:36 PM. Vote: Yes – 3, No – 0. Motion passed.



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MEMORANDUM

Date: 2/11/2026

To: City of Birchwood Village – Planning Commission

From: Marcus Johnson, PE – City Engineer

Subject: Pervious Pavers vs Non-Pervious Pavers and Their Best Applications
City of Birchwood Village
Project No.: 131471

Introduction

The purpose of this memo is to provide an overview of pervious (permeable) pavers versus non-pervious (traditional) pavers, identify their appropriate applications, and summarize relevant standard practices in Minnesota.

Pervious vs. Non-Pervious Pavers

Pervious Pavers

Pervious pavements—including pervious concrete, porous asphalt, and permeable interlocking concrete pavers (PICP)—are designed to allow stormwater runoff to infiltrate through surface voids into an underlying aggregate reservoir for temporary storage and/or infiltration. These systems can reduce stormwater runoff volume, support water quality treatment, and recharge groundwater where soil conditions allow. Municipal examples in Minnesota include installations in Mound, Blaine, Saint Paul, and the University of Minnesota.

Advantages:

- Significant reduction in stormwater runoff and pollutant loads, including sediment, phosphorus, and nitrogen. Long-term studies show 65–95% pollutant removal efficiencies.
- Reduced need for de-icing chemicals due to improved surface drainage.
- Helps meet state and watershed stormwater management requirements through volume control and infiltration (or filtration when infiltration is not practical).

Limitations:

- Not recommended for areas with heavy truck traffic or high-speed roadways due to structural performance not yet proven for repetitive heavy loadings.

- Sensitive to sediment loading, requiring pretreatment and ongoing maintenance such as vacuum sweeping.
- Improper construction practices can lead to immediate clogging or premature failure.

Non-Pervious Pavers

Conventional concrete, asphalt, and traditional interlocking pavers are designed to be impermeable, causing rainfall to run off into storm sewer systems or adjacent areas. These pavements do not provide stormwater treatment and may contribute to increased runoff volume, pollutant transport, and localized flooding.

Advantages:

- Proven long-term structural performance for heavy traffic and high-speed environments.
- Lower maintenance requirements compared to pervious systems.
- Less sensitive to construction sequencing and sediment control.

Limitations:

- Generates more runoff and typically requires supplemental stormwater infrastructure to meet regulatory requirements.
- Does not provide infiltration or water quality benefits.

Best Applications

Appropriate Uses for Pervious Pavers

Pervious systems are best suited for:

- Low-traffic residential streets, alleys, parking lots, sidewalks, driveways, plazas, and patios.
- Sites where groundwater recharge, reduced runoff, or pollutant removal are desired design outcomes.

Appropriate Uses for Non-Pervious Pavers

Traditional (impervious) pavements are generally preferred for:

- High-traffic corridors, commercial truck areas, and areas with significant structural demands.
- Locations where infiltration is not feasible due to soil conditions, pollution risks, or groundwater concerns.

Standard Practices in Minnesota

Minnesota follows guidance from the **Minnesota Pollution Control Agency (MPCA)** and the **Minnesota Stormwater Manual** for design, installation, and maintenance of permeable pavement.

Key Standard Practices Include:

1. Design Requirements

- Pervious systems must incorporate an aggregate reservoir, optional underdrains, and geotextile separation, designed according to anticipated runoff volumes and freeze-thaw conditions.
- Contributing drainage areas must be stabilized to prevent sediment clogging; run-on from vegetated areas should be minimized.

2. Construction Standards

- Permeable pavement areas must be protected from sediment during construction using silt fencing and controlled access.
- Heavy equipment should be kept off permeable areas to avoid subgrade compaction.
- Sequence of construction is critical and must follow MPCA-recommended procedures.

3. Maintenance Protocols

- Routine vacuum sweeping is necessary to maintain infiltration performance.
- Surface clogging may require replacement of filter media in heavily loaded areas.

4. Regulatory Considerations

- Designs must comply with the MPCA NPDES Construction Stormwater Permit, watershed district rules, and local stormwater ordinances.

Below are east-metro examples of where pervious pavers are recognized for impervious credit:

1. Woodbury

Woodbury does not operate its own stormwater-utility credit program; instead, it uses watershed district rules (notably the Ramsey-Washington Metro Watershed District, RWMWD) and MIDS performance standards to determine effective impervious reduction for development projects.

- Projects using permeable pavement to meet infiltration/filtration requirements can reduce their required stormwater treatment volume, because RWMWD accepts infiltration-based credits calculated using Minnesota Stormwater Manual credit methodologies (e.g., 100% volume reduction for infiltrated water).
- In Woodbury development reviews, permeable pavement is often counted as pervious area, or “managed impervious,” when full infiltration is demonstrated—effectively lowering the project’s impervious surface footprint.

2. Oakdale

Oakdale falls under both the Valley Branch Watershed District (VBWD) and RWMWD depending on location. These watershed districts allow infiltration practices—including permeable pavement—to replace required stormwater BMP volume.

- VBWD and RWMWD apply Minnesota Stormwater Manual credit values when determining if a site meets required runoff-reduction goals.
- As a result, developers using pervious pavers can often claim full credit for infiltrated water and reduce the amount of structural stormwater treatment (basins, vaults, etc.) they would otherwise need.

3. Maplewood

Maplewood is entirely within the Ramsey-Washington Metro Watershed District, which has longstanding acceptance of permeable pavement as a volume-control BMP.

- RWMWD's regulatory framework relies on Minnesota Stormwater Manual removal efficiencies and volume-credit calculations.
- For projects in Maplewood, permeable pavement is commonly credited as a stormwater volume-reduction practice, reducing the effective impervious area used in stormwater sizing.

4. Lake Elmo

Lake Elmo is primarily within the Valley Branch Watershed District, which recognizes permeable pavement for infiltration credit.

- Through VBWD review, pervious pavers can receive infiltration-based impervious credit when demonstrating adequate soil infiltration rates.
- Credit calculations again follow the Minnesota Stormwater Manual, such as 100% credit for infiltrated water and pollutant-removal efficiencies for underdrain systems.

5. Cottage Grove

Cottage Grove lies under the South Washington Watershed District (SWWD), which uses MIDS and Manual-based infiltration credits.

- Permeable pavement is accepted as an infiltration BMP, allowing developers to meet required volume-reduction goals and reduce effective impervious area.
- The same statewide credit values (TSS, TP, volume capture) apply to determine how much impervious reduction is granted.

Summary of East-Metro Standard Practice

Unlike Minneapolis (which offers direct fee-based credits), east-metro cities generally:

1. Do not run standalone stormwater-utility credit programs
2. Grant impervious-surface credit through watershed-district stormwater permits
3. Use Minnesota Stormwater Manual credit values to determine compliance and impervious surface adjustments.

The result is that permeable pavements are fully integrated into east-metro stormwater regulation and often provide:

- 100% volume credit,
- Reduced effective impervious area, and Reduced required stormwater infrastructure, making them highly valuable in redevelopment and stormwater-constrained sites.

Conclusion

Pervious pavers offer substantial stormwater management and environmental benefits when applied in suitable low-traffic contexts with proper design and maintenance. Traditional pavers remain the preferred option for structurally demanding applications. Minnesota provides clear standards through the MPCA and Minnesota Stormwater Manual to ensure permeable pavements perform effectively when selected. In addition to statewide credit methodologies, permeable pavement installations in the East Metro Area receive impervious credit primarily through watershed district permitting, developer review processes, and volume-reduction compliance pathways guided by the Minnesota Stormwater Manual. The Manual provides the pollutant-removal and infiltration credit framework—including 74% TSS removal and 41% phosphorus removal for underdrain systems, and 100% volume credit for fully infiltrating systems—forming the technical basis that east-metro communities and watershed districts use to assign credits.

DIAGRAM A

Approvable vs non approvable paver systems

The general public thinks if I they purchase some rock and pavers from a building center that they may make their own pervious paver system---that is not the case. We have received (and rejected) submittals that aren't pervious pavers that are similar to the photo on the right verses the left.

Consider clearer ordinances for clarification of what is acceptable.





Figure 3. A large PICP parking lot manages an overall site slope of 12% using terraced areas.

- Surface cleaning with standard vacuum equipment
- Clogged surfaces may be restored with vacuum equipment to reestablish high infiltration rates

SYSTEM BASICS

PICP is recommended in the following areas:

- Residential patios, walks and driveways.
- Walks, parking lots, main and service driveways around commercial, institutional, recreational and cultural buildings.
- Low speed (<35 mph or 56 kph) residential roads.
- Non-commercial boat landings and marinas.
- Storage areas for shipping containers with non-hazardous contents.

When evaluating a site, the following characteristics should be considered:

- Runoff from contributing at-grade impervious areas does not exceed five times the area of the PICP receiving the runoff.
- The estimated depth from the bottom of the pavement base, for full or partial infiltration systems, to the seasonal high level of the water table is greater than 2 feet (0.6 m). Greater depths may be required to obtain additional filtering of pollutants through the soil.
- PICP is down slope from building foundations and the foundations have piped drainage at the footers. Waterproofing such as an impermeable liner is recommended on basement walls against PICP.
- The slope of the permeable pavement surface should be less than 12% and is typically 5% or less. Figure 3 illustrates parking lot near Atlanta, Georgia that uses terraced levels to address the slope of 12% across the site.
- At least 100 ft (30 m) should be maintained between PICP and water supply wells. (Local jurisdictions may provide additional guidance or regulations.)
- Sites where the owner can meet maintenance requirements.
- Sites where runoff draining onto PICP surface is not from soil erosion, exposed topsoil or mulch.
- Sites where there will not be an increase in impervious cover draining into the PICP (unless the pavement is designed to infiltrate and store runoff from future increases in impervious cover due to future development).
- Sites where space constraints, high land prices, tree/green space conservation, land used by detention facilities, and/or runoff from additional development make PICP a cost-effective solution.
- Sites outside permafrost regions

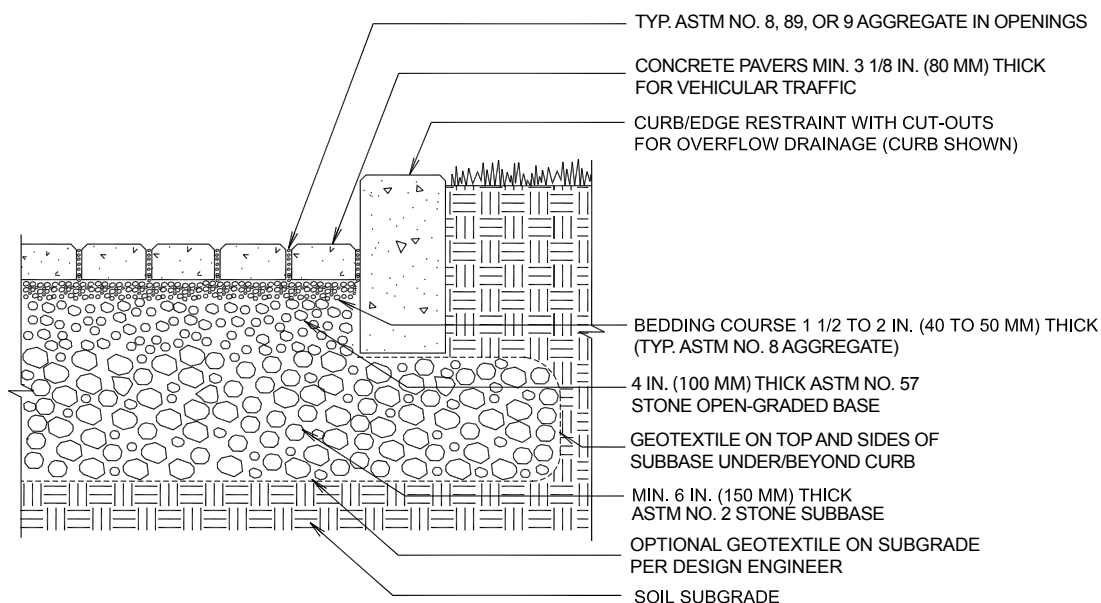


Figure 4. Full infiltration cross section allows storage and infiltration. Overflows are to swales, bioretention areas or storm sewer inlets.



BIRCHWOOD VILLAGE

Variance 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).

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

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

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.)*

[illegible]

City of Birchwood Village

Variance Staff Checklist

All applications for variances may be referred to the Planning Commission which may conduct public hearings as directed by the City Council or city policy, and forwarded with or without recommendations directly to the City Council, which shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. § 462.357, Subd. 6, as it may be amended from time to time for its decision.

Application for Variance. A variance application shall be submitted by the property owner to the City Administrator on forms provided by Birchwood Village. Applicants shall provide all information as required for the administration of City Code 304.

___ The legal description of the real property on which the system will be located.

___ The names and addresses of the owners of all properties situated wholly or partially within 200 feet of the property as such appears on the records of the Washington County Recorder and any person having a legal interest therein.

___ A site plan showing all pertinent dimensions, buildings, structures and significant natural features having an influence on the variance.

___ Copies of any required municipal, city, state, federal or watershed permits or approvals.

___ A statement identifying the specific provision(s) in the ordinance from which the variance is requested.

___ The reasons why compliance with the provision(s) is difficult or inappropriate.

___ The alternative measures that will be taken to ensure a comparable degree of compliance with the intention of the applicable provision(s).

___ Drainage and stormwater plan (if applicable).

___ Cost considerations(construction, materials, landscaping, labor ect.).

___ Other relevant information requested by the City of Birchwood as necessary to properly evaluate the variance request.

___ Application fee.

___ Site Investigation. Upon receipt of the variance application, the City of Birchwood Village shall decide if a site investigation conducted by the City is necessary. After the necessary information has been gathered, the City shall make a written recommendation to approve or deny the variance to the city council.

___ Notification. Written notice of the variance application shall be sent to property owners of record within 200 feet of the affected property wherein the variance is proposed, and submit a copy to the DNR. The written notice shall be given not less than 10 days prior to the date of the meeting at which the variance application will be considered by the city council. The failure of any person to receive such notification shall not invalidate the proceedings.

___ Notification. Publication will be sent to the White Bear Press 14 days prior to the meeting date to meet the public notice requirement.

Variance Factors required for approval. The variance may be granted provided that:

___ The conditions causing the practical difficulties are unique to the property and were not caused by the action of the applicant.

___ The granting of the variance will not be contrary to the public interest or damaging to the rights of another person or to property values in the vicinity.

___ The property owner would have no reasonable use of the land without the variance.

___ The granting of the variance would not allow a prohibited use.

___ The granting of the variance would be in accordance with Minn. R. chs. 7080, 7081, 7082.

CONDITIONS. The city council may impose conditions in granting the variance to ensure compliance and to protect the public health, safety, or welfare. Each violation of any condition set forth in the variance shall be a separate violation of this ordinance subject to enforcement and shall be sufficient grounds for terminating the variance.

DENIAL OF VARIANCE. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six months from the date of said denial, except on the grounds of relevant new evidence or proof of a significant change of conditions.

APPEAL. Any person aggrieved by the decision of the city council may appeal the decision to the City Administrator within 30 days after the date of such order, requirement, decision or determination. The appeal shall fully state the order to be appealed and the relevant facts of the matter.

IF DENIED the City Administrator shall send a notice of denial to the applicant within 7 days stating the reasons for such action.