

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

MADDY (SEPT) _____
EGGENBERGER (DEC) _____
GAULT (AUG) _____
RIEDEL (NOV) _____
HUSKINS (JAN) _____
COUNCIL LIAISON JOHNSON (JUL-DEC.) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

- ♦ October 5, 2021

3. MATTERS FROM THE FLOOR

(This portion of the meeting allows members of the public the opportunity to bring up items that are not on the agenda. Each speaker has a maximum of three minutes to present their topic. Multiple speakers may not bring up the same points. No decisions would be made on the topic at the meeting except that the item may be referred to staff for more information or the City Council.)

4. PUBLIC HEARINGS

5. NEW BUSINESS

A) Subdivision Variance

Applicant: Zehnder Homes, Inc.
Location: 24835 Yellowstone Trail

B) Variances for second driveway and to front yard setback

Applicant: Zehnder Homes, Inc.
Location: 4990 Shady Island Point

C) Variance to minimum home width

Applicant: Ben and Meghan Becker
Location: 6180 Cathcart Drive

6. OTHER BUSINESS – None

7. REPORTS

- A) Council Meeting Report
- B) Draft Next Meeting Agenda

8. ADJOURNMENT

DRAFT MINUTES

CALL TO ORDER

Chair Maddy called the meeting to order at 7:01 P.M.

ROLL CALL

Present: Chair Maddy; Commissioners Eggenberger, Gault, and Riedel; Planning Director Darling; Planning Technician Notermann, and, City Engineer Budde, Council Liaison Johnson

Absent: Commissioner Huskins

1. APPROVAL OF AGENDA

Riedel moved, Gault seconded, approving the agenda for October 5, 2021, as presented. Motion passed 4/0.

2. APPROVAL OF MINUTES

- September 7, 2021

Gault moved, Riedel seconded, approving the Planning Commission Meeting Minutes of September 7, 2021, as presented. Motion passed 3-0-1 (Eggenberger abstained).

3. MATTERS FROM THE FLOOR

4. PUBLIC HEARINGS

Chair Maddy explained the Planning Commission is comprised of residents of the City of Shorewood who are serving as volunteers on the Commission. The Commissioners are appointed by the City Council. The Commission's role is to help the City Council in determining zoning and planning issues. One of the Commission's responsibilities is to hold public hearings and to help develop the factual record for an application and to make a non-binding recommendation to the City Council. The recommendation is advisory only.

A. PUBLIC HEARING – Registered Land Survey, Variances and Special Home Occupation Permit

Applicant: Peter and Marie Lehman

Location: 21285 Radisson Road

Planning Director Darling explained the request for a registered land survey, variances to lot area and width, and a special home occupation permit for the properties at 21265 and 21285 Radisson Road. She explained that the applicant would like to adjust the property lines between the properties to create two roughly equal parcels. She stated that the resulting parcels would be considered non-conforming for lot area and width so the application also includes a variance for those items. The two properties have a total of one home, three small cabins and one garage on them and they would place a primary home on one lot and the other lot would have the three

cabins. She stated that this brings a number of problems so the applicant has proposed removing the southerly cabin and convert the second building into a home office which would clear up most of the non-conformities related to use, but not to setbacks. She reviewed the variance and special home occupation permit application and noted that staff is recommending approval subject to the conditions listed in the staff report.

Commissioner Riedel asked about the status of the cabins as legally non-conforming structures. He asked how long they have been there and asked about the history.

Planning Director Darling explained that the three cabins were used as vacation rentals in the past. She stated that staff believes they were constructed in 1930 and noted that there were quite a few rental cabins in the past, along Radisson Road, but is not sure if they were part of the Radisson Inn Resort. She stated that the County has the home listed as built in 1940 but the applicant thought it may be earlier than that. She stated that the home was either constructed in 1940 or Hennepin County may have set used that date if there was substantial work done to the home in that year which essentially changed the age of the structure.

Chair Maddy asked if the code states that there cannot be a kitchen in a detached accessory building.

Planning Director Darling stated that accessory buildings cannot be habitable nor used for habitation temporarily or permanently. She explained that in order to be considered habitable there has to be both a kitchen and a bathroom so one of them needs to be removed, and removing the kitchen suits the applicant better.

Chair Maddy stated that he does not like the idea that you cannot work in your own garage, if it is detached, without a special permit. He asked if there had been any thought into changing that now that most people have been working from home. He asked if the City really needed the rule that all of the work needs to be done at the primary residence.

Planning Director Darling explained that the logic behind that is controlling the impacts of the home based business. She stated that at the time this was written, she suspects it was more likely to be used as a machine shed or carpentry business and not simply a home office. She noted that the City requires this kind of permit when people are operating the business out of their attached garage and not just the detached garages.

Commissioner Eggenberger asked if the Special Home Occupation permit gives carte blanche to do what ever they want or if it placed limits.

Planning Director Darling explained that it would be limited within the permit and in this case, the applicant works alone and most clients are virtual.

Commissioner Gault asked if the applicant was operating this as a business or if they were just working as a remote employee.

Planning Director Darling stated that is a question that could be asked of the applicant. She noted that if anyone is working remotely and utilizing their shed or a detached cabin they should have this Special Home Occupation permit.

Commissioner Riedel stated that the City has a complaint based approach to compliance.

Peter Lehman, 21285 Radisson Road, noted that they have lived on the property since 1986. He explained that their proposal is to make these properties have a more conforming use with one habitable dwelling per lot. He shared some of the zoning in the area and the history of the parcels and cabins in the area. He stated that he had submitted some historical documents surrounding the importance of the cabins.

Commissioner Gault confirmed that Mr. Lehman lived on one of the properties and asked what would be done with the other one.

Mr. Lehman stated that with COVID, anything is on the table, so they do not know what they will do. If the lot line can be revised, it will give them more options.

Commissioner Gault stated that his concern is that this would take a lot that complies with zoning and create two lots that do not comply.

Mr. Lehman stated that they are not in the position to combine these two lots to make them a single lot and believes that there is nothing in the Code or the Comprehensive Plan that prevents them from improving the property. He stated that they think their proposal for the two lots is an improvement. He noted that they are not splitting the lots, but are trying to make them more consistent with the neighborhood.

Commissioner Gault noted that they are actually splitting the currently conforming lot. He stated that he suspects the City will be hearing a variance request for new home construction on Tract A in the near future.

Mr. Lehman stated that appears to be speculation and asked if homes need to have a garage.

Planning Director Darling stated that a garage is not required, but does make things easier in the winter months. She stated that if one is constructed without a garage, the ordinance requires that the plans show space where a conforming garage could be constructed in the future.

Mr. Lehman stated that he understands that the City would prefer if they combined the lots, but they will not be doing that and reiterated that they think this request is reasonable.

Commissioner Gault asked about Mr. Lehman's reason for not combining the lots.

Mr. Lehman stated that he thinks that is a superfluous question because if he has two properties it would not make sense to combine them. He stated that the Met Council is trying to increase densities in cities which would be a reason not to combine the properties.

Chair Maddy opened the Public Hearing at 7:33 P.M. noting the procedures used in a Public Hearing. There being no comments, Chair Maddy closed the public testimony portion of the Public Hearing at 7:33 P.M.

Commissioner Riedel stated that he understands Commission Gault's concern but he sides with the applicant that this is their right.

Commissioner Gault stated that he feels there is a simple solution in terms of the property by having just one lot that meets the zoning requirements.

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Commissioner Riedel noted that doing nothing would also meet the zoning requirements and this is before the Commission because the applicant wants to do something and not just maintain the status quo.

Chair Maddy stated that he does not think the request is improving things or making the situation worse because it is 45,000 square feet with two lots on it before this is considered or after it is approved. He stated that making one of the lots more livable is an improvement, but is not worried about what the applicant 'could' do.

Commissioner Gault reiterated his concern with the precedent this will set for future lot splits.

Commissioner Eggenberger stated that he understands Commissioner Gault's concerns, but feels the overall idea and plan makes sense to him.

Riedel moved, Eggenberger seconded, recommending approval of the Registered Land Survey, variances, and Special Home Occupation permit at 21265 and 21285 Radisson Road, subject to conditions in the staff report.

Commissioner Gault stated that he would like to see the motion have each items separated.

Riedel moved, Eggenberger seconded to withdraw the original motion. All in favor, motion passed 4/0.

Riedel moved, Eggenberger seconded, recommending approval of the Registered Land Survey and the variances at 21265 and 21285 Radisson Road, subject to the conditions in the staff report. Motion passed 3-1 (Gault opposed)

Riedel moved, Eggenberger seconded, to recommend approval of the Special Home Occupation permit at 21285 Radisson Road, subject to the conditions as listed in the staff report. Motion passed 4/0.

Planning Director Darling stated that this will be on the City Council agenda on October 25, 2021

B. PUBLIC HEARING – Conditional Use Permit

Applicant: Ben Becker

Location: 6180 Cathcart Drive

Planning Director Darling explained that this application is for a Conditional Use Permit to allow two detached garages on a property where one is permitted without a C.U.P. The applicant is proposing to remove all of the structures on the property and build a new home with two attached garages that would store their personal vehicles and equipment. Staff recommends approval subject to the conditions listed in the staff report.

Commissioner Riedel asked for more details relating to the C.U.P.

Planning Director Darling explained that the criteria used would be for the same standards used for an oversized garage C.U.P. She noted that, in general, the sizes are under 1,200 square feet in area and the applicant has not run into an issue with the maximum amount of garage space or going above the ten percent of the required minimum lot area for the zoning district.

Commissioner Riedel confirmed that the C.U.P. is just necessary because there are two garages.

Chair Maddy opened the Public Hearing at 7:49 P.M. noting the procedures used in a Public Hearing. There being no comment, Chair Maddy closed the public testimony portion of the Public Hearing at 7:49 P.M.

Eggenberger moved, Riedel seconded, recommending approval of the Conditional Use Permit at 6180 Cathcart Drive, subject to the conditions as listed in the staff report and that the structure use materials similar to the home. Motion passed 4/0.

C. PUBLIC HEARING – Comprehensive Plan 2040
Amendments to the Land Use Map
Applicant: City of Shorewood
Location: Multiple

Chair Maddy noted that based on the e-mails they have received, he thinks the City could have done a better job explaining what is exactly going on and asked staff to clarify what is happening.

Planning Director Darling explained that the application has been submitted by the City. She stated that because of some of the e-mails received, she would like to review some basic information on what a Comprehensive Plan is and how it works with the zoning ordinance. She noted that the City is required to update the Comprehensive Plan every ten years and identifies how the community will grow and change over a twenty year time horizon as an overall guiding document and noted that the one being reviewed now is through the year 2040. She explained that the City submitted the approved Comprehensive Plan to the Metropolitan Council for their review in 2019 and the Metropolitan Council gave comments to the City and declared the Plan incomplete because the City needed to address a number of items. She gave an overview of the items to be addressed, including that the City needs to have one-hundred and fifty-five units somewhere in the City that would provide opportunities for density greater than five dwellings per acre. She explained what the City has done to address this feedback including adjusting the density designations for the land use classifications to be a bit higher. She stated that the Met Council would also like the City to add more density that is developed at eight dwellings per acre or greater which would be more conducive for 48 of the units to be affordable. She stated that even if the City makes these areas available to build higher density housing, they cannot force property owners to add that housing nor force them to add affordable housing. She stated that the Metropolitan Council is asking the City to allow these opportunity areas where this type of development could occur. She reviewed the suggested amendments to the Comprehensive Plan. She noted that there has been quite a bit of concern that these would mean that here is a development proposed in the near future. She explained that property owners could continue to operate their businesses on their sites indefinitely and in the case of the mixed use areas, they would be under no obligation to add residential uses to those areas and could continue to operate them as commercial properties. She stated that the dredging company parcel would likely need to be rezoned to a residential district but could continue operating it as a dredging company indefinitely. She stated that the City could not shut down their operation, but if the dredging company stops operating for a period of one year or greater the use would be considered abandoned. She noted that the marina property can continue to operated as a marina indefinitely and would not need to be rezoned..

Commissioner Gault asked what would happen with an ownership change.

Planning Director Darling stated that nothing would happen and they could sell the properties and continue to operate the businesses consistent with the way they are now. She stated that if these

amendments are approved by the Council, then it would be submitted back to the Met Council for their approval.

Bob Kirmis, Northwest Area Consultants, gave an overview of the feedback the City received from the Metropolitan Council. He stated that one of the things they asked for was a map identifying specific parcels that would be subject to change and reviewed the other things the Metropolitan Council asked the City to amend. He stated that staff believes the proposed amendments meet the Metropolitan Council requirements for approval.

Planning Director Darling noted that the City Council looked at these amendments in a work session but have not formally acted on them and will not until they receive a recommendation from the Planning Commission.

A member of the audience asked questions about the review process and procedure.

Chair Maddy summarized that the Met Council is forcing the City to change the Comprehensive Plan to add some housing opportunities. He stated that staff and the consultant have found areas that this could potentially be done in the next twenty years and noted that nothing would be forced. The City Council will not take any action until the Planning Commission has given them their opinion and recommendation.

Planning Director Darling stated that there is a draft letter attached to the staff report that identifies other smaller changes to the Comprehensive Plan that were also requested by the Met Council. She stated that the smaller changes are things like re-mapping and recalculating some demographic information. She noted that making changes is part of the process in getting a Comprehensive Plan approved by the Met Council.

Commissioner Riedel asked staff to give a brief overview and explanation of the Met Council and how it fits in as a tier of government and whether things are considered 'binding' or not.

Planning Director Darling explained that the Met Council is a body appointed by the governor that is similar to a planning commission in a city but are essentially a planning commission for the State government and have more authority. The task of the Met Council is to look at specific development related issues and ensure that all of the cities are coordinating their plans together which means they review all of the cities Comprehensive Plan's to make sure that they are consistent with regional and State plans.

Chair Maddy reiterated that the City goes through this process every ten years.

Commissioner Eggenberger asked what the penalty would be for not meeting their Plan.

Mr. Kirmis stated that the Met Council is charged with addressing regional systems such as transportation, density, and regional parks. He stated that one of their objectives is to disburse density into the outlying cities rather than concentrating it in the inner city. He stated that as far as a 'penalty', he knows that the City would lose eligibility for Met Council grants if they do not comply but noted that he was not sure how much it has been tested. He referenced a case with Lake Elmo who lost a case against the Met Council.

Chair Maddy opened the Public Hearing at 8:15 P.M. noting the procedures used in a Public Hearing.

Penny Trunnel, 19865 Waterford Court, asked about affordable housing in the City and asked if the only property left that can be used for this and Mixed Use purposes is along Highway 7. She stated that if that is all the left, she would like to know why.

Planning Director Darling stated that the City is a built-out community and does not have large tracts of land like other cities have. She stated that it is not the only place where the City could add higher density housing because there are the other three areas that are being looked at tonight and could be proposed in other areas as well. She explained that these areas were identified because they are relatively compact and have access from the highway system.

Paul Kobs, 5585 Timber Lane, noted that he had submitted some comments earlier today via e-mail and agreed that was some confusion between zoning and land use. He stated that his message remains the same that they are in strong support of the way the Shorewood Marina operates and functions today and gives the community access to the City's greatest natural resource. He stated that he is concerned that the City would support any land use other than what is currently there today. He stated that a discussion about taking away a community amenity is concerning. He stated that there has been a lot of talk about affordable housing and the impact that has on zoning. He stated that he does not think Lake Minnetonka or lakeshore property is the place where that would be addressed and located.

Paul Christopher, 19827 Waterford Court, stated that most of his neighbors are also present tonight because of the notice. He asked when the rezoning would take place.

Planning Director Darling stated that if he is specifically referring to the Holiday Station location there is no need to rezone the property because it is currently zoned Planned Unit Development. She stated that the property owner is not required to add additional multi-family housing into the development, but if they do, the PUD will need to be amended to show what they are proposing and to show that they are limiting the impacts.

Mr. Christopher asked what phase of the Comprehensive Plan was the City currently in. He stated that as part of the discussion he has heard the word 'force' used and does not like the idea that the Met Council is forcing the City to do anything.

Commissioner Riedel explained that there is no development currently planned and is a change in the Comprehensive Plan to indicate that this area would have this use.

Chair Maddy stated that the Comprehensive Plan looks forward twenty years and justifies the zoning beneath it but right now the City is moving to respond to the Met Council's request to change some things from the first submittal.

Planning Director Darling noted that the Met Council has sixty days to review the newly submitted Comprehensive Plan.

Mr. Christopher asked if a notice would be sent out to the residents for a public hearing if there is going to be a change. He stated that they are fearful that they will wake up one day and it will be rezoned, they did not know anything about it, and it is too late to do anything.

Planning Director Darling stated that she understands that concern, but noted that the City cannot act on a rezoning or amend a PUD without calling a public hearing so they will be notified.

Mr. Christopher stated that the way the Comprehensive Plan reads right now is that the City does not want to move away from what they currently have and noted that he hopes they stick with that.

Commissioner Gault stated that he is confused by Planning Commissioner Darling's statement that the City would not rezone the shopping center. He stated that he was under the impression it would be changed to a Commercial/Mixed Zone.

Planning Director Darling stated that this was not correct and explained that the zoning district is part of the Zoning Ordinance which is an implementation tool of the Comprehensive Plan. The Comprehensive Plan has land use categories which is showing future land use of Mixed Use which means, at some point, the property owners could propose to add residential by amending the PUD.

Commissioner Gault noted that it is confusing because the map shows these areas as Commercial/Mixed Use.

Planning Director Darling clarified that tonight's discussion is about the Land Use Plan and not the Zoning Ordinance.

Jason Schiller, 19580 Shady Hills Road asked if the apartment complexes behind the gas station, in Minnetonka, were taken into consideration when the traffic studies are done. He stated that there are a lot of families with children in the area, so traffic is a concern for them.

Planning Director Darling stated that a traffic study would be required for a proposed development.

Chair Maddy noted that the study would take into account the existing traffic as well as the proposed and is not limited to just the City limits.

Joel Peters, representing owners of 23425 County Road 19, (Davis Family LLC) stated that he was here to submit the formal objection by the land owner to this proposed change in use and subsequent zoning change that would be inevitable. He noted that they could not improve the property significantly under its current use and the use changed, they would not be able to use it the building in the current use in perpetuity.

Planning Director Darling stated that if rezoned to a residential district, the owners could use the current building for its current use in perpetuity or improve the building at its current location in perpetuity but could not change the type of use that is proposed unless it is changed to a conforming use.

Mr. Peters stated that 'riddle' would occur upon sale or conveyance of the property.

Planning Director Darling stated that even after a sale, the property owner could continue to use the property as it is currently being used.

Mr. Peters stated that however, if a significant redevelopment were to occur and the use were to change it would be subject to the new criteria. He stated that he would just like to make clear that the proposed change is in opposition to the property owner's continued use and enjoyment of the property and would limit the property owners rights, detract business development, limit gathering resident input, and ignores the desires of the residents.

Chair Maddy asked what Mr. Peters and the Davis Family LLC wants out of this situation.

Mr. Peters stated that they just want to make sure that their existing land use rights are preserved.

Commissioner Riedel stated that those existing land use rights are preserved if they do not change the business.

Joseph Huber, 19762 Waterford Court expressed his appreciation for the Planning Commission and the Planning staff. He stated that in a nutshell, his comments are 'don't let this horse out of the barn'. He stated that the residents in the room chose to come to Shorewood for its density and nature of the community and increasing the density will change the nature of the community. He stated that he understands all the reasons, politically, that this has to happen and if the City is, in essence, being 'strong-armed' into it., he would ask that, especially for the PUD changes, that the City find a way to shoehorn in limitations to make residential units one story high with no occupancy on the second story.

Ree Barnes, 6055 Lake Linden Drive, stated that she would like to get back to the question about what kind of 'teeth' the Met Council has. She asked why the Met Council would want to make this change when the population rates are decreasing. She asked if there was a time limit and if the City could wait to make this change or if there was a date that the City had to expand by. She asked if there is a way to fight against the bureaucracy which are appointed, not elected individuals. She stated that she had grown up in the City, but she stayed here because of the nature of the community, including the density and does not want an apartment building that can look in in her bathroom window. She stated that she does not want that and questions if this means she should sell now because right now this is a great place to live. She reiterated her request that the City find a way to delay or fight this direction.

Sherol Christian, 23800 Lawtonka Drive, stated that she has three concerns with this proposal. She asked if the Met Council has taken into consideration other multi-family dwelling units within a mile of this location. She stated that she already sees a lot of traffic issues on County Road 19 which will continue to get worse. She stated that her third point is that as a previous small business owner, she wants to support the City's small businesses and does not like the idea of turning their precious property into more residential when small businesses are struggling. She stated that she does not want their land to be taken or reused for residential.

Tom Lingo, 23445 Smithtown Road, explained that he and his wife own the Garden Patch on County Road 19. He stated that he was told that if their property was switched over to apartments or high density that they could continue their business however he cannot make any improvements to keep the business going, such as enlarging the building. He stated that if a tornado comes and blows the business into the ground they would only have six months to build the exact building that was there. He stated that there should be some freedom to make changes in order to keep the business going. He stated that he is opposed to their property being considered for high density housing. He noted that there is also a culvert that goes through his property and would also restrict housing and thinks his property is pretty limited for the number of housing units that could go there. He stated that he does not support all the restrictions when he is just trying to keep a business going.

Bob Skinner, 19880 Waterford Court, asked for a show of hands of people who live on Waterford Court that are present at the meeting and those that are concerned about this project. He stated that the packet information talks about how the City's consultants came up with a draft plan and the changes include the creation of a new land use. He asked if Commercial/Mixed Use has not been a land use used here before.

Planning Director Darling stated that was correct.

Mr. Skinner stated that the Met Council has photos of what the Commercial/Mixed Use may look like which are businesses on the main floor and then six stories of residential above. He stated that this would happen right next to their properties and are currently about two units per acre and this would be 15-30 units per acre. He distributed a copy to Planning Director Darling. He stated that people in the room are concerned about the idea of a 4-6 story building adjacent to their property.

Gabriel Jabour, 23500 Smithtown Road, stated that he owns Shorewood Marina and the land that the dredging company operates on. He stated that he shares the feeling that Mr. Lingo shared regarding the Garden Patch. He stated that he thinks it is the City's responsibility and duty to direct the change that will come between now and 2099. He stated that what currently exists is by accident. He asked if his understanding was correct that the Shorewood Marina was residential, overlaid with Lakeshore Recreational which will not change. He stated that the other property is Commercial. He stated that with relation to compatibility not just based on what is currently there. He stated that it is within their rights today, based on the existing zoning, to build a commercial building and some is retail.

Planning Director Darling stated that they are allowed to develop the property for any of the uses allowed in C-2 zoning district.

Mr. Jabour stated that having commercial in that spot is not an appropriate use of that property and if it is guided towards residential, that would be a better use. He stated that between now and 2099, the business that exists there should have the ability to continue. He stated that he would urge the City to consider some way that the existing business could be allowed to modernize, not necessarily expand by leaps and bounds, but change in order to address issues that the new market forces on them. He stated that he is very excited to see someone from the neighborhood like the marina and noted that they offer life cycle housing and have special pricing for Shorewood residents.

Petra Cripe, 450 West Lake Street, explained that her home is right next to the dredging company site and has lived here for over twenty years. She stated that she agreed with the comment made earlier that this location makes zero sense for affordable housing. She stated that she would like to know if this is an oxymoron or if the City was playing a joker card. She stated that she does not care if apartments are put here because it will increase her property value, but noted that she is concerned about the way it is going about it, because this is not affordable housing. She stated that her bigger issue is all the people that will be living there will be coming through her street. She asked what would happen with the dredging companies CUP which protects her with things like fencing and proper landscaping to shield her from the equipment. She asked if the CUP would dissolve or if it goes along with the land. She stated that if it goes with the land, it gives an extreme amount of power to the land owner. She stated that she does not think this situation is fair because it is basically boxing the business owners into the current use. The City has already built a ton of houses at Country Club and at the bowling alley and asked if that contributed to the bottom line of the need for 155 dwellings. She stated that properties like the Shorewood Yacht Club is already zoned properly and suggested that it just be left this way so they would not need to be here tonight talking about this proposed change. She asked about run off and ground cover when there are high density buildings in a small amount of space. She reiterated that lakefront property is not affordable housing and that point should not be sugar-coated.

Commissioner Gault noted that the City does not get to count Tonka Bay's housing when the Met Council is addressing Shorewood.

Lindsey Ballard, 5585 Timber Lane, stated that many of the concerns shared have been related to traffic which are valid and good points have been made. She stated that she thinks that the most important thing to protect are the residents of the City having some kind of access as what the Comprehensive Plan refers to as Lake Minnetonka 'being the single largest park and recreational facility for use by Shorewood citizens'. She stated that she thinks the City needs to look harder for other alternatives other than what has been proposed because there are many who do not like the options being presented.

There being no additional input, Chair Maddy closed the Public Hearing at 9:02 P.M.

Chair Maddy clarified that the City is having to deal with what the Met Council is trying to force the City to do. He stated that they say affordable housing is typically at a certain density however, in this community, everyone knows better. He stated that the Met Council also says that the City needs to increase its density and they are trying to do the same thing in many communities that are auto-oriented. He reiterated that the City is simply trying to do what the Met Council is telling them to do. He stated that this is something being pushed by the Met Council and is not the City, volunteers, or Council coming up with the idea.

Planning Director Darling noted that the City had received a number of letters concerning this issue also and they are part of the public record.

Chair Maddy stated that Commercial/Mixed Use requires certain percentages to be residential and commercial and asked if that is by floor area or units.

Mr. Kirmis confirmed that it is determined by floor area.

Chair Maddy asked if there was a reason that the proposal is for fifty commercial and a minimum of forty as residential rather than opening it up so the existing uses could be expanded upon without adding residential.

Planning Director Darling stated that the City set them at the minimum amount so the City could meet the Met Council goals for the number of dwellings that the City may be able to produce with those land uses

Commissioner Riedel asked if the numbers needed to add up to one-hundred percent, for example could they add up to two hundred percent with development proceeding as it does. He asked if that would satisfy Met Council.

Chair Maddy asked if the City could allow one-hundred percent commercial and up to forty percent residential.

Planning Director Darling stated that she understands what they are suggesting and thinks that may be problematic for the neighborhood with regard to traffic impacts, not Met Council.

Commissioner Gault stated that he does not like the idea of taking away any recreational use property in the City and converting it to something else. He asked what the thought process was behind making everything, in terms of density, go up across the City.

Planning Director Darling explained that the reason the City targeted a few areas is because they were already fairly separated from residential areas, especially the two shopping centers. She stated that they have their own access and traffic to those areas would be from arterial roadways and in that sense, the development would be contained on those areas. She stated that they could have opened up more parts of the City for higher density residential development, but there was a concern that would be less comfortable for the residents to have many corners of the City that are currently single family homes suddenly guided for multi-family housing.

Commissioner Gault noted that the Planning Commission had just approved creating two half acre lots from a one acre lot and asked why that could not be done all across the City to meet the density requirement.

Planning Director Darling explained that this would not meet the requirements that the Met Council has set for the City because the densities need to be at five units per acre, or greater. She noted that none of the new units in the Minnetonka Country Club would meet that requirement, because the densities are too low.

Commissioner Gault stated that if they are just looking to increase the number of units by one-hundred fifty five, he questions why they would care how many there are per acre.

Planning Director Darling stated that it is the Met Council's purview to provide the minimum density levels for the new units and it is more likely that communities will get affordable housing at the higher densities than they will by developing more single family homes.

Chair Maddy clarified that this is the Met Council's opinion and not the City.

Planning Director Darling agreed and noted that it does not mean that every development moving forward will be affordable but by allowing for opportunity areas, there is a greater chance that there can be affordable housing throughout the metro area.

Chair Maddy asked if there would be a way to allow the existing land use rights of the listed properties in addition to the higher densities they would be allowed to have in the future, for example, The Garden Patch.

Planning Director Darling stated that she thinks the parcels are too small to look at for the new mixed use standard to be applied there. She stated that she thinks for those parcels the City either needs to look at them as an opportunity for higher density housing or leave them as is.

Mr. Kirmis stated that he has seen cities that allow expansion of non-conforming use by Conditional Use Permit, which could help in that situation.

Commissioner Gault stated that it is nice to hear that this is an option but noted that Shorewood basically has no commercial property today and this is talking about taking away from of that commercial property which does not make sense to him. He noted that the sites that have been identified already have traffic issues and if they were redeveloped it would only exacerbate the problem. He asked why the City is trying to concentrate this activity in these small areas. He stated that commercial development is needed in the City and is something that they do not have right now. He stated that the garden center is more valuable as a commercial piece of property than it would be as high density residential.

Planning Director Darling stated that she would, at this point, suggest the Commission take each area separately and make separate recommendations to the Council.

Commissioner Gault stated that he appreciates all the work that has gone into these changes, but thinks that ultimately it is just getting something on paper that is not conducive to the overall well-being of the City.

Commissioner Riedel stated that it is not clear to him that there is a better solution and reiterated the need for increased density from the Met Council.

Commissioner Eggenberger stated that he was torn because the City is trying to create a plan but he cannot get St. Louis Park out of his head because of how different it is from twenty years ago when it did not have all the high rises. The reality is that things change and in twenty years, Shorewood will not be what it is today.

Chair Maddy stated that based on the requirements that have been placed on the City, he thinks staff did a good job finding locations where this is already some good thoroughfare and some more open areas that are not adjacent to too many people. He stated that he does not think anybody actually wants this to move through and is a question of how it can be done in the least disruptive manner.

Commissioner Riedel noted that there was really good public comment given today. He stated that for the property owners, this strikes him as a serious issue and is a rezoning of land that limits what the commercial property owners can do. He asked if there was some way to satisfy a requirement from the Met Council without constraining the owners of these commercial properties.

Planning Director Darling stated that staff will need to do more research into the options of allowing a conditional use permit for expansion of existing non-conforming uses.

Chair Maddy asked what the timeline was to respond to the Met Council.

Planning Director Darling stated that they would like to get this to the Met Council as soon as possible, which would likely be November.

Commissioner Riedel feels that there should be a compromise in this situation such as the Conditional Use Permit for these properties.

The Commission discuss more details of the proposed Comprehensive Plan amendments and the difficulties in finding a solution to the requirements put forth by the Met Council.

Riedel moved, Eggenberger seconded, recommending approval of the Comprehensive Plan amendments, as proposed, with direction to staff to propose solutions on how best to preserve the rights of the property owners to allow them to continue with reasonable constraints. Motion passed 4/0.

Chair Maddy recessed the meeting at 9:45 p.m. and reconvened at 9:52 p.m.

5. NEW BUSINESS

A. Variance:

Applicant: Gianfranco and Bonnie Cuneo
Location: 26020 Birch Bluff Road

Planning Technician Notermann gave an overview of the request for a variance to allow a two-story addition located 10.3 feet from the west property line and the combined side-yard setbacks

of 24.6 feet when 30 feet is required. She noted that the application has been revised from its original form and they are no longer asking for a variance related to impervious surface. She stated that the original subdivision was recorded in 1881 with the home constructed in 1900 with multiple additions since that time. She stated that there was an attached garage that was demolished in 2013 and the proposed location for a new garage is in roughly the same location. She explained that since 2018, the previous owner added patio and fire pit improvements within the fifty-foot setback to Lake Minnetonka. She stated that the patio area will need to return to turf and the other improvements can exist as legally non-conforming structures. The previous owners also received a permit for a shed on the south side of the driveway to store the contents of the demolished garage. The survey of the property has shown that the shed is larger than what was approved, so that is also non-conforming and staff recommends that those improvements be removed prior to issuance of any new permits. Staff recommends approval subject to the conditions as listed in the staff report.

Commissioner Riedel asked about impervious surface and if this would still be non-conforming.

Planning Technician Notermann explained that it is non-conforming, but it is existing in a non-conforming way and this does not increase the non-conformity.

Commissioner Riedel clarified that the only variance is for the side-yard setback.

Planning Technician Notermann confirmed that the only variance under consideration is for the side-yard setback.

Chair Maddy noted that the current condition is for 'turf', but noted that it could be any kind of vegetation or ground cover. He stated that he does not want require turf because it is not that ecologically beneficial.

Bonnie Cuneo, 26020 Birch Bluff Road, stated that they had purchased the property a few months ago and are new to the City. She stated that they purchased it with the anticipation of building a garage. She stated that they have agreed to remove the patio area near the lake and remove the pea gravel.

Commissioner Riedel suggested that the Cuneo's contact the watershed district because they also have regulations for buffer zones of vegetation of some sort.

Ms. Cuneo stated that with their request of the garage, the City has asked them to remove the shed. She stated that she thinks the shed was originally built to match the approved permit but then they added an enclosure for garbage cans. She stated that because of cost, they have considered reducing the garage down to a two-car garage with storage because that would significantly reduce the hardcover and eliminate the setback issue. She asked if they would be able to keep the conforming portion of the shed if they made that change to the size of the garage. She explained that they would take away the additional decking and the enclosure that was added.

Planning Director Darling stated that the patio will need to be removed, but the shed may be able to stay if the garage is reduced.

Commissioner Riedel stated that what Ms. Cuneo is requesting will not even require a variance which is an entirely different process.

Planning Director Darling explained that if a variance was not needed, the process is a building permit process.

Chair Maddy stated that the Commission can go ahead and make a recommendation about the variance request and then the Cuneo's can work with staff and decide if they want to move forward in that manner.

Chair Maddy opened this up for public testimony at 10:08 p.m. There being no input, he closed the public testimony at 10:08 p.m.

Eggenberger moved, Gault seconded, to recommend approval of the Variance request at 26020 Birch Bluff Road, subject to the conditions as listed in the staff report, with a language change from 'turf' to 'vegetation'.

Chair Maddy noted that there was communication from the neighbors of the property included in the report.

Motion passed 4/0.

B. Variance:

Applicant: City of Shorewood
Location: 5655 Merry Lane

Planning Director Darling stated that this is a request for variances to allow placement of a concrete pad for Aquatic Invasive Species (AIS) equipment. She gave an overview of location and details of the pad and noted that staff recommends approval of the variance requests. She stated that the City received one letter from the adjacent property owner.

Commissioner Riedel stated that he does not understand why a variance is needed.

Planning Director Darling explained that the pad is proposed in the area of the landscape median, so it would convert some green space to hardcover.

Commissioner Gault asked where the water from the equipment drains.

Planning Director Darling stated that contaminated water is stored in the unit and removed from the site.

City Engineer Budde explained how the AIS equipment works.

Planning Director Darling introduced Commissioner Jim Heinz from the Park Commission. She stated that the Park Commission reviewed the request at their last meeting and gave a recommendation for approval.

Chair Maddy asked about what currently existed within the median related to drainage.

City Engineer Budde stated that the stormwater on most of the parking lot sheets to the southwest where it is collected in a few inlets, then with a pipe it is directed to the center median which serves as kind of an open channel. He stated that there is a wooden weir structure in there that is not functioning the way it is intended so the proposal is to remove that feature. The pipe then extends across the rest of the parking lot and outlets into Christmas Lake on the northeast side.

Chair Maddy asked if it was feasible to add some sort of sequestering structure such as a rain garden that can pre-treat the water before it goes into the lake.

City Engineer Budde stated that they had looked into that because it was one of the requests but explained that the challenge with the site is the way the water sheets across the parking lot and does not really collect. He stated that they considered taking some of the curb out around the center island to try to get parking lot water to that, but they ultimately found out that when they try to do the filtration, it is so close to the ground water table that it is really not very productive.

Chair Maddy asked if this meant that the water was just going to go straight into the lake whether it is above ground or below ground and nothing would really be filtered with something like a rain garden.

City Engineer Budde stated that this was correct that nothing would really be getting filtered that would come off of the parking lot other than through a little bit of grassy areas.

Park Commissioner Heinz noted that he has been a citizen of the City for about 31 years. He stated that the Park Commission considered two options for this site and chose to recommend the option presented tonight.

Chair Maddy asked if they had discussed noise abatement for the machine.

Park Commissioner Heinz stated that they did not discuss the noise of the machine, but feels this is a positive effort to utilize this kind of technology in this situation.

Chair Maddy opened this for Public Testimony at 10:25 p.m.

Peter Lehman, 21285 Radisson Road, confirmed that the Commission had received his recommendations that he had submitted via e-mail. He stated that they have lived in this location since 1986 and the public access was placed after that time in about 1989. His understanding was that the actual public access to Christmas Lake was on Holly Lane in Carver County. He read aloud the statement that he had submitted via e-mail regarding concerns and ways to help reduce the noise of the equipment.

Chair Maddy asked if was the engine noise that was causing issues or the sound of the spraying.

Mr. Lehman stated that it is the engine. He noted that it is not run 24/7 but it can be run during times like 6:00 a.m. to 10:00 p.m. He has not made a formal complaint to the City because he understands that there is public benefit but noted that in terms of a tangible difference in sound, every foot it can be moved further back matters.

There being no additional Public Testimony, Chair Maddy closed this portion of the meeting at 10:35 p.m.

Chair Maddy asked if the machine sounds were in violation of the noise ordinance. He asked if there had been any conversations with whomever operates the equipment if there were any options to mitigate the sound.

Planning Director Darling noted that she had not measured the sound levels but noted that they have not received any complaints for the last four years.

Commissioner Gault asked if the pad was moved where Mr. Lehman suggested would that create other complications. He asked if it would be possible to reverse the traffic pattern or if the hoses long enough.

City Engineer Budde stated that he did not think it could be reversed because of the boat ramp.

Mr. Lehman stated that he is sort of an 'expert' on the public boat landing and there is really no way to change the traffic pattern and explained how the public access works.

Commissioner Gault asked if the hoses were long enough that if it was moved they would still be useable.

City Engineer Budde stated that he would guess that they are long enough but does not have a definitive answer. He noted that their proposed location is approximately 297 feet from this to the nearest home to the north. He stated that there are two homes to the south that are closer at 206 feet and 165 feet.

Chair Maddy asked who paid for this AIS work to be done on the boats.

Planning Director Darling stated that the City pays a portion of the cost but the majority is covered by the Christmas Lake home owners association.

Commissioner Eggenberger asked if there would be a detriment to putting the equipment inside a structure.

Planning Director Darling stated that she would assume the detriment would be the cost of the structure and that it would have to be a custom design cabinet to fit over the existing trailer.

City Engineer Budde explained that currently, the make-shift muffler is made out of boards with some Styrofoam on the inside. He stated that it is portable because the trailer is moved in and out every few weeks which is also where a permanent structure becomes more challenging.

Commissioner Riedel stated that he thinks it is reasonable to assume that over time they will do more sound mitigation.

City Engineer Budde stated that he thinks they are willing to do that especially if they have a bit more of a permanent home for the equipment.

Commissioner Gault stated that the sound will not be any worse than it is right now.

Riedel moved, Gault seconded, to recommend approval of the variance requests to impervious surface coverage and setback to Christmas Lake at 5655 Merry Lane. Motion carried 4/0.

C. MATTERS FROM THE FLOOR

D. REPORTS

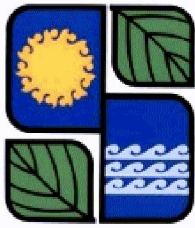
- **Liaison to Council**

October – Commissioner Riedel
November – Commissioner Riedel

Council Liaison Johnson reported on matters considered and actions taken during Council's most recent Council meeting (as detailed in the minutes for that meeting).

E. ADJOURNMENT

Riedel moved, Eggenberger seconded, adjourning the Planning Commission Meeting of October 5, 2021, at 10:55 P.M. Motion passed 4/0.



CITY OF SHOREWOOD

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MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: November 16, 2021

RE: Minor Subdivision and Variance to Lot Width

APPLICANT: Zehnder Homes

LOCATION: 24835 Yellowstone Trail

REVIEW DEADLINE: January 26, 2022

ZONING: R-1C/S

COMPREHENSIVE PLAN: Low Density Residential (1-2 units per acre)

FILE NO.: 21.28

REQUEST

The request includes the following to subdivide the property into two lots:

1. A minor subdivision to re-establish the lot line between the two parcels.
2. A variance to allow the easterly lot to be 99.65 feet wide where 100 feet is required.

Under the plan, the existing home would remain on the westerly lot and a new home would be constructed on the easterly lot.

Notice of the application was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.



BACKGROUND

Context: The subject property was originally created as lots 3 and 4 in the Deerfield Addition in 1955 and the two lots were consolidated together at some point in the past. The applicant is proposing to split the property along the same lot line as the previous subdivision.

The property contains mature trees and is subject to tree preservation. The topography of the site is relatively flat and it contains no property within a floodplain overlay district or wetlands. The far west side of the property is within the Shoreland Overlay district for Lake Minnewashta.

ANALYSIS

Minor Subdivision:

Lot Width/Area: Section 1202.05 subd. 2. c. of the subdivision regulations requires that all lots have adequate frontage on a city-approved street to accommodate a driveway and required driveway setbacks. Additionally, section 1201.13 of the zoning regulations has specific area and width requirements for newly created lots. The current and proposed lot areas and widths are shown below. The variance is discussed later in the report.

LOT	EXISTING		PROPOSED		REQUIRED IN R-1C	
	Lot Area	Lot Width*	Lot Area	Lot Width*	Lot Area	Lot Width*
Existing Property	79,102 sf	±247 feet	NA		20,000 sf	100 feet
Lot 3 (easterly)	NA	NA	21,217 sf	99.65 feet**		
Lot 4 (westerly)			57,885 sf	147 feet		

*As measured at the front setback ** Variance Requested

Impervious surface coverage: After the subdivision is recorded, future Lot 4 would have about 11 percent impervious surface coverage. The maximum impervious surface coverage allowed on Lot 3 would be 33 percent.

Right-of-Way/Easements:

Section 1202.05 subd. 6 requires 10-foot drainage and utility easements around the periphery of each lot and the applicant has provided the necessary legal descriptions for these easements.

Stormwater Run-Off/Grading: The applicant is proposing to construct a rain garden in a low spot toward the front of Lot 4 to provide the required rate control for the added impervious surface for Lot 3. Staff reviewed the stormwater calculations based on the additional impervious surfaces created by construction of the new home and the grading proposed and found that it generally meets the city's requirements, subject to the conditions included in the attached engineer's memo.

Utilities: Both lots have access to municipal sewer but the developer would provide water using a well for each lot. A right-of-way permit issued by the City of Shorewood would be required to install a new service in the right-of-way. The well that serves future Lot 4 is not shown on the plans. Staff recommends a condition that the applicant identify where the well is located prior to recording the subdivision.

Tree Preservation: The applicant has identified twelve significant trees that would be removed to accommodate the new home. Based on the size and number of trees removed and the size of the property, 11 new trees would need to be planted on the lots. The applicant has shown where the trees would be planted. One of the proposed trees is proposed to be planted in the right-of-way and staff recommend that a condition be included that it be moved to private property.

Accessory Building: Section 1201.03 subd. 2. d. (1) states that no detached accessory building or structure shall be allowed on any lot without a principal building to which it is accessory. Once the subdivision is recorded, Lot 3 would have an accessory building without a principal. Staff recommends a condition that the shed be removed prior to recording the subdivision.

Variance:

The subdivision regulations allow for variances upon showing that unusual hardship exists and that the request is consistent with the intent of the regulations. Section 1202.08 Subd. 1 of the Shorewood Subdivision Regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. Are the proposed uses compatible with the existing uses in the vicinity?

The subject property and all the surrounding properties are currently zoned and guided for residential purposes. No change in use is proposed and consequently the uses would remain compatible. The lot size proposed is consistent with the original approval of the subdivision.

2. Are there special and unique circumstances or conditions affecting the property that are not common to other properties in the city and the strict application of the provisions of this chapter would deprive the applicant of the reasonable and minimum use of its land?

The original plat measured the front property line with an angle or bend. The bend resulted in a slight narrowing of the front of the lot. The rear property line is 100.52 feet long showing that the lot originally was slightly wider at the rear than the front.

The applicant could increase the size of this parcel but keeping the parcel at the original lot lines keeps the legal descriptions simple and unencumbered into the future.

3. Would the variance cause detrimental impact to public welfare/adjacent properties?

Approval of the variances would not cause detrimental impact to public welfare/adjacent properties. The missing four inches of lot width would not be apparent to anyone in the vicinity.

4. Would the variance correct the unusual hardship related to any other physical factors of the land?

Approval of the variance would correct the inequity.

RECOMMENDATION

Staff recommends approval of the minor subdivision and variance to lot width based on the finding that the lots would be consistent with subdivision and zoning requirements and the criteria for variance approval, subject to the following conditions:

- Prior to recording the subdivision, the applicant shall complete the following:
 - Submit executed drainage and utility easements and a maintenance agreement.
 - Submit payment of one park dedication fee (\$6,500) and one local sanitary sewer access charge (\$1,200).
 - Remove the accessory shed on future Lot 3.
 - Identify the location of the well on future Lot 4.
- Prior to issuance of a building permit:
 - The applicant shall submit proof of recording for the subdivision, easements and maintenance agreement.
 - Prior to construction of improvements on either lot, the applicant must acquire the appropriate permits.
 - With a building permit application, the applicant shall submit a revised tree preservation/landscaping plan shows all the proposed trees in conforming locations and revise the plans to be consistent with the City Engineer's memo dated November 8, 2021 and City Code.
 - Prior to installing services or conducting other work in the right-of-way, the applicant shall obtain the appropriate right-of-way permit.

ATTACHMENTS

Location map

Engineer's memo

Applicant's narrative and plans

24835 Yellowstone Trail Location Map





MEMORANDUM

Date: 11/08/2021
To: Marie Darling, Planning Director
From: Matt Bauman, PE
Subject: 24835 Yellowstone Trail Lot Split and Variance Review
City of Shorewood
Project No.: 0C1.123603

The following documents were submitted for review of compliance with the City of Shorewood's City Code, Local Surface Water Management Plan and Engineering Standards:

- Administrative Subdivision revised dated 8/2/2021
- Proposed Site Plan, Grading and Erosion Control Plan revised dated 8/2/2021
- Stormwater Management Plan and HydroCAD models dated 7/30/2021
- Certificate of Survey revised dated 6/28/2021

This review only included the documents listed above, primarily dealing with grading, modelling and stormwater management and lot split and variance requests.

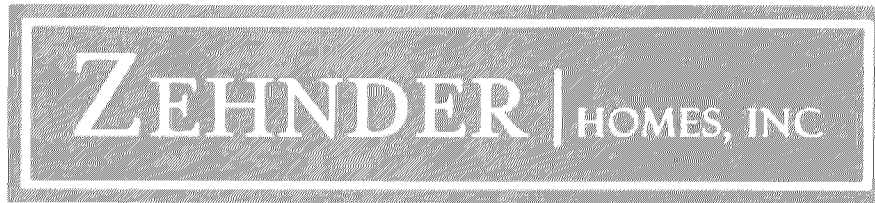
1. Update reference on the Grading, Drainage and Erosion Control plan to the Minnehaha Creek Watershed District.
2. The Grading plan shows an existing storm sewer line crossing the driveway within lot 4, but not shown on the Existing Conditions Survey. Clarify if this line exists and what is happening with it.
3. List pipe material and sizes of proposed driveway culvert. Culvert shall be installed to City standard detail: STO-14.
4. The property must meet the City of Shorewood Surface Water Management Plan Regulations (Section 5.3). The proposed plan meets these regulations, with a few clarifications needed.
 - a. Verify the time of concentration and flow length of catchment PR 1.
 - b. Verify that there is at least 3.0 feet of separation from the bottom of the infiltration basin to the groundwater elevation. This should be confirmed with a soil probe prior to during construction.
5. Modify the ponded area to be fully within one property or the other, not both.
6. The proposed infiltration basin shall be constructed within the proposed drainage and utility easement since it will be serving lot 3, but placed on the existing home lot 4. This makes it accessible to City staff.
7. Owners of private stormwater facilities shall enter into an agreement with the City describing responsibility for the long-term operation and maintenance of the stormwater facilities and shall be executed and recorded with building permit application. An operations and maintenance plan for the proposed stormwater system should be included with future submittals.
 - a. A template plan is attached.

Name: 24835 Yellowstone Trail Lot Split and Variance Review

Date: 11/08/2021

Page: 2

8. Applicant shall determine if it wishes for Lot 3 to be responsible for long term maintenance of the stormwater facility or Lot 4. Lot 3 necessitates the need for the basin, but both lots do contribute some drainage to it.
 - a. If Lot 3 is responsible, the maintenance agreement will be written requiring they maintain, and a separate agreement needed for Lot 4 to allow Lot 3 right of access to maintain.
 - b. If Lot 4 is responsible, the maintenance agreement will be sufficient for the single lot, however if future improvements to Lot 3 are proposed that would trigger more stormwater control, Lot 3 would not have access to the basin to add storage or make changes. Lot 3 would need to come up with additional control features on their lot.
9. A permit will be required with Minnehaha Creek Watershed District for Erosion and Sediment Control.



10300 10TH AVENUE • PLYMOUTH, MN 55441 • 763-204-8114 • LICENSE #: BC582356

September 27, 2021

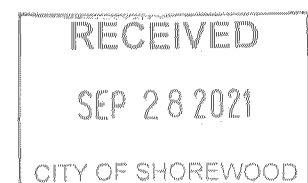
RE: 24835 Yellowstone Trail – Variance Request

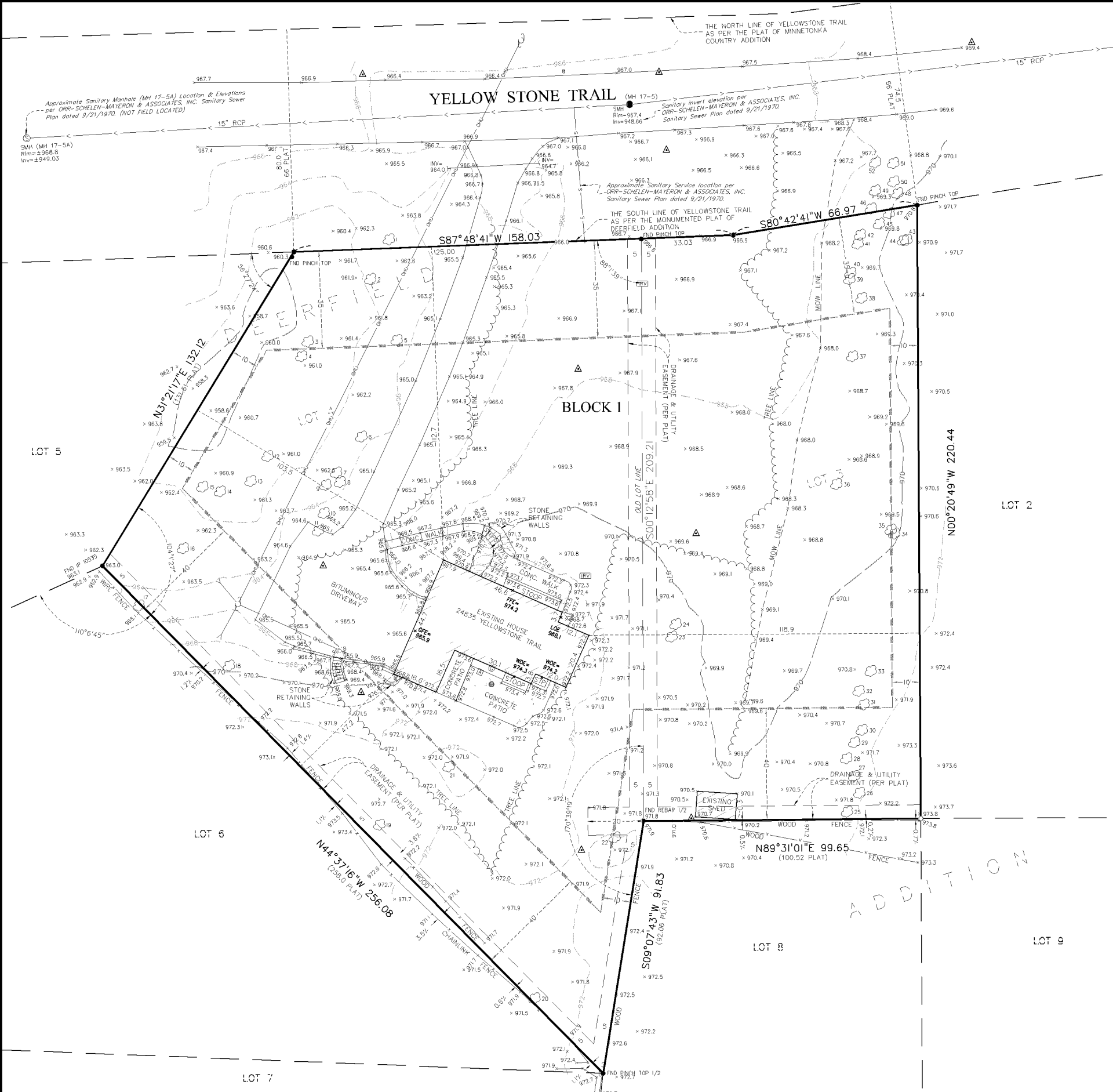
Description of Request:

We are asking for a 0.35' lot width variance for a proposed new lot.

Answers to Variance Application Questions:

1. The end use is a single-family residence, which is consistent with the comprehensive plan and aligns with the intended zoning regulations.
2. Practical difficulties:
 - a. The variances requested are reasonable to keep with the spirit of the zoning. This lot was previously platted, but was combined with the lot to the west at some point. We are proposing splitting it back into a separate lot, but it is .35' of the required 100' lot width.
 - b. As mentioned, this lot existed previously and we are just trying to convert it back to a separate lot. It was .35' short of 100' when it was platted previously as well.
 - c. If approved, the request would not negatively alter the character of the property. This request is not something that will be noticeable.
3. This variance request is not based on any economic considerations.
4. This variance request will not impair any neighbors light, won't increase traffic and doesn't pose any additional risk of fire or public safety. A variance of .35' lot width will have no effect on any of these items.
5. This variance request and the resulting construction project is not detrimental to public welfare. As stated earlier, the .35' lot width request will not even be noticeable. The new home on this lot will only improve the aesthetic and home values in the area as well.
6. I think the variance request is the minimum necessary to alleviate the practical difficulties.





- DESCRIPTION OF PROPERTY SURVEYED**
Lots 3 & 4, DEERFIELD ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.
- STANDARD NOTES**
- Site Address:** 24835 Yellowstone Trail, Shorewood, Minnesota 55331
 - Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C03131, effective date of 11/04/2016.
 - Parcel Area Information:** Gross Area: 57,885 s.f. ~ 1.32 acres
*We do not affirmatively insure the quantity of acreage set forth in the description
 - Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: 1004G which has an elevation of: 962.63 feet (NAVD88).
 - Zoning Information:** The current Zoning for the subject property is R-1-C (Single Family Residential District) per the City of Shorewood's zoning map dated January 2017. The setback, height, and floor space area restrictions for said zoning designation are as follows:
Principal Structure Setbacks - Street(s): 35 feet (Yellowstone Trail)
Side: 10 feet or 30 feet on side yard abutting a street
Rear: 35 feet
Height: 2-1/2 Stories or 35 feet
Hardcover: 25 percent of lot area

Please note that the zoning information shown herein may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

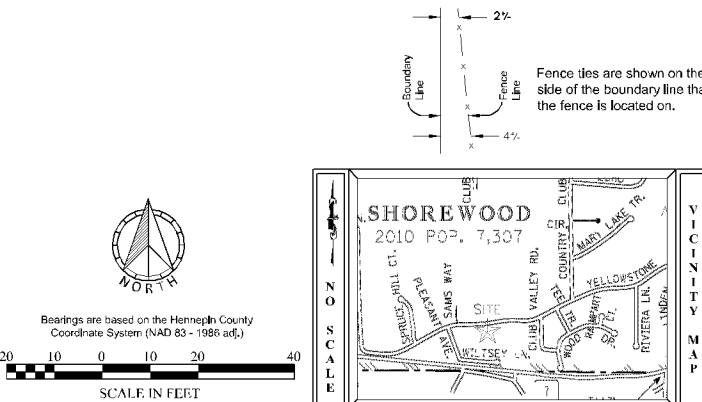
We have not received the current zoning classification and building setback requirements from the insurer.

1) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-9002.



Existing Elevations	
Gauge Floor Elevation	= 965.9
First Floor Elevation	= 974.2
Lowest Opening Elevation	= 969.1

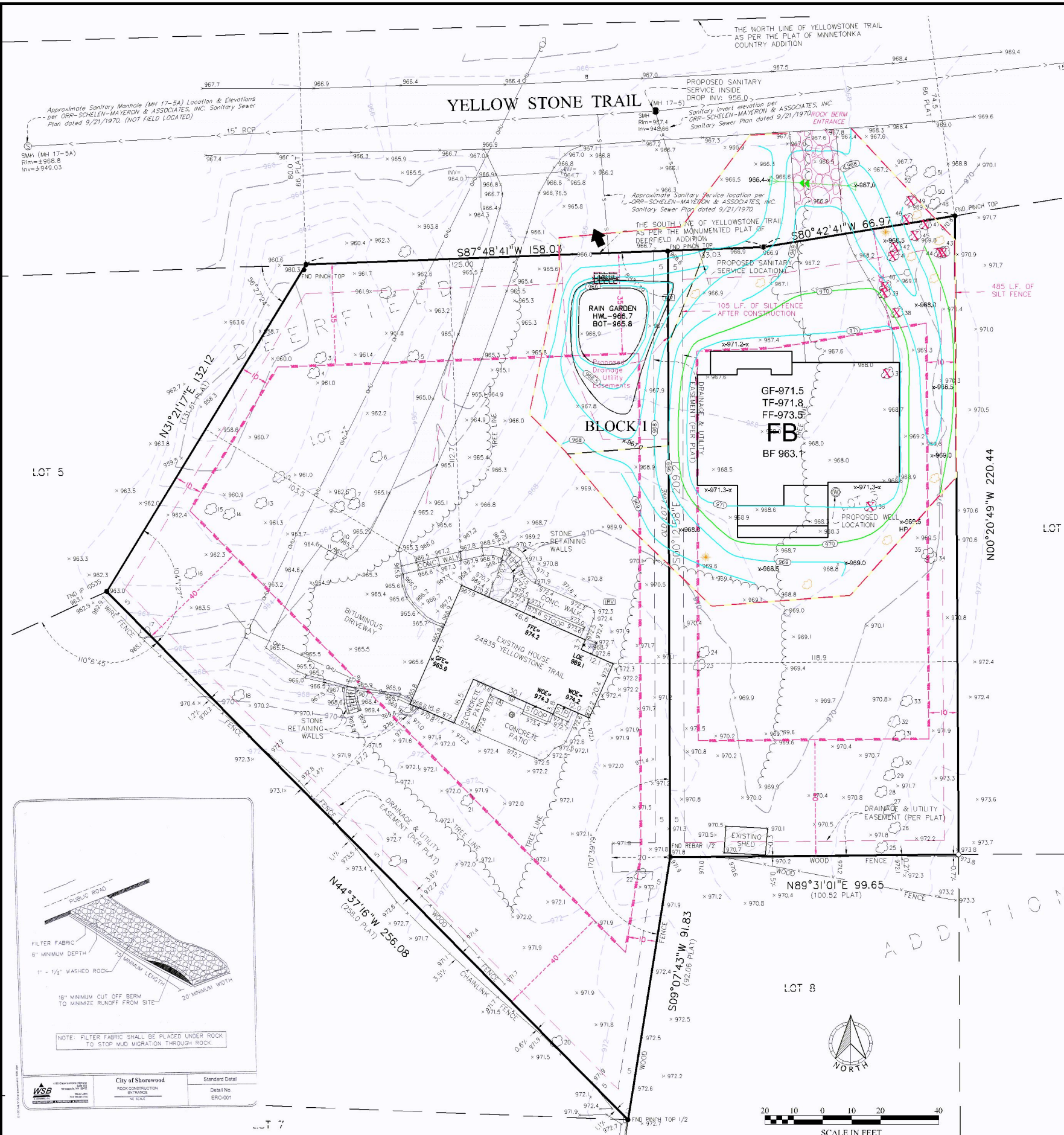
Existing Hardcover	
Lot Area	= 57,885 S.F.
House Area	= 1,827 S.F.
Shed Area	= 132 S.F.
Driveway Area	= 3,263 S.F.
Front Sloop Area	= 83 S.F.
Coac. Walk & Steps Area	= 350 S.F.
Rear Sloop Area	= 45 S.F.
Conc. Patio Areas	= 527 S.F.
Stone Walls Area	= 159 S.F.
Total Area	= 6,386 S.F.
Coverage	= 11.03%

Tree Summary							
Tree #	Species	DBH	Condition	Stems	Healthy	Significant	Notes
1	Ash, green	9.0	Good	1	Yes	Yes	
2	Ash, green	8.0	Good	1	Yes	Yes	
3	Ash, green	11.0	Good	1	Yes	Yes	
4	Ash, green	16.5	Fair	1	Yes	Yes	
5	Elm, Siberian	23.0	Poor	1	No	No	decay
6	Locust, black	9.5	Good	1	Yes	Yes	
7	Locust, black	10.5	Fair	1	Yes	Yes	
8	Locust, black	10.0	Poor	1	No	No	decay
9	Locust, black	12.5	Fair	1	Yes	Yes	
10	Locust, black	11.0	Poor	1	No	No	decay
11	Locust, black	12.0	Fair	1	Yes	Yes	
12	Ash, green	13.5	Poor	1	No	No	wound/decay
13	Elm, American	10.0	Good	1	Yes	Yes	
14	Basswood	13.5	Fair	1	Yes	Yes	
15	Ash, green	12.0	Good	1	Yes	Yes	
16	Basswood	10.0	Good	1	Yes	Yes	
17	Ash, green	17.0	Good	1	Yes	Yes	
18	Willow	35.0	Fair	1	Yes	No	
19	Maple, sugar	20.5	Good	1	Yes	Yes	
20	Maple, sugar	18.0	Good	1	Yes	Yes	
21	Birch, paper	20.0	Dead	2	No	No	dead
22	Ash, green	19.5	Good	2	Yes	Yes	
23	Walnut	19.0	Good	1	Yes	Yes	
24	Walnut	17.0	Good	1	Yes	Yes	
25	Arborvitae	30.0	Fair	4	Yes	Yes	
26	Arborvitae	13.5	Fair	1	Yes	Yes	
27	Arborvitae	14.0	Poor	2	No	No	decay
28	Arborvitae	9.0	Fair	1	Yes	Yes	
29	Arborvitae	7.5	Fair	1	Yes	Yes	
30	Arborvitae	9.5	Fair	1	Yes	Yes	
31	Arborvitae	18.0	Poor	1	No	No	decay
32	Arborvitae	17.0	Fair	2	Yes	Yes	
33	Arborvitae	10.5	Poor	1	No	No	decay
34	Ash, green	17.5	Good	1	Yes	Yes	
35	Elm, American	8.5	Good	1	Yes	Yes	
36	Ash, green	12.0	Good	1	Yes	Yes	
37	Hackberry	20.5	Good	1	Yes	Yes	
38	Ash, green	10.0	Fair	1	Yes	Yes	
39	Ash, green	9.0	Poor	1	Yes	Yes	healthy
40	Arborvitae	18.5	Fair	1	Yes	Yes	
41	Maple, sugar	9.0	Fair	1	Yes	Yes	
42	Elm, red	9.5	Good	1	Yes	Yes	
43	Ash, green	11.0	Good	1	Yes	Yes	
44	Maple, sugar	8.5	Good	1	Yes	Yes	
45	Ash, green	13.5	Good	1	Yes	Yes	
46	Ash, green	11.0	Good	1	Yes	Yes	
47	Ash, green	8.0	Good	1	Yes	Yes	
48	Ash, green	19.5	Good	1	Yes	Yes	
49	Elm, American	9.5	Good	1	Yes	Yes	
50	Ash, green	25.0	Good	1	Yes	Yes	
51	Maple, sugar	15.0	Good	1	Yes	Yes	
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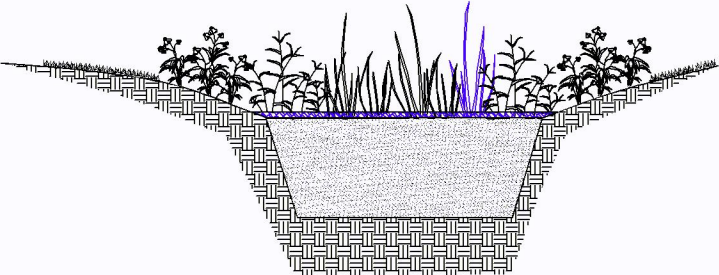
SURVEY LEGEND	
CAST IRON MONUMENT	WALKOUT ELEVATION
IRON PIPE MONUMENT SET	FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	CONCRETE
REBAR MONUMENT FOUND	BUILDING SETBACK LINE
PK NAIL MONUMENT SET	CABLE TV
PK NAIL MONUMENT FOUND	CONCRETE CURB
PK NAIL W/ ALUMINUM DISC	CONTOUR EXISTING
SURVEY CONTROL POINT	CONTOUR PROPOSED
A/C UNIT	GUARD RAIL
CABLE TV PEDESTAL	DRAIN TILE
ELECTRIC TRANSFORMER	ELECTRIC UNDERGROUND
ELECTRIC MANHOLE	FENCE
ELECTRIC METER	FIBER OPTIC UNDERGROUND
ELECTRIC OUTLET	GAS UNDERGROUND
YARD LIGHT	OVERHEAD UTILITY
LIGHT POLE	TREE LINE
FIBER OPTIC MANHOLE	SANITARY SEWER
FIRE DEPT. HOOK UP	STORM SEWER
FLAG POLE	TELEPHONE UNDERGROUND
FUEL PUMP	RETAINING WALL
FUEL TANK	UTILITY UNDERGROUND
PROPANE TANK	WATERMAIN
GAS METER	WATERMETER
GAS VALVE	WELL
GAS MANHOLE	MONITORING WELL
GENERATOR	CURB STOP
GUARD POST	GATE VALVE
HAND HOLE	HYDRANT
MAIL BOX	IRRIGATION VALVE
	POST INDICATOR VALVE
	SIGN
	SOIL BORING

FIELD CREW	NO.	BY	DATE	REVISION	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'s EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Dated this 23rd day of June, 2021.  Daniel L. Schmidt, PLS schmidt@sathre.com Minnesota License No. 26147	 SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-6000 WWW.SATHRE.COM	TWP:117-RGE.23-SEC.33 Hennepin County	ADMINISTRATIVE SUBDIVISION PREPARED FOR: ZEHNDER HOMES	FILE NO. 99595-130
DM, AK	1	EMW	8/2/2021	ADDED EASEMENTS TO LEGAL DESCRIPTION						
DRAWN	1	EMW	11/5/2021	REVISED EASEMENTS						
JRS										
CHECKED										
DLS										
DATE										
6/2/2021										
							SHOREWOOD, MINNESOTA		<div>1</div> <div>1</div>	



- CONSTRUCTION SEQUENCING
1. INSTALL APPROPRIATE TEMPORARY EROSION CONTROL DEVICES TO PREVENT SEDIMENT FROM LEAVING OR ENTERING THE PRACTICE DURING CONSTRUCTION.
 2. ALL DOWN-GRADIENT PERIMETER SEDIMENT CONTROL BMP'S MUST BE IN PLACE BEFORE ANY UP GRADIENT LAND DISTURBING ACTIVITY BEGINS.
 3. PERFORM CONTINUOUS INSPECTIONS OF EROSION CONTROL PRACTICES, ESPECIALLY AFTER EACH RAINFALL EVENT.
 4. INSTALL ALL UTILITIES (WATER, SANITARY SEWER, ELECTRIC, NATURAL GAS, PHONE, FIBER OPTIC, HOME CONSTRUCTION, ETC) PRIOR TO SETTING FINAL GRADE OF INFILTRATION BASIN.
 5. INFILTRATION AREAS ARE NOT ALLOWED TO BE USED AS TEMPORARY SEDIMENT BASINS.
 6. COMPLETE, STABILIZE, AND VEGETATE ALL OTHER SITE IMPROVEMENTS.
 7. RIP SOILS TO A DEPTH OF 12" BELOW TOP OF MIX PRIOR TO PLACEMENT OF SOIL MIX.
 8. ONLY AFTER UPSTREAM CONSTRUCTION IS COMPLETED, CAN THE INFILTRATION BASIN BE CONSTRUCTED TO FINAL GRADE. ONCE GRADING IS COMPLETED, INSTALL FILTER TOPSOIL BORROW AND VEGETATE IN ACCORDANCE WITH THE RESTORATION PLAN.
 9. MNDOT FILTER TOPSOIL BORROW SHALL BE TILLED TO A DEPTH OF 12" AFTER INSTALLATION IN THE BASIN TO REDUCE COMPACTION DURING INSTALLATION.
 10. REMOVE TEMPORARY EROSION CONTROL DEVICES AFTER THE CONTRIBUTING DRAINAGE AREA IS ADEQUATELY VEGETATED.
 11. SEED BASIN IN ACCORDANCE WITH SEED MIX 33-262

INFILTRATION BASIN DESIGN INFORMATION			
INFILTRATION BASIN	TOP OF MEDIA	DEPTH OF FILTER TOPSOIL BORROW	Drainline Elevation
BASIN #1	965.8	3'	None



INFILTRATION BASIN

- SCALE: NONE
- GENERAL NOTES:
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF SHOREWOOD OR DIRECTED BY THE ENGINEER.
 2. THE WATER QUALITY POND MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. SAND AND SILT MUST BE REMOVED FROM THE POND AS NECESSARY DURING CONSTRUCTION AND AT THE COMPLETION OF THE PROJECT.
 3. INSPECT POND, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 4. LINE ALL PONDS WITH A MINIMUM 3" ORGANIC SOILS & SEED SLOPES BETWEEN BASIN BOTTOM AND 100 YR HWL WITH A WATER TOLERANT MIX. (OR AS NOTED)
 5. NO NPDES PERMIT IS REQUIRED SINCE THE GRADED AREA IS BELOW 1 ACRES.
 6. ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
 7. A 12" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES.
 8. THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 9. THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 10. EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 11. CUT - 250 C.Y.
 12. FILL - 350 C.Y.
 13. SILT FENCE BEFORE GRADING - 485 FT
 14. SILT FENCE AFTER GRADING - 105 LF
 15. A POST CONSTRUCTION TEST ON THE INFILTRATION BASIN WILL BE CONDUCTED BY FILLING THE BASIN TO A MINIMUM DEPTH OF 6 INCHES WITH WATER AND MONITOR THE TIME NECESSARY TO DRAIN. THE COON CREEK WATERSHED DISTRICT SHALL BE NOTIFIED PRIOR TO THE TEST TO WITNESS THE RESULTS.
 16. STABILIZE THE VEGETATION OF DISTURBED AREAS AND SOIL STOCKPILES WITHIN 7 DAYS OF ROUGH GRADING OR INACTIVITY.
 17. DE-WATERING WILL NOT BE REQUIRED FOR THE CONSTRUCTION OF THIS PROPOSED PROJECT. IF DEWATERING BECOMES NECESSARY, THE ENGINEER SHALL BE CONTACTED AND A DEWATERING PERMIT WILL NEED TO BE ACQUIRED.

- ON-SITE BMPS
1. INFILTRATION/RETENTION AREAS - INFILTRATION/RETENTION AREAS WILL BE UTILIZED TO REDUCE/RETAIN THE RUNOFF FROM THE INCREASED HARD SURFACE.
 2. RIP RAP - RIP RAP WILL BE UTILIZED AT ALL APRONS FOR ENERGY DISSIPATION AND PROVIDE SEDIMENT CONTROL.
 3. INLET PROTECTION - INLET PROTECTION WILL BE INSTALLED AND MAINTAINED IN ALL CATCH BASINS & REAR YARD STRUCTURES. REFER TO THE CITY DETAILS ST-22 & ST-23 TO DETERMINE WHICH INLET PROTECTION DEVICE IS APPLICABLE.
 4. SLOPE STABILIZATION - SILT FENCE WILL BE INSTALLED ALONG DOWN GRADIENT GRADING LIMITS AND WOODFIBER BLANKET WILL BE UTILIZED ON ALL SLOPES 3:1 OR GREATER TO PROVIDE ADEQUATE SLOPE STABILIZATION.
 5. BIOROLLS - BIOROLLS WILL BE INSTALLED ALONG REAR YARD SWALES TO PREVENT SEDIMENT FROM REACHING THE NURP POND AND ULTIMATELY DOWNSIDE WETLANDS.



33-262 Dry Swale / Pond					
Common Name	Scientific Name	Rate (kg/ha)	Rate (lb/acre)	% of Mix (% by wt)	Seeds/sq ft
Big bluestem	<i>Andropogon gerardii</i>	1.88	1.50	3.40%	5.50
American slough grass	<i>Beckmannia eryzophora</i>	1.88	1.50	3.40%	27.80
Flinted brome	<i>Bromus ciliatus</i>	1.88	1.50	3.40%	6.05
Nodding wild rye	<i>Elymus canadensis</i>	4.48	4.00	8.09%	7.84
Harder whistlgrass	<i>Elymus inaequalis</i>	4.48	4.00	8.10%	10.15
Virginia wild rye	<i>Elymus virginicus</i>	2.50	2.50	5.87%	3.85
Switchgrass	<i>Panicum virgatum</i>	0.45	0.40	0.91%	2.05
Low bluestem	<i>Poa palustris</i>	1.79	1.50	3.64%	6.80
Indian grass	<i>Sorghastrum nutans</i>	1.88	1.50	3.40%	6.80
Total Grasses		20.74	18.50	42.03%	148.94
Marsh milkweed	<i>Asclepias incarnata</i>	0.07	0.06	0.13%	0.10
Purple ornitho clover	<i>Desmodium illinoense</i>	0.10	0.09	0.21%	0.80
Canada tick trefoil	<i>Desmodium canadense</i>	0.10	0.09	0.21%	0.19
Orchard	<i>Helianthus scaberrimus</i>	0.10	0.09	0.20%	0.20
Black-eyed susan	<i>Rudbeckia hirta</i>	0.08	0.07	0.17%	2.49
Blue vervain	<i>Verbena hastata</i>	0.11	0.10	0.23%	3.50
Total Forbs		0.56	0.50	1.18%	6.98
Total Cover Crop		28.02	25.00	58.82%	11.14
Totals		49.32	44.00	100.00%	164.06
Purpose:		Temporarily flooded swales in agriculture settings			
Planting Area:		Tailgrass Aspen Parklands, Prairies Parkland, and Eastern Broadleaf Forest Provinces. Mn/DOT Districts 2(west), 3B, 4, Meiro, 5, 7 & 8.			

7265 WASHINGTON AVE. S. EDINA, MINNESOTA 55439
PHONE: 952-944-7105 FAX: 952-944-7238 800-545-TURF EMAIL: twincityseed@twincityseed.com

- ROCK ENTRANCE BERM
- SILT FENCE
- POST GRADING SILT FENCE
- BIO-ROLL
- CONCRETE WASHOUT

SYMBOL LEGEND

DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
WATERMAIN		
BUILDING SETBACK BOUNDARY		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
DRAINAGE W/LEAKOUTS		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-UP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
WELL		
DRAIN FLOW/RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SOIL BORING LOCATION		
SILT FENCE		
WETLAND BUFFER POST		
BARBICADE		
SPOT ELEVATION		
TBC SPOT ELEVATION		
UTILITY POLE		
LIGHT POLE		
HANDICAP PARKING SPACE		

FIELD CREW	NO.	BY	DATE	REVISION
DM, AK	1	JRS	6/28/2021	ADDED TREE SUMMARY
DRAWN	2	EMW	8/2/2021	PROP, SAN, SERV. & WELL / ADDED FFE
JRS	3	EMW	11/3/2021	CITY COMMENTS
CHECKED				
DLS				
DATE				
6/2/2021				

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

Dated this 7th day of June, 2021.

Daniel L. Schmidt

Daniel L. Schmidt, PLS Minnesota License No. 26147 schmidt@sathre.com

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE-23-SEC.33
Hennepin County

SHOREWOOD, MINNESOTA

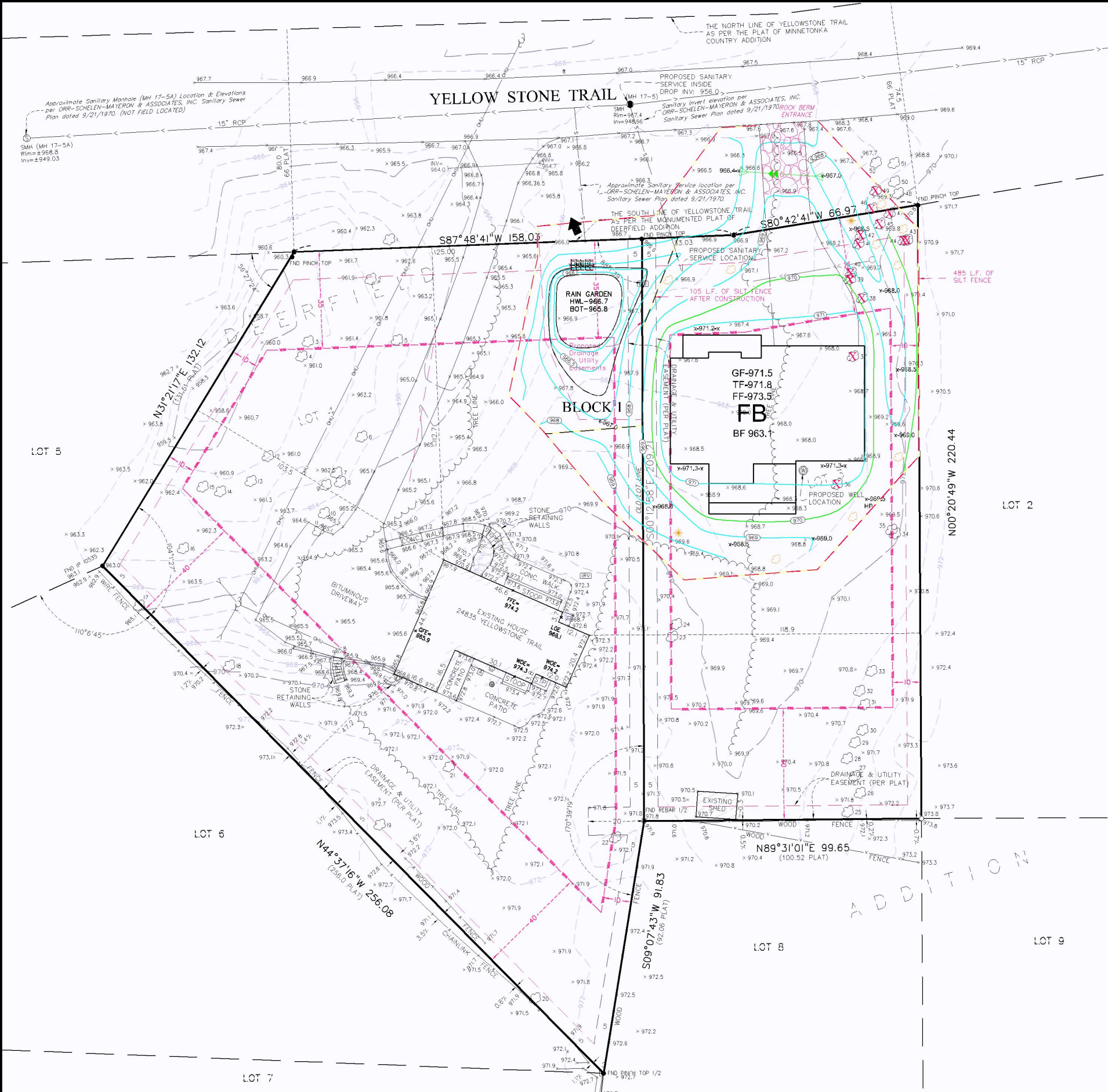
GRADING, DRAINAGE, AND EROSION CONTROL PLAN

PREPARED FOR:
ZEHNDER HOMES

FILE NO.
99595-130

1

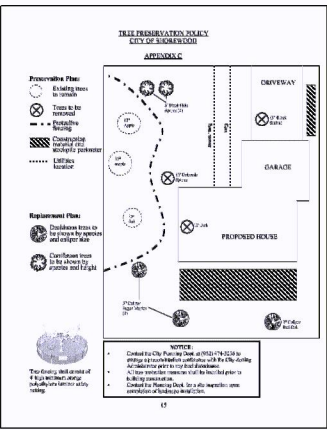
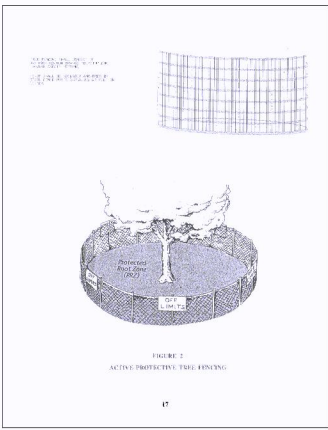
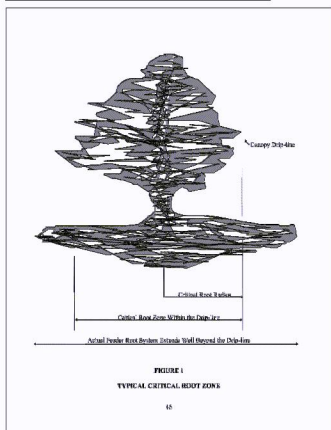
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DESCRIPTION OF PROPERTY SURVEYED
Lots 3 & 4, Block 1, Deerfield Addition, Hennepin County, Minnesota
Per Warranty Deed Doc. No. 1096007

STANDARD NOTES
1) Site Address: 24835 Yellowstone Trail, Shorewood, Minnesota 55331

TREE PRESERVATION DETAILS



City Contact Information

- Contact the City Planning Department at (952) 474-3236 to arrange a preconstruction conference with the City Zoning Administrator prior to any land disturbance.
- All tree protection measures shall be installed prior to building construction.
- Contact the City of Shorewood Planning Department at (952) 474-3236 for a Site Inspection upon completion of landscape installation.

Tree Removal Summary - Parcel 1

Deciduous Trees 8" DBH or greater = 9
Deciduous Trees 12" DBH or greater = 2
Coniferous Trees 12" high or greater = 1

Tree Replacement Options

Trees To Be Removed
9 Deciduous Tree
2 Deciduous Tree
1 Coniferous Trees

of Deciduous Trees
18 - 3 inch
6 - 3 inch

of Coniferous Trees
18 - 6 foot
6 - 6 foot
2 - 6 foot

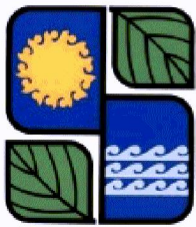
Total number of trees not to exceed 8 trees per acre, 1.32 x 8 = 10.56 or 11

PROPOSED SPRUCE - CONIFEROUS
PROPOSED MAPLE - DECIDUOUS

Tree #	Species	DBH	Condition	Stems	Healthy	Significant	Notes
1	Ash, green	9.0	Good	1	Yes	Yes	
2	Ash, green	8.0	Good	1	Yes	Yes	
3	Ash, green	11.0	Good	1	Yes	Yes	
4	Ash, green	16.5	Fair	1	Yes	Yes	
5	Elm, Siberian	23.0	Poor	1	No	No	decay
6	Locust, black	9.5	Good	1	Yes	Yes	
7	Locust, black	10.5	Fair	1	Yes	Yes	
8	Locust, black	10.0	Poor	1	No	No	decay
9	Locust, black	12.5	Fair	1	Yes	Yes	
10	Locust, black	11.0	Poor	1	No	No	decay
11	Locust, black	12.0	Fair	1	Yes	Yes	
12	Ash, green	13.5	Poor	1	No	No	wound/decay
13	Elm, American	10.0	Good	1	Yes	Yes	
14	Basswood	13.5	Fair	1	Yes	Yes	
15	Ash, green	12.0	Good	1	Yes	Yes	
16	Basswood	10.0	Good	1	Yes	Yes	
17	Ash, green	17.0	Good	1	Yes	Yes	
18	Willow	35.0	Fair	1	Yes	No	
19	Maple, sugar	20.5	Good	1	Yes	Yes	
20	Maple, sugar	18.0	Good	1	Yes	Yes	
21	Birch, paper	20.0	Dead	2	No	No	dead
22	Ash, green	19.5	Good	2	Yes	Yes	
23	Walnut	19.0	Good	1	Yes	Yes	
24	Walnut	17.0	Good	1	Yes	Yes	
25	Arborvitae	30.0	Fair	4	Yes	Yes	
26	Arborvitae	13.5	Fair	1	Yes	Yes	
27	Arborvitae	14.0	Poor	2	No	No	decay
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50	Ash, green	25.0	Good	1	Yes	Yes	
51	Maple, sugar	15.0	Good	1	Yes	Yes	
52	Ash, green	13.0	Fair	1	Yes	Yes	

SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	WOE WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FFE FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LIFT STATION	LOE LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE	CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT	BUILDING SETBACK LINE
PK NAIL MONUMENT SET	STORM MANHOLE	CABLE TV
PK NAIL MONUMENT FOUND	STORM DRAIN	CONCRETE CURB
PK NAIL W/ ALUMINUM DISC	CATCH BASIN	CONTOUR EXISTING
SURVEY CONTROL POINT	FLARED END SECTION	CONTOUR PROPOSED
A/C UNIT	FLARED END SECTION	GUARD RAIL
CABLE TV PEDESTAL	FLARED END SECTION	DRAIN TILE
ELECTRIC TRANSFORMER	FLARED END SECTION	ELECTRIC UNDERGROUND
ELECTRIC MANHOLE	FLARED END SECTION	FENCE
ELECTRIC METER	FLARED END SECTION	FIBER OPTIC UNDERGROUND
ELECTRIC OUTLET	FLARED END SECTION	GAS UNDERGROUND
YARD LIGHT	FLARED END SECTION	OVERHEAD UTILITY
UTILITY PEDESTAL	FLARED END SECTION	TREE LINE
UTILITY VALVE	FLARED END SECTION	SANITARY SEWER
WATERMAIN MANHOLE	FLARED END SECTION	STORM SEWER
WATER METER	FLARED END SECTION	TELEPHONE UNDERGROUND
FUEL PUMP	FLARED END SECTION	RETAINING WALL
FUEL TANK	FLARED END SECTION	UTILITY UNDERGROUND
PROPANE TANK	FLARED END SECTION	WATERMAIN
GAS METER	FLARED END SECTION	WATERMETER
GAS VALVE	FLARED END SECTION	WATERMETER
GAS MANHOLE	FLARED END SECTION	WATERMETER
GENERATOR	FLARED END SECTION	WATERMETER
GUARD POST	FLARED END SECTION	WATERMETER
HAND HOLE	FLARED END SECTION	WATERMETER
MAIL BOX	FLARED END SECTION	WATERMETER



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission, Mayor and City Council

FROM: Marie Darling, Planning Director

MEETING DATE: November 16, 2021

REQUEST: Variance to front setback and for a second driveway

APPLICANT: Zehnder Homes

LOCATION: 4990 Shady Island Point

REVIEW DEADLINE: January 26, 2021

LAND USE CLASSIFICATION: Low Density Residential (1-2 units/acre)

ZONING: R-1C/S

FILE NUMBER: 21.29

REQUEST:

The applicant requests two variances in order to build a new home.

- A 10-foot variance to allow the new home to be 25 feet instead of 35 feet from the front property line
- A variance to allow a second driveway where the regulations allows one

Under the plan, the existing home garage and patio by the shore would be removed. The existing shed by the shore is proposed to stay.



Notice of this application and the public meeting was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

Context: The lot was created around 1908 as part of Shady Island Lake Minnetonka Addition, with additional subdivision and consolidation as some time in the future. The home was constructed in 1960.

The property is within a floodplain and the shoreland district. The OHWL for Lake Minnetonka is currently at 929.4 and the floodplain elevation is 931.1. The property contains mature trees and is subject to the tree preservation policy.

The adjacent properties are all developed with single-family homes and zoned R-1C\S.

Applicable Code Sections:

Section 1201.12 subd. 5. d. of the zoning regulations lists the minimum setbacks for buildings in the R-1C zoning district. (Front 35 feet, Side 10 feet [a combined 30 feet required by the shoreland district], and Rear 40 feet)

Section 1201.03 Subd. 5. d. (j) of the zoning regulations states that each property shall be allowed one curb cut or driveway access for each 120 feet of street frontage. All properties shall be entitled to at least one curb cut or driveway.

Impervious Surface Coverage

	Required	Existing	Proposed
Impervious Surface Coverage	25 % (max.)	17.8. %	18.95 %

ANALYSIS

The applicant's narrative is attached and indicates that the property owners propose the setback variance to maximize the usable rear yard area in the backyard. They propose two driveways to provide more access to Shady Island Point.

Variance Criteria:

Section 1201.05 subd.3.a. of the zoning regulations sets forth criteria for the consideration of variance requests. These criteria are open to interpretation. Staff reviewed the request according to these criteria as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The applicants propose to use the property for residential purposes, which is consistent with the Comprehensive Plan and the intent of the Zoning ordinance.
2. *Practical difficulties:* Practical difficulties include three factors, all three of which must be met. Staff finds that the applicants discussion of practical difficulties for the property are somewhat mixed.
 - a. *Reasonable:* The applicant has proposed reasonable residential uses on the property.
 - b. *Unique Situation vs. Self-Created:* The setback variance is entirely self-created. The lot is 50 percent larger than the minimum in the zoning district. The property is limited by floodplain,

but the area of floodplain is in the 1/3 of the lot closest to the lake leaving an adequate area for the applicants to shift the home toward the lake and meet the 35-foot setback.

The second driveway connection to Shady Island Road has a unique situation in that the roadway is about 10 feet wide with a 15-foot right-of-way. The road is not wide enough to accommodate any parking. The additional driveway connection and curved segment would allow for flexibility for some additional off-street parking for the homeowners and their guests. The applicant has an adequate amount of impervious surface remaining to accommodate the additional hard surfaces.



Approximate Location of Floodplain

- c. *Essential Character*: The homes along Shady Island Point all meet the required setback, although one garage is located closer to the street than would be permitted under the current ordinance. The area is frequented by few vehicles, and it is unlikely that the second driveway or the setback variances would be noticeable or impact the essential character of the area.
3. *Economic Considerations*: The applicant has not proposed the variance solely based on economic considerations, but to expand their use of the property.
4. *Impact on Area*: The property owner is not proposing anything that would impair an adequate supply of light and air to an adjacent property, increase the risk of fire, or increase the impact on adjacent streets. The additional driveway and circular segment may decrease the impact of their home on the public street by providing a few more parking opportunities off the narrow Shady Island Point.
5. *Impact to Public Welfare, Other Lands or Improvements*: The variances would have a limited impact to the public welfare and other lands and improvements.
6. *Minimum to Alleviate Practical Difficulty*: Staff finds the variance request for the second driveway is the minimum necessary to alleviate the practical difficulties of the public access to this property. Staff finds that there are no practical difficulties for the reduced setback for the principal structure that are not self-created or different than other lake lots.

FINDINGS/RECOMMENDATION

Staff finds the proposed variances meets some of the criteria above and recommends approval of the variance for the second driveway access but recommends denial of the variance for the home setback as the applicant hasn't shown a practical difficulty in meeting the setback. Staff acknowledging that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise.

Should the Planning Commission recommend approval of the variance, staff recommends that the applicant be required to acquire all necessary permits prior to construction of the home.

ATTACHMENTS

Location map

Applicants' narrative and plans

Correspondence received

4990 Shady Island Point Location Map





10300 10TH AVE N • PLYMOUTH, MN 55441 • 763-204-8114 • LICENSE #: BC582356

September 27, 2021

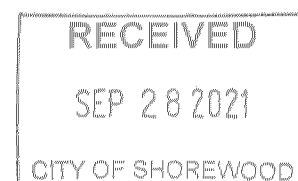
RE: 4990 Shady Island Point – Variance Request

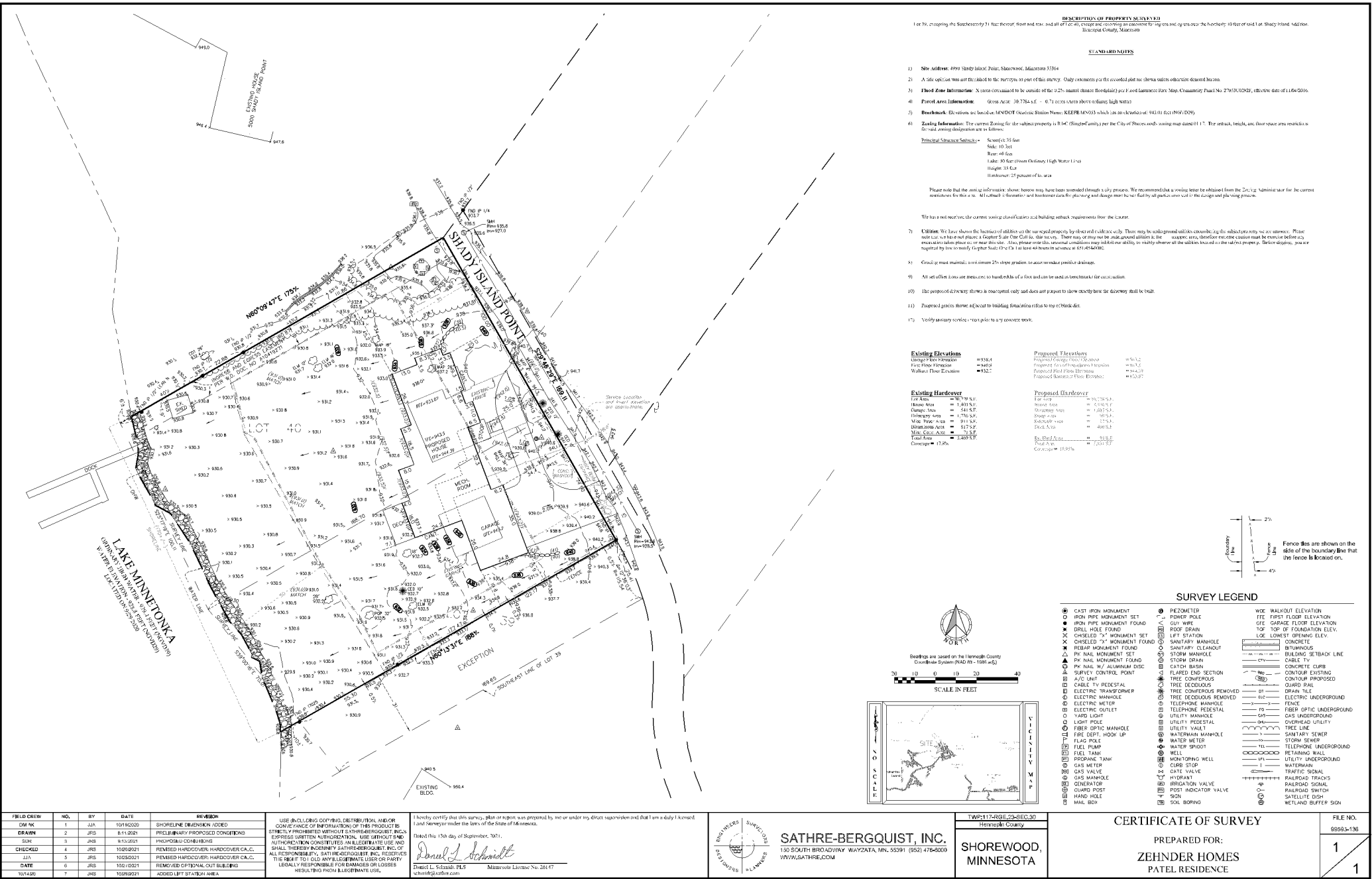
Description of Request:

We are asking for a 10' front yard setback variance and a variance for an additional curb cut. The 10' front yard setback is needed to help with grading and to allow for more usable backyard space. We would be moving further from the lake, which is opposite of what is generally asked for as well. The 2nd curb cut is requested due to the limited access on Shady Island Point. It will be safer for the homeowners and the surrounding neighbors.

Answers to Variance Application Questions:

1. The end use is a single-family residence, which is consistent with the comprehensive plan and aligns with the intended zoning regulations.
2. Practical difficulties:
 - a. The variances requested are reasonable to keep with the spirit of the zoning. It also actually improves the existing front yard setback, as the existing home is only 5.5' from the property line. Also, due to the home being at an angle, only about 50% of the home will be outside the 35' FYSB.
 - b. The lot does create some unique circumstances. I think any lake lot does and this is not different. With the large lake setback and a 35' front yard setback, the building pad becomes a little small to accommodate a home and any backyard amenities.
 - c. If approved, the request would not negatively alter the character of the property. I feel it would improve the character. Again, the existing home is only 5.5' from the property line. Our 10' variance would result in the new home being 25' from the property line.
3. This variance request is not based on any economic considerations. It does not affect the cost of the build at all.
4. This variance request will not impair any neighbors light, won't increase traffic and doesn't pose any additional risk of fire or public safety. Neighbors are relatively far away, the occupancy of the home will remain the same, so no additional traffic, and one could argue that newer homes provide a lower risk of fire due to new wiring and new technologies.
5. This variance request and the resulting construction project is not detrimental to public welfare. I would argue that if anything, it benefits public welfare by producing jobs and also raising the taxes paid by this landowner. The current home is closer to the street than the end result of our variance request, so no, this project does not injure any other lands or improvements, it makes them better.
6. I think the variance request is the minimum necessary to alleviate the practical difficulties. We aren't asking for as close as the existing home, just slightly closer to accommodate grade and usefulness of backyard space.





FIELD CREW	NO.	BY	DATE	REVISION
DM 1K	1	JJA	10/18/2020	SHORELINE DIMENSION ADDED
DRAIN	2	JRS	8/11/2021	PROPOSED PROPOSED CONCRETE
SOL	3	JRS	8/11/2021	PROPOSED CONCRETE
CHECKED	4	JRS	10/26/2021	REMOVED HARDCOVER, HARDCOVER CAL.
JJA	5	JRS	10/26/2021	REMOVED HARDCOVER, HARDCOVER CAL.
DARE	6	JRS	10/10/2021	REMOVED OPTIONAL NOT BUILDING
W/1426	7	JRS	10/26/2021	ADDED LEFT STATION AREA

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

Dated this 13th day of September, 2021.

David L. Schmidt, PLS
Schmidt@slr.com

Minnesota License No. 26147

SATHRE-BERGQUIST, INC.
130 SOUTH BROADWAY WAYZATA, MN, 55391 (952) 478-8000
WWW.SATHRE.COM

TWP17N R26E S23-30
Hennepin County
SHOREWOOD, MINNESOTA

CERTIFICATE OF SURVEY

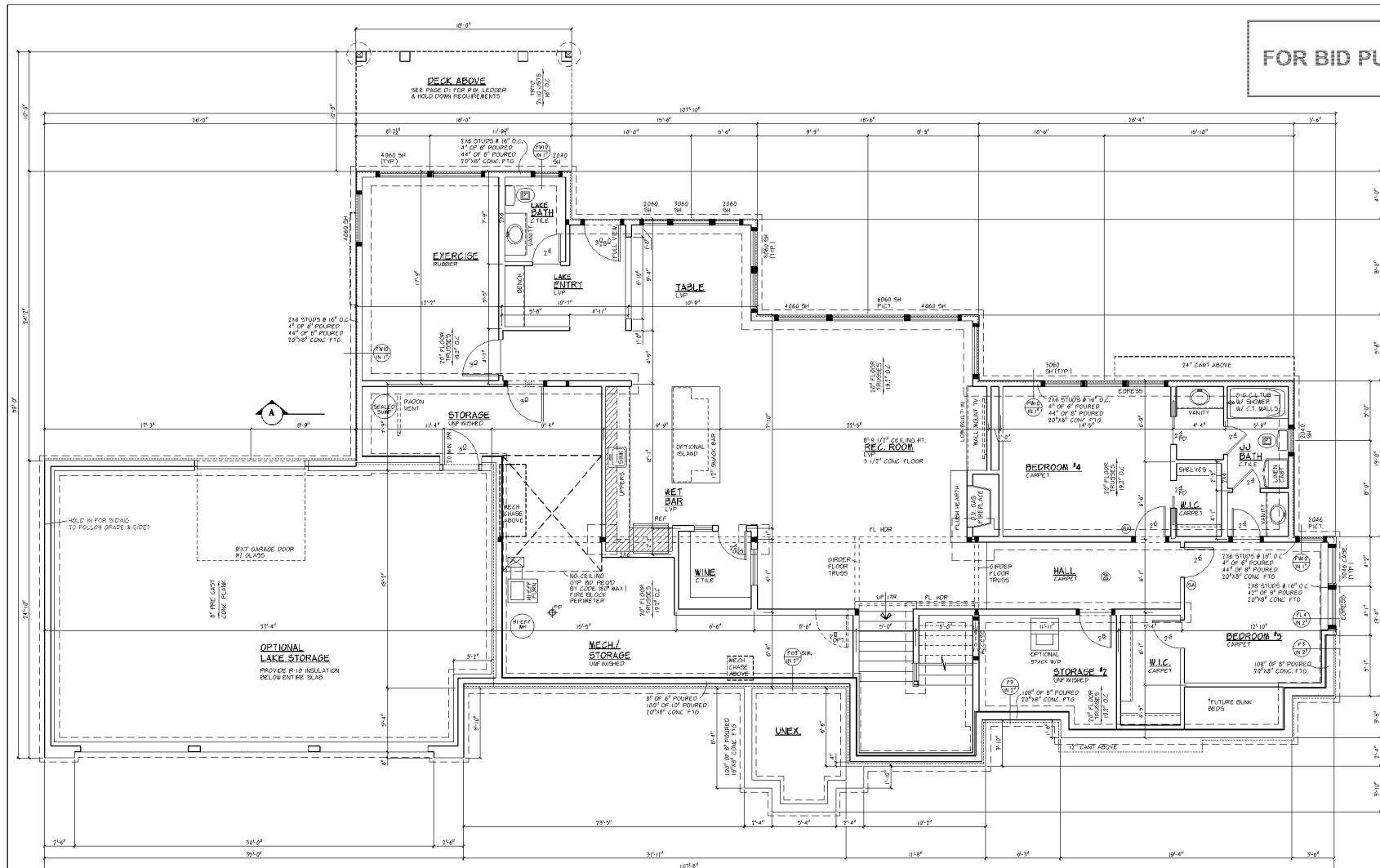
PREPARED FOR:
ZEHRER HOMES
PATEL RESIDENCE

FILE NO.
95993-136

1
1



FOR BID PURPOSES ONLY



FOUNDATION PLAN

EXTERIOR DIMENSION ARE FROM EXTERIOR OF FOUNDATION WALLS
AT FULL BASEMENT AREAS AND AS NOTED AT FRAMED WALLS AT
LOOKOUT AND WALKOUT AREAS.

BASMENT FINISHED	2,011 SQ. FT.
BASMENT UNFINISHED	679 SQ. FT.
OPT. LOWER GARAGE	699 SQ. FT.

WINDOW & DOOR NOTES
• Andersen 100 Series Windows

- * CODE MAX U VALUE = 0.32 MAX SHGC = 0.35
- * ALL WINDOWS SET AT 8" UNLESS NOTED OTHERWISE
- * BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR
- * SHGC & STC RATINGS FOR EACH WINDOW & EXTERIOR DOOR
- * BUILDER TO VERIFY ALL WINDOW DOOR & OPENING FOR HTS
- * WINDOW BELLS WITH A VERTICAL DEPTH OF MORE THAN 48"
- * MUST BE EQUIPPED WITH AN APPROVED LADDER

GUARDRAIL NOTES

- CORNICES REQUIRED UNDER SIDE OF AVI STAIR WERE
THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL QUADRANTS

FLOOR SYSTEM NOTES

- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

FOUNDATION WALL & FOUNDATION INSULATION NOTES

- 5'-0" FOUNDATION WALLS WITH 8" STAIN PLATE
 1'-0" FLOOR BARS AND 1'-0" STEEL WALL
 ASSUMED SOIL BEARING CAPACITY 7,000 LBS
 MAINTAIN 47" MIN. GRADE ABOVE FOOTING
 1'-0" OF DITCH AND 1'-0" OF GRADE 1'-0" BELOW GRADE
 MASONRY CONSTRUCTION TO VERIFY WALL & FOOTING
 REQUIREMENTS WITH SITE CONDITIONS
 1'-0" OF DITCH AND 1'-0" OF GRADE 1'-0" BELOW GRADE
 REQUIREMENTS AT ALL UNBALANCED BACKFILL FOOTING
 1'-0" OF DITCH AND 1'-0" OF GRADE 1'-0" BELOW GRADE
- (F) FOUNDATION WALL DETAIL ON PAGE 21
 INDICATES DISTANCE FOUNDATION IS HELD
 FROM SHEATHING ABOVE
 FOUNDATION WALLS HELD FROM SHEATHING ABOVE AS
 INDICATED BY FOUNDATION WALL DETAIL
 SHALL BE OVERLAPPED WITH MAXIMUM SEE
 FOUNDATION WALL DETAILS WHEN 1720 ZIN PLATE IS (USED)
 SEE FOUNDATION WALL DETAILS 9" FOR FOUNDATION WALL

SHEETROCK & INSULATION NOTES

- OYP, BD REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQ.FT. MAXIMUM AT MECHANICAL)
- 1" OYP, BD AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" OYP, BD AT HABITABLE AREAS

• 8'-9 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE

- N 216 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOWS & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE 1/4" FIRE BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAGS & OTHER TRUSSES TO FOUNDATION
- PROVIDE FIRE BLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTAL @ INTERVALS NOT EXCEEDING 16'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORES)
- PROVIDE STAIR STOPPING BETWEEN STORES 1/4" MIN. APPROXIMATELY EQUAL SPACES NOT EXCEEDING 10'0" SOFT.

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARMS IN EVERY BEDROOM, THE CORRIDOR LEADING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR LEADING ACCESS TO THE BEDROOMS
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

D.F.P.
PLANNING & DESIGN
9100 BALTIMORE ST. NE., SUITE 106 BLAIN
ME 04915
WEB: WWW.DFPDESIGN.COM
E-MAIL: INFO@DFPDESIGN.COM
Phone 763-760-8004 Fax 763-763-8004

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PATEL RESIDENCE
4980 SHADY ISLAND POINT
SHOREWOOD, MINNESOTA

DATE:
7-27-21
REVISIONS
B-(2-2) SW

DRAWN BY
CD

COMM. NO.
220305

SHEET NO
2

RAD
VEN

SCALE 1/4"=1'-0"

WINDOW & DOOR NOTES

- ANDERSEN 100 SERIES WINDOWS
 - CODE MAX U VALUE = 0.92 MAX SHGC = 0.96

- GUARDRAIL NOTES**

- QUADRANT MEASURED ON OVER SIDE OF ANY STAIR WALK
- ALL CORNERS LESS THAN 45° & 135° QUADRANTS

- ALL FLOORS TO BE L/480

- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE

- $\frac{1}{8}$ PLATE HEIGHT UNLESS NOTED OTHERWISE

- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR

PROVIDING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT

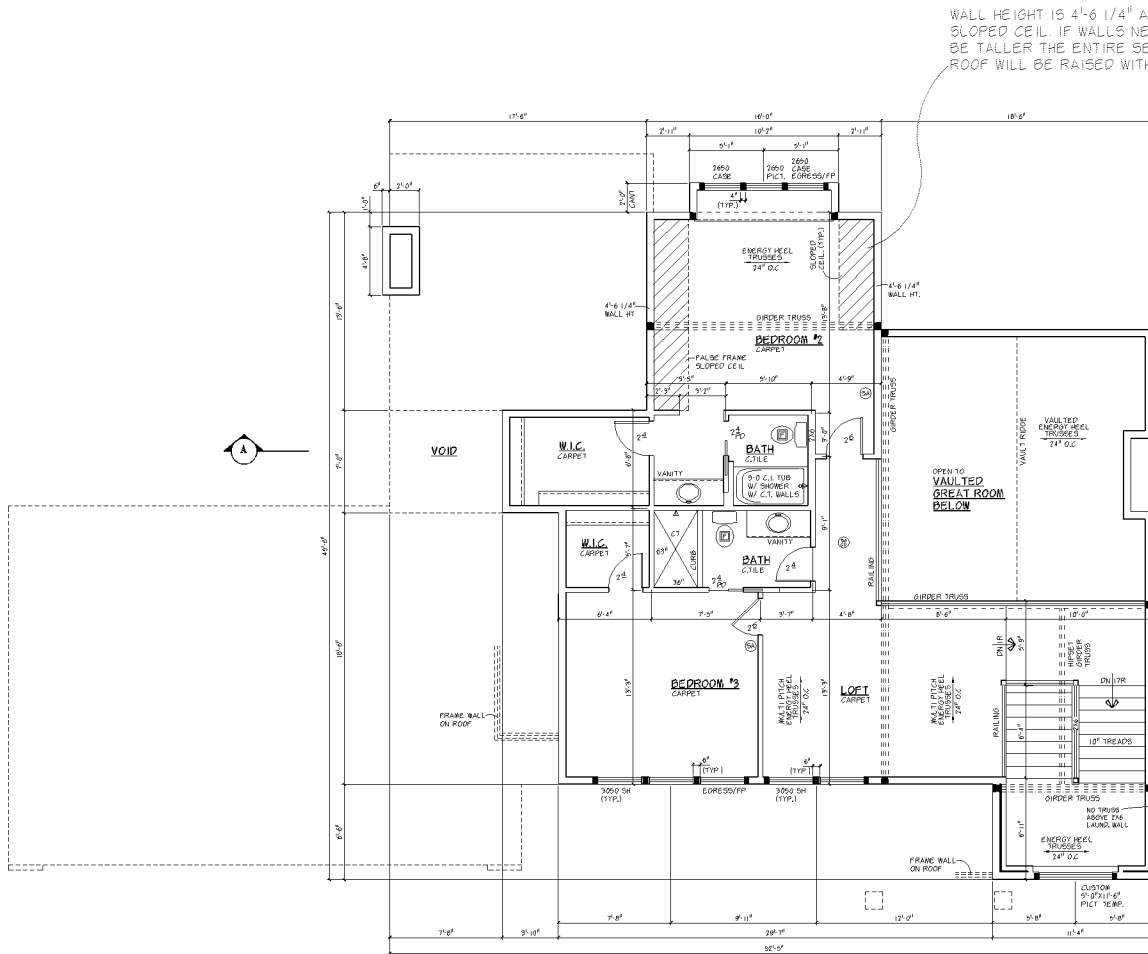
ZEHNDER | HOMES, INC.
(651) 301-2747

DATE: 7-27-21
REVISIONS: 8-12-21 S

COMM. NO.
220309

SHEET NO

3



SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE SHEATHING TO SHEATHING

SECOND FLOOR FINISHED 1128 SQ. FT.

- WINDOW & DOOR NOTES**
- ANGLE RADON VENT SERIES WINDOWS
 - CODE MAX U VALUE = 0.35 MAX SHGC = 0.35
 - ALL WINDOWS SET 6" UP UNLESS NOTED OTHERWISE
 - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR
 - SHGC & SFC RATING FOR EACH WINDOW & EXTERIOR DOOR
 - BUILDER TO VERIFY ALL WINDOW DOOR & OPENING HGT, HTS.
 - 4" = PROVIDE FALL PROTECTION & OPERATING WINDOWS

- GUARDRAIL NOTES**
- GUARDRAIL, REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
 - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

- FRAMING NOTES**
- 8" x 16" PLATE HEIGHT UNLESS NOTED OTHERWISE
 - 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
 - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADS UNLESS NOTED OTHERWISE
 - PROVIDE LVL/SLB SOLID BLOCKING AT ALL PORT LOADS, SUPPORT BEAMS, MICROPILES AND GIRDER TRUSSES TO FOUNDATION
 - PROVIDE FIREBLOCKING VERTICALLY @ CELL BAYS & FLOORS & HORIZONTALITY @ INTERVALS NOT EXCEEDING 10'-0"
 - CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STAIRWAYS & BETWEEN STORIES
 - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 10'0" HGT.
 - ALL GREAT FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP BD AT HABITABLE AREAS

- SMOKE AND CARBON MONOXIDE ALARMS**
- PROVIDE SMOKE ALARM IN EACH BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
 - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

PATEL RESIDENCE
10000 10TH AVE N
MINNETONKA, MN 55345

DATE:
7-27-21
REVISIONS:
8-12-21, SDW

DRAWN BY:
CJ

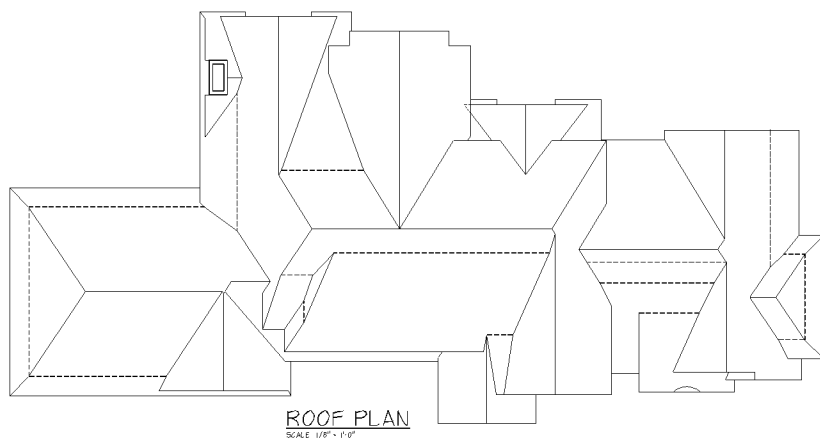
COMM. NO:
220305
SHEET NO:
4

D.P.P. PLANNING & DESIGN
1000 BALTIMORE ST. N.E. SUITE 100
MINNETONKA, MN 55345
TEL: 763.552.8800 FAX: 763.552.8805

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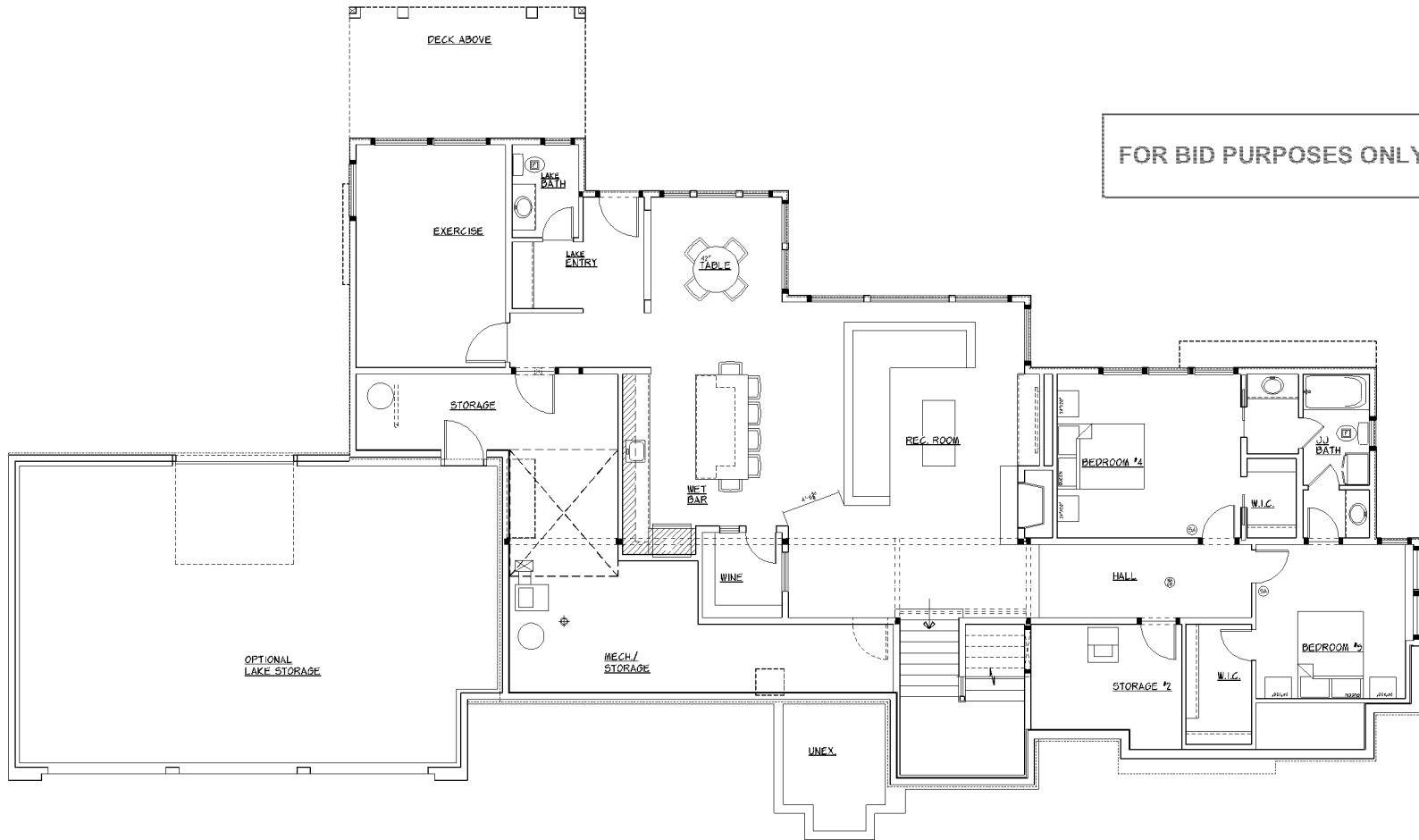
PATEL RESIDENCE
4980 SHADY ISLAND POINT
SHOREWOOD, MINNESOTA

DATE:
7-27-21
REVISIONS:
B-12-21 SW

DRAWN BY
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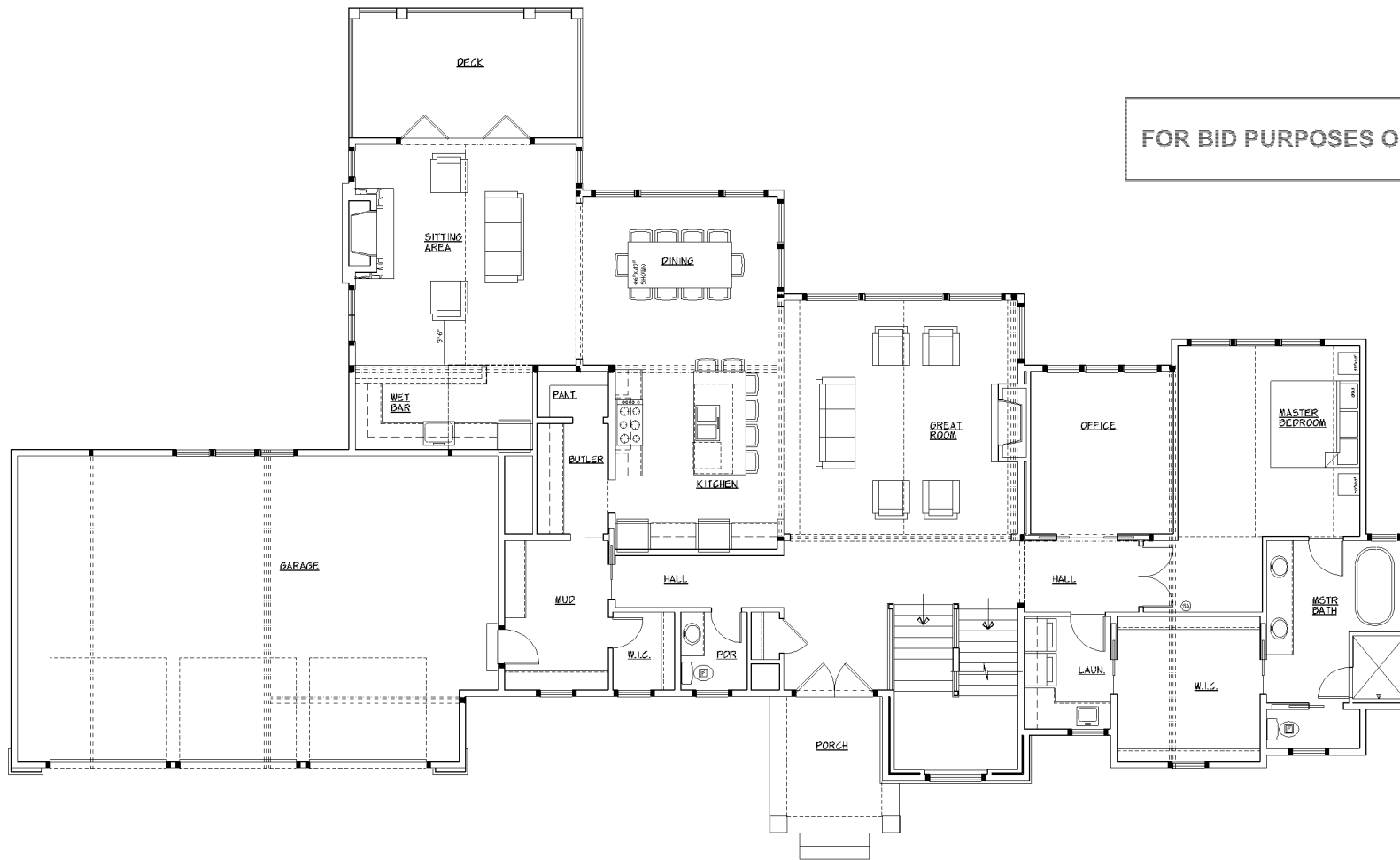
COMM. NO.
220305

SHEET NO
D 1



BASEMENT LIGHTING PLAN
SCALE: 1/4" = 1'-0"

LED SMART FLOOD	LED BAR LIGHT	OUTLET
CEILING FLOOD	AUTO LIGHT	OUTLET W/USB CHARGING
RODENT LED LIGHT	UNDER CABINET	OUTLET (WEATHER PROOF)
RECESSED LIGHT	FLUORESCENT	OUTLET (GROUND FAULT)
FAN CAN	PAN/PANASONIC	DRYER OUTLET
SEE NOTES (NO LIGHT)	TV/55 IN/60 IN	RANGE OUTLET
MINI RECESSED LIGHT	CEILING FAN	DISHWASHER OUTLET
LED WALL	SWITCH	SMOKE ALARM
SCIENCE LIGHT	2 WAY SWITCH	SMOKE ALARM - CARBON MONOXIDE ALARM
PULL CHAIN	3 WAY SWITCH	WALL / CEILING SPEAKER
LED LIGHT BAR	MOTION ACTIVATED SWITCH	CAM C.A. - CEILING MOUNT
PENDANT LIGHT	NOTION SENSOR	CAM S.B. - 20FT/15 MOUNT
HEAVY WIRE		CAM S.B. - WALL MOUNT
KEYLESS LIGHT		PHONE
UNDER CABINET LED PICK LIGHT		DATA JACK/CAT 6 ETHERNET
LED ROPE LIGHT		COAX JACK



FOR BID PURPOSES ONLY

FIRST FLOOR LIGHTING PLAN
SCALE 1/4" = 1'-0"

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> LED SMART FLOOD CEILING FLOOD RECESSED LIGHT MINI RECESSED LIGHT MINI EYEBALL LIGHT LED WALL SCIENCE LIGHT TRILL CHAIN LED LIGHT BAR PENDANT LIGHT HEAVY WIRE STAIR LIGHT KEYLESS LIGHT UNDER CABINET LED PICK LIGHT LED ROPE LIGHT | <ul style="list-style-type: none"> LED BAR LIGHT AUTO LIGHT UNDER CABINET FLUORESCENT FAN CAN PAN/PANASONIC FY-BUS/INVOCT SEE NOTES (NO LIGHT) CEILING FAN SWITCH 2 WAY SWITCH 3 WAY SWITCH MOTION ACTIVATED SWITCH MOTION SENSOR | <ul style="list-style-type: none"> OUTLET OUTLET W/USB CHARGING OUTLET (BREATH PROOF) OUTLET (GROUND FAULT) DRYER OUTLET RANGE OUTLET DISHWASHER OUTLET SMOKE ALARM SMOKE ALARM - CARBON MONOXIDE ALARM WALL / CEILING SPEAKER CAM - CA - CEILING MOUNT CAM - SR - DOPT 11 MOUNT CAM - BA - WALL MOUNT PHONE DATA JACK/CAT 6 ETHERNET CONJ JACK * ALL ELECTRICAL LOW VOLT. THERMOSTATS ETC. MUST BE ON A CENTERLINE PLANE * TYPE OF ALL LIGHTING EQUIPMENT TO BE HIGH EFFICIENT (R404) * OUTLETS PER CODE * MULTI SWITCH ORDER IS FOR PLAN CLARITY. ORDER OF SWITCHES TO BE VERIFIED IN FIELD |
|---|---|---|



SCALE 1/4" = 1'-0"

- E 3

Marie Darling

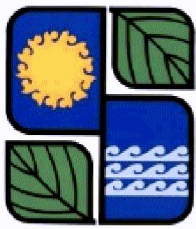
From: Jeff Hanratty <hanratt@gmail.com>
Sent: Sunday, November 7, 2021 6:27 AM
To: Planning
Subject: 4990 Shady Island Point Variance

Please include our comments in the public meeting associated with the above address:

We fully support a variance approval for this project!

Jeff & Kelli Hanratty
5000 Shady Island Point
612-730-4537

Thanks!



CITY OF
SHOREWOOD

5755 COUNTRY CLUB ROAD, SHOREWOOD, MINNESOTA 55331-8927 • 952.960.7900
www.ci.shorewood.mn.us • cityhall@ci.shorewood.mn.us

MEMORANDUM

TO: Planning Commission

FROM: Marie Darling, Planning Director

MEETING DATE: November 16, 2021

REQUEST: Variance to allow a home to be constructed with less than 22 feet of width

APPLICANT: Ben and Meghan Becker

LOCATION: 6180 Cathcart Drive

REVIEW DEADLINE: February 4, 2022

LAND USE CLASSIFICATION: Minimum Density Residential

ZONING: R-1A

FILE NUMBER: 21.31



REQUEST:

The applicant requests a variance to construct a new home that would be 20 feet wide where the ordinance requires 22 feet. Under the plan, the existing home and outbuildings would be demolished.

Notice of the variance application was mailed to all property owners within 500 feet of the property at least 10 days prior to the meeting.

BACKGROUND

Context: The existing home was constructed around 1900. The original lot was created as part of the Minnewashta Acres plat in 1911. The current property was created through subsequent minor subdivisions for which the city does not have record.

The majority of the adjacent properties are all developed with single-family homes, with the exception of Minnewashta Church and the Lake Minnetonka Regional Trail. The properties to the west, north and northeast are zoned R-1A and the Minnewashta Church is zoned R-1D. The properties to the south are in Chanhassen. The lot is not within a shoreland or floodplain district. A wetland impacts the westerly side

of the parcel and the applicant has indicated that they have added buffers as required by the MCWD. Tree preservation requirements applies and would be reviewed with the building permit request. The applicants have not yet provided a tree preservation plan, but their plans indicate few trees would be disturbed for construction.

Previous Approvals: Last month, the applicant received approval of a conditional use permit to allow two detached garages. The undersized home width was discovered too late to provide the required notice for the October meeting.

Applicable Code Sections:

Section 1201.03 Subd. 7. b. (2) Single-family dwelling shall:

- (b) Not be less than 30 feet in length and not less than 22 feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls;

Impervious Surface Coverage

	Required	Existing	Proposed
Impervious Surface Coverage	33 % (max.)	7.6 %	4.3 %

ANALYSIS

The applicants' narrative is attached and indicates that they propose to remove the home from the lot and construct a new home on the property with two detached garages. The new home is planned to be a two-story home that would be 20 feet wide by about 65 feet long. The applicants indicate that the home was designed to maximize the amount of light into the home and for energy efficiency and passive heating.

Variance Criteria:

Section 1201.05 Subd. 3. a. of the zoning regulations sets forth criteria for the consideration of variance requests. Staff reviewed the request according to these criteria, as follows:

1. *Intent of comprehensive plan and zoning ordinance:* The applicants would continue to use the property for residential purposes and proposes no use on the site that would be inconsistent with either the intent of the residential land use classification or the district's allowed uses. The intent of the minimum size restrictions is to prevent small homes, primarily single-wide mobile homes, from being constructed on a single-family lot. The size of the home would be consistent with the intent of the ordinance prohibition.
2. *Practical difficulties:* Practical difficulties include three factors, all three of which must be met. Staff finds that the practical difficulties for the property are related to the custom design of the home to maximize energy efficiency.
 - a. *Reasonable:* Construction of a home and attached garage is a reasonable use of the property.
 - b. *Self-Created:* Although the situation is self-created, the applicant has proposed an alternative design to maximize passive solar and energy efficiency which are generally encouraged by the City's ordinances.

- c. *Essential Character:* The homes in the area were constructed at different times and many are custom designed.
3. *Economic Considerations:* The applicants have not proposed the variance based on economic considerations, but to create a home that meets their family's needs.
4. *Impact on Area:* The home would not impact an adequate supply of light and air to any adjacent property as the lot is 1.87 acres in size and the home is positioned well away from any neighboring home. The property owners are not proposing anything that would increase the risk of fire or endanger public safety or increase the impact on adjacent streets.
5. *Impact to public welfare and other improvements:* The applicants' proposal is unlikely to impact or impair adjacent property values or the public welfare.
6. *Minimum to alleviate difficulty:* The request would be the minimum necessary to alleviate the difficulty.

RECOMMENDATION

Staff recommends approval, subject to the condition shown below, but acknowledges that the variance criteria are open to interpretation. Consequently, the Planning Commission could reasonably find otherwise or recommend additional conditions.

Should the Planning Commission recommend approval of the requests, staff recommends that the applicants be required to acquire all necessary permits prior to construction and submit all necessary documents including, but not limited to, a tree preservation and landscaping plan.

ATTACHMENTS

Location map

Applicants' narrative and plans

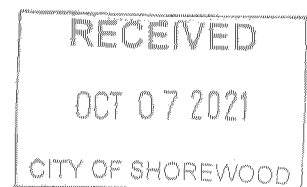
Location Map - 6180 Cathcart Drive



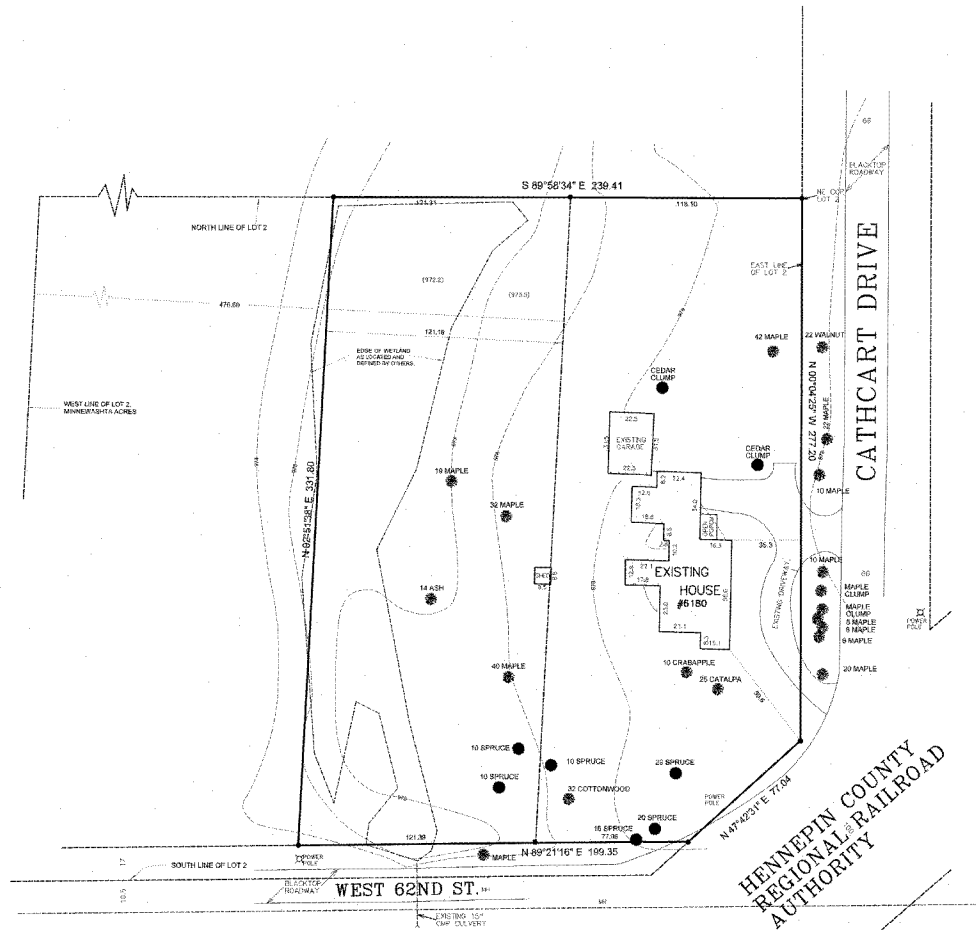
We are requesting a variance to the Shorewood building code, which states the minimum width of a house should be 22 feet. We are proposing a house that is 20 feet wide.

The house we are proposing is a permanent, single family structure, that is of similar style to the surrounding homes. The house is a custom design by award winning Minnesota architect David Salmela. The 20-foot width is an important design element as it is energy efficient, optimally designed for passive heating, and provides the optimal width to allow natural light to flood the home. In addition to energy efficiency, it is an efficient use of materials. Meghan and I worked with David to design this house for our family's specific uses and values – natural light and energy efficiency are of paramount personal value to our family. Additionally, David has designed many houses that are 20 feet wide. I reference you to the Jackson Meadow development in Stillwater.

This variance, and its resulting construction and use, is consistent with the intent of the comprehensive plan and in harmony with the general purposes and intent of the zoning regulations. Meghan and I plan to use the single-family home in a reasonable manner. The variance, if approved, would not alter the essential character of the locality. The variance is not based exclusively on economic considerations, as the 20-foot-wide home is our desired design. The variance shall not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public street or increase the danger of fire or endanger the public safety. The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other lands or improvements in the neighborhood.



**CERTIFICATE OF SURVEY FOR
MEGHAN AND BEN BECKER
IN LOT 2, MINNEWASHTA ACRES
HENNEPIN COUNTY, MINNESOTA**



EXISTING HARDCOVER

House	=	2958 SF
Open porch	=	108 SF
Garage	=	709 SF
Shed	=	72 SF
Driveway	=	2215 SF
Total	=	6102 SF = 7.68%
Lot area	=	80,308 SF

LEGAL DESCRIPTIONS (PER DOC. NO. A10362641):

The East 121.16 feet of the West 476.69 feet of that part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota" lying north of the South 17.00 feet thereof.

AND

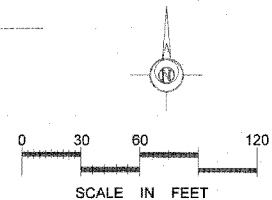
That part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota", lying east of the West 476.69 feet thereof and north of the South 17.00 feet thereof.

- : Denotes iron found marker
- (998.3) : Denotes existing spot elevation
- 917 : Denotes existing contour line

Bearings shown are based upon an assumed datum.

This survey shows the boundaries of the above described property, the location of existing buildings, trees, and topography. It does not purport to show any other improvements or encroachments.

NOTE: The boundary has been determined in part on the field location of the centerline of railroad tracks in 1973.

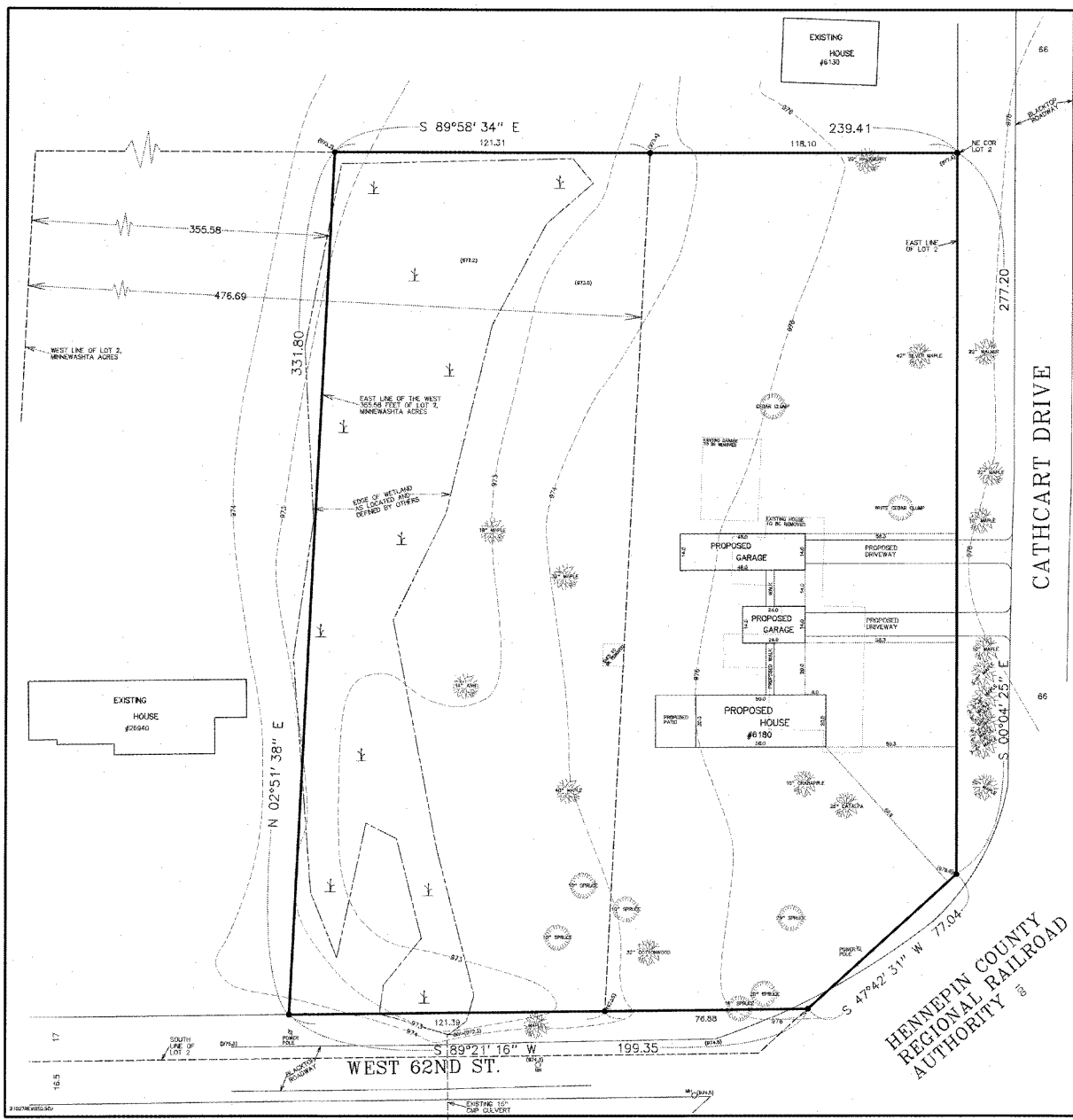


GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

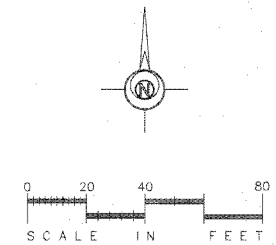


I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Michael J. Gronberg
DATE: 10/1/11 MIN. LICENSE NUMBER: 43211

REVISIONS	DATE	BY	CHKD
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



CERTIFICATE OF SURVEY FOR **MEGHAN & BEN BECKER** IN LOT 2, MINNEWASHTA ACRES HENNEPIN COUNTY, MINNESOTA



PROPOSED HARDCOVER:
 Lot area = 80,308 Sq. ft.
 Proposed House = 1000 sf
 Proposed patio = 307 sf
 Proposed South garage = 336 sf
 Proposed North garage = 672 sf
 Proposed walks (2) = 107 sf
 Proposed driveways (2) = 525x2 = 1050 sf
 Total = 3472 Sq. ft.
 3472 / 80,308 x 100 = 4.32%

LEGAL DESCRIPTION OF PREMISES:
 The East 121.16 feet of the West 476.69 feet of that part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota" lying north of the South 17.00 feet thereof.
 AND
 That part of Lot 2, "Minnewashta Acres, Hennepin County, Minnesota", lying east of the West 476.69 feet thereof and north of the South 17.00 feet thereof.

- o : denotes iron marker
 - : denotes iron marker found
 - (908.3) : denotes existing spot elevation, mean sea level datum
 - 917- : denotes proposed spot elevation
 - (910.8) : denotes existing contour line, mean sea level datum
 - 1630- : denotes proposed contour line
- Bearings shown are based upon an assumed datum.

This survey shows the boundaries of the above described property, the location of three existing buildings, to be removed, and the proposed location of three proposed buildings, driveways and grades thereon. It does not purport to show any other improvements or encroachments.

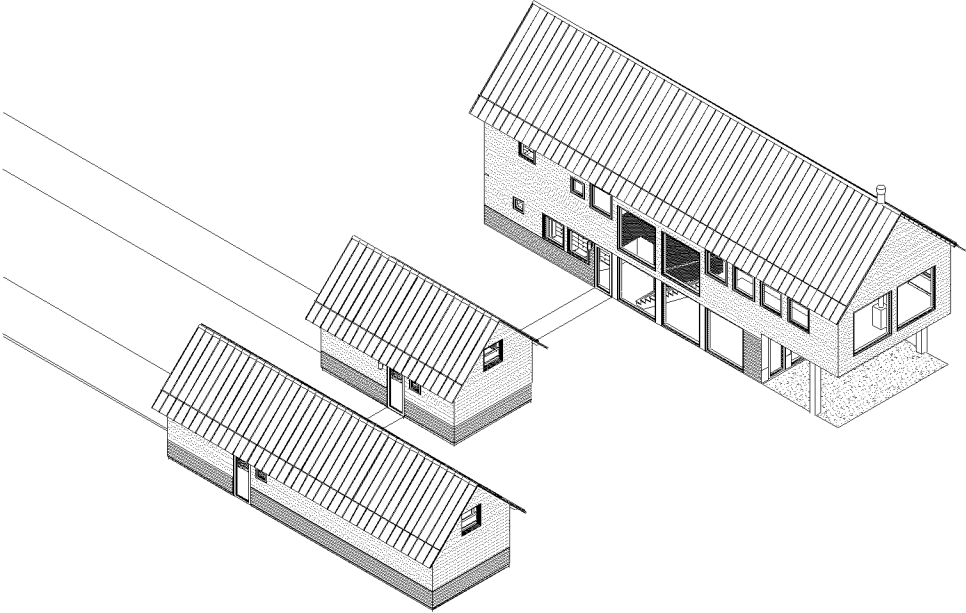
GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW LONG LAKE, MN 55356 952-473-4141	
DATE 7-1-21 12:00 PM	PROJECT MECHANICAL & ELECTRICAL MECHANICAL & ELECTRICAL MECHANICAL & ELECTRICAL
DRAWN BY M. S. Gronberg MINNESOTA LICENSE NUMBER 12455	

BECKER

SHEET INDEX

- T1 TITLE SHEET
- T2 FINISH MATERIALS - WINDOWS & DOORS
- T3 SPECIFICATIONS
- T4.1 GENERAL STRUCTURAL NOTES
- T5 WALL - FLOOR - ROOF TYPES
- A100 ARCHITECTURAL SITE PLANS
- A205 GARAGE PLANS
- A702 REFLECTED CEILING PLANS
- A202 HOUSE PLANS
- A203 HOUSE PLANS
- A301 EXTERIOR ELEVATIONS - HOUSE
- A302 EXTERIOR ELEVATIONS - GARAGES
- A401 SECTIONS - HOUSE
- A501 INTERIOR ELEVATIONS
- A701 REFLECTED CEILING PLANS

GROSS BUILDING AREA - Excluding Garages



Salmela
architect

630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.
David Salmela, AIA
Registration No. # 1809 03.03.2021

NOT FOR CONSTRUCTION

BECKER

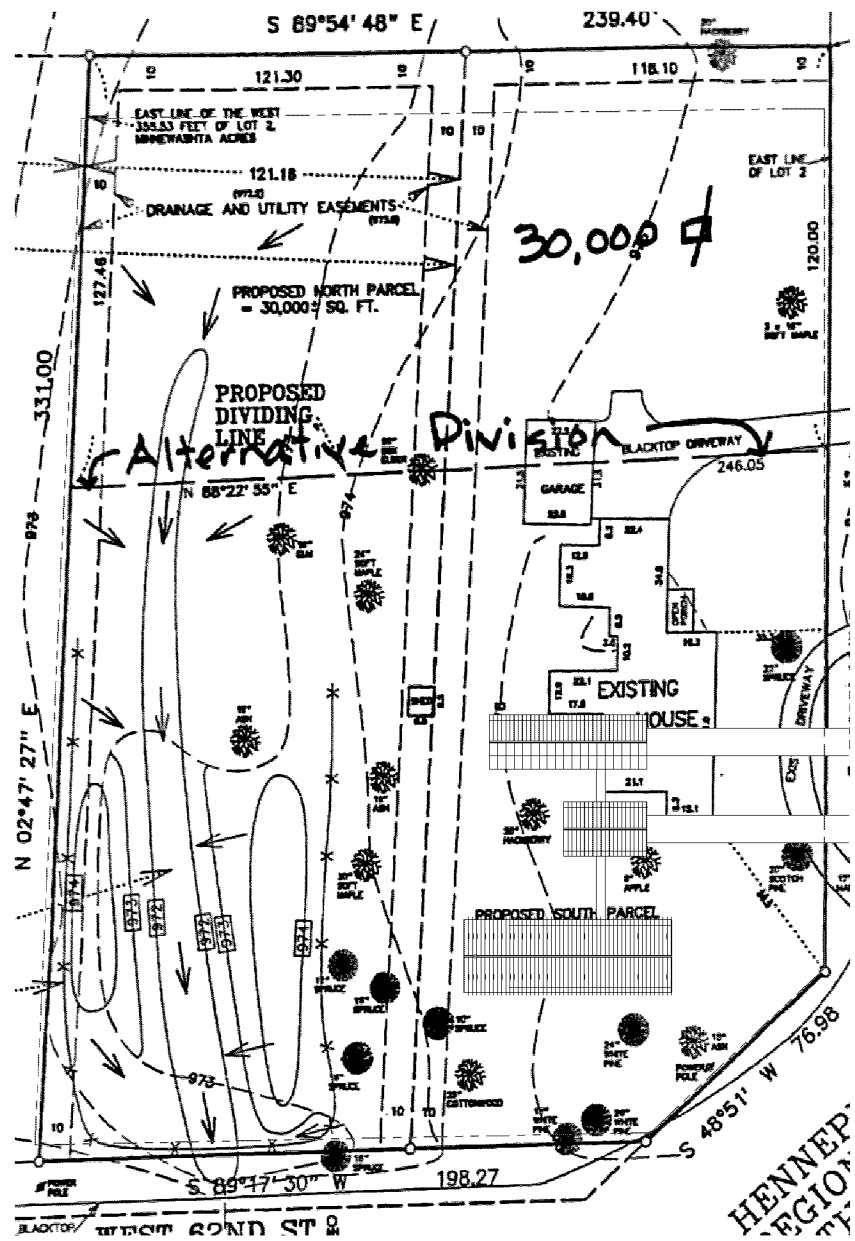
6180 Cathcart Road
Excelsior, MN

REVISIONS:

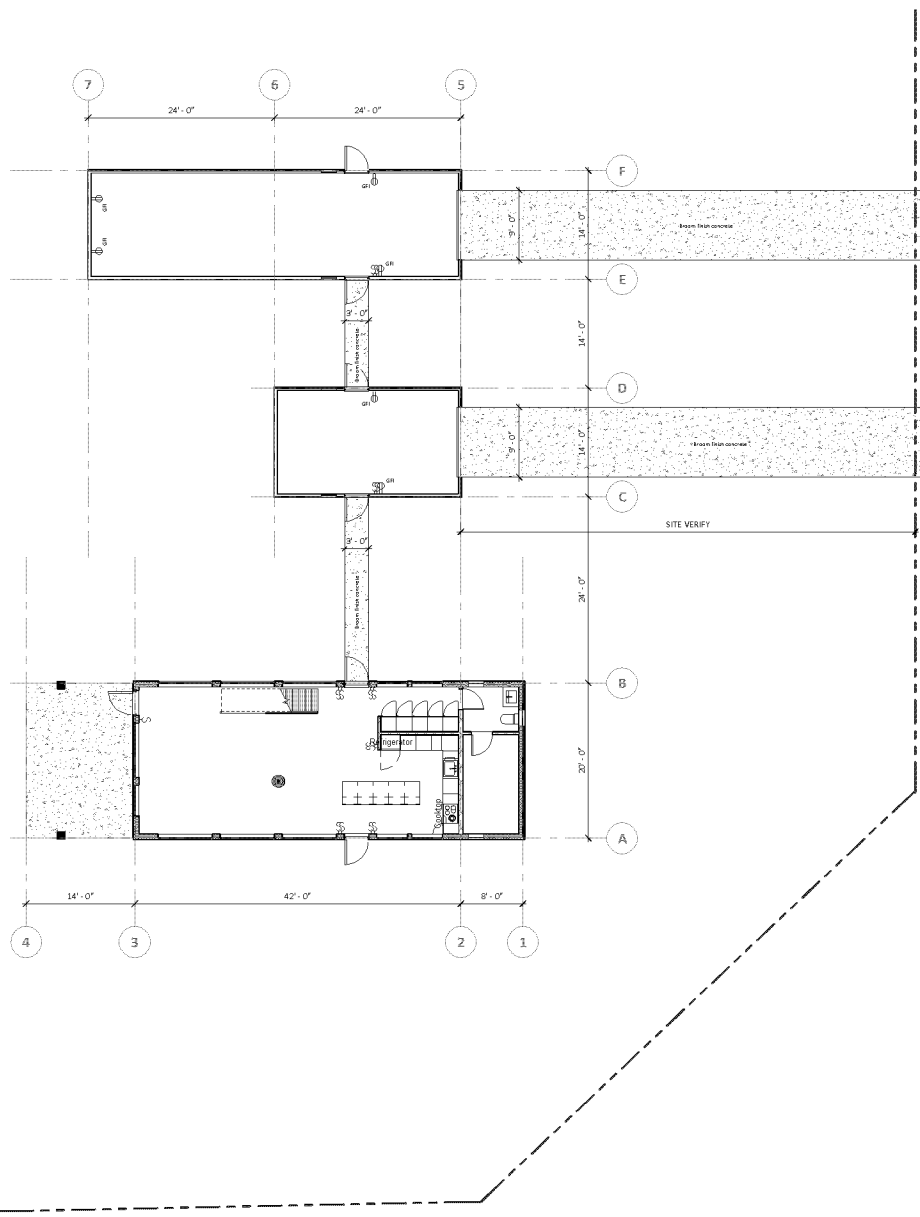
No.	Description	Date
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PRICING SET
03.03.2021
TITLE SHEET

T1



1 Site Survey
A100 1" = 20'-0"



2 Site Plan
A100 1/8" = 1'-0"

Salmela architect
630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

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David Salmela FAIA
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6180 Cathcart Road
Excelsior, MN

REVISIONS:

No.	Description	Date

PRICING SET
03.03.2021
ARCHITECTURAL SITE
PLANS

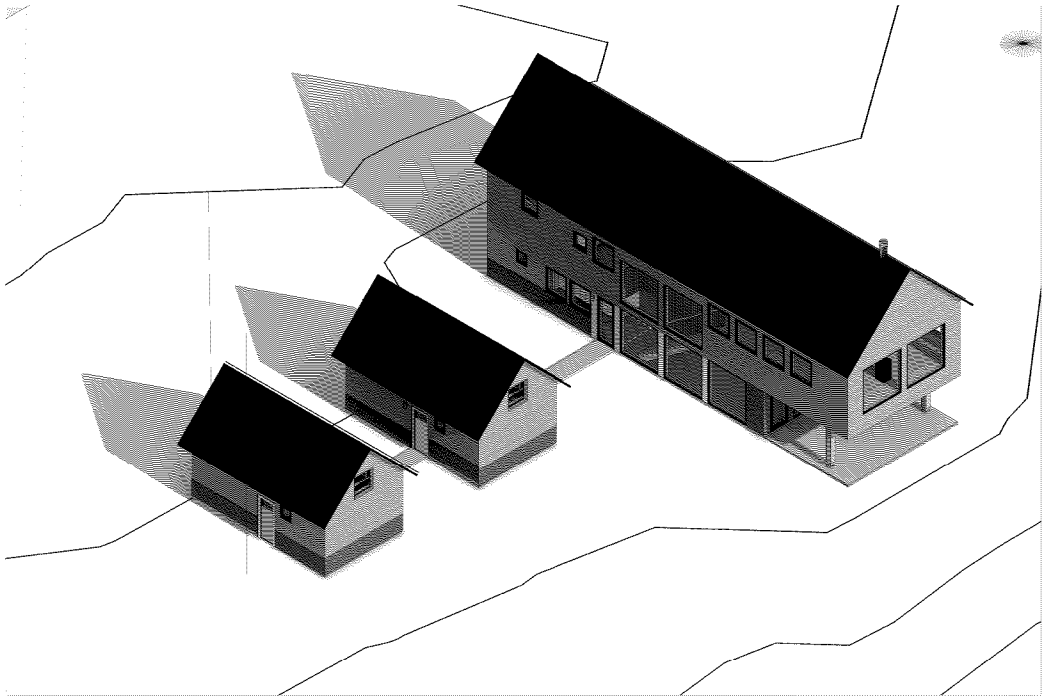
A100

BECKER

SHEET INDEX

- A703 Bathroom Configurations
- T1 TITLE SHEET
- T2 FINISH MATERIALS - WINDOWS & DOORS
- T3 SPECIFICATIONS
- T4.1 GENERAL STRUCTURAL NOTES
- T5 WALL - FLOOR - ROOF TYPES
- A100 ARCHITECTURAL SITE PLANS
- A205 GARAGE PLANS
- A702 REFLECTED CEILING PLANS
- A202 HOUSE PLANS
- A203 HOUSE PLANS
- A301 EXTERIOR ELEVATIONS - HOUSE
- A302 EXTERIOR ELEVATIONS - GARAGES
- A401 SECTIONS - HOUSE
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GROSS BUILDING AREA - Excluding Garages



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David Salmela AIA
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BECKER

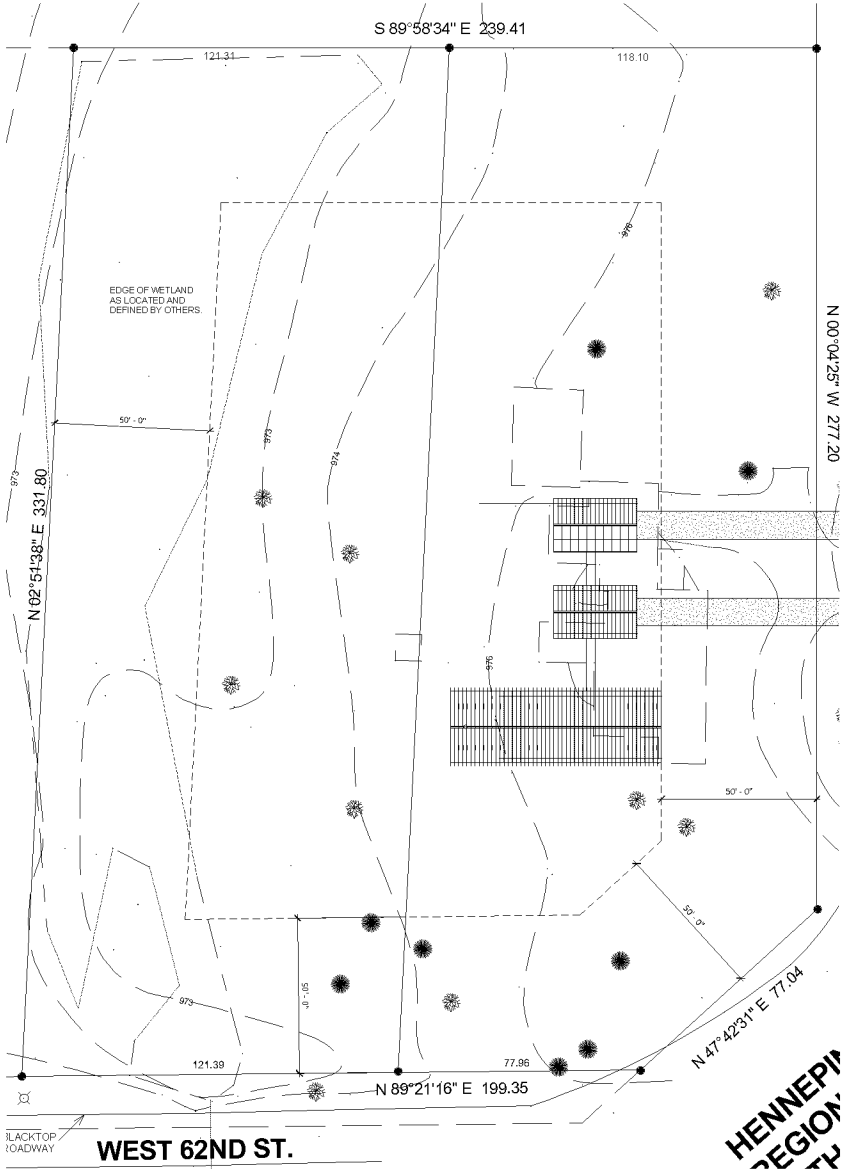
6180 Cathcart Road
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REVISIONS:

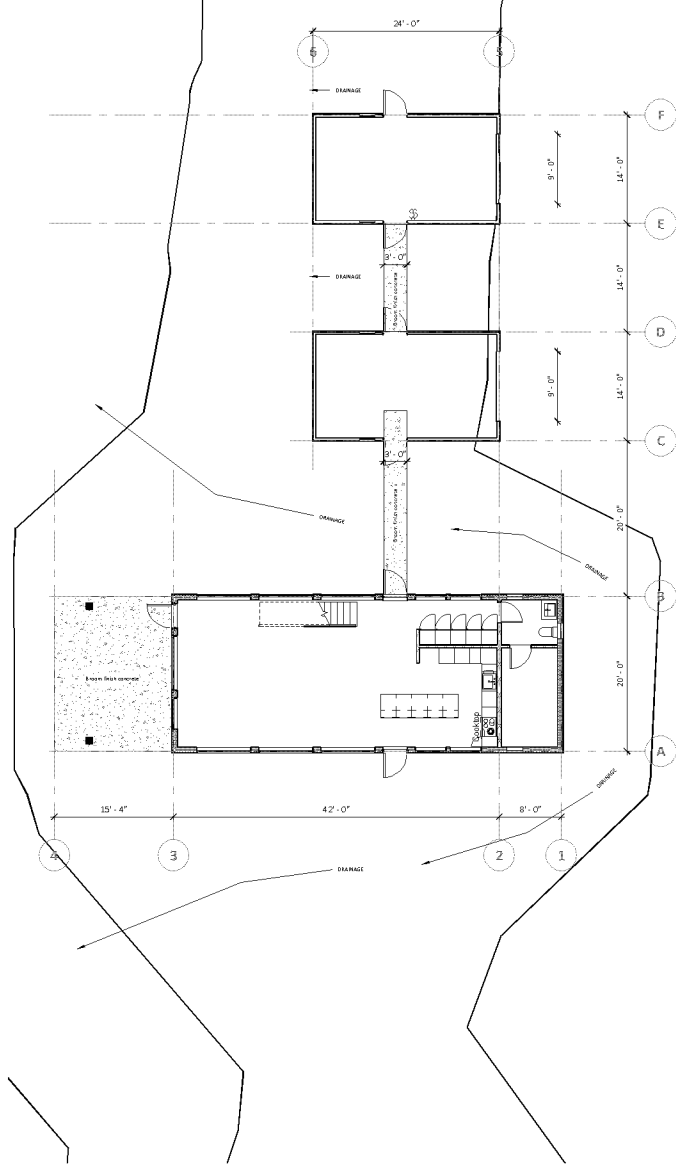
No.	Description	Date
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CUP SET
08.24.2021
TITLE SHEET

T1



1 Full Site Plan
A100 1" = 20'-0"



2 Landscape Plan
A100 1/8" = 1'-0"

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BECKER

6180 Cathcart Road
Shorewood, MN

REVISIONS:

No.	Description	Date
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CUP SET
08.24.2021
ARCHITECTURAL SITE
PLANS

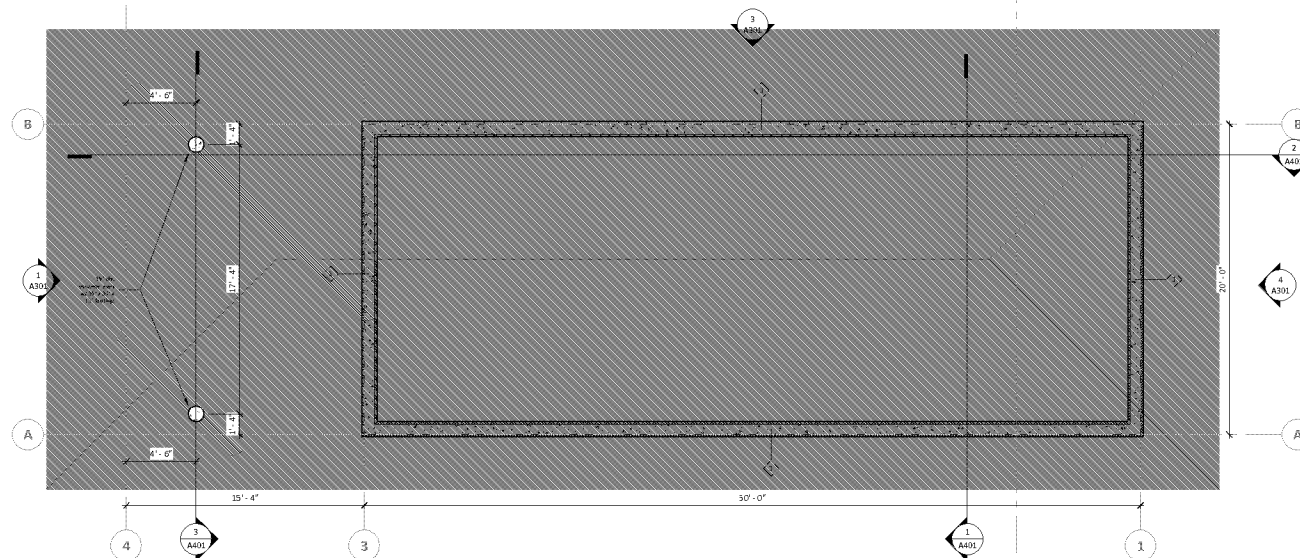
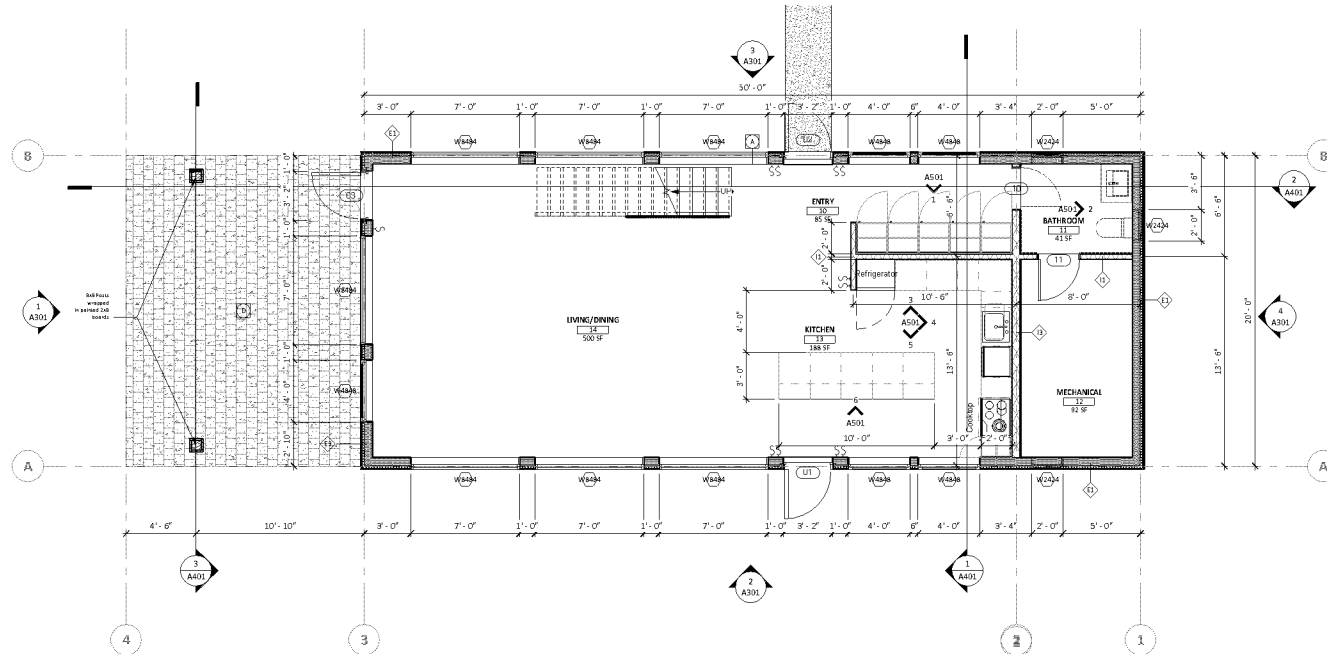
A100

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Registration No. # 1800 08/24/2021

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6180 Cathcart Road
Shorewood, MN

REVISIONS:

No.	Description	Date



CUP SET
08.24.2021
HOUSE PLANS

A202

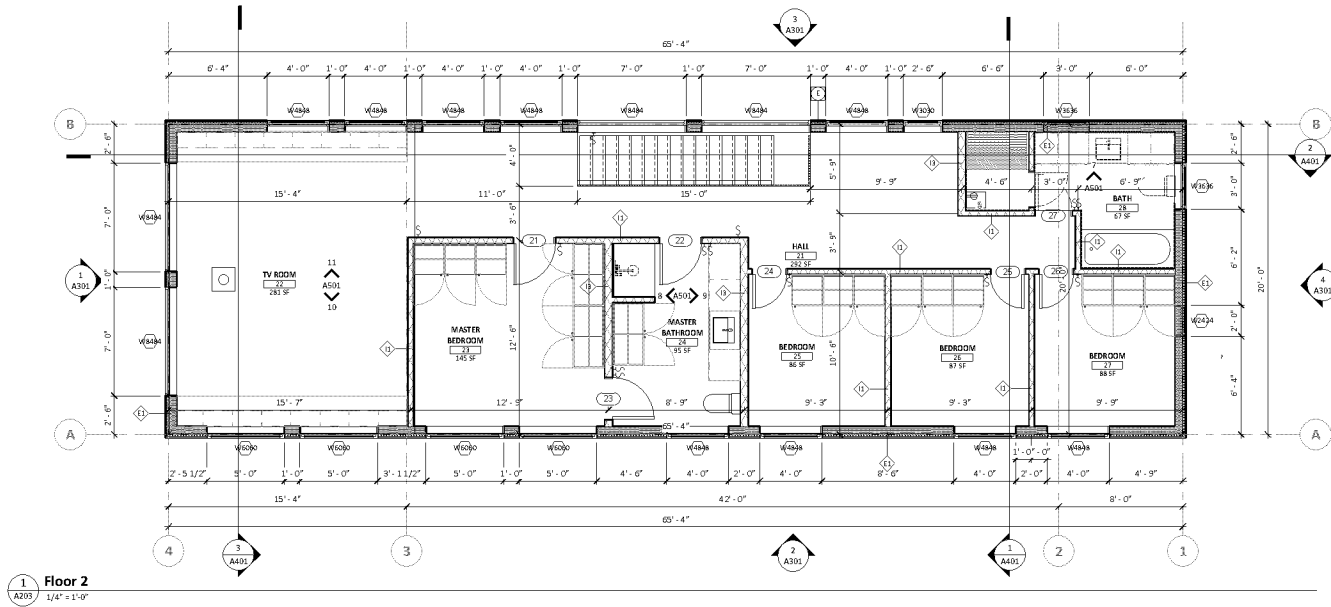
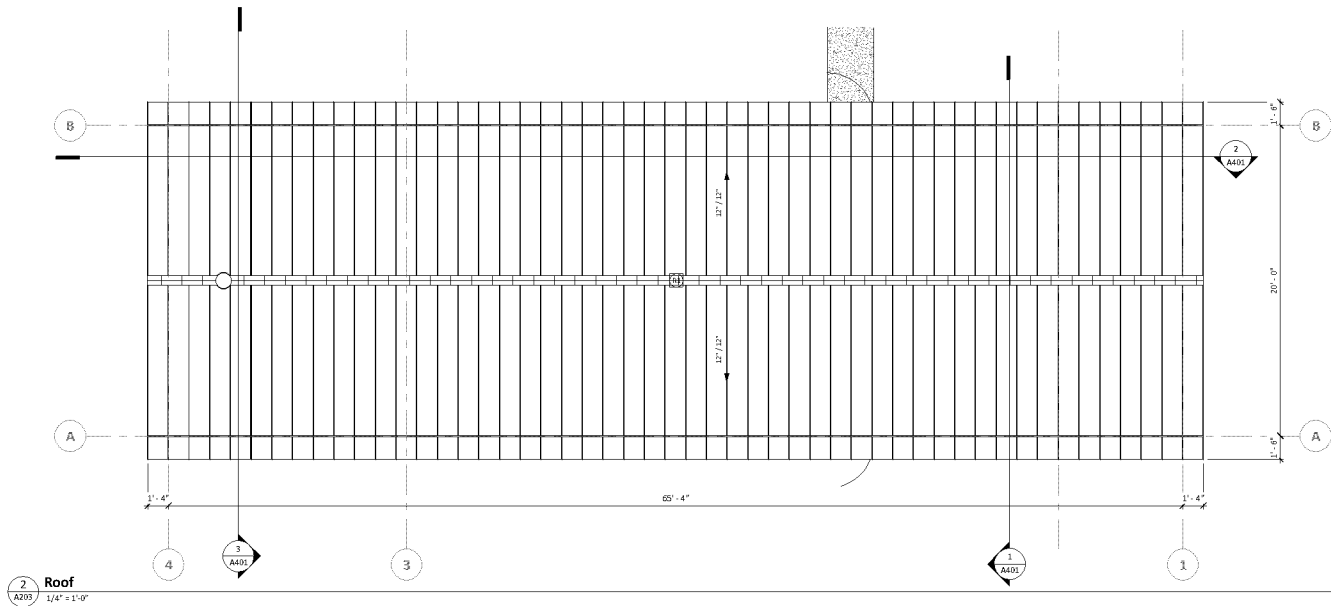
Salmela
architect

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www.salmelaarchitect.com

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David Salmela FAIA
Registration No. # 1807 08/24/2021

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CONSTRUCTION



BECKER

6180 Cathcart Road
Shorewood, MN

REVISIONS:
No. Description Date

CUP SET
08.24.2021
HOUSE PLANS

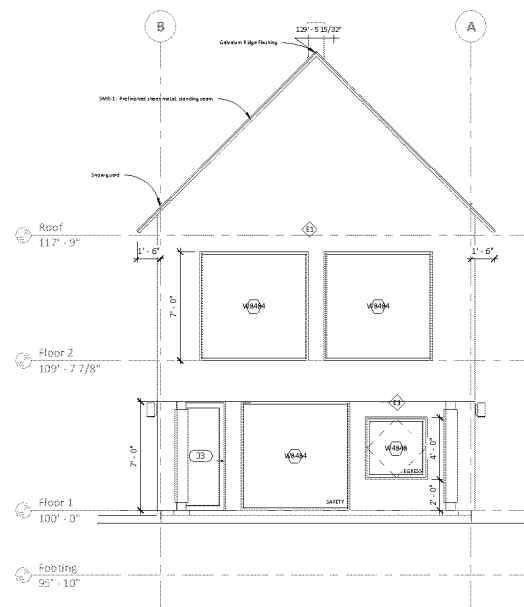
A203

Salmela
architect

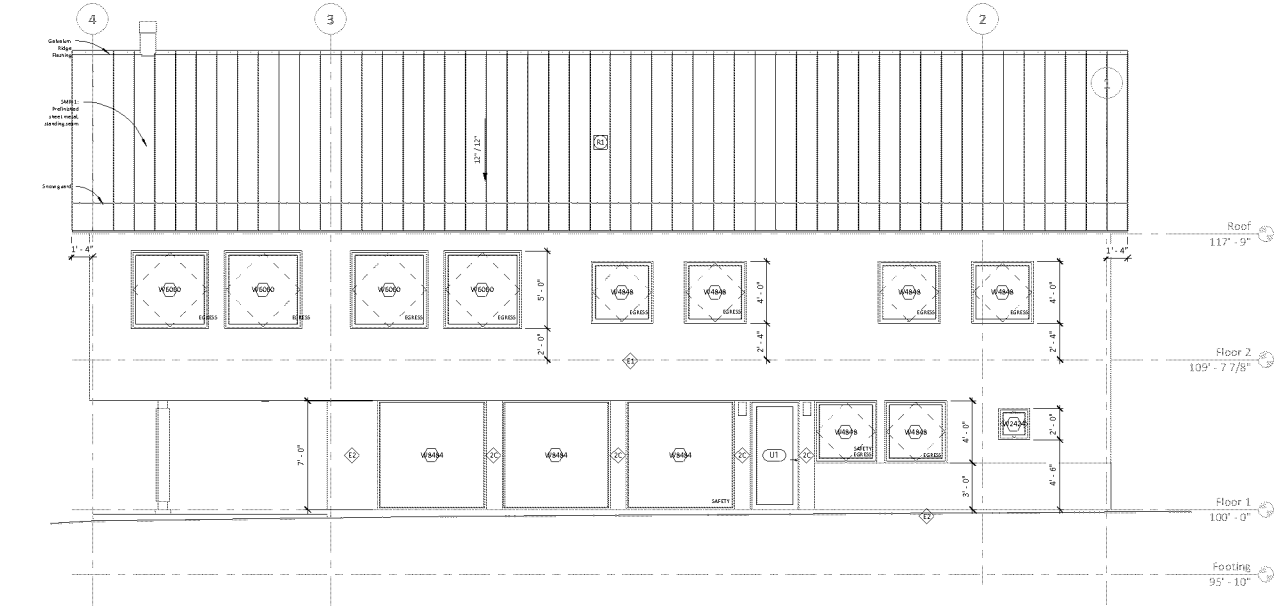
630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

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under the laws of the State of Minnesota.
David Salmela FAIA
Registration No. # 1807 08/24/2021

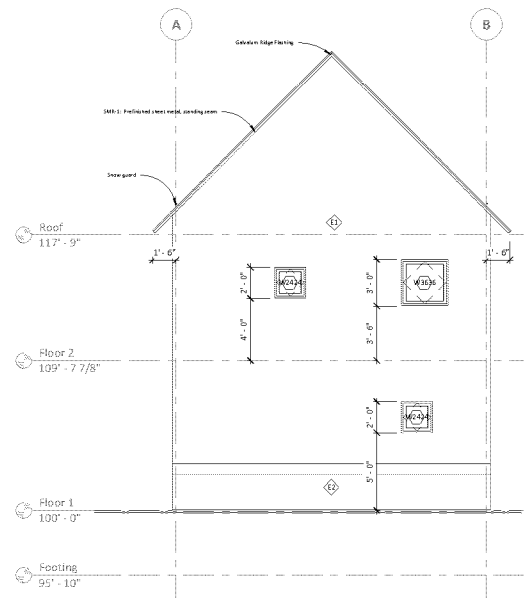
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CONSTRUCTION



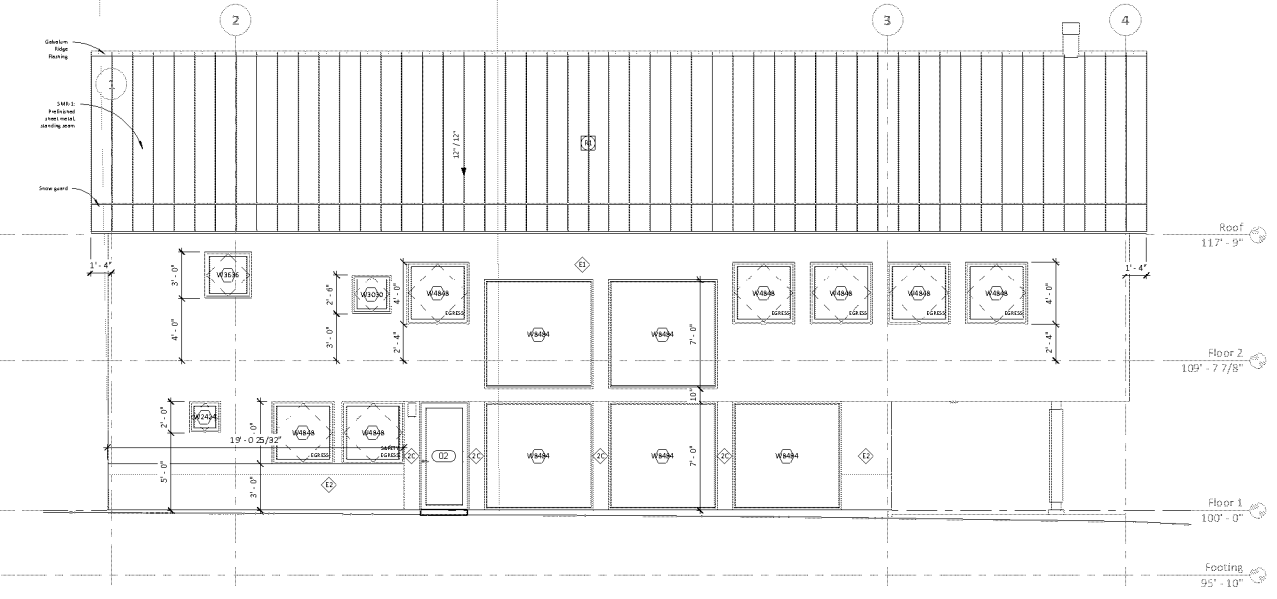
1 WEST ELEVATION
A301 1/4" = 1'-0"



2 SOUTH ELEVATION
A301 1/4" = 1'-0"



4 EAST ELEVATION
A301 1/4" = 1'-0"



3 NORTH ELEVATION
A301 1/4" = 1'-0"

BECKER

6180 Cathcart Road
Shorewood, MN

REVISIONS:

No.	Description	Date
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CUP SET
08.24.2021
EXTERIOR
ELEVATIONS - HOUSE

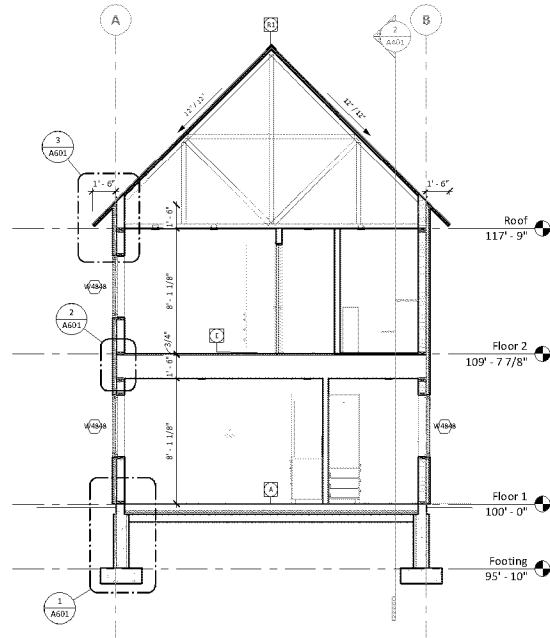
A301

Salmela
architect

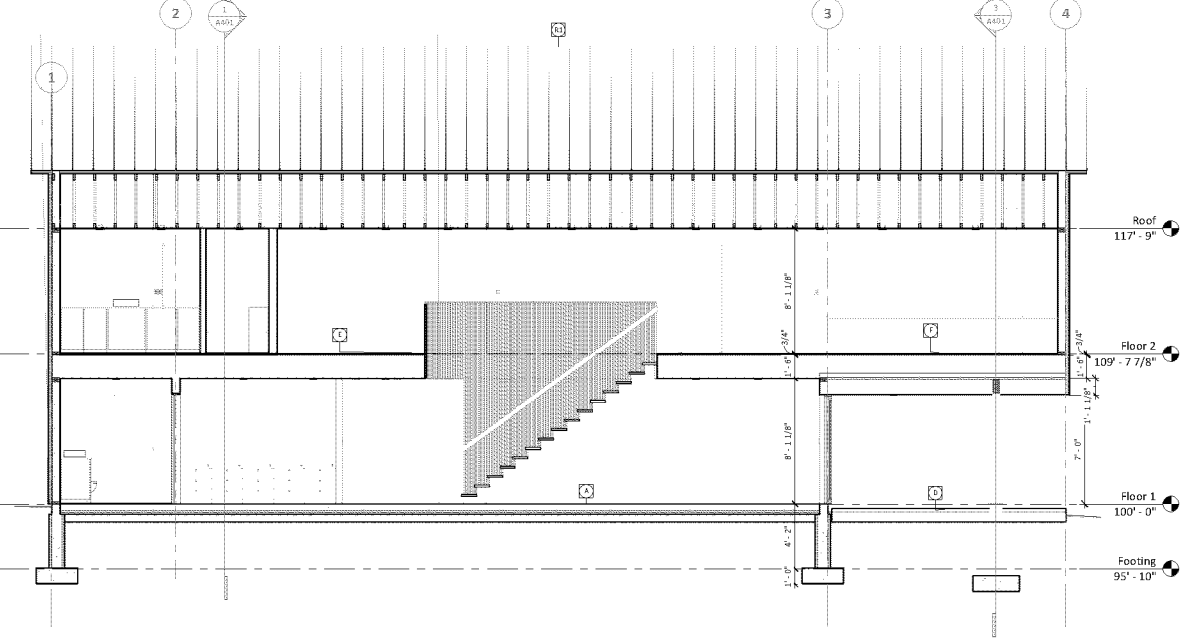
630 W. 4th Street Duluth MN 55806
www.salmelaarchitect.com

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David Salmela FAIA
Registration No. # 1800
08/24/2021

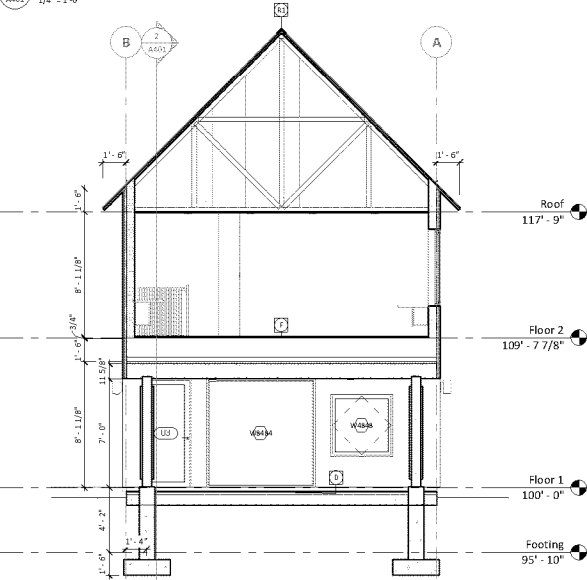
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CONSTRUCTION



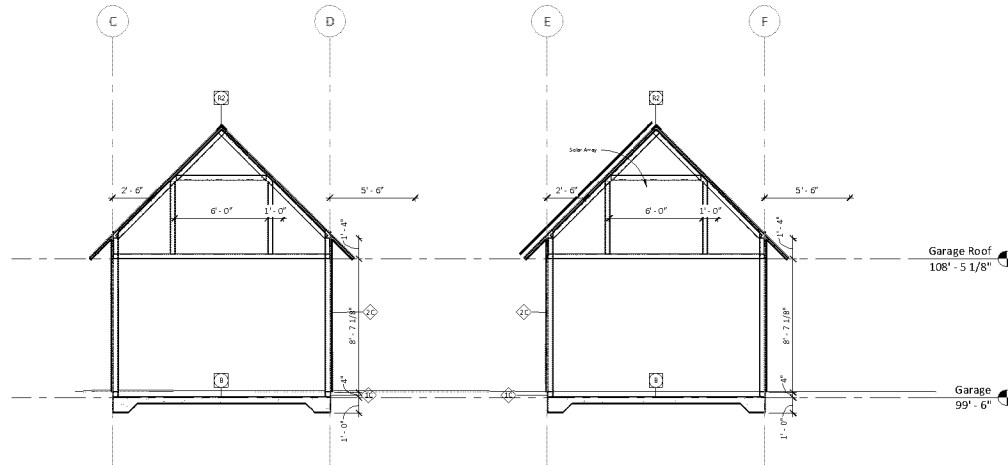
1 Section 1
1/4" = 1'-0"



2 Section 2
1/4" = 1'-0"



3 Section 3
1/4" = 1'-0"



4 Section 4
1/4" = 1'-0"

BECKER

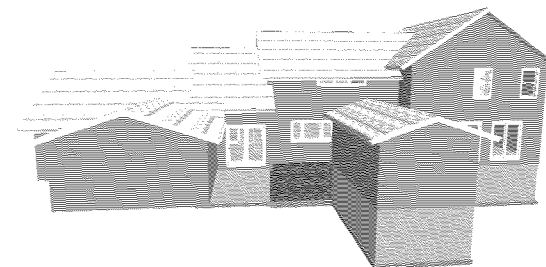
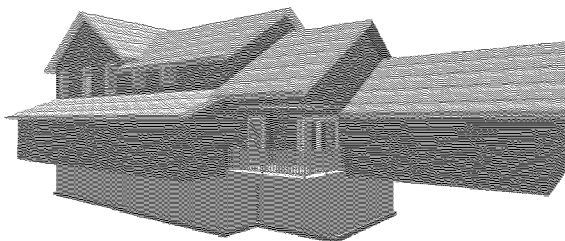
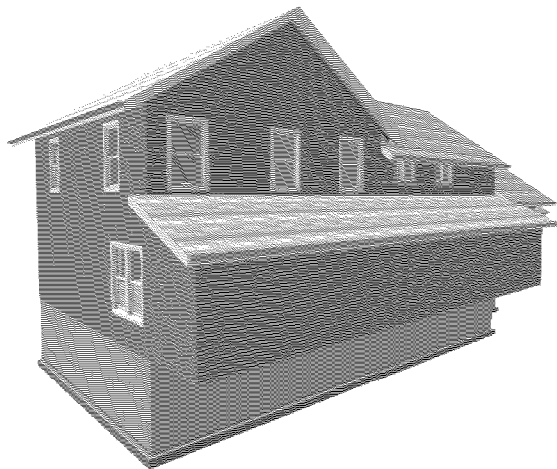
6180 Cathcart Road
Shorewood, MN

REVISIONS:

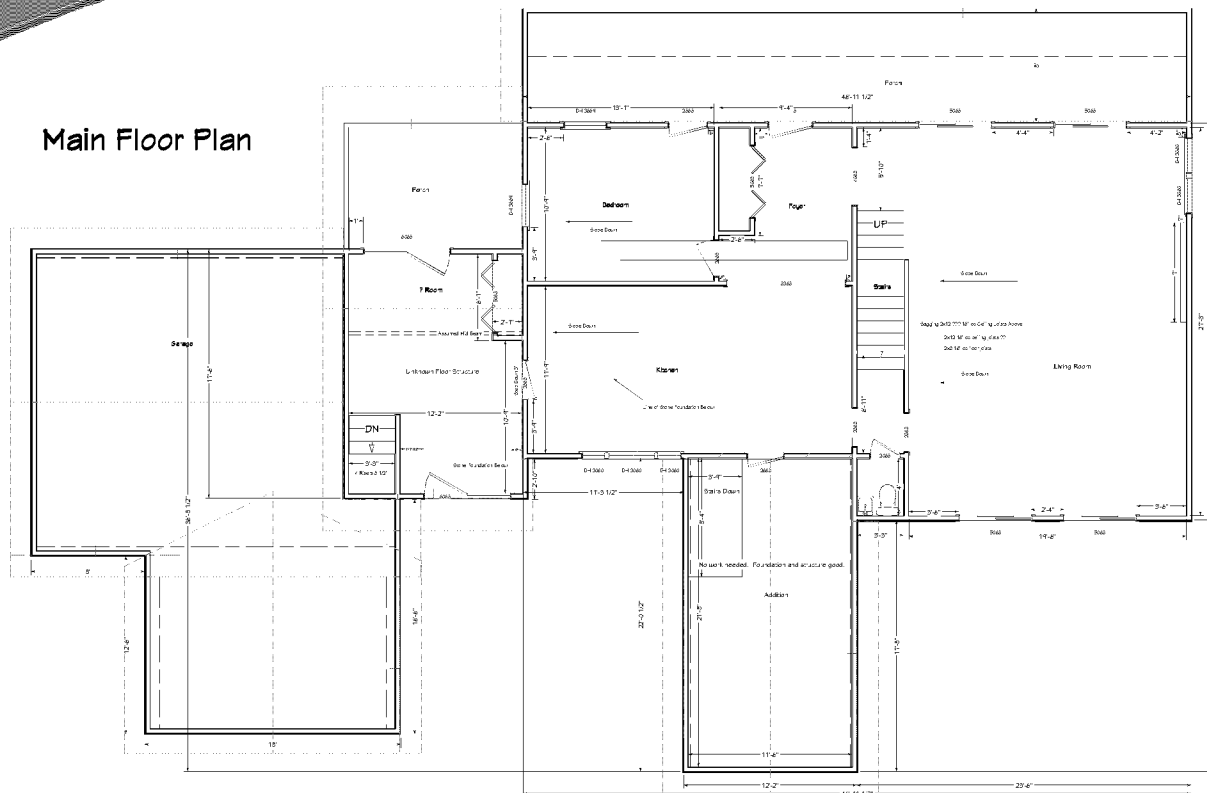
No.	Description	Date

CUP SET
08.24.2021
SECTIONS - HOUSE

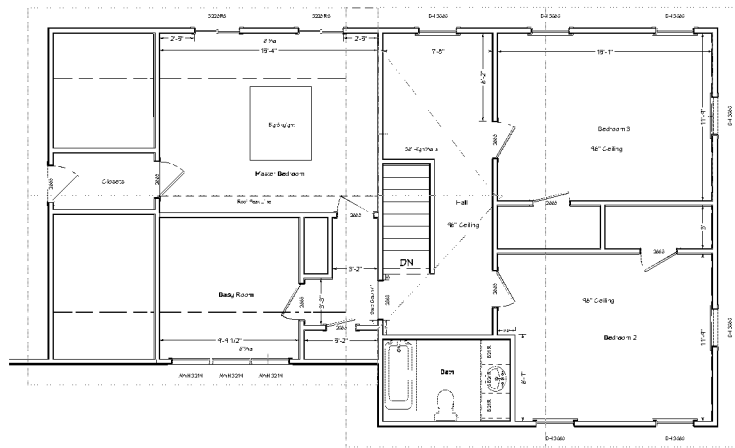
A401



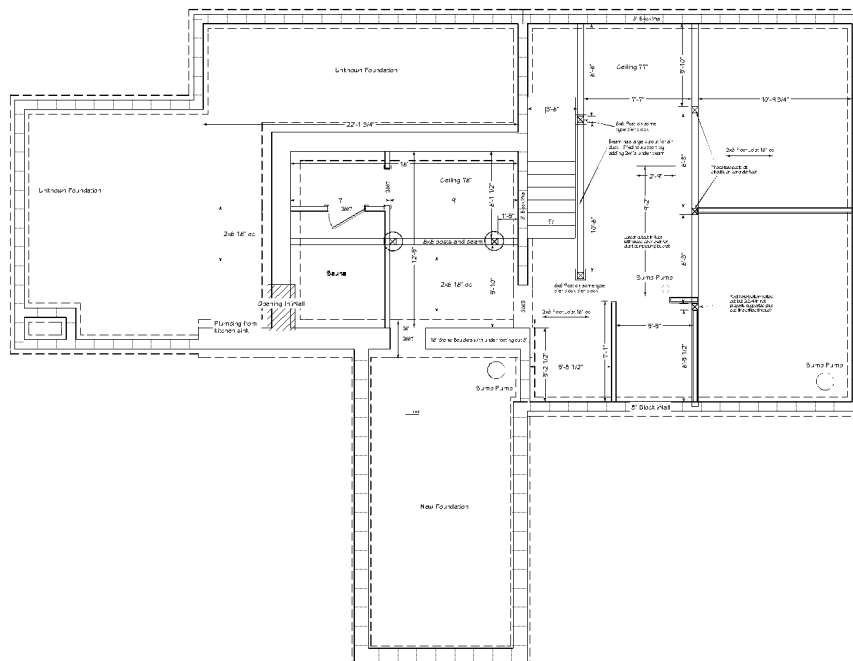
Main Floor Plan



Second Floor Plan



Foundation Plan



DRAWINGS PROVIDED BY:
Bruce Freeman
www.bfreemandesign.com
brucefreeman05@earthlink.net
612-812-2180

Ben Becker
6180 Cathcart Rd
Excelsior

As Built Model Reinforce Foundation Structure

Boyer Building Corp.
3435 County Rd. 101
Minnetonka MN 55345
Bob Boyer 612-685-0101

Bayer

DATE: _____

6/2/2017

SCALE:

1/4" = 1 Foot
Unless Noted

SHEET:

2 OF