



**AMENDED AGENDA OF THE
PLANNING COMMITTEE MEETING**

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
December 18th, 2025
7:00 P.M.**

Planning Committee

Andy Sorenson, Chair
Mike Kramer, Secretary
Michelle Maers
Michael McKenzie
Casey Muhm
Ryan Hankins, Council Liaison

APPROVE AGENDA

OPEN PUBLIC FORUM

A. Variance Review for 131 Wildwood Ave

Principle Structure (attached garage) east side-yard setback from 10' to 5'.

- 1. Review Staff Report***
- 2. Open Public Hearing**
- 3. Consider Application**

i. Make Findings of Fact

- 1. Is the request reasonable with the general purposes and intent of the ordinance? Why or why not?**
- 2. Are there special conditions or circumstances that are peculiar to the land, structure, or building involved? Why or why not?**
- 3. Were the special conditions or circumstances created by the applicant's action or design solution? Why or why not?**
- 4. Will granting a variance result in any increase in the amount of water draining from the property? Why or why not?**
- 5. Will granting the 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?**

*** Denotes items that have supporting documentation provided**

6. A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do?

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

4. Assign Conditions

5. Approve or Deny Variance*

B. Variance Review for 131 Wildwood Ave

Principle Structure (attached garage) ROW setback from 30' to 16'.

1. Review Staff Report*

2. Open Public Hearing

3. Consider Application

i. Make Findings of Fact

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

2. Are there special conditions or circumstances that are peculiar to the land, structure, or building involved? Why or why not?

3. Were the special conditions or circumstances created by the applicant's action or design solution? Why or why not?

4. Will granting a variance result in any increase in the amount of water draining from the property? Why or why not?

5. Will granting the 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?

6. A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do?

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

* Denotes items that have supporting documentation provided

4. Assign Conditions
5. Approve or Deny Variance*

**C. Variance Review for 131 Wildwood Ave
Impervious Surface**

1. Review Staff Report*
2. Open Public Hearing
3. Consider Application

i. Make Findings of Fact

1. Is the request reasonable with the general purposes and intent of the ordinance? Why or why not?
2. Are there special conditions or circumstances that are peculiar to the land, structure, or building involved? Why or why not?
3. Were the special conditions or circumstances created by the applicant's action or design solution? Why or why not?
4. Will granting a variance result in any increase in the amount of water draining from the property? Why or why not?
5. Will granting the 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?
6. A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do?
7. Is the applicant proposing a reasonable use for the property under terms of the Zoning Code? Why or why not?

4. Assign Conditions
5. Approve or Deny Variance*

APPROVE MINUTES---Meeting of March 6th, 2025*

APPROVE MINUTES---Meeting of August 28th, 2025*

ANNOUNCEMENTS

ADJOURN

* Denotes items that have supporting documentation provided

STAFF REPORT

Meeting Date(s): December 18, 2025 Planning Commission
January 13, 2026 City Council (Anticipated)

Scope: **Variances** - Principal Structure Side- and Front (ROW) Yard Setbacks; Impervious Surface >30%

Applicant: Joe and Therese Galatowitsch, owners

Representative: Joe Galatowitsch
Property Location: 131 Wildwood Avenue

Report prepared by Ben Wikstrom, Planning Consultant

ATTACHMENTS

1. Application with narrative
2. Elevations
3. Exhibit depicting proposed improvements
4. Survey depicting proposed setbacks and impervious surface
5. Engineer's review letter (re: impervious surface)

BACKGROUND

Joe and Therese Galatowitsch were previously approved, through multiple variances, for construction of a new, single-family home and detached garage on the property at 131 Wildwood Avenue.

The aerials shown below, from 2023, are the latest available from Washington County. The updated survey, attached to this report, shows both existing conditions (improvements in process) and proposed construction.



SURROUNDING USES

North: White Bear Lake
East: Single-family home
South: Wildwood Avenue and single-family homes
West: Single-family home



There are many instances of non-conformities in the surrounding neighborhood, as evident in this Washington County aerial.

The applicants did combine the two lots that made up the property, as required as a condition of approval of the previous variances.

PROPOSED CONSTRUCTION

The applicants are in the process of constructing a two-story home with a walkout basement with an attached deck, and have generally completed lakeside landscaping and retaining walls. The house plans were in process at the time of the previous approvals, with determination needed from the City on what the allowed setbacks would be, which affected the design and potential height. Those plans were completed and approved via building permit in mid-2025, and construction is ongoing.

The variance applications being considered in this report relate to the proposed garage, as well as a slight increase in impervious surface from the previous approvals. The garage was originally intended to be detached, with a conceptual design shown at the time the setback variances for that structure were approved. A previous, non-conforming (in placement) detached garage was removed from the property, and the City approved variances for a new location, which slightly increased the setback from the eastern property line (previously 4'+, approved at 5'), and greatly increased the setback from the right-of-way of Wildwood Avenue (previously 0', approved at 16'). Both of these setbacks, while substandard, were seen as improvements and reasonable requests, and were approved with limited discussion in early 2025.

Following those approvals, the applicants submitted a building permit application for the detached garage that showed a building height of 21'9", which exceeded the ordinance requirements of 18' maximum. The applicants proceeded to begin a redesign to meet the height requirement, but also wanted to attach the garage to the porch of the principal structure via a breezeway. This idea triggered a number of items to consider. First, attaching the garage to the home - even via breezeway - would make the garage part of the principal structure, meaning the previously approved setbacks for the detached garage would no longer be valid and the (now attached) garage in the same location would require *principal structure* setback variances. The ordinance requires the same setbacks for principal and accessory structures anyway, but the footprints were now proposed to be connected. Second, the construction of the breezeway would increase the proposed impervious surface on the lot by 1-1.5%, which would result in a total impervious surface percentage exceeded 30%. The applicant had been approved for a 29.2% impervious total through review by the City Engineer of stormwater

calculations and design; however, any total over 30% impervious requires a variance with a few additional submittal items. And third, if the garage becomes attached, the 18-foot height limit for detached garages no longer applies, and the attached garage could be built up to the height of the tallest point of the principal structure (assuming the revised calculations would not bring the average height of the overall structure over 30', which would be rare and in this case they would not result in an increase).

The proposed construction would require approval of the following variances:

- **Principal structure setback from the right of way (front property) line of 16', a variance of 14' from the ordinance requirement of 30'**
- **Principal structure setback from the eastern (side) property line of 5', a variance of 5' from the ordinance requirement of 10'**
- **Impervious surface exceeding 30%**

VARIANCES

As you will remember from prior applications, recommendations and decisions on variances are to be considered based on these criteria, as excerpted from the zoning ordinance:

SUBD. 1.

A. Variances shall only be permitted

- i. when they are in harmony with the general purposes and intent of the ordinance and*
- ii. when the variances are consistent with the comprehensive plan.*

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that:

- i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.*
- ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.*
- iii. The granting of a variance will result in no increase in the amount of water draining from the property.*
- iv. Granting the variance will not 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.*
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.*
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.*

Perhaps a clearer understanding of how "practical difficulties" are determined is found by a League of Minnesota Cities summary of their relation to State Statute:

A. Practical difficulties

"Practical difficulties" is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

1. Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or that does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

2. Uniqueness

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

For the setback variances, the following table applies:

<u>Lot line or Land Boundary</u>	<u>Fences and Landscaping Barriers</u>	<u>Driveways & Walkways</u>	<u>All Other Structures</u>
Municipal Street and County Road Front, Back, and Side Lot Line	10 ft.	0	30 ft.
Municipal street or County Road Front, Back, And Side Lot Line for Non address side of Corner lot	10 ft.	0	25 ft.
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

A. Principal Structure (attached garage) east side yard setback of 5 ft.

Ordinance

See table above. 10-foot setback applies.

Applicants' comments

See the applicants' narrative, which details how the proposed construction meets the intent of the ordinance, the criteria for variances, the practical difficulty test, etc.

Staff comment

From the previous application, most of which still stands: The applicants' comments are correct, in that this is an improvement to a non-conforming situation versus a rebuild in the same location, as is allowed. While the garage footprint will take a slightly different shape, the overall size is slightly smaller, and the movement further from the property line, while not coming fully into conformance, is seen as an improvement that obviously does not increase the non-conformity. Many garages in the neighborhood meet neither the side yard nor the street side setback(s), so the character of the neighborhood is not an issue. This is a reasonable request, and the lot width and size are not a result of actions by the applicants. Should this variance be denied, the applicants would likely construct a garage in the previously existing location, which would be allowed but be a worse situation, aesthetically and practically, than what it proposed. (This last sentence has changed, in that the applicants would build a detached structure with the previously-approved setbacks, and may alter the roof pitch to gain mass and interior space.)

B. Principal Structure (attached garage) right of way setback of 16 ft.

Ordinance

See table above. 30-foot setback applies.

Applicants' comments

See the applicants' narrative, which details how the proposed construction meets the intent of the ordinance, the criteria for variances, the practical difficulty test, etc.

Staff comment

See staff comment on the previous variance; the same points and logic apply to this request.

C. Impervious Surface

Ordinance

Projects that result in impervious surface coverage that exceeds thirty (30) percent, or those projects that result in impervious surface coverage that exceeds twentyfive (25) percent but does not meet the requirements of 302.050(6) may be permitted if the property owner obtains a variance. To apply for a variance, the property owner shall comply with, and demonstrate compliance with, the requirements of subsection 302.050(6), or shall explain how and why the property owner is unable or unwilling to comply with subsection 302.050(6). In addition to the requirements of subsection 302.050(6), the property owner must follow the procedures and meet the standards defined in Section 304 for obtaining a variance, including demonstrating to the satisfaction of the City Council that a practical difficulty exists.

Applicants' comments

See the applicants' narrative, as well as the site plan exhibit, the survey, the impervious calculations, etc., all of which have notations or detail explaining the proposed construction and its impacts.

GENERAL INFORMATION

STAFF COMMENT AND DISCUSSION

Setback variances:

Despite previous approvals for a detached garage, these setback variances must be considered on their own merit. When the "test" for variances was to show that a hardship existed, there was a burden of proof placed on an applicant to show that the property couldn't be used in a reasonable manner without the granting of the variance (or perhaps, for the permitting jurisdiction to show that the property could be used in a reasonable manner without the variance). In 2011, the State relaxed that standard, from a hardship to a practical difficulty, which required that the permitting jurisdiction only consider whether a proposed variance, or construction, is reasonable. In other words, just because the applicants have shown us a plan that worked without attaching the garage to the house, it doesn't mean the City should cite a finding that they like the other option better. The attached garage and resulting, necessary setback variances should be considered independently.

The previous paragraph notwithstanding, it can be argued that the detached garage, which would limit the height of the structure to 18', does not alter the character of the neighborhood as significantly as an attached garage might, built higher in the same location. It would be reasonable to attach a condition of approval - based on that "character of the neighborhood" logic - that limits the height (using *peak* height, since the calculation of attached, gabled roof heights from the average grade yields a conforming number, or close to it) of the attached garage to a height the commission/council is comfortable with, be it the <22' proposed, or another number. Meaning, we see the reasonableness of the proposed location with reduced setbacks, *as long as* it isn't towering over the street or neighboring property at a height approaching the house height. Ordinances are often written with setbacks having a relation to the height of a structure, so there is merit in that type of condition. The applicants discuss in their narrative the reasons for the proposed placement of the garage, the improvements vs. the previous structure and to the neighborhood aesthetic, and more.

Should the Planning Commission see fit to recommend denial and the City Council deny the setback variances, be mindful that the detached structure in the same location will still be built. Further, the ordinance that determines building heights of detached garages does not distinguish between types of roof design, as it does for attached garages. The measurement is only from the average grade to the highest point of a detached garage. Put another way, the applicants could build a fully detached garage with a flat roof or very slightly pitched roof (like the proposed dormers, but without the gabled portion) 18' above the average grade, if their goal is to have storage above the parking area of the garage. If this were done, would the "mass" of the building in its location be more obtrusive than a pitched roof with dormers that reaches a peak height of 22'? Probably so.

Impervious surface variance:

The applicants have fully complied with the necessary submittals for approval of a variance for impervious surfaces exceeding 30%. The City Engineer has provided a comment letter, which

is attached to this report. The Engineer is comfortable with the materials that have been submitted, and the calculations show compliance with the requirements of the ordinance. There are a few suggested construction improvements related to drainage and stormwater management, and a condition of approval of this variance will be compliance with the Engineer's review letter. The applicants, in their narrative, have made some valid points on the improvements to overall drainage over previously existing conditions, the reduction in unfiltered water reaching the lake, the intent and performance of the raingardens, the percentage of natural (filtering) vegetation to be planted which will greatly exceed the minimum requirements of the ordinance, etc.

As with the past variances for this property, staff would encourage the commissioners and council members to read the applicants' narrative in the attached application in its entirety; it is a thorough outline of their plans, and explains the reasoning for certain decisions in the design process. Additionally, there are insightful comments (as referenced above) answering the questions asked of any applicant regarding the variance process and how their proposal meets the criteria necessary for approval. It is a very well-written and logical narrative that will be helpful in fully understanding the proposed variances prior to making a recommendation or decision.

RECOMMENDATION

The setback variances are a purely subjective decision, based on what the commission/council view as a "reasonable" request and as the existing character of the neighborhood. Considering the location of a detached garage is determined, allowing to be attached in the same location seems to be a reasonable decision. Potential conditions and outcomes, as outlined in the previous section, should be discussed at the Planning Commission meeting.

The impervious surface variance is reasonable, if an applicant can prove that they can meet stormwater control requirements within the ordinance and provide the necessary mitigation measures for drainage and filtering. In this case, they have, and the City Engineer has recommended approval of the variance.

Should the Planning Commission recommend approval or denial at this meeting, staff will prepare a memo for the January City Council meeting outlining the findings for the recommendation.



**CITY OF BIRCHWOOD VILLAGE
VARIANCE APPLICATION**

**207 Birchwood Ave., Birchwood, MN 55110
651-426-3403 • info@cityofbirchwood.com**

**FOR OFFICIAL USE ONLY
(per Minn. Stat. 15.99)**

Application Received Date: _____

Amount Paid: \$ _____

Date of Payment: _____

Payment Type:

- Cash
- Check (Number: _____)
- Credit Card

Application Complete:

Yes

No - Other

Deficiency: _____

Date of Determination: _____

Date Notice of Deficiency Sent: _____

☐ Application Withdrawn by Applicant
Date: _____

- ☐ Variance Deadline Extended, because:
- ☐ Applicant requested extension.
- ☐ City staff require additional time to evaluate the application.
- ☐ The state or another agency must review the application.
- ☐ The application was received too late for city staff to process and place on the agenda of the next Planning Commission meeting.

Date Variance Extension Letter Sent: _____

Length of Extension: _____ days

Completed applications for variances submitted on or before the first of each month will generally be considered by the Planning Commission at its next meeting on the fourth Thursday of that month. Applications submitted after the first of the month will generally be considered the following month.

Upon recommendation of the Planning Commission, the City Council will consider and decide the variance application.

A. Applicant's Name: Joe Galatowitsch

Telephone:

Home: 651-983-4470

Work/Cell: Same

B. Address (Street, City, State, ZIP):

131 Wildwood Avenue

C. Property Owner's Name (If different from above):

Telephone

Home: _

Work/Cell:

D. Location of Project: 131 Wildwood ave

E. Legal Description: See attached background document

F. Description of Proposed Project: Build an attached garage to a newly constructed home

G. Specify each section of the City Code for which a variance is sought. (Variances are not to be granted for the provisions of 301.050 but instead may be granted for other sections of chapters 200 or 300 that cause the existing or proposed structure or use to be non-conforming). See attached background document

H. Explain how you wish to vary from the applicable provisions of the ordinance: See attached background document

I. Please attach a site plan or accurate survey as may be required by ordinance, a Plot plan drawn to scale showing existing and proposed new and changed structures on the lot, and existing structures on adjacent lots.

J. Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

☒ Yes

☐ No

Why or why not? See attached background document

2. In your opinion, is the variance consistent with the comprehensive plan?

☒ Yes

☐ No

Why or why not? See attached background document

3. In your opinion, does the proposal put property to use in a reasonable manner?

☒ Yes ☐ No

Why or why not? See attached background document

4. In your opinion, are there circumstances unique to the property?

☒ Yes ☐ No

Why or why not? See attached background document

5. In your opinion, will the variance maintain the essential character of the locality?

☒ Yes ☐ No

Why or why not?

See attached background document

K. Are other governmental permits required for the project, including requirements of the Rice Creek Watershed District? Please attach copies of permits, or evidence they are unnecessary.

☐ Yes ☒ No

Which permits are required?

L. After the proposed project, will the impervious surface of the lot exceed 25 percent?

☒ Yes ☐ No

Please include the information in the following table. See attached background document

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot			
2. Maximum Impervious Surface			
3. Roof Surface			
4. Sidewalks			
5. Driveways			
6. Other Impervious Surface			
7. Total of Items 3-6			
8. Impervious Surface Infiltrated			
9. Item 8 subtracted from Item 7			
10. Percent Impervious Surface			

The Planning Commission and City Council must make affirmative findings on each of the five criteria in question J in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria have been satisfied.

The City and its representatives accept no responsibility for errors and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information.

The applicant declares that they are familiar with application fees and other associated costs and with the procedural requirements of the City Code and other applicable ordinances, and that, with the exception of the City Code listed in question G, the proposed project conforms to the City Code, that the information provided in and enclosed herewith is complete and that all documents represented are true and correct representations of the actual project/building that will be built in conformance with such representation if approved.

Applicant's Signature: Joseph Galatowitach

Date: November 15, 2025

Fee Owner's Signature: _____

Date: _____

304.020 Variance Application Requirements. Before consideration of a variance, an application for variance shall be made on forms provided by the City Clerk. The application shall be accompanied by the required information described below and by all required fees. Each application must include at a minimum:

- a) The legal description and address of parcel.
- b) Name, address, and phone number of applicant (and of the owner if owner is not the applicant).
- c) Plot plan drawn to scale. Elevation contour lines are required.
- d) Plan showing existing and proposed new and changed structures on the lot.
- e) Existing structures on adjacent lots.
- f) A certificate by a registered professional land surveyor verifying the location of all buildings, setbacks, and building coverage.
- g) A certificate by a registered professional land surveyor certifying other facts that in the opinion of the City are necessary for evaluation of the application.
- h) A separate enumeration of each section of the code to which a variance is requested along with a demonstration that the criteria set forth in section 304.040 are met for each enumerated section.
- i) Evidence demonstrating compliance with regulations of other governmental units when required by provisions of this code, State Law, or regulations of other governmental units. Non-limiting examples of government units which may have applicable regulations include the State of Minnesota, Rice Creek Watershed District, Minnesota Department of Natural Resources, White Bear Lake Conservation District, and the Minnesota Pollution Control Agency.
- j) Other documentation as applicable and as required by the City Code for the type of variance sought (see for example the impervious surface requirements of 302.050)

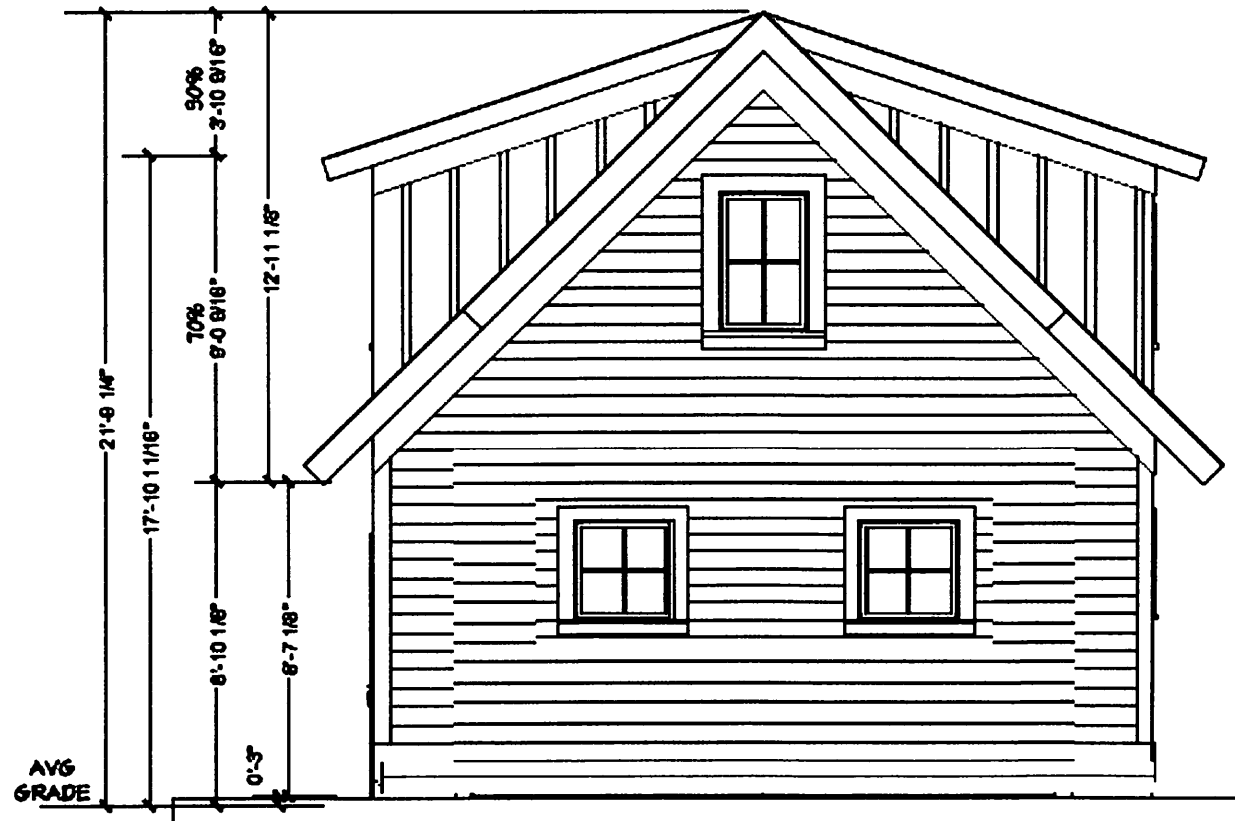
Garage West Face

- Garage: 21 x 28
- Garage door: 8 x 18
- Covered walkway connects directly front porch and north garage face
 - Horizontal beam connects to eastern front porch timber pil
 - Covered walkway roof inserts into east gable roof of front porch
- Walkway of pervious pavers



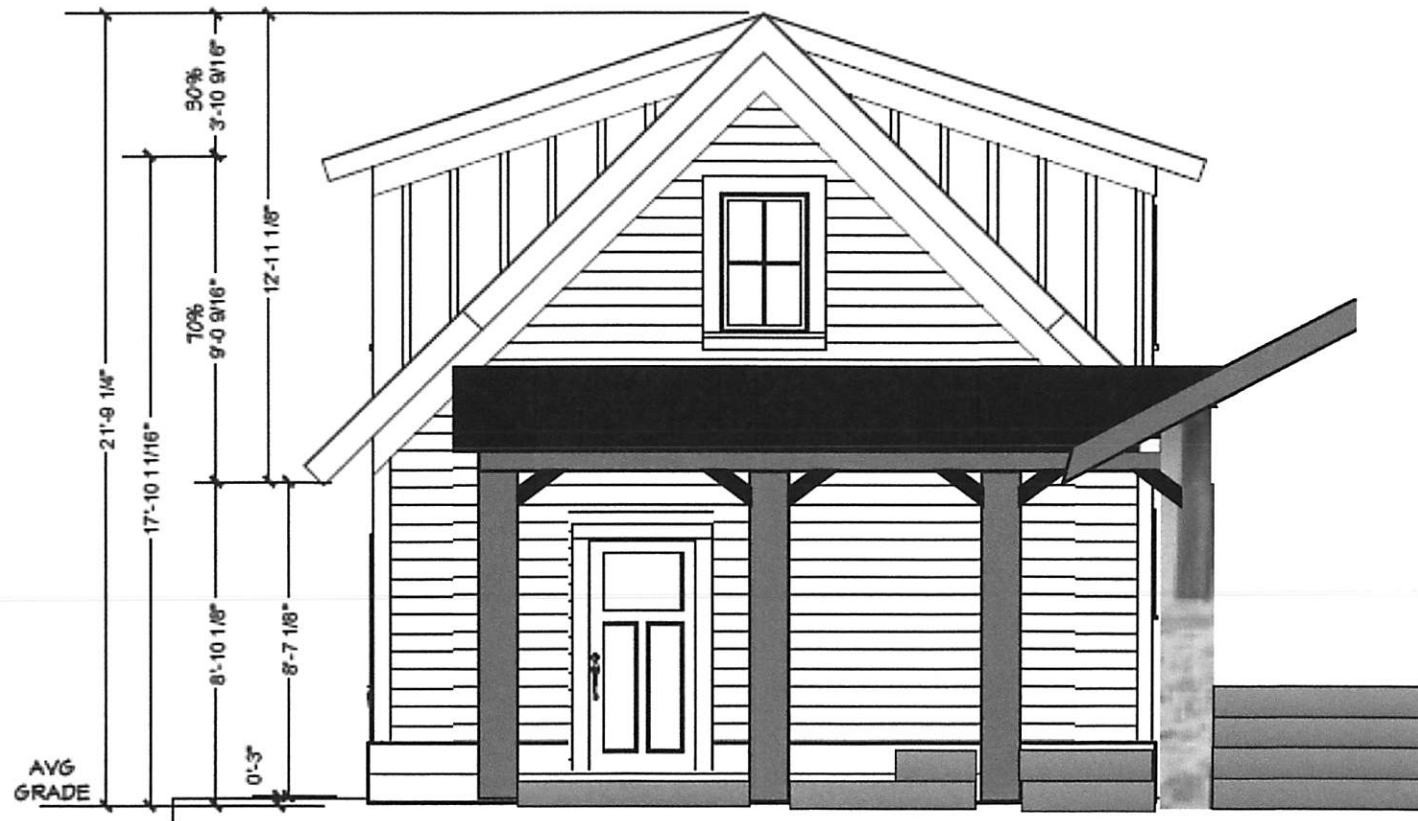
South face

- Proposed garage elevation at 952.5
 - Same as grade level on SW corner of the house (highest grade around the house)
 - Assumes garage is **not** built into grade on any side.
- House first floor elevation at 954.5
- Proposed garage height is within the 18 ft. height requirement for attached garages
- Peak of proposed garage is ~ 6 ft. below the peak of the house

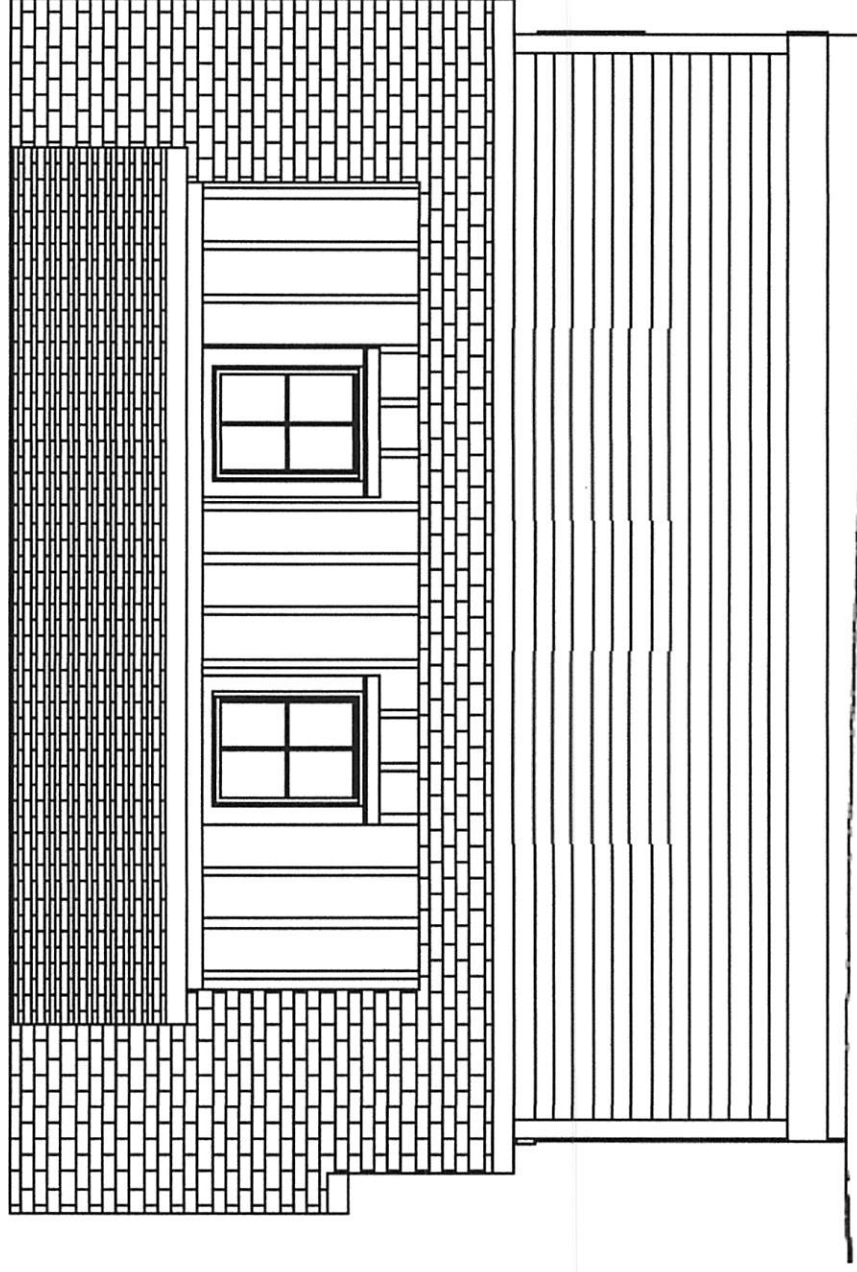


North face

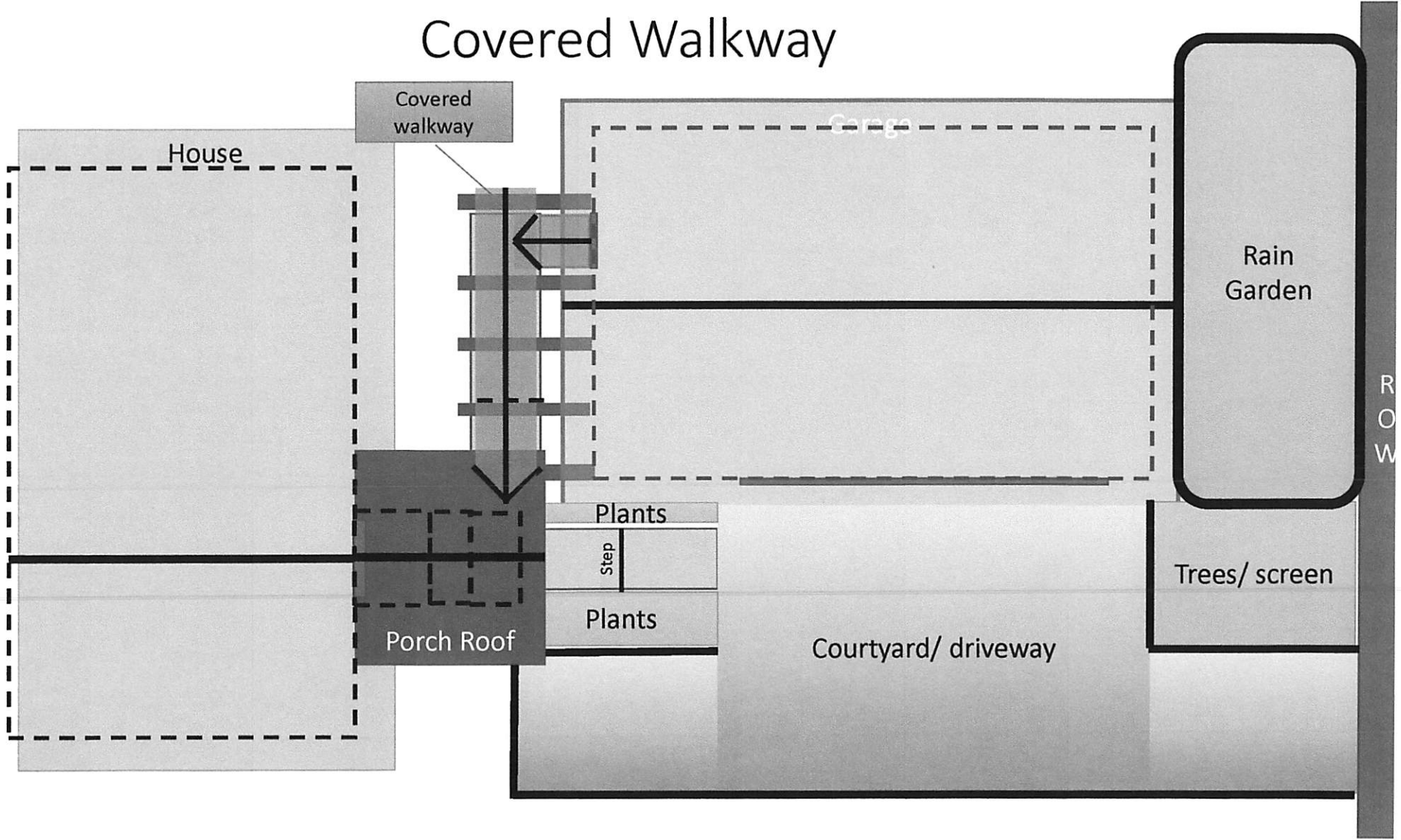
- Covered breezeway connects the garage access door to the front porch gable
- Architectural elements to match house
- Garage materials and color to match house



East face

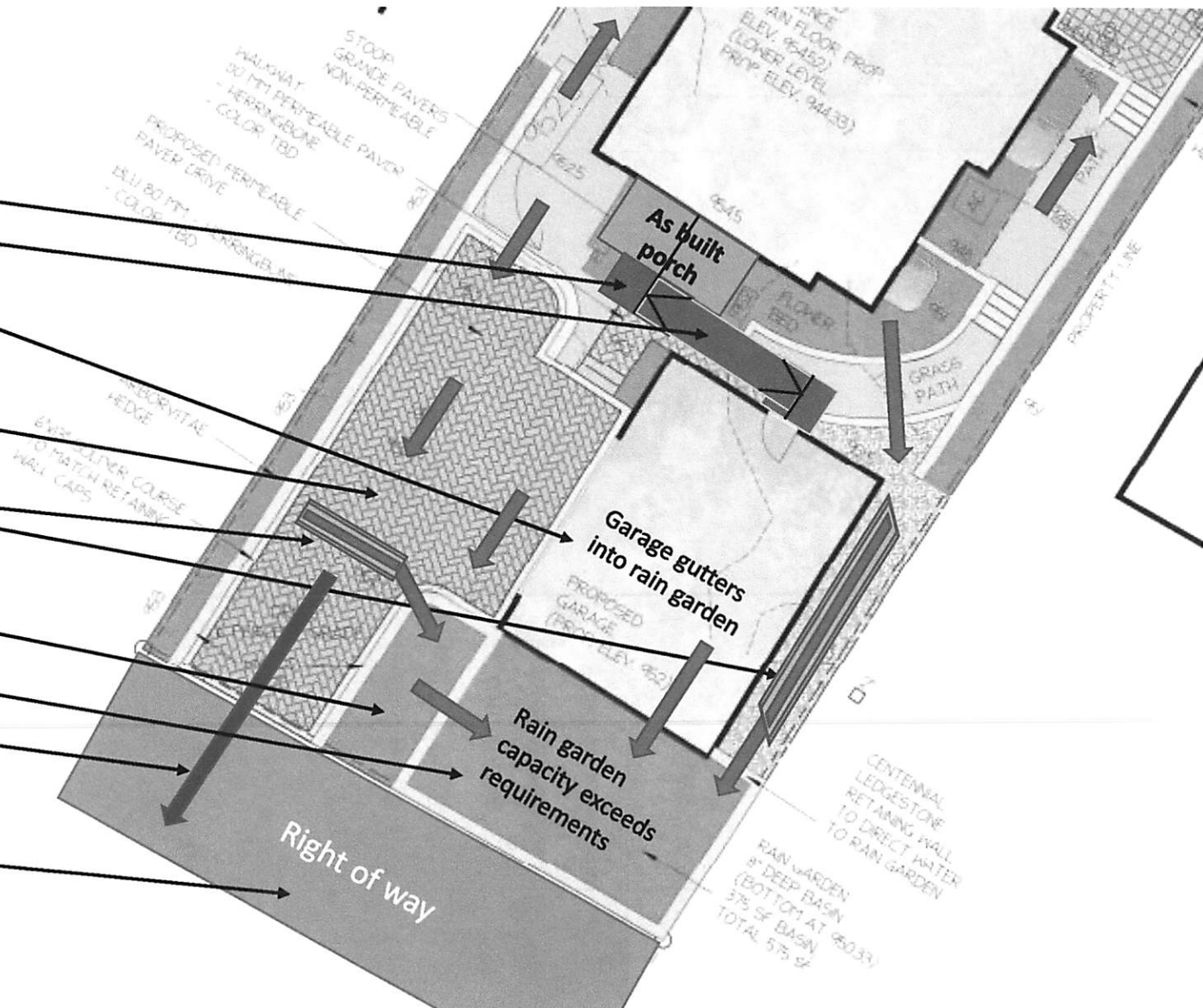


Covered Walkway



Front yard details

- Front porch extension and covered walkway from garage to house
- Garage entry on west side through courtyard
- Courtyard/turn around of pervious pavers
- French drains
- Evergreen screen planting area
- Rain garden
- About a 6% grade for driveway
- No ROW parking needed
- Direction of runoff



Impervious Calculations:

- **Original: 2217 sq. ft.**
 - Lot size: 7590 sq. ft.
 - 29.2% Impervious coverage
 - ~ 60 sq. ft. remaining to 30%
- **'As built' plus proposed: 2327 sq. ft.**
 - Porch 'as built' is ~ 56 sq. ft. larger than original
 - Fully covered walkway ~ 32 sq. ft.
 - Additional porch overhang ~ 22 sq. ft.
- **Fully covered walkway exceeds 30% impervious limit**
 - Approximately 30.7%
 - Exceeds limit by ~ 50 sq. ft.

CERTIFICATE OF SURVEY

~for~ JOE GALATOWITSCH
~of~ 131 WILDWOOD AVENUE
BIRCHWOOD, MN

EXISTING LEGAL DESCRIPTION

All that part of Lot 1 of BIRCHWOOD and of Wildwood Avenue, vacated and of Lot "A", (Block 3), of LAKEWOOD PARK FIRST DIVISION bounded as follows:

On the North by White Bear Lake; on the west by a line parallel with the westerly line of Lot 1 of BIRCHWOOD and 105 feet easterly therefrom and extended to the north line of Wildwood Avenue as layed out on the plat of LAKEWOOD PARK FIRST DIVISION; on the south by said Wildwood Avenue; on the east by the easterly line of said Lot "A" extended to White Bear Lake.

Being a parcel of land 875 feet front on White Bear Lake and running back in width to the said Wildwood Avenue.

IMPERVIOUS COVERAGE

TOTAL LOT AREA (TO CHW) 7,590 S.F.
PROPOSED HOUSE 1,444 S.F.
PROPOSED STAIRS 185 S.F.
PROPOSED GARAGE 588 S.F.
TOTAL IMPERVIOUS SURFACE 2,217 S.F.
PERCENT IMPERVIOUS 29.2%

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. in January and August of 2025.
- Bearings shown are on Washington County datum.
- Parcel ID Number: 19-030-21-33-0003 and 30-030-21-22-0025.
- This survey was prepared with the benefit of title work, and is based upon information found in the commitment for title insurance prepared by Edina Realty Title, Inc. File No. 2233094, dated effective November 24, 2024 at 12:00 A.M.
- Landscape design (retaining walls, rain garden, steps) provided by others.

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PERVIOUS PAVEMENT SURFACE

TREE DETAIL

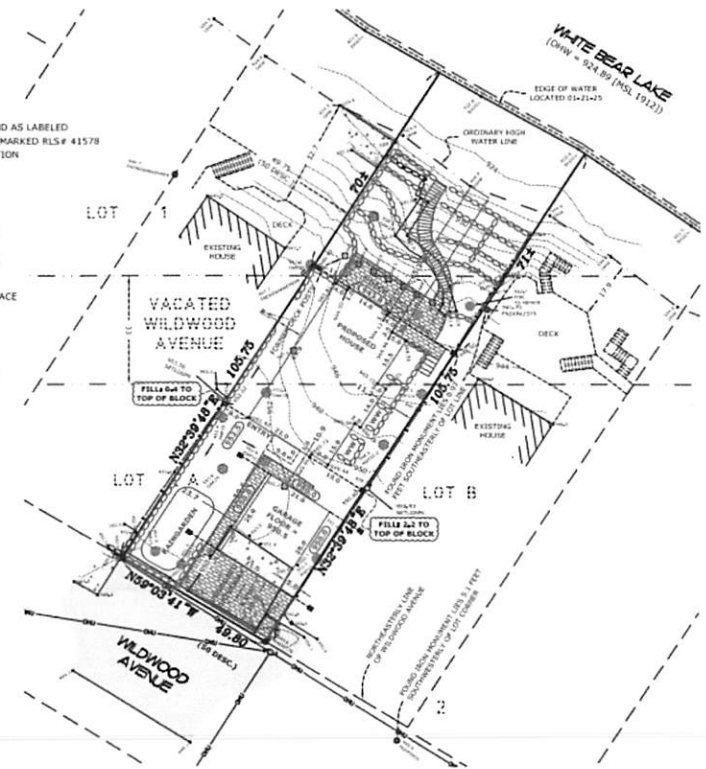
- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

BENCHMARK

IRON PAINT MARK ON SLAB OF PUMPHOUSE AT MATOSKA PARK
ELEVATION: 928.74 (MSL 1912)



NORTH



GRAPHIC SCALE



1 INCH = 20 FEET

CONSTRUCTION NOTES

- BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
- FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
Date: 9/4/2025 License No. 41578

(9 FOOT POURED WALL WALKOUT)

PROPOSED ELEVATIONS

TOP OF BLOCK = 953.0
LOWEST FLOOR = 944.3
TOP OF FOOTING = 944.0

DRAWN BY	DATE	FILE	DATE
BAF/CMB	2/20/2019	22034795	05/23/25
CHECK BY	DATE	FILE	DATE
1. JMR	05/23/25	22034795	05/23/25
2. JMR	05/23/25	22034795	05/23/25
3. JMR	05/23/25	22034795	05/23/25
4. JMR	05/23/25	22034795	05/23/25

250047HS

City of Birchwood Village Attached Garage Variance Application – Supporting documentation

Section E:

All that part of Lot 1 of Birchwood and of Wildwood Avenue, vacated and of Lot "A" Block 3 of Lakewood Park, First Division bounded as follows:

On the North by White Bear Lake; on the west by a line parallel with the westerly line of Lot 1 of Birchwood and 105 feet easterly therefrom and extended to the north line of Wildwood Avenue as laid out on the plat of Lakewood Park First Division; on the south by said Wildwood Avenue; on the east by the easterly line of said Lot "A" extended to White Bear Lake. Being a parcel of land fifty feet front on White Bear Lake and running back fifty feet in width to the said Wildwood Avenue. Washington County, Minnesota.

Section F:

1. Build an attached garage to a newly constructed home

Section G:

1. New home and garage to be built under section 301.050
 - a. **2. Non-Conforming Pre-Existing Structure: A structure existing at the time of the adoption of a zoning control that was lawful prior to the time of the adoption of the zoning control but does not comply with that control. APPLIES**
 - b. 2. Non-Conforming Pre-Existing Use: A use or occupation of land existing at the time of the adoption of a zoning control that was lawful prior to the time of the adoption of the zoning control but does not comply with that control. **B. A non-conforming pre-existing structure or use existing at the time of the adoption of an additional zoning control may be continued, including through repair, replacement, restoration, maintenance, or improvement, APPLIES** unless: 1. the non-conforming pre-existing structure or non-conforming pre-existing use is discontinued for a period of more than one year;; or 2. the non-conforming structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in

the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.

- c. **C. A non-conforming pre-existing structure or non-conforming pre-existing use may not be moved or expanded except: EXCEPTION APPLIES** 1. If the expansion or move brings the non-conforming pre-existing structure or use into conformance with the zoning code; or **2. The conforming portion of a non-conforming structure may be expanded provided that such modification or expansion does not increase the portion of the structure that is non-conforming, and provided that the modification otherwise conforms to the provisions of the zoning code; Requires Variance or 3. The non-conforming portion of a non-conforming structure may be modified so long as the modification does not increase the horizontal or vertical size of the non-conforming portion; - Requires Variance**

2. STRUCTURAL SETBACK REQUIREMENTS SECTION 302.020. GENERAL

REQUIREMENTS. All structures must be located so that minimum setback requirements are met or exceeded. All measurements (in feet) as set forth below shall be determined by measuring from the foundation of the appropriate structure perpendicular to the appropriate lot line. Variances required (see below)

3. IMPERVIOUS SURFACE COVERAGE PERMIT. Section 302.050 (4) Projects that result in impervious surface coverage that exceeds twenty-five (25) percent but does not exceed thirty (30) percent shall be permitted if the property owner complies with, and demonstrates compliance with, the requirements of Section 302.050(6) to the satisfaction of the City Planner. Variance

Required

4. Variances being sought:

- a. **Attached garage east side yard setback** of 5 ft. (code calls for 10 ft.)
 - i. See Zoning Code Requirements section 302.020 (2)
- b. **Attached garage Road right of way setback** of 16 ft. (code calls for 30 ft.)
 - i. See Zoning Code Requirements section 302.020 (2)
- c. **Impervious surface limit > 30%** (code calls for 30% maximum)
 - i. See Zoning Code Requirement section 302.050 (5)

Lot, Structures, Setbacks, Impervious	Previous	Proposed	Improvement	Code	Deviation	Details	Variance
Lot size (sq. ft.)	7590	7590	0	9000	-1410	Lakeside lot minimum = 60% x 15,000	Yes
House west side Setback (ft.)	8.5	8.5	0	10.0	-1.50	Proposed house is 0.6 ft. narrower	Yes
House East Side Setback (ft.)	7.4	11.3	3.9	10.0	1.30	All of east side is well back from ordinance	No
House height (ft.)	25	35	-10	Previous	10.00	Consistent with new construction height ordinance	Yes
Deck west side setback (ft.)	4.5	8.5	4	10.0	-1.50	Proposed deck aligns with side of house	No
Deck east side setback (ft.)	3.0	16	13	10.0	6.00	Eliminate side yard deck, add front porch	No
House OHW setback (ft.)	45.3	45.3	0	50.0	-4.70	Maintain setback, align house with side lot lines	No
Lakeside deck OHW setback (ft.)	33.3	36.3	3	50.0	-13.70	Proposed deck is 9' deep vs 12' for previous	No
Attached garage street ROW setback (ft.)	0	16	16	30.0	-14.00	Significant improvement from previous	Yes
Attached garage east side setback (ft.)	4.5	5	0.5	10.0	-5.00	Slight improvement from previous	Yes
Uncovered decks and wooded walkways (sq. ft.)	630	235	-395	-	-	Front, back, and sides	No
Off-street parking area (sq. ft.)	0	530	530	-	-	Off street courtyard	No
Off-street parking spaces	0	up to 4	up to 4	-	-	Average vehicle: 14.7 x 5.8 ft.	No
Impervious coverage (sq. ft.)	2141	2327	186	2277	50	Regulation = 30% (w permit), Proposed > 30%	Yes
Riparian zone natural plantings (sq. ft.)	900	900	0	566	334	8% of riparian area for each 1% over 25%	Required
Retaining walls within riparian zone	Yes	Yes	Functional	50.0	-	Improve erosion control and safe lake access	Yes

Section H:

- Requested principle structure (attached garage) side yard variance moves the garage 5 ft. closer to the side yard on the EAST side of the lot vs. ordinance and 0.5 ft less non-conforming vs. the non-conforming pre-existing garage
- Requested principle structure (attached garage) road setback variance moves the garage 14 ft. closer to the road right of way vs. ordinance and 16 ft less non-conforming vs. the non-conforming pre-existing garage
- Requested impervious surface coverage slightly exceed the 30% limit. It is believed that the 'as built' structures will be very close to the 30% limit.

Section J:

1. Each variance request is in harmony with the purposes and intent of the ordinance
 - a. The garage side yard variance request is **less non-conforming** compared to the non-conforming pre-existing garage side yard location (5 ft. vs. 4.5 ft.) and thereby facilitates 11% wider access between the garage and the side yard.
 - b. The garage road right of way variance request is **less non-conforming** compared to the non-conforming pre-existing garage road right of way location (by 16 ft.) and therefore is creating less non-conformance vs. the non-conforming pre-existing garage. The garage road right of way variance request is sufficiently removed from the road right of way to create off-street parking spaces on the lot thereby relieving ROW parking and future road improvement complexities.

- c. The impervious surface variance request is intended to ensure that the 'as built' impervious surface can be allowed to slightly exceed the 30% requirement.
- 2. Yes, the variance requests are consistent with the comprehensive plans
 - a. The proposed development of this small lakeside lot is consistent with the comprehensive plans and with the intent to maintain a homestead community that works in aesthetic and environmental harmony with the surrounding lands and lake.
- 3. Yes, the variance requests put the property to use in a reasonable manner
 - a. Furthering the historical residential use of this lot by allowing construction of a modern home is a reasonable use of the property and is consistent with how similarly sized lakefront properties are utilized in the community.
 - b. A lakefront home requires unique storage requirements. There are many demands for large storage space to protect, secure, and hide lake enjoyment related equipment and devices. A sufficiently large garage (proposed 21 x 28) is therefore essential to accommodating the unique requirements of lakeside living. Additionally, without the variance, situating a garage directly in front of the home's front entry creates a difficult burden related to observing activities on the street and obscuring access to the house for residents and guests.
 - c. The requested garage variance creates several off-street parking spaces on the lot that would not be available by replacing the non-conforming pre-existing garage with a new garage in the historical location.
 - d. The impervious surface variance is required due to the very small lot size and the limited space available for moving homeowners and guests around the property in safety and protected from the elements.
- 4. Yes, there are circumstances unique to the property.
 - a. The lot itself is very small and narrow (in fact about half the size of conforming lots today (7590 sq. ft. vs, 15,000 sq. ft.). Considering all zoning requirements, without variances, the building envelope for the house, porches, decks, garage, and access between the house and garage is less than 2200 sq. ft.
 - b. This small lot is also a lakeside lot with a steep riparian slope, old unsafe and non-functional steps and retaining walls that have practical

considerations and limitations for reasonable use, lake access, erosion, runoff control, and safety

- c. The non-conforming pre-existing home, decks, and garage footprint, as well as the old riparian hardscape structures, perpetuates several zoning and set-back related difficulties that these variances are designed to remedy.
 - i. Granting the requested variances has the following impacts:
 - 1. **Reducing non-conforming** areas associated with the non-conforming pre-existing house, garage, and decks by about 575 sq. ft.
 - 2. **Net decrease in total non-conforming** area of more than 450 sq. ft. (~ 6% of total lot area and 36% of non-conforming pre-existing structures)
 - 3. **Creation** of several off-street parking spaces
 - 4. **Meaningful separation** of the garage from the road ROW (16 ft.)
 - 5. **Impervious surface infiltration** ~ 100% vs. 0%
 - 6. **Reduction** of annual stormwater runoff into the lake by over 40%
- d. To achieve these goals, we have squeezed the house and garage sizes, locations, and setbacks to optimize reasonable use of the lot, while preserving the intent of the ordinances, reducing non-conformance, ensuring safe access, managing stormwater, and creating an aesthetically attractive and functional property.
 - i. The side yard variance request for the attached garage is, in part driven by the small size of the lot (7590 sq. ft.) and the relatively narrow lot width (49.8 ft.). If the garage would comply with the side yard setback, it would overlap and cover most of the front of the house situated behind it. This would perpetuate a 'garage dominated' or 'snout house' street view rather than a more balanced and integrated view of the house and garage together.
 - ii. The road right of way variance request is necessitated by the small lot size and the relatively short usable length of the lot. At ~ 150 ft, the lot provides very little room to accommodate road, lake and side yard setback requirements and a reasonably sized and situated house and garage.

- iii. By switching the garage entry from the south to the west side and moving the rain garden to the south side of the lot along the ROW, parking will be completely off-street and partially hidden from the street thereby further reducing parking congestion along the road ROW. In addition, instead of showing parked cars, the entire width of the lot will display flower/rain gardens and a narrow entry driveway.
- 5. Yes, the variances will maintain the essential character of the locality.
 - a. The variance requests being made here are much less non-conforming than the previous home and garage and much more in keeping with the essential character of the locality.
 - b. The finished home and garage will fit very well within the character and locations of the surrounding homes on their respective lots. They will also be an attractive addition to the locality from a 'street and lake presence' perspective.

Section L:

- Yes, the impervious surface of the lot will exceed 25%
 - Total impervious surface will be ~ 30.7% after the project, but 100% of impervious surface runoff will be infiltrated on the lot.
 - Proposed landscape plan to construct ~ 375 sq. ft. of rain gardens
 - The primary rain garden will receive run off from the front courtyard and garage roof via gutters and underground piping or French drain style conveyance
 - On site infiltration tests will be completed to ensure that the rain garden is sized to remove 100% of the retention volume within 48 hours (per ordinance).
 - Additionally, ~ 70% of riparian area will be designated for natural plantings (vs. 40% required by ordinance)
 - Retaining walls and natural plantings on riparian slope will eliminate 40% of annual stormwater runoff into the lake
 - The owners agree to fully comply with section 302.050 (6)
 - **Section a:** (i-v) complied
 - **Section b:** to be completed after completed build (Summer 2026)
 - **Section c:** complied
 - **Section d:** to be completed after completed build (Summer 2026)

Impervious Analysis	Existing	Proposed	Change	Comment
Total lot (sq. ft.)	7590	7590	0	Per survey
Max. Impervious (sq. ft.)	1898	1898	0	25% per ordinance
Structure impervious (sq. ft.)	1856	2088	+232	House, porch, and garage footprint
Sidewalks (sq. ft.)	285	185	-100	Steps only (pervious pavers for walks)
Driveways (sq. ft.)	0	0	0	Pervious pavers
Other Impervious (sq. ft.)	0	54	+54	Front porch extension plus covered walkway
Total Impervious (TI) (sq. ft.)	2141 (28%)	2327 (30.7%)	+186	Requires variance (50 sq. ft. over)
Retention Volume (cu. ft.)	196	213	+17	See MIDS v4 calculator results below
Rain Garden (RG) (sq. ft.)	0	375	+375	8" ponding depth
RG infiltration rate (cu. ft.)	0	250	+250	(RG x 8)/12 (24-hour infiltration rate)
Impervious runoff infiltrated	0%	100%	+100%	Infiltration rate > TI runoff
NET Impervious Surface	28%	0%	-100%	All impervious runoff infiltrated

Stormwater Management Analysis	Previous	Proposed	Difference	% Diff.	Factors	Details
General lawn area (< 5% grade)	3449	4568	1119	32%	0.45	Estimated soil infiltration rate: 0.45 in./hour
Rain garden/bioswale areas (sq. ft.)	0	375	375	-	8	Ponding depth of 8 inches (~ 24 hour infiltration) (3)
Total runoff infiltration areas	3449	4943	1494	43%		Excludes impervious and > 50% slope areas
Lot infiltration capacity/event (LIC) (cu ft.)	259	593	334	129%	632	Lot receives 632 cu. ft. from a 1" rainfall event
Portion of 1" rainfall events infiltrated (%)	41%	94%	53%	129%		Ability to infiltrate a 1" rainfall event
Maximum rainfall event infiltration capacity (in.)	0.4	0.9	0.5	129%		Considering all infiltration areas
Percentage of rainfall EVENTS infiltrated	60%	84%	24%	40%		Per MN stormwater volume-frequency maps (2)
Percentage of rainfall VOLUME infiltrated	25%	56%	31%	124%		Per MN stormwater volume-frequency maps
Average monthly lot runoff volume (cu. ft.)	1,304	765	-539	-41%	2.75	WBL average precipitation = 2.75 inches/month
Average monthly runoff flowing into WBL (cu. ft.)	978	459	-519	-53%		Based new landscaping and run-off management

(2) stormwater.pca.state.mn.us/index.php/Rainfall_volume-frequency_maps (3) meets requirements of 100 year rainfall event

Minnesota MIDS Calculator -- Version 4

Notes:

- 1) Make sure macros are enabled. If not, click Microsoft Office Button in upper left hand corner. Click "Excel Options". Click "Trust Center", click "Trust Center Settings" and then click "Macro Settings". Set Macro Settings to "Enable All Macros" and restart Excel.
- 2) Enter Site Information in blue cells below
- 3) Go to MIDS BMP Calculator tab and follow instruction on top of that page

Project Name:	131 wildwood stormwater
User Name / Company Name:	
Date:	November 20, 2025
Project Description:	Home and garage build
Are you using the calculator to determine compliance with a Construction Stormwater permit? (Yes/No)	
No	

Legend

User input cells
Calculation cells
Constant values
Value obtained from another sheet

Reset Site Information and Summary Tab

Site Information

Retention Requirement (Inches):	1.1
Site's Zip code:	55110
Annual Rainfall (Inches):	31.8
Phosphorus EMC (mg/L):	0.3
TSS EMC (mg/L):	54.5
Fraction of annual rainfall events that produce runoff:	0.9

Total Watershed Area

Land Cover (acres)	A soils	B Soils	C Soils	D Soils	Totals (acres)
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land					0
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed		0.12			0.12
Impervious Cover (acres)					0.0534
Total:					0.1734

Watershed Area Routed to BMPs (Summary of "MIDS BMP Calculator" Tab)

Land Cover (acres)	A soils	B Soils	C Soils	D Soils	Totals (acres)
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land					0
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed					0
Impervious Cover (acres)					0
Total:					0

Summary Information

Total impervious cover (acres)	0.05
Total watershed area (acres)	0.17
Site runoff coefficient, Rv	0.43
% Impervious	31%
Development volume retention requirement (cubic feet)	213
Volume removed by BMPs (cubic feet)	
Additional volume removal needed to meet requirement (cubic feet)	213
Percent volume removed	
Post-development annual volume (acre-ft)	0.18
Annual volume removed by BMPs (acre-ft)	
Percent annual volume removed	
Post-development annual Particulate P load (lb/yr)	0.08
Annual Particulate load removed by BMPs (lb/yr)	
Post-development annual Dissolved P load (lb/yr)	0.07
Annual Dissolved P load removed by BMPs (lb/yr)	
Percent annual TP removed	
Post-development annual TSS load (lb/yr)	26
Annual TSS load removed by BMPs (lb/yr)	
Percent annual TSS removed	

Note:
Green cells will fill in when MIDS BMP Calculator tab is complete

Grey Cells are calculated using Site Information entered above

CERTIFICATE OF SURVEY

~for~ JOE GALATOWITSCH
~of~ 131 WILDWOOD AVENUE
BIRCHWOOD, MN

EXISTING LEGAL DESCRIPTION

All that part of Lot 1 of BIRCHWOOD and of Wildwood Avenue, vacated and of Lot "A", Block 3, of LAKEWOOD PARK FIRST DIVISION bounded as follows:

On the North by White Bear Lake; on the west by a line parallel with the westerly line of Lot 1 of BIRCHWOOD and 105 feet easterly therefrom and extended to the north line of Wildwood Avenue as layed out on the plat of LAKEWOOD PARK FIRST DIVISION; on the south by said Wildwood Avenue; on the east by the easterly line of said Lot "A" extended to White Bear Lake.

Being a parcel of land fifty feet front on White Bear Lake and running back in width to the said Wildwood Avenue.

IMPERVIOUS COVERAGE

TOTAL LOT AREA (TO OHW) 7,590 S.F.

PROPOSED HOUSE AND ENTRY 1,500 S.F.
PROPOSED COVERED WALKWAY 32 S.F.
PROPOSED FRONT PORCH EXTENSION 22 S.F.
PROPOSED STAIRS 185 S.F.
PROPOSED GARAGE 588 S.F.
TOTAL IMPERVIOUS SURFACE 2,327 S.F.
PERCENT IMPERVIOUS 30.7%

SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. in January and August of 2025.
- Bearings shown are on Washington County datum.
- Parcel ID Number: 19-030-21-33-0003 and 30-030-21-22-0025.
- This survey was prepared with the benefit of title work, and is based upon information found in the commitment for title insurance prepared by Edina Realty Title, Inc., File No. 2233094, dated effective November 24, 2024 at 12:00 A.M.
- Landscape design (retaining walls, rain garden, steps) provided by others.

LEGEND

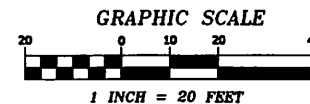
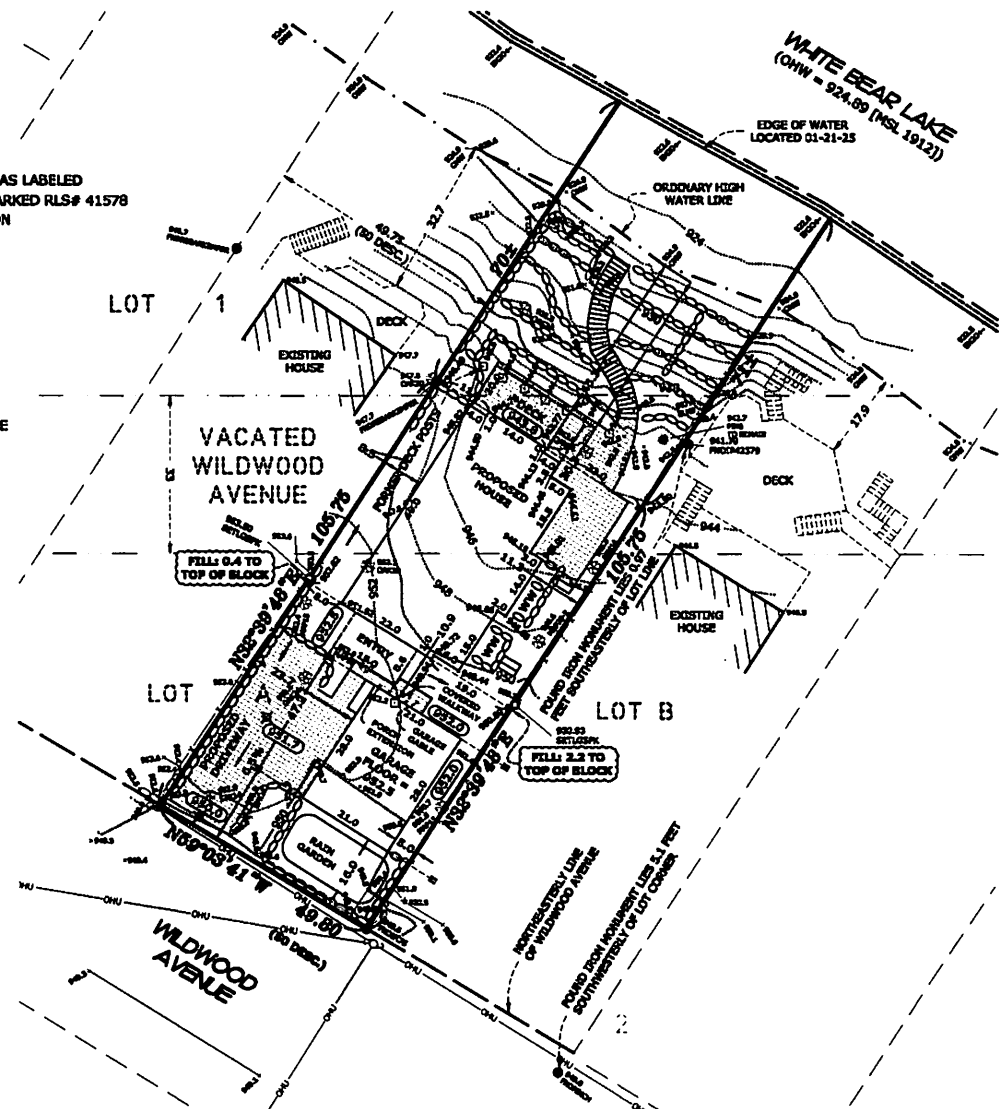
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PERVIOUS PAVER SURFACE

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

BENCHMARK

DNR PAINT MARK ON SLAB OF
PUMPHOUSE AT MATOSKA PARK
ELEVATION: 928.74 (MSL 1912)



(9 FOOT POURED WALL WALKOUT)

PROPOSED ELEVATIONS

TOP OF BLOCK = 953.0
LOWEST FLOOR = 944.3
TOP OF FOOTING = 944.0

CONSTRUCTION NOTES

- BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH.
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.
- FINISHED GRADE ADJACENT TO HOME SHALL BE 0.5 FEET BELOW TOP OF BLOCK EXCEPT AT DRIVEWAY AND PATIO.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
Date: 12/3/2025 License No. 41578

DRAWN BY:	RAJ/CHS	JOB:	250047HS	DATE:	01/23/25
CHECK BY:	JER	FIELD CREW:	DT / CT		
1	07-25-25	UPDATE HOUSE PLAN	CHS		
2	08-20-25	ADD STAKING INFO	CHS		
3	08-21-25	UPDATE GARAGE ELEVATION	CHS		
4	09-04-25	UPDATE DECK DIMENSIONS	CHS		
5	11-20-25	UPDATE PORCH DIMENSIONS	CHS		
6	12-03-25	UPDATE COVERED WALKWAY	CHS		

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

NORTH



**BOLTON
& MENK**

Real People. Real Solutions.

3507 High Point Drive North
Bldg. 1 – Suite E130
Oakdale, MN 55128

Phone: (651) 704-9970
Bolton-Menk.com

December 8, 2025

To: City of Birchwood Village, Planning Commission

RE: 131 Wildwood Impervious Review
Project No.: 0N1.131471

Planning Commission,

Engineering reviewed the original application this past spring. The original application was approved without a variance for impervious surfaces by meeting all the criteria necessary for being under 30% impervious surface in the application. The summary of the changes from the previous application to what is in front of you currently is the addition of a breezeway (impervious due to the roof), the relocation of the driveway to the west side of the garage (pervious due to previous paver design which is already approved), and the relocation of the infiltration basin.

The owners of 131 Wildwood asked to modify the plans to add the breezeway. It was requested to add the breezeway or partially add the breezeway to hit the 30% impervious surface threshold exactly and avoid the variance. After Bolton and Menk's review, it was our opinion that the owners should apply for an impervious surface variance even though the numbers might show on the plan to be at 30%. Engineering reviewed the impervious surface calculations and did not see any missing information at this time and did not find errors in the calculations.

With the relocation of the infiltration basin, engineering requested an infiltration test (to be done in the spring) to verify infiltration is still an option with construction potentially driving over the new location of the basin. Typically, these areas should be fenced off to avoid compaction during construction. If the infiltration test shows that infiltration is not an option, a filtration system design will be requested of the homeowner at that time. That change should not cause a significant enough change to need to come back to the planning commission. It should consist of adding a drain tile running from the ponding area along the length of the property and discharging toward the lake. The calculations of the infiltration pond meet the city's requirements, and Bolton and Menk does not see this change as being of any concern.

Bolton and Menk's recommendation would be to approve the application.

Sincerely,

Bolton & Menk, Inc.

Marcus A. Johnson

Marcus Johnson, PE
Associate Project Engineer

MEETING MINUTES

Birchwood Planning Commission Special Meeting

City Hall - 6:45 PM Special Meeting 3/6/2025

Submitted by Michelle Maiers-Atakpu – acting secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Michelle Maiers-Atakpu, Michael ~~Kraemer~~ McKenzie (via Zoom)

COMMISSIONERS ABSENT: Michael Kraemer, Casey Muhm

OTHERS PRESENT: Council Member Ryan Hankins, Ben Wikstrom – City Planner, John Winters, Barb Winters, Joe Galatowitsch, Therese Galatowitsch, Tim Winters (Landscape Contractor for 131 Wildwood), Len Pratt, Kathy Madore, Lisa Madore, Mike Tschida.

CALL TO ORDER: Meeting called to order by Chairman Andy Sorenson at 6:51 PM.

1. **PUBLIC FORUM** – no speakers regarding 131 Wildwood Ave. After Agenda item ‘a’ was reviewed and voted upon, John Winters, Kathy Madore, and Lisa Madore all spoke to the variance request for 425 Lake Ave. (See comments below)

2. **APPROVE AGENDA**

- a. Motion by Maiers-Atakpu, 2nd by McKenzie to approve the agenda.
Vote: Yes – 3, No – 0. Motion passed.

3. **REGULAR AGENDA**

- a. Review 6 Variance requests for 131 Wildwood Ave

- i. Variance Request #1 – Construction on an Undersized Lot

Discussion:

1. Maiers-Atakpu noted that 131 Wildwood is one of the smaller lots in Birchwood Village and the Planning Commission should be careful not to support any variances that would result in overbuilding on a small lot
 2. McKenzie concurred.

Commission Action:

3. Advisory motion by McKenzie and 2nd by Maiers-Atakpu to support the variance request to construct a new home and garage on the Undersized Lot.
Vote: Yes – 3, No – 0. Motion passed.

ii. Variance Request #2 – Garage east side setback at 5 feet (code calls for 10 feet)

Commission Action:

1. Advisory motion by Maiers-Atakpu and 2nd by McKenzie to support the variance request to construct the garage at 5 feet from the property line.

Vote: Yes – 3, No – 0. Motion passed.

iii. Variance Request #3 – Garage right of way setback at 16 feet (code calls for 30 feet)

Discussion:

1. McKenzie noted that the proposed garage will be set back further from Wildwood Avenue right of way than the previous garage. This will improve the condition.

Commission Action:

2. Advisory motion by Maiers-Atakpu and 2nd by McKenzie to support the variance request to construct the garage at 16 feet from the right of way.

Vote: Yes – 3, No – 0. Motion passed.

iv. Variance Request #4 – House west side yard setback at 8.5 feet (code calls for 10 feet)

Discussion:

1. Maiers-Atakpu objects to “crowding” the west side of the property and believes the 10 foot setback should be maintained.
2. Joe Galatowitsch noted that there are two reasons they are requesting the variance. Currently, as the main floor plan is sketched, the front door would be partially hidden by the garage if the west side 10 foot setback was maintained. He also noted that he is proposing a narrow garage (21 feet wide) to reduce the impact on the front façade at the house. The second reason is that they are proposing living space at the basement level that will require window wells on the west side of the home. More space on the west side of the property would allow for the window wells as well as access along that side of the house.
3. It was noted that there has been no objection by the neighboring properties to the 8.5 foot setback.

4. Maiers-Atakpu noted that the front door could be moved to the west to keep it out from behind the garage. The plan could also be redesigned to eliminate the need for the window wells. Or, the house plan could be narrower to comply with the 10 foot setback requirement.

Commission Action:

5. Advisory motion by Maiers-Atakpu to deny the variance request, but there was no 2nd to this motion.
6. Advisory motion by McKenzie and 2nd by Sorenson to support the variance request to construct the home at 8.5 feet from the west property line.

Vote: Yes – 2, No – 1. Motion passed.

vi. Variance Request #5 – House Height of <30 feet (method A)/35 feet max (code calls for no higher than the previous home max height of ~25 feet)

Discussion:

1. It was noted that this variance request is due to the code restrictions of rebuilding on an undersized lot

Commission Action:

2. Advisory motion by McKenzie and 2nd by Maiers-Atakpu to support the variance request to construct a home with a maximum height of 35 feet (as limited by code for new construction)

Vote: Yes – 3, No – 0. Motion passed.

vi. Variance Request #6 – Retaining walls requested within the 50 foot OHW setback requirement

Discussion:

1. Tim Winters noted that all the walls will be less than 4 feet tall and will be constructed of rectangular shaped ledgerstone. This material is more stable than boulders

Commission Action:

2. Advisory motion by Maiers-Atakpu and 2nd by Sorenson to support the variance request to construct 4 foot tall retaining walls – as shown on the plan – within the 50 foot OHW setback.

Vote: Yes – 3, No – 0. Motion passed.

vii. Impervious Surface Coverage permit.

1. Wikstrom noted that no variance is needed for this item since the proposed work is within the provisions of the code.

viii. Proposed Deck on the lakeside

1. Wikstrom noted that this item may come up for Variance when the final construction drawings are submitted to the City for the Building Permit.

ix. Approve Findings of Fact

1. These items were not part of the Planning Commission's deliberations.

b. Review Variance Request for 425 Lake Ave

1. Wikstrom noted that the variance request has been withdrawn at this time. It may be part of the March Regular Planning Commission meeting on March 27, 2025
2. Wikstrom also noted that a variance for less than 4 foot tall boulder retaining walls within the 50 foot OHW setback was approved by the City Council earlier this year. However, now the property owner may change the material and height of the wall. (as shown as part of the Planning Commission meeting packet). This will trigger a revisit of the variance.
3. Even though the variance request has been withdrawn for this meeting, several people were in attendance to make statements under the "Public Forum" portion of the meeting. Wikstrom was not sure that a Public Forum for this project will be a part of the agenda if 425 Lake Ave comes up for variance at the next Planning Commission meeting. So, Sorenson agreed to let them speak.
4. John and Barb Winters (429 Lake Ave) noted that they support the approval of this variance request.
5. Kathy Madore (413 Lake Ave) is concerned about the revised proposal for the retaining wall material and height. It is not known at this time what material is being proposed, or what the revised height will be.
6. Lisa and Kathy Madore both expressed concern over the protection of the 2 mature trees along the property line. Substantial regrading of the site may damage the roots and harm the trees.
7. Maiers-Atakpu noted that the submitted documentation indicated substantial regrading of the site.

4. ADJOURNED at 7:52 PM

a. Motion by Maiers-Atakpu, 2nd by McKenzie to adjourn meeting. Vote: Yes – 3, No – 0. Motion passed.

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 8/28/2025

Submitted by Michael Kraemer – secretary

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

COMMISSIONERS ABSENT: None

OTHERS PRESENT: 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 March 6, 2025 special meeting. Motion by Maiers-Atakpu, 2nd by Muhm to approve the minutes with edit that Michael Kraemer was absent. Vote: Yes – 5, No – 0 Motion to approve passed.
4. **APPROVE MINUTES** – Minutes from regular meeting April 4, 2025. Motion by Maiers-Atakpu 2nd by Muhm. Vote: Yes – 5, No – 0. Motion to approve passed.
5. **APPROVE AGENDA**
 - a. Motion by Muhm, 2nd by Maiers-Atakpu to approve agenda. Vote: Yes -5, No – 0. Motion passed.
6. **REGULAR AGENDA**
 - a. Item A – Propose Amending City Code, Section Zoning 303.030 to establish clear and consistent deadlines for the distribution of agenda and supporting materials for Planning Commission members prior to their meeting.
 - i. The amendment proposes that all materials concerning agenda items will be distributed a minimum of 7 calendar days before the Planning Commission meeting. This includes staff reports connected to meeting issues.
 - ii. Motion by Muhm, 2nd by Maiers-Atakpu to recommend approve the amendments to Section Zoning 303.030 as good procedural practices. Vote: Yes- 5, No 0. Motion to amend the section was approved.
 - b. Item B – Discussion regarding Planning Commission Duties and Responsibilities.
 - i. General discussion ensued on Planning Commission duties and responsibilities. No formal action taken.
 - c. Item C – Discussion regarding potential ordinance changes. – Ben Wikstrom – City Planner.

- i. City Planner introduced several ordinance related issues for future Planning Commission consideration. These topics included the following:
 - 1. Concept of creating “resolutions” from the Planning Commission on finding of facts and actions for consideration by the Council.
 - 2. Update “set-back code” to include terminology such as patios.
 - 3. Update the Fence Ordinance.
 - 4. Update the “Impervious Surface Ordinance” to clarify roles of City Engineer and City Planner.
 - 5. Consider adding the concept of non-binding “sketch plan” review by the Planning Commission before formal application is made and fees imposed.

ADJOURN 8:28 PM

- d. Motion by McKenzie , 2nd by Maiers-Atakpu to adjourn meeting. Vote: Yes - 5, No – 0. Motion passed.