

MEETING MINUTES

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 4/24/2025

Submitted by Michael Kraemer – secretary

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

COMMISSIONERS ABSENT: Michael McKenzie

OTHERS PRESENT: City Council Members – Ryan Hankins, Ryan Eisele, Scott Hildebrand, Sue and Mike Tschida, Kathy Madore, Ben Wikstrom, Carson Schifsky, Bridget Sperl

1. CALL TO ORDER: Chairman - Sorenson called meeting to order at 7:00 PM.
2. PUBLIC FORUM
 - a. None
3. APPROVE AGENDA
 - a. Motion by Maiers-Atakpu, 2nd by Kraemer to approve agenda. Vote: Yes -4, No – 0. Motion passed.
4. APPROVE MINUTES – Minutes from March 6, 2025 special meeting were distributed at the meeting but were tabled since no one had a chance to review them.
5. REGULAR AGENDA
 - a. Item A – Variance(s) Review – Retaining Wall Construction 425 Lake Ave.
 - i. Public Hearing
 1. Kathy Madore and Sue Tschida requested retaining wall information details:
 - a. What is the plan for the downspouts from 425 that direct drainage toward north property line.
 - i. Carson Schifsky contractor for 425 Lake Ave responded the drainage would be directed toward lake and away from the property line.
 - ii. He also indicated yard drainage would be captured in rain garden in NE corner of the lakeside yard of 425 lake parcel.
 - ii. Variance #1 – i. 302.050, Impervious Surfaces and Lot Coverage.
 1. Findings of Fact – Review letter from City Engineer – Marcus Johnson dated 4.21.2025 recommended to consider the retaining walls impervious contribution as de minimis.
 2. Advisory Motion by Maiers-Atakpu, 2nd by Muhm: As a result of City Engineer recommendation, it is recommended there is no

need for this variance and the application for variance be waived.

Advisory Vote: Yes – 4, No – 0.

- iii. Variance #2 – ii. 302.005.2.a.4, Land Disturbances Activity Standards [no grading or filling shall be permitted within 20 feet of the OHWL of White Bear Lake.

a. Finding of Fact

i. Per Planning Commission Meeting 6.27.2024:

1. 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.
2. 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.
3. A retaining wall within the OHWL setback is a reasonable solution and is a reasonable request to mitigate the problem.
4. The retaining wall construction will trigger and provide the opportunity to reconstruction deteriorating existing wooden stairway system.
5. The character of the neighborhood would not be altered with approval of the variance.
6. Neighborhood property values will not be diminished with approval of the variance and construction of the wall.
7. The construction of the wall as proposed will not increase the amount of water draining from the property.
8. The construction of the wall will not impair an adequate supply of light and air to the adjacent properties.
9. The variance was evaluated on its own merits and the decision was not influenced by input from outside parties.
10. The proposed wall construction and resultant site is a reasonable use for the property under the terms of the Zoning Code.

- ii.* (per PC discussion 4.24.2025) disturbances of grading and filling within 20 feet of the OHWL are required to construct the retaining wall solution.

b. **Planning Commission Recommendation:**

- i.* **Advisory Motion** by Kraemer, 2nd by Maiers-Atakpu: The City Council consider granting the variance **with conditions**. Advisory vote: Yes – 4, No – 0.
- ii.* **Conditions:** Planning Commission recommendation of approval of the variance is contingent on compliance with the following conditions.
 - 1. Applicant submit grading and drainage plans and obtain City Engineer approval.
 - 2. Applicant submit raingarden plans for City Engineer review and gain approval.
 - 3. Applicant submit detailed retaining wall plans prepared by a certified engineer (as required by City code for walls over 4' in height) for City Engineer review and obtain approval.
 - 4. Applicant submit plans for stairway and landing replacement and obtain City Engineer approval.
 - 5. Stairway and landings meet all codes and meet City code for consideration as impervious.
 - 6. The applicant receives approval of all necessary jurisdictional permits.
 - 7. The applicant receives approval of the design, calculations, and plans by the City engineer, City planner, and City building official as applicable.
 - 8. No increase in runoff onto adjacent properties.

iv. **Variance #3 - ii. 302.055.b7b3, requires protective buffer strip of vegetation at least 16.5' back from OHWL.**

a. **Finding of Fact**

- 1. Carson Schifsky – Contractor verbally indicated he will move the retaining wall so this variance requirement is not necessary.

2. Advisory Motion by Maiers-Atakpu, 2nd by Muhm to recommend this variance be denied since it is no longer necessary per the contractor's input. Advisory Vote: Yes – 4, No – 0.

ADJOURN 8:40 PM

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