

MEETING MINUTES

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.