



CITY OF WACONIA PLANNING COMMISSION AGENDA

Regular Meeting of
Planning Commission
Waconia, Minnesota

Thursday, June 2nd, 2016
City Hall – 6:30 PM

MEMBERS: Mike Blanchfield, Steve Hebeisen, Don Osmundson, John Meisch, Nathan Vilmain
ALTERNATE MEMBER: Robert Grohmann
CITY COUNCIL MEMBER LIAISON: Jim Sanborn

STAFF: Lane Braaten, Community Development Director
Brenda Wurst, Recording Secretary

1. Call meeting to order and roll call
2. Adopt Agenda
3. Minutes Approval from: May 5th, 2016 Regular Planning Commission Meeting.
4. New Business
 - A. PUBLIC HEARING: VARIANCE - Request by Ryan Moonen to allow placement of a utility building in the side yard of the property located at 1161 Interlaken Parkway North.
 - B. PUBLIC HEARING: VARIANCE – Request by Dan Kurth to allow a reduced side yard setback for the property located at 579 Tiffany Lane.
 - C. PUBLIC HEARING: VARIANCE – Request by Dan Kurth to allow a reduced side yard setback for the property located at 585 Tiffany Lane.
 - D. PUBLIC HEARING: VARIANCE – Request by Chris Weinberger to allow reduced setbacks and exceed the hardcover surface for construction of a new home for the property located at 208 Main Street East.
 - E. PUBLIC HEARING: VARIANCE – Request by Peter Matthias to allow reduced setbacks and exceed the hardcover surface for construction of a new home for the property located at 12 Point Drive.
5. Other
 - A. MATERIAL REVIEW – Statewide Gas – 201 Main Street West.

Adjourn

WACONIA PLANNING COMMISSION
THURSDAY, MAY 5, 2016

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Hebeisen at 6:30 p.m.

1. CALL MEETING TO ORDER.

MEMBERS PRESENT:	Vilmain, Hebeisen, Osmundson, Meisch and Grohmann
ALTERNATE:	Grohmann
MEMBERS ABSENT:	Blanchfield
STAFF PRESENT:	Braaten, Wurst
VISITORS:	See Attachment

Braaten stated that additional information was added regarding the Site Plan and Design Review request by the Avalon Group for the property located at 836 east Main Street.

2. ADOPT AGENDA: Motion by Osmundson, seconded by Vilmain, to adopt the Agenda as presented. All present voted aye. MOTION CARRIED.

3. APPROVE MINUTES: Motion by Meisch, second by Grohmann to approve the minutes from the April 7, 2016 meeting. All present voted aye. MOTION CARRIED.

4. NEW BUSINESS

A. PUBLIC HEARING VARIANCE-REQUEST BY MIKE AND CINDY BLANCHFIELD TO ALLOW FOR REDUCED REAR YARD SETBACK FOR REPLACEMENT OF A DETACHED ACCESSORY STRUCTURE FOR THE PROPERTY LOCATED AT 40 PINE STREET NORTH.

The City has received a Variance Application from Mike and Cindy Blanchfield, 40 Pine Street North, to construct a new detached garage (accessory structure) at a setback of 1 ft. from the rear lot line and alley versus the 10 ft. minimum setback requirement from the rear lot line and alley for properties zoned R-4 with a lot width of 55 ft. or greater.

Braaten displayed the location of the property which is on the corner of Lake Street and Pine Street North. The applicant is proposing the construction of a 22 ft. x 28 ft. (616 sq. ft.) detached accessory structure/garage to replace the existing 319 sq. ft. garage on the subject parcel. The applicants have indicated, and the survey shows, the existing garage is located 1 ft. from the rear property line/alley and they would like to *“retain this setback versus the current ordinance requirement of 10 feet.”* Further, the applicants have stated, and was summarized, that there are mature trees on the parcel they wish to retain and other garages in the immediate area are located within the 10 ft. rear yard setback. Braaten showed Pine Street and the access drive off the alley, property zoned R-4 which is Mixed Residential and is within the Shoreland Overlay District because of it being located within 1000 feet of Lake Waconia. The only variance they are requesting is a reduced setback to the rear lot line as the project would meet all other setback requirements.

Staff has reviewed the application for conformance with all other zoning district and Shoreland Overlay District standards and the only variance necessary for construction of the garage is the rear yard setback. The City Engineer has reviewed said application and indicated *“With the garage door facing east I don’t have any concerns with turning and snow storage like on the previous garage variance. I have no concerns/comments.”*

The applicants have indicated the garage will be constructed to match the look of the principal structure while using updated materials to side and roof the garage. Pictures and a further description of the proposed materials are described and shown by Braaten.

Braaten indicated that they will be replacing the existing garage. There is not snow removal or snow plow issues with the new garage.

One public comment was received and the resident was in favor of the application.

The Planning Commission will need to weigh the variance review criteria and determine if the proposed garage setback variance request is in conformance with said standards.

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

So a city evaluating a variance application should make findings as to:

1. Is the variance in *harmony with* the purposes and intent of the ordinance?
2. Is the variance *consistent with* the *comprehensive plan*?
3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

Hebeisen opened the public hearing.

Mike Blanchfield, homeowner of 40 Pine Street North, commented on the trees and the fact that they would need to remove less of the mature trees with the garage being placed at the location shown. Meisch stated that this location of the garage would take just the one large tree.

Motion by Grohmann, second by Osmundson to close the public hearing. All in favor voted aye.
MOTION CARRIED.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the variance request submitted by Mike and Cindy Blanchfield based on the Variance Criteria stated above, and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on May 16th, 2016.

If the Planning Commission chooses to recommend approval of the variance to allow construction of the detached garage at a reduced rear yard setback staff would recommend the approval upon the following conditions:

- 1) The proposed improvements shall be constructed as proposed and as conditionally revised by the Planning Commission and City Council.
- 2) The applicant shall obtain the necessary building permit(s) prior to any work commencing.
- 3) The applicant shall be required to schedule a site inspection with the Community Development Director when all improvements have been completed to verify compliance with the variance.
- 4) The variance shall be considered void if it is not executed within one year of the date in which it is approved.

Motion by Osmundson, second by Meisch to approve the Public Hearing request by Mike and Cindy Blanchfield to allow for reduced rear yard setback for placement of a detached accessory structure for the property located at 40 Pine Street North with the 4 recommendations mentioned. All in favor voted aye.
MOTION CARRIED.

B. SITE PLAN AND DESIGN REVIEW – REQUEST SUBMITTED BY THE AVALON REAL ESTATE GROUP, LLC FOR A PROPOSED MULTI-TENANT BUILDING FOR THE PROPERTY LOCATED AT 836 MAIN STREET EAST.

The applicants, Barbara Van Auken and Kevin Brazner, have submitted an application for Site Plan and Design Review for the property located at 836 Main Street East (PID# 753210042). They are proposing the construction of a 70 ft. x 200 ft. multi-tenant commercial building and corresponding site improvements on the subject parcel.

City Ordinance requires Site Plan Review “in order to further promote the safe and efficient use of land and to further enhance the value of property in the City.” City Ordinance requires Site Plan Review for any construction for which a building permit is required, except for construction of detached, single-family residential structures or structures accessory thereto.

The undeveloped 1.99 acre parcel was created via a minor subdivision, which resulted from a request from the Avalon Group to “portion off a plot of land off of Outlot A, Interlaken Village for purposes of land transfer.” The minor subdivision was approved by the City Council on December 10, 2012, via Resolution No. 2012-228. Outlot A, as mentioned above, was originally developed as part of the Interlaken Village commercial development in 2006. To date only Lot 1, Block 1, Interlaken Village has been improved within the commercial development, which is the current location of Target. The remaining parcels and outlots are yet to be developed.

The subject parcel is zoned B-1, Highway Business District. The proposed multi-tenant building shall be subject to the uses permitted in said zoning district and any specific requirements stated in City Code.

Braaten displayed the location of the property mentioned.

LOT REQUIREMENTS

The subject property is located in the B-1, Highway Business District. Section 900.05, Subd. 2.F of the City Ordinance states “The purpose of this district is to provide for an appropriate range of businesses that will be utilized by area residents as well as vehicular traffic generated from the surrounding area.” The Lot Requirements for the Highway Business District are indicated in Table 1-1 below.

Table 1-1.

	B-1, Zoning District – Lot Requirements
Lot Area	17,500 sq. ft. minimum
Lot Width	100 ft. minimum
Maximum Hardcover Surface	80% maximum
Maximum Structure Height	35 ft. maximum
Front Yard Setback	25 ft. minimum
Side Yard Setback – Street	20 ft. minimum
Side Yard Setback – Interior	15 ft. minimum*
Rear Yard Setback	20 ft. minimum

*** 35 ft. if adjacent to residential district**

The structure setbacks, building height, and hardcover surface requirements stated above have been satisfied based on a review of the Site Plan – A0.3, dated April 22, 2016 and the Exterior Elevations – A5.1, dated April 22nd, 2016.

The applicant has not proposed any outdoor equipment on the subject parcel. Future outdoor and/or rooftop mechanical equipment shall be screened from neighboring properties in compliance with the City Code.

The applicants have provided the following parking calculation for the multi-tenant building:
 Parking Ratio: 7 parking stalls per 1,000 sq. ft. of usable building area.
 Total Parking Provided: 96 spaces

The parking ratio indicated above is not reflected in the City's Off-Street Parking Requirements and therefore further clarification is required from the applicant indicating how the parking standards have been met. Based on a review of the uses that are commonly found in other multi-tenant buildings it would seem some of the following calculations may be appropriate:

Retail Sales: Four (4) spaces for each 1,000 square feet of gross floor space, less storage space.

Restaurants, cafes, bars, taverns, night clubs: One (1) space for every three seats based on design capacity

Professional, personal and business offices: One (1) space per 200 square feet of gross floor area but at least three (3) parking spaces.

The applicant should prove out the parking calculations based on proposed uses of the space prior to a recommendation by the Planning Commission. Based on a review of the standards above listed by staff it seems that the applicant will meet the City Ordinance Off-Street Parking Requirements, but the applicant needs to provide further information to confirm this assumption.

Section 900.07, Subd. 2.B of the City Ordinance requires one (1) tree for every one thousand (1,000) square feet of total building floor area or one (1) tree for every fifty (50) feet of site perimeter, whichever is greater.

The submitted Landscaping Plan – A0.2, dated April 22nd, 2016 indicates the following:

1. Building Area = 13,996 square feet/1,000 = 14 trees required
2. Site Perimeter = 1,243 feet/50 = 25 trees required

As the site perimeter calculation requires a greater number of trees to be planted, the 25 tree requirement shall be used for the review of this application. The applicant is proposing to plant the required 25 trees, so the tree count is in conformance with the City Ordinance requirements. In addition, the City Ordinance requires *“The complement of trees fulfilling the requirements of this policy shall be not less than 25% deciduous and not less than 33% coniferous.”*

The number of trees proposed conforms to City Code, but the species shall be revised to meet the percentages stated above. Staff recommends a condition of approval requiring a revised landscaping plan meeting the required tree count and percentages for conifers and deciduous trees.

The applicants have not submitted any signage details with regard to the proposed Site Plan improvements. The applicant is aware that any future signage shall require the submittal and approval of a sign permit through the City and will require conformance to the City Sign Ordinance.

Section 900.08, Subd. 1.C provides standards for exterior lighting. The applicant has noted *“The design/build contractor shall provide and submit a lighting plan to the City of Waconia approval prior to construction.”* A recommendation of approval should include a condition requiring the applicant submit a lighting plan for review and approval prior to the issuance of a building for the property.

The applicants are proposing to install only one access off of Target Entrance first building in the development. The Concept Plan for this area included a second entrance to the site, which will be developed at a later date.

The applicants are not proposing a loading berth and/or delivery dock as part of this application. City Ordinance indicates that loading berths are required for the following:

- a. *Commercial and Industrial: All buildings shall have at least one off-street loading berth. Buildings which are 10,000 square feet or more shall have at a minimum 2 loading berths.*
- b. *Other uses: uses not mentioned shall be determined on an individual basis by the City Council. Factors to be considered in such determination shall include (without limitation) size of buildings, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles.*

The footprint of the building exceeds the 10,000 square foot minimum indicated above, but is intended as a multi-tenant building to include commercial retail, services and a food and beverage establishment. The Commission should consider the Ordinance language indicated above and determine if a loading berth or multiple loading berths maybe appropriate for the structure. The applicant should clarify the frequency and how the delivery process will occur for the proposed tenant spaces.

Please note that the proposed development is consistent with the 12,000+ square foot multi-tenant building developed in Legacy Village, which did not require a loading berth to be developed.

A section of sidewalk has already been installed along Target Entrance and the applicants are proposing to connect a sidewalk segment to the existing section to provide access to the front of the multi-tenant building. Further sidewalk improvements on site may be necessary to provide walkability to the remaining developable areas adjacent to this parcel.

City Ordinance requires *“All trash and trash handling equipment to be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye-level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure.”*

The applicants have proposed a trash enclosure on the northern portion of the property, which will which match the principal structure in that it will be constructed with the same utility brick. The proposed trash enclosure is in conformance with the City Code requirements.

The watermain, sanitary sewer, grading, and stormwater issues have been reviewed by the City Engineer and Public Services Director. Please see the attached Engineering Review Comments dated April 26, 2016. If the Planning Commission recommends approval of the Site Plan application it should include a condition of approval requiring compliance with the City Engineers April 26, 2016 Review Comments.

DESIGN REVIEW – HIGHWAY DISTRICT

City Ordinance requires Design Review with the understanding that *“the visual character and historic resources of the City are important attributes of its quality of life.”* City Ordinance requires Design Review to be conducted as part of the Site Plan Review process.

BUILDING CHARACTER

Objective: It is understood that the City's Highway Commercial District and Health Care Business District generally lack traditional buildings that provide a "context" or frame of reference for new buildings. The intent of this section is to encourage buildings with a human scale, which evoke traditional buildings without imitating them, and to create a pedestrian-friendly internal site layout and streetscape.

ARCHITECTURAL STYLE

Objective: To encourage creativity and diversity within a defined framework.

To encourage the adaptation of historic commercial styles in a restrained and appropriate manner.

Standard: No single architectural style or styles are required. The Design Vocabulary is intended to guide in the selection of an overall style or stylistic elements. The contemporary adaptation of elements of historic commercial architectural styles found in downtown Waconia, including Italianate, Neoclassical and Early Twentieth Century Commercial, is encouraged. If a particular style is used, it should be used consistently. The combination of elements of a variety of styles in one building is discouraged.

Design Response: The proposed architectural style is consistent with other buildings constructed in the Highway Commercial District. The structure will be the first building on the north side of Target Entrance. The Concept Plan for the Interlaken Commercial Development indicated that as many as seven building would be constructed when built out. The future buildings should relate to the proposed building in architectural style when developed.

BUILDING PLACEMENT

Objectives: To encourage pedestrian circulation by maintaining a moderate distance among buildings on the site, and between buildings and abutting streets.

To encourage shared parking among uses.

Standards: Buildings should be located to facilitate pedestrian circulation. Distances between principal buildings, or between the most distant entrances of a single building, should not exceed 300 feet. This standard can be achieved through the arrangement of freestanding buildings in compact groups, the design of single buildings in an "L" or "T" shape, or similar strategies.

Building entrances should be located as close to abutting streets as possible, and no further than 85 feet from the street right-of-way. This standard may be achieved through the creation of one or more public or private internal streets within a large site. (See Figures 15 and 16; see also Parking and Pedestrian Circulation standards.)

Design Response: The proposed site is in compliance with the Building Placement section of the Highway District Design Standards as this is the first building in the northern portion of the Interlaken Commercial Development, which will allow for an internal pedestrian circulation throughout the development when completed.

BUILDING WIDTH and FAÇADE ARTICULATION

Objectives: To articulate long or massive building facades in order to reduce their perceived bulk and provide visual interest as viewed from the street or sidewalk.

To ensure that all facades visible to the public shall be visually attractive and compatible with adjacent land uses.

Standard: Buildings of more than 40 feet in width shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the objective.

- * Façade modulation -- stepping back or extending forward a portion of the façade
- * Vertical divisions using different textures or materials (although materials should be drawn from a common palette)
- * Division into storefronts, with separate display windows and entrances
- * Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval
- * Arcades, awnings, window bays, arched windows and balconies at intervals equal to the articulation interval
- * Providing a lighting fixture, trellis, tree, or other landscape feature with each interval

Design Response: The plans submitted are in compliance with the Building Width and Façade Articulation Design Standard as the applicant breaks up the building facades by the use of vertical divisions using different textures and materials. The applicants have also included design elements such as canvas awnings on the corner tenant spaces to further divide the tenant spaces visually.

SCALE, PROPORTION and PLACEMENT

Objective: To encourage building elements that are proportionately scaled to one another.

Standard: In general building elements such as windows, doors, arcades, towers, etc. should be arranged symmetrically across the façade, in a regular and logical manner. Window and door openings should be proportional to façade length and height. Large elements (i.e. clock tower) may be appropriate, but there should be an emphasis on maintaining a human scale at the ground level (see Figure 17).

Design Response: The building elevations shown in the plan set on page A5.1 indicate a building consistent in scale and proportion. Further, the building elements are arranged symmetrically across the front, rear and side facades and the windows are proportional as required by the standard.

GROUND-FLOOR WINDOWS

Objective: To allow views into and out of buildings in order to increase a sense of security and allow opportunities for display of merchandise.

Standards: The primary street level façade of large retail or office establishments (over 25,000 square feet) that faces a public street or walkway shall be transparent between the height of 3 and 8 feet above sidewalk grade for at least 40 percent of the horizontal length of the building façade.

The primary street level façade of smaller retail or office establishments (25,000 square feet or less) shall be transparent for at least 50 percent of the horizontal length of the building façade, between the height of 3 and 8 feet above sidewalk grade, at minimum.

Design Response: The proposed elevations seem to indicate that the structure will meet the transparency requirement of 50% between the height of 3 and 8 feet above the sidewalk grade. The applicant should provide documentation to support staffs measurements. Staff has included a condition of approval requiring the elevation plan set be revised to indicate the proposed percentage of transparency.

ENTRIES

Objective: To ensure that entries contribute to the visual attractiveness of the building and are readily visible to the customer.

Standards: Entries to principal buildings shall feature at least two of the following features:

1. Canopy, portico, overhang, arcade or arch above the entrance
2. Recesses or projections in the building façade surrounding the entrance
3. Peaked roof or raised parapet over the door
4. Display windows surrounding the entrance
5. Architectural detailing such as tile work or ornamental moldings
6. Permanent planters or window boxes for landscaping

Primary building entrances shall face the primary abutting public street, not a side or rear parking area.

Design Response: The plans are compliant with the Entries Design Standard as they incorporate the use of an entrance canopies, pre-fabricated sun shade devices, and windows surrounding the entrances to the building.

BUILDING MATERIALS

Objective: To ensure that high-quality, authentic materials that evoke traditional downtown settings are used in new commercial development.

Standard: Buildings should be constructed of high-quality materials such as brick, stone or textured, cast stone or tinted masonry units. The following materials are prohibited:

- Unadorned plain or painted concrete block
- Tilt-up concrete panels
- Pre-fabricated steel or sheet metal panels
- Reflective glass
- Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
- Wood siding

Accent materials may be used on up to 15% of the building's façade. These may include metal, glass block, spandrel glass or similar materials as approved by the Planning Commission (see Figure 18).

Other Materials: The Planning Commission may also approve other materials that the Planning Commission, in its discretion, determines are compatible with any permitted materials if it finds that: 1) the quality and appearance of the proposed materials is consistent with the standard that has been set within the Highway District; and 2) the use of these materials will not have a detrimental effect upon adjacent property values or property values within the City.

Design Response: The proposed building materials are in compliance with the Highway District Design Standards. The material include, but are not limited to, utility brick, EIFS, and cultured stone veneer.

SIDE and REAR TREATMENTS

Objective: To ensure continuity of materials and façade treatments on all visible facades.

Standard: All building facades visible from a public street or walkway shall employ materials and design features similar to those of the front façade.

Design Response: The applicants have included consistent design materials and façade treatments on all four sides of the proposed building, which complies with the Side and Rear Treatments Design Standard.

BUILDING COLORS

Objective: To ensure that building colors are aesthetically pleasing and compatible with surrounding buildings.

Standard: Building colors shall consist of subtle, neutral or muted colors, with low reflectance. Recommended colors include browns, grays, tans (including the typical "Chaska brick" used in Waconia), beiges, and dark or muted greens, blues and reds. No more than two principal colors may be used on a façade. Bright, white or primary colors should be used only as accents, occupying a maximum of 10 percent of building facades.

Design Response: The proposed building colors are in compliance with the Building Colors Design Standard as shown on the attached color perspective renderings. Materials and colors will be provided at the Planning Commission meeting for review and consideration.

SIGNS

Regulations: Regulations for signs in the Highway Districts shall be as set forth in Section 900.10 of the City Code.

Design Response: The applicants have not proposed any signage as part of this application, but is aware that any future signage shall require a sign permit through the City and the sign details must be consistent with the Sign Ordinance and the Highway District Design Standards.

PEDESTRIAN and BICYCLE ACCESS

Objective: To ensure that pedestrians and bicyclists have safe and convenient access to all retail establishments.

Standards:

- 1) Sidewalks may be required along some or all public streets that abut the proposed development in order to provide pedestrian connections from all adjacent neighborhoods and activity centers.
- 2) A well-defined pedestrian path shall be provided from the sidewalk to each principal customer entrance of a building. Walkways shall be located so that the distance between street and entrance is minimized. Walkways shall be at least 5 feet in width, and shall be distinguished through pavement material from the surrounding parking lot. Walkways shall be landscaped for at least 50 percent of their length with trees, shrubs, and planting beds.
- 3) Sidewalks of at least 8 feet in width shall be provided along all front building facades that abut public parking areas.
- 4) Walkways and sidewalks should be defined by design features such as towers, arcades, porticoes, pedestrian-scale light fixtures, planters, and other architectural elements.
- 5) Bicycle parking shall be provided in a convenient and visible location no farther from the principal entrance than the closest automobile parking space, at a ratio of 1 space per 25 automobile parking spaces. Bicycle parking shall consist of a bike rack designed so that the bicycle frame can be locked to the rack, subject to the review of the City Engineer.

Design Response: The submitted plans indicate the installation of a sidewalk section connecting the existing sidewalk elements to the proposed building. A bike rack is now included in the plan set and has been recommended as a condition of approval.

COMMUNITY AMENITIES

Objective: To provide community and public spaces that can be enjoyed on a seasonal basis by customers and the general public and will contribute to the attractiveness of the development.

Standard: Each retail development of over 75,000 square feet in floor area shall provide a patio or outdoor seating area, which may also provide outdoor cafes or dining areas, with the stipulation that at least 50 percent of the area shall be reserved for public use. The outdoor area shall include seating and a water feature, clock tower or other central focal point.

Design Response: This Site Plan is the first portion of the overall development on the north side of the Interlaken Commercial Development. The Concept Plan indicates the proposed community and public spaces required as part of this design standard. This application takes the first step in providing benches and a trellis, but further improvements will be required with the future development of the remaining adjacent properties.

Hebeisen asked about different standards regarding the rear façade of this building and the primary direction of the front of the building.

Osmundson wondered if the signage in the rear of this building is required. Braaten explained that it is not required, but is probably wanted on both front and rear because of the visibility. Signs are allowed on two facades per tenant but would need to be continuous space to your specific location in the building.

Barbara VanAuken, from the Avalon Group – Meisch asked about the deliveries and not having a loading dock for this building. How would the Avalon Group control the amount of deliveries and the time of deliveries? VanAuken stated that they use an OEA, Operation and Easement Agreement. Along with the OEA, they have what is called a declaration on their properties which include the delivery standards.

Hebeisen asked about the back side of the building and seeing no access from the front to the back of the building. VanAuken stated that delivers will come through the front door of each tenant spot.

Osmundson asked Braaten about the 7 per 1000 regarding parking spaces. It also goes back to the OEA standards and the Declaration requirements for these types of buildings. VanAuken commented that they first have to meet the city's parking standards, then the OEA Standards and lastly the Declaration standards with an explanation of a 1/3 for potential for restaurants.

Time line for breaking ground is as soon as possible and opening the end of 2016.

CONCLUSION / RECOMMENDATION

The Planning Commission should make a recommendation to the City Council regarding the request by the Avalon Real Estate Group, LLC for Site Plan and Design Review approval for construction of a new multi-tenant building located at 836 Main Street East. This item will be forwarded to the City Council for review at their upcoming meeting scheduled for May 16th, 2016.

If the Planning Commission chooses to recommend approval of the Site Plan and Design Review request, staff would recommend the approval upon the following conditions dis regarding item #7, #8 and item # 10 leaving 9 conditions of approval.

1. The proposed improvements shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The items listed on the City Engineers April 26, 2016 Review Comments shall be resolved to the satisfaction of the City Engineer, the Public Services Director and the Community Development Director prior to the issuance of the building permit for the multi-tenant building.
4. The applicant shall provide the City with a letter of credit to guarantee the proper installation and growth of the approved landscape plan. The letter of credit shall be submitted by the developer prior to obtaining a building permit that is equal to the amount of the required landscaping to be installed. The letter of credit shall be held by the City and must cover one full calendar year subsequent to the installation of said landscaping and must be conditioned upon complete and satisfactory implementation of the approved landscape plan.
5. All indirect costs with the building permit, review, and final plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The applicant/property owner shall confirm with the Carver County Water Management Organization (CCWMO) that all storm water requirements have been met for the property. Any unresolved issues will need to be resolved as part of the development of this site. CCWMO approval or unresolved issues may delay the issuance of a building permit.

- ~~7. The plans shall be revised to include bicycle parking consistent with the Pedestrian and Bicycle Access Design Standard.~~
- ~~8. The Landscape Plan shall be revised to show conformance with the City Ordinance requirement indicating that the complement of trees fulfilling the requirements shall be not less than 25% deciduous and not less than 33% coniferous.~~
9. The applicant submit a lighting plan for review and approval prior to the issuance of a building for the property.
- ~~10. The Exterior Elevations plan sheet shall be revised to indicate the transparency of the building between 3 and 8 feet above the sidewalk grade. City Ordinance requires a minimum of 50% across the primary façade of the building.~~
11. The Site Plan shall be submitted to the Park and Recreation Commission for review at their upcoming meeting on May 9th to discuss the outstanding Park Dedication Fees due for the property.
12. The applicant shall contact the City Planning Department for a final site inspection when all conditions of approval regarding this application have been completed.

Motion by Meisch, second by Osmundson to approve the Site Plan and Design Review request submitted by The Avalon Real Estate Group LLC for a proposed multi-tenant building for the property located at 836 Main Street East. All in favor voted aye with the 9 recommendations mentioned above (striking #7, #8 and #10) MOTION CARRIED.

Braatens updates include:

- The high school property has been successfully annexed into the City and the structural permit for the high school is ready to go. The addition to west side of Clearwater Middle School will start next week.
- Angie Perera, Assistant City Planner/GIS Coordinator, took a position with the City of Eden Prairie and is no longer with the City of Waconia. We extend congratulations to her.
- Braaten spoke of a possible ordinance regarding chickens and bees for residential properties.

There being no further business, Motion by Osmundson, seconded by Vilmain to adjourn at 7:15 P.M. All present voted aye. **MOTION CARRIED.**

Respectfully submitted,

Brenda Wurst
Recording Secretary

Thursday, May 5, 2016

WACONIA PLANNING COMMISSION MEETING

PLEASE SIGN IN

NAME	ADDRESS
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REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 2 nd , 2016
Item Name:	Public Hearing – Variance Request by Ryan Moonen to Locate a Utility Shed in the Side Yard of the property at 1161 Interlaken Parkway North
Originating Department:	Community Development
Presented by:	Lane L. Braaten, Community Development Director

Previous Council Action (if any):

Item Type (X only one):	Consent		Regular Session	<input checked="" type="checkbox"/>	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Open Public Hearing
Motion to Close the Public Hearing
Motion Recommending either Approval or Denial of the Variance Request by Ryan Moonen to Locate a Utility Shed in the Side Yard of the Property at 1161 Interlaken Parkway North.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND:

Applicant: Ryan Moonen
Owner: Ryan Moonen
Address: 1161 Interlaken Parkway North, Waconia MN
PID# 753190230
Zoning: R-1, Single-Family Residential w/ PUD Designation
Legal Description: Lot 11, Block 3, Interlaken 7th Addition

REQUEST:

The City has received a Variance Application from Mr. Ryan Moonen (the “applicant”) to locate a 112 sq. ft. utility shed within the side yard of his property located at 1161 Interlaken Parkway North. The variance request is necessary as Section 900.06, Subd. 1.C.1.c. of the City Ordinance states “*Accessory structures detached from the principal structure shall not be located in any front or side yard, except that a detached garage may be located in a side yard if it meets required setbacks.*”

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.04 – Definitions
2. Section 900.05 – District Regulations, Subd. 2.A – R-1, Single-Family Residential District
3. Section 900.06 – Supplementary Regulations, Subd. 1.C – Accessory Structures, Recreational Vehicles, and Other Matters
4. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 - Variances

DEFINITIONS:

1. Accessory Structure: A structure subordinate to, and serving the principal structure on the same lot and customarily incidental thereto.
2. Utility Building: An accessory building which is not usable for the storage of vehicles; is one-story in nature; is used or intended for the storage of hobby tools, garden equipment, etc.; is detached from the principal structure; and which is naturally and normally incidental to, subordinate to, and auxiliary to the principal dwelling structure.
3. Yard, Front: A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

4. Yard, Rear: A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.
5. Yard, Side: A yard between the side lot line and the nearest line of the building and extending from the front yard line to the rear yard line.

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.” So a city evaluating a variance application should make findings as to:

1. Is the variance in *harmony with* the purposes and intent of the ordinance?
2. Is the variance *consistent with the comprehensive plan*?
3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

VARIANCE ANALYSIS:

Utility Shed Setback Requirements:

Rear Yard Setback = 10 ft. minimum

Interior Side Yard Setback (East Side) = 5 ft. minimum

Interior Side Yard Setback (West Side) = 10 ft. minimum

The applicant is proposing to locate a 7 ft. x 16 ft. utility building on the east side of the existing home, in the side yard, outside of the 5 ft. drainage and utility easement which extends along the east property line. The Ordinance requires utility buildings to be located in the rear yard

Accessory Structure/Utility Building Requirements:

Location Requirement: *Accessory structures, detached from the principal structure shall not be located in any front or side yard, except that a detached garage may be located in a side yard if it meets required setbacks.*

Utility Building: *Utility buildings shall not exceed 144 square feet.*

Height Requirement: *No accessory structure detached from the principal structure shall exceed 20 ft. in height.*

The proposed 112 sq. ft. utility shed is in compliance with the height and size requirements stated in the City Code. Further, the applicant is proposing to finish the utility building to match the existing structure with the same siding, shingles, and windows as the principal structure on the property.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on May 19th, 2016 and posted at Waconia City Hall. Individual notices were mailed to property owners within 350 feet of the subject parcel. As of the time and date of this report staff has not received any comments regarding this application.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the variance request submitted by Mr. Ryan Moonen based on the Variance Criteria stated above and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on June 20th, 2016.

If the Planning Commission chooses to recommend approval of the shed variance submitted by Mr. Moonen, staff would recommend the approval upon the following conditions:

- 1) The utility shed be constructed as proposed and as conditionally revised by the Planning Commission and City Council.
- 2) All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
- 3) The utility shed shall be located outside of the 5 ft. drainage and utility easement along the east property line.
- 4) The utility shed shall be located within the side yard on the east side of the home or in a conforming location in the rear yard.

ATTACHMENTS:

1. Variance Application (3 pages)
2. Public Hearing Notice (1 page)
3. Statement of Variance (2 pages)
4. Location Map (1 page)
5. Site Plan (1 page)
6. Utility Building Elevations (1 page)



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: RYAN MOONEN
2. Address of Property: 1161 INTERLAKEN PKWY N.
3. Legal Description: LOT 11, BLOCK 3, INTERLAKEN 7[#] ADDITION
4. Applicant's Name: RYAN MOONEN
5. Mailing Address: 1161 INTERLAKEN PKWY N.
6. Daytime Phone(s): 952-292-5937
7. Email Address: gtoangus@hotmail.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: 5/5/16 UB

Fee: \$ 125⁰⁰
Receipt #: _____



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: R1
 2. Existing use of Property: RESIDENTIAL
 3. Has request for a variance on this property been sought previously? If so, when? NO
-
-

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
 5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$125 residential; \$275 non-residential**)
3. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

4. Scaled site plan with north arrow indicating existing structures and proposed additions or modification to structures.
5. Show all distances of buildings and structures from property lines.
6. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: 

Date: 05/04/16

Printed Name: RYAN J. MOONEN

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on Thursday, June 2nd, 2016 at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Variance request to allow a utility building to be located in the side yard of the property located at 1161 Interlaken Parkway North (PID# 75.3190230), which is zoned R-1 Single Family Residential District.

The applicant, Ryan Moonen, is requesting approval of a variance to construct a 7 ft. x 16 ft. (112 sq. ft.) shed in the side yard of the subject parcel versus the City Code Section 900.06, Subd. 1, C. subpart c. which states: *“accessory structures detached from the principal structure shall not be located in any front or side yard, except that a detached garage may be located in a side yard if it meets required setbacks.”*

Pertinent information pertaining to this request is available at the City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on Thursday, June 2nd, 2016. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Lane L. Braaten, Community Development Director

(Published in the May 19th, 2016 Waconia Patriot newspaper)

To whom it may concern,

I am seeking a variance for the following City of Waconia Ordinance:

900.06 SUPPLEMENTARY REGULATIONS

Subd. 1. Supplementary Use Regulations.

C. Accessory Structures, Recreational Vehicles and Other Matters:

1. Accessory Structures: In the R-1, R-2 and R-4 Residential Districts:

c. Location Limitation: Accessory structures detached from the principal structure shall not be located in any front or side yard, except that a detached garage may be located in a side yard if it meets required setbacks.

The reason I am seeking this variance is to construct a storage shed in the side yard on the east side of my house. The shed will be approx. 7 feet wide and 16 feet long (112 square feet). It will be set on a concrete slab. The shed will be finished in the exact same siding/shingles/windows as my house. I already own the windows and shingles. I will order the siding when/if this variance is approved. The shed will have a lean to style roof (slope will match the house) and will be finished with matching gutter and down spout. My intent is to landscape my entire yard after the shed is finished, and the shed will look like a part of the house from the street and side yard. The shed will have a service door on the north wall (matching the house) and an overhead (rollup door on the south wall).

My property has a rather large drainage easment on the rear property line(south). The easment is approx 31 feet in the southeast corner to 43 feet in the be corner. The rear yard also has a steep slope to a valley in the middle of the easment. it would be nearly impossible to create a flat spot in my rear yard for a shed without it being virtually in the middle of my "useable" back yard. Having the shed in the side yard, where the ground is already level, would be much more useable. I feel that the side yard placement of the shed will be better than building the shed in the middle of my back yard, for my immediate neighbors and anyone traveling through the neighborhood. The shed will blend in rather than stand out. I have already spoken with my neighbors individually about placing the shed in my side yard rather than my backyard. There are no objections from my neighbors.

The second reason for this variance is so the shed will not block the limited lake (Reitz Lake) view that my neighbors and i have in our back yards. Building this shed in the side yard will not impair adequate supply of light and air to the adjacent neighbor. I feel placing the shed in the side yard, inches from the house, will not diminish or impair established property values within the surrounding area. When the shed is completed it will look like a "bump out" on the house, rather than an accessory building in the middle of my property. This shed in the side yard will be within required set backs and not on any easements.

Thank you for your time in this matter.

Respectfully submitted,

Ryan Moonen

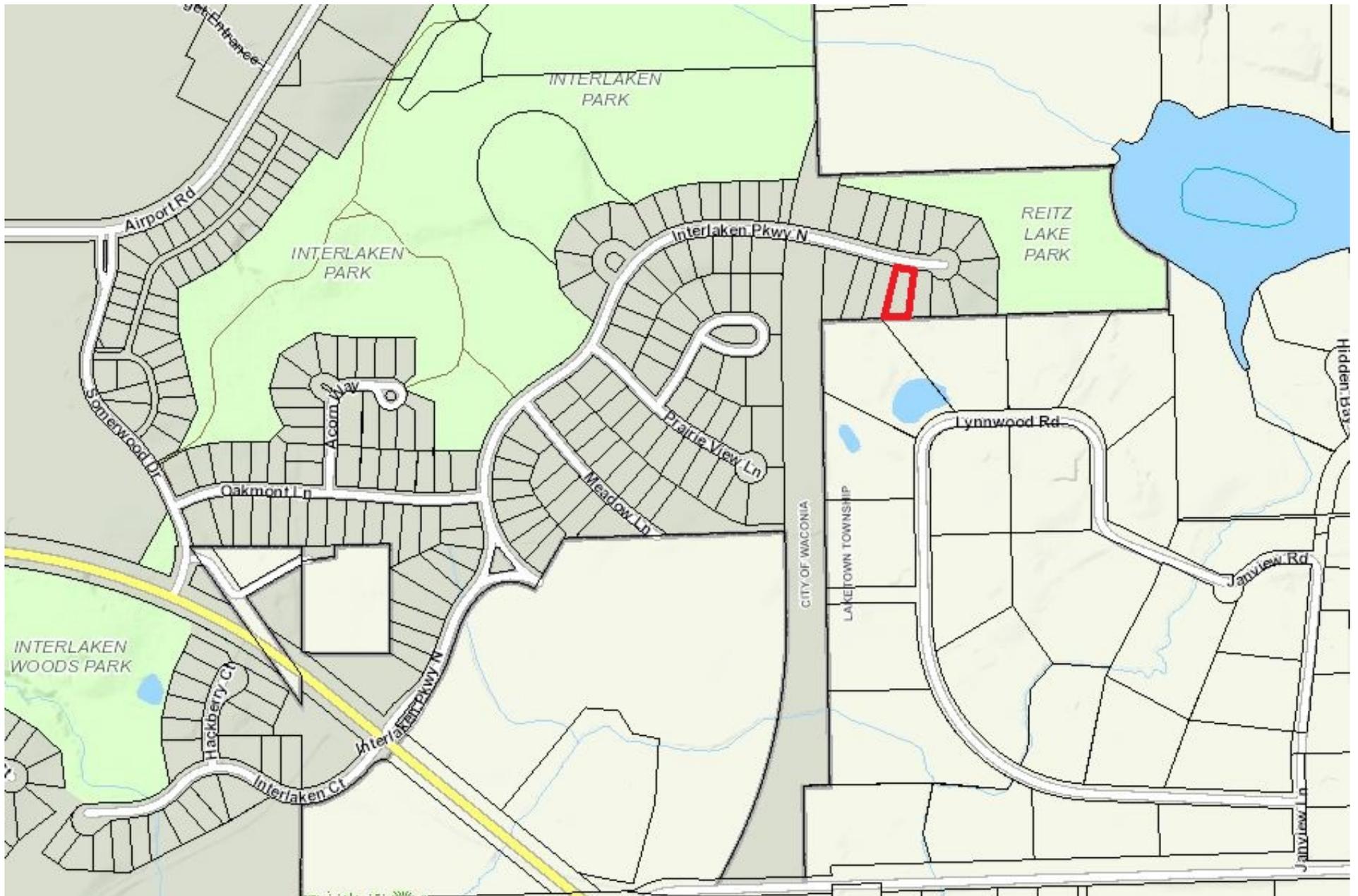
1161 Interlaken Parkway North

Waconia, MN 55387

952-292-5937

A handwritten signature in black ink, appearing to read 'Ryan Moonen', with a long horizontal flourish extending to the right.

LOCATION MAP—1161 INTERLAKEN PKWY. N.



BENCHMARK
TOP OF SPIKE
EL = 988.64

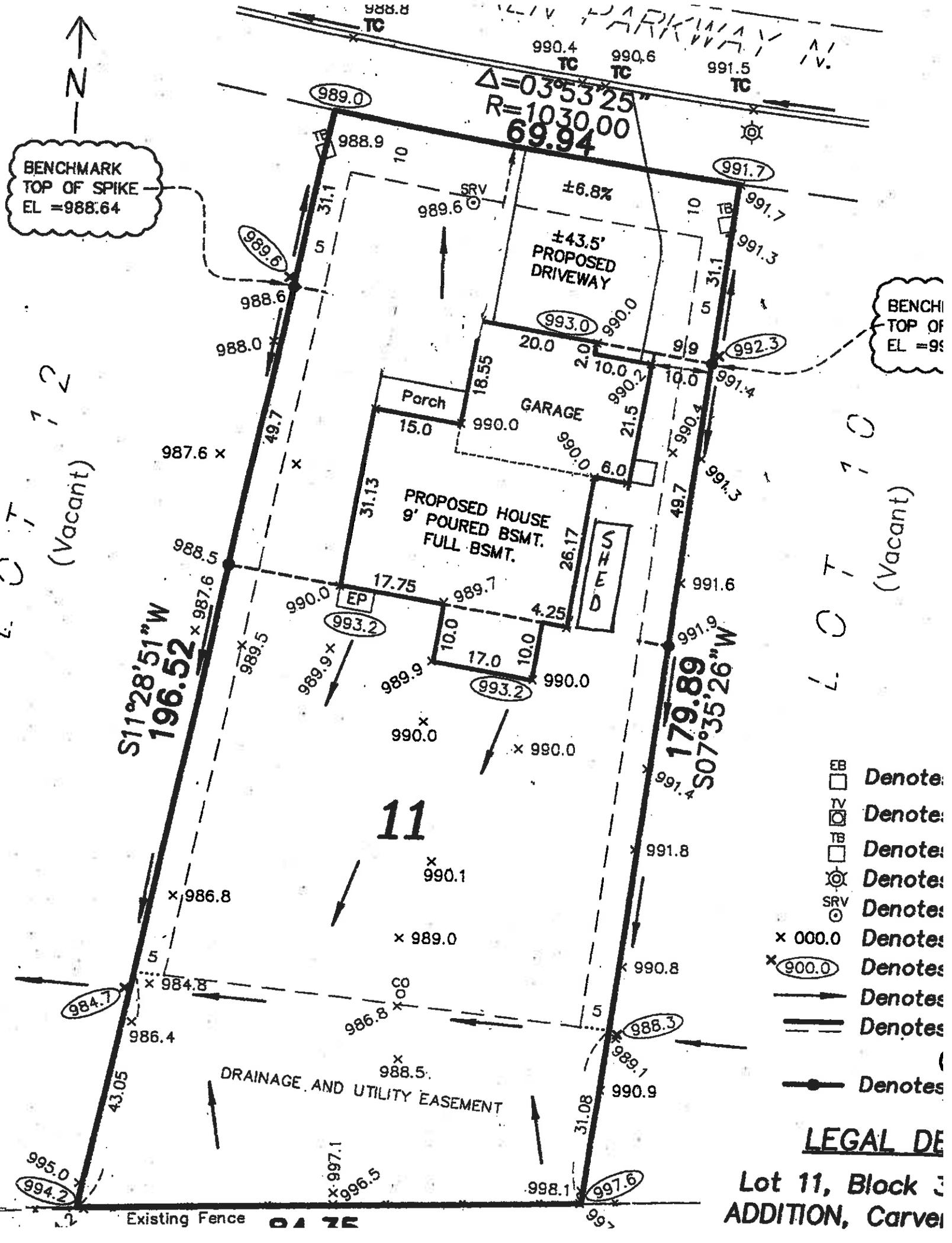
LOT 12
(Vacant)

LOT 10
(Vacant)

S11°28'51"W
196.52

179.89
S07°35'26"W

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69.94



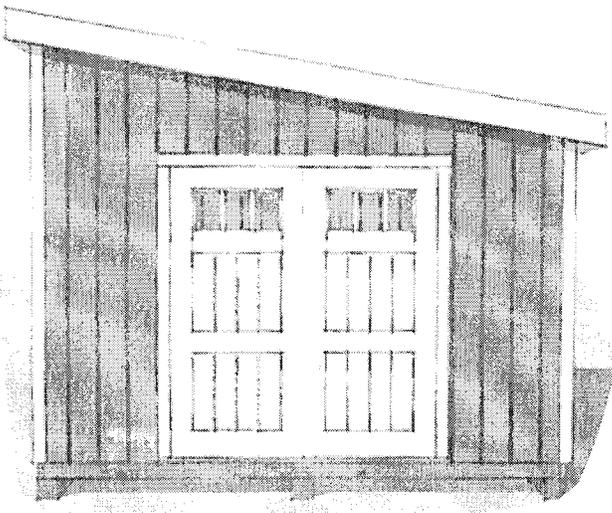
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- SRV Denotes:
- CO Denotes:
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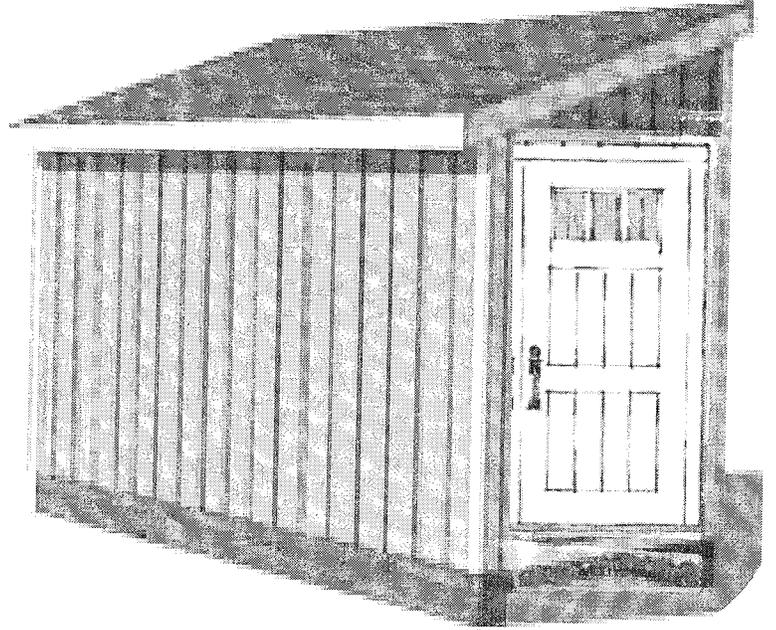
Lot 11, Block 3
ADDITION, Carver

Existing Fence

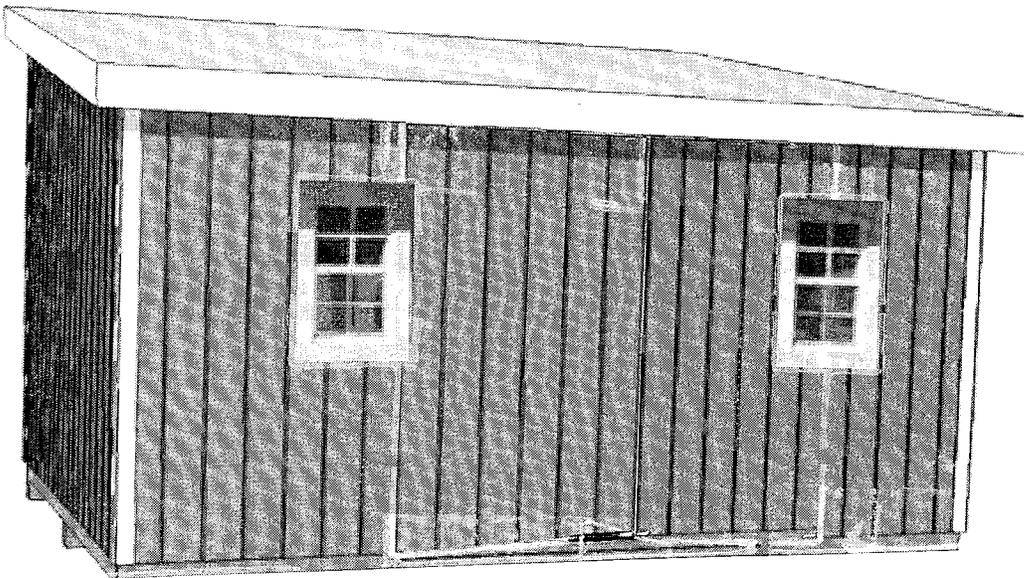
7W x 16L



SOUTH WALL



NORTH WALL



EAST WALL

* WEST WALL WILL BE SOLID (NO WINDOWS OR DOORS) AND WILL BE A FEW INCHES FROM EXISTING HOUSE WALL



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 2 nd , 2016
Item Name:	Public Hearing – Variance Request by Dan Kurth to allow a 5 ft. Side Yard Setback for the Properties located at 579 and 585 Tiffany Lane
Originating Department:	Community Development
Presented by:	Lane L. Braaten, Community Development Director

Previous Council Action (if any):

Item Type (X only one):	Consent		Regular Session	<input checked="" type="checkbox"/>	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Open Public Hearing
Motion to Close the Public Hearing
Motion Recommending either Approval or Denial of the Variance Requests by Dan Kurth to allow a 5 ft. Side Yard Setback for the Properties located at 579 and 585 Tiffany Lane.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND:

Applicant: Dan Kurth

Owner: MLC, LLC

Address(es): 579 and 585 Tiffany Lane, Waconia MN

PID# 755270130 and 755270120

Zoning: PUD, Planned Unit Development District

Legal Description: Lot(s) 12 and 13, Block 1, Waterford 3rd Addition

REQUEST:

The City has received a Variance Application from Mr. Dan Kurth (the “applicant”) to allow a side yard setback of 5 ft. on the east side of Lot 13 (579 Tiffany Ln.) and to allow a 5 ft. side yard setback on the west side of Lot 12 (585 Tiffany Ln.) versus the 6 foot minimum side yard setback requirement stated in the Waterford 3rd Addition Planned Unit Development.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 - Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.” So a city evaluating a variance application should make findings as to:

1. Is the variance in *harmony with* the purposes and intent of the ordinance?
2. Is the variance *consistent with* the *comprehensive plan*?
3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

VARIANCE ANALYSIS:

The City Council approved the Waterford 3rd Addition residential plat on October 5th, 2009. The property is zoned PUD, Planned Unit Development District, which was approved with the following lot requirements:

Lot Requirements:

- Lot Size = 6,000 sq. ft. minimum
- Front Yard Setback = 25 feet minimum
- Side Yard Setback = 6 feet minimum
- Side Yard Setback – Street = 20 feet minimum
- Rear Yard Setback = 35 ft. minimum

The applicant is proposing a reduction in the side yard setback to allow a modified version of the existing home being built to be located on the two subject parcels. The subject parcels, Lots 12 and 13, Block 1 of Waterford 3rd Addition, are different than the other 18 lots that were platted in that the two lots in question share a 20 ft. wide drainage and utility easement in which Mr. Kurth cannot develop. The easement located between lots 12 and 13, Block 1, Waterford 3rd Addition is home to a storm sewer line. This, for all intents and purposes, makes the setback from the shared side lot line a distance of 10 ft. versus the required 6 ft. setback required as part of the PUD. Mr. Kurth has indicated in his variance statement for both properties that the 8 homes he has already constructed in Waterford 3rd Addition have all been 32 ft. wide as there has been no 10 ft. easements to contend with on other parcels. If the City were to grant the 1 ft. variance requested he would be able to modify his existing building plans to construct a functional home while staying out of all of the platted drainage and utility easements on the two parcels.

The proposed modified version of the homes to be constructed on Lots 12 and 13 would meet all other requirements stated in the Waterford 3rd Addition Planned Unit Development.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on May 19th, 2016 and posted at Waconia City Hall for both properties. Individual notices were mailed to property owners within 350 feet of the subject parcels. As of the time and date of this report staff has not received any comments regarding this application.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the variance request submitted by Mr. Dan Kurth based on the Variance Criteria stated above and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on June 20th, 2016.

If the Planning Commission chooses to recommend approval of the side yard setback variance submitted by Mr. Kurth, staff would recommend the approval upon the following conditions:

- 1) The proposed structure meet all other minimum site requirements stated in the Waterford 3rd Addition.
- 2) The proposed home shall be located outside all drainage and utility easements and final grading of the property shall be subject to the review and approval of the Public Services Department.

ATTACHMENTS:

1. Variance Applications (6 pages)
2. Public Hearing Notices (2 page)
3. Statement of Variances (1 pages)
4. Location Map (1 page)
5. Waterford 3rd Addition – Section of Plat (1 page)
6. Certificates of Survey (3 pages)



579 TIFFANY LAWE
(LOT 13)

CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: MLC, LLC
2. Address of Property: 7300 Metro Blvd Suite 300
Edina, MN 55439
3. Legal Description: Lot ~~12~~ 13 Block 1 Waterford Jrd
4. Applicant's Name: Dan Kurth
5. Mailing Address: 742 Telia Lane Victoria, MN 55386
6. Daytime Phone(s): 952-261-5394
7. Email Address: dcala5@yahoo.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: 5/5/16

Fee: \$ 125⁰⁰
Receipt #: # 84647
BLW 5/5/16



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: Shingle Family Residential
2. Existing use of Property: shingle Family homes
3. Has request for a variance on this property been sought previously? If so, when? No

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
 5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$125 residential; \$275 non-residential**)
3. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

4. Scaled site plan with north arrow indicating existing structures and proposed additions or modification to structures.
5. Show all distances of buildings and structures from property lines.
6. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: _____



Date: _____

4/5/18

Printed Name: _____

Daniel Kurth



585 TIFFANY LANE
(LOT 12)

CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: MLC, LLC
2. Address of Property: 7300 Metro Blvd Suite 300
Edina, MN 55439
3. Legal Description: Lot 12 ~~Block~~ Block 1
Waterford Jrd
4. Applicant's Name: Dan Kurth
5. Mailing Address: 742 Tilia Lane Victoria, MN 55386
6. Daytime Phone(s): 952-261-5394
7. Email Address: dcala5@yahoo.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: 5/5/16

Fee: \$ 125⁰⁰
Receipt #: #24647
BW 5/5/16



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: Shingle Family Residential
2. Existing use of Property: shingle Family homes
3. Has request for a variance on this property been sought previously? If so, when? No

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
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 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
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 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$125 residential; \$275 non-residential**)
3. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

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4. Scaled site plan with north arrow indicating existing structures and proposed additions or modification to structures.
5. Show all distances of buildings and structures from property lines.
6. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature:



Date:



Printed Name:



CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on Thursday, June 2nd, 2016 at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Variance request to allow a reduced side yard setback for the property located at 579 Tiffany Lane (PID# 75.5270130), which is zoned PUD, Planned Unit Development District.

The applicant, Dan Kurth, is requesting approval of a variance to construct a principal structure on the subject parcel with a side yard setback of 5 feet versus the 6 ft. minimum side yard setback required in the PUD, Planned Unit Development District.

Pertinent information pertaining to this request is available at the City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on Thursday, June 2nd, 2016. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Lane L. Braaten, Community Development Director

(Published in the May 19th, 2016 Waconia Patriot newspaper)

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on Thursday, June 2nd, 2016 at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Variance request to allow a reduced side yard setback for the property located at 585 Tiffany Lane (PID# 75.5270120), which is zoned PUD, Planned Unit Development District.

The applicant, Dan Kurth, is requesting approval of a variance to construct a principal structure on the subject parcel with a side yard setback of 5 feet versus the 6 ft. minimum side yard setback required in the PUD, Planned Unit Development District.

Pertinent information pertaining to this request is available at the City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on Thursday, June 2nd, 2016. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387
Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION
ATTEST: Lane L. Braaten, Community Development Director

(Published in the May 19th, 2016 Waconia Patriot newspaper)

To whom it may concern:

I am applying for a variance on side setback on 2 lots in Waterford 3rd addition to allow 5ft. setback instead of 6ft. on 1 side of each lot. The reason I need this is they both currently have a 10ft utility easement on 1 side of each lot instead of 5ft., causing my 45ft. lots with setback requirements to have a house only 29ft. wide. The 8 houses built on this development have all been 32ft. wide with no other lots that have had this 10ft. easement. I can take 2 ft. off the total width of these houses and still somewhat have a functioning floor plan, but taking 3 ft. of makes it very difficult to have a functional house (32 ft. is already a very narrow house).

I have already on 1 that I am building and will put side set back on house I will build to 7ft, which is 1 ft. wider then required. So the net effected distance from each house will still be 12ft, same as if each house had 6ft. side setbacks by each other (one already build to right of lot 12 will have 11 1/2ft. distance from each house since it has already been built). Also the 5ft. setback does not encroach within the 5ft. easement that is there on each lot.

I have copies of proposed house and setbacks on surveys that show the houses drawn with what I am asking. You can see the 5 ft. setbacks I am asking for in no way effects the esthetics or functionality of any other house or land in this development.

I am only asking for these 2 lots to have this variance:

Lot 12 and 13 Block 1 Waterford 3rd

Sincerely

Dan Kurth (Project manager for MLC, LLC)

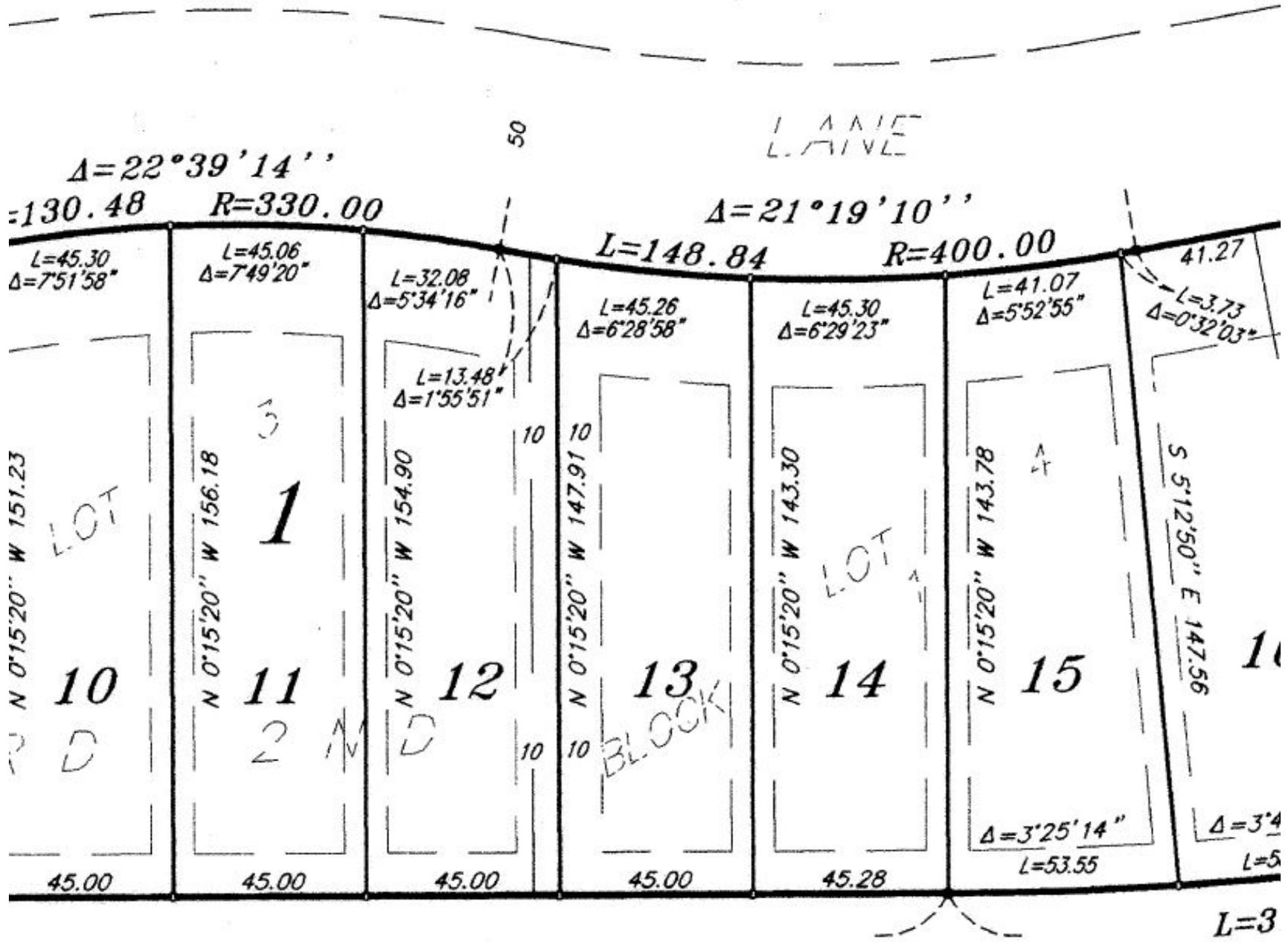


5/4/18

LOCATION MAP

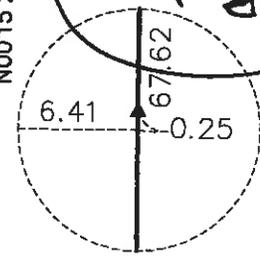
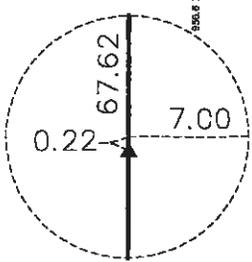
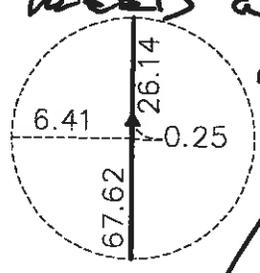
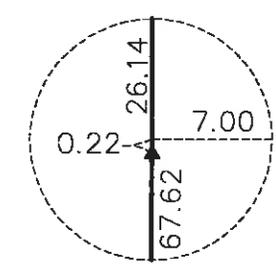
579 AND 585 TIFFANY LANE



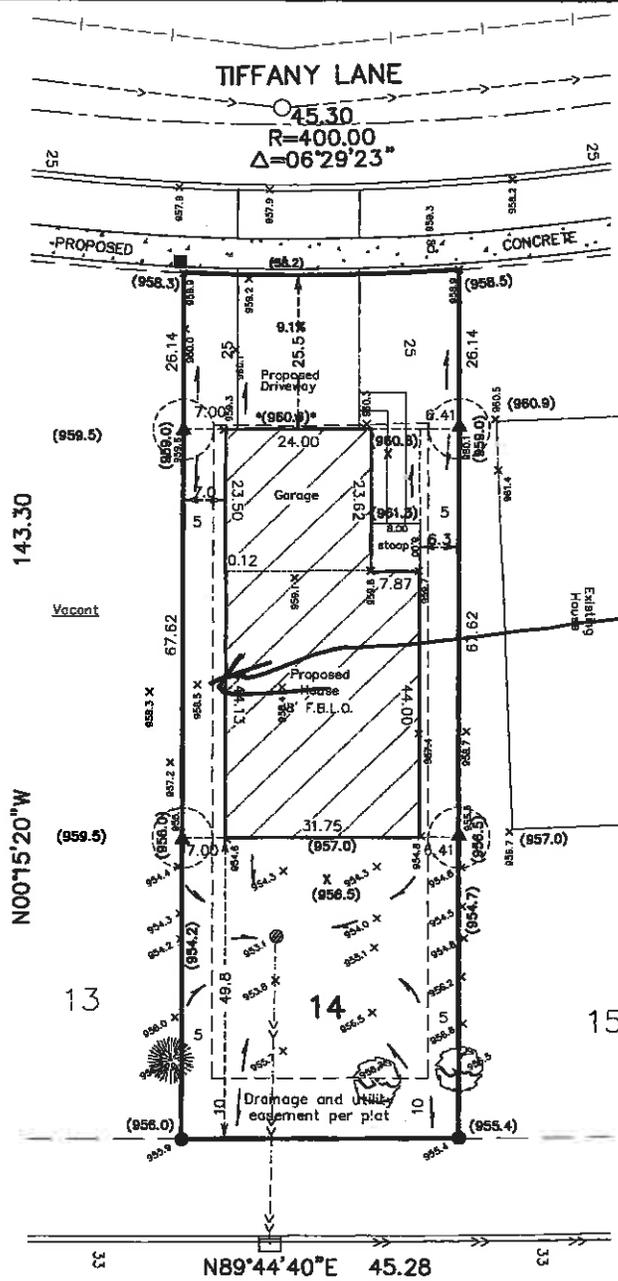


Lot area = 6480 SF
 House area = 1964 SF
 Porch area = 64 SF
 Sidewalk area = 78 SF
 Driveway area = 511 SF
 Total Impervious Area = 2817 SF
 Impervious Coverage = 40.4%

House in
 for permit
 wants all set
 backs



gave
 Extra
 1' to 1'
 instead
 of 6'



- ⊕ Denotes service
- ⊕ Denotes television box
- ⊕ Denotes electric box
- ⊕ Denotes telephone box
- x 000.00 Denotes existing elevation
- (000.00) Denotes proposed elevation
- Denotes drainage flow direction
- ▲ Denotes spike

Construction Notes:

1. Install rock construction entrance.
2. Install silt fence as needed for erosion control.
3. Sidewalks shall drain away from house a minimum of 1.0%.
4. Contractor must verify driveway design.
5. Contractor must verify service elevation prior to construction.
6. Add or remove foundation ledge as required.

General Notes:

1. Grading plan by Domars Gabriel last dated 8/31/09 was used to determine proposed elevations shown herein.
2. This survey does not purport to show improvements or encroachments, except as shown, as surveyed by me or under my direct supervision.
3. Proposed building dimensions shown are for horizontal location of structures on the lot only. Contact builder prior to construction for approved construction plans.
4. No specific soils investigation has been performed on this lot by the surveyor. The suitability of soils to support the specific house proposed is not the responsibility of the surveyor.
5. This certificate does not purport to show easements other than those shown on the recorded plat.
6. Bearings shown are based on an assumed datum.

House elevations	(Proposed)	As-built
Lowest Floor Elevation	:(954.3)	/
Top Of Foundation Elev.	:(962.0)	/
Garage Slab Elev. @ Door	:(960.6)*	/ Drop 0.7 ft.
T.O.F. Elevation @ Lookout	:(857.5)	/

We hereby certify to Castle Gate Construction 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 04/29/16.

Signed: Pioneer Engineering, P.A.

BY: Peter J. Hawkins, Professional Land Surveyor
 Minnesota License No. 42299 email-phawkinson@pioneereng.com

- Revisions:
- 1.) 5-2-16 State House
 - 2.) 5-5-16 Revise Garage Grades
 - 3.) 5-5-16 Move House

PIONEER engineering, P.A.
 CIVIL ENGINEERS LAND SURVEYORS LAND SURVEYORS LANDSCAPE ARCHITECTS

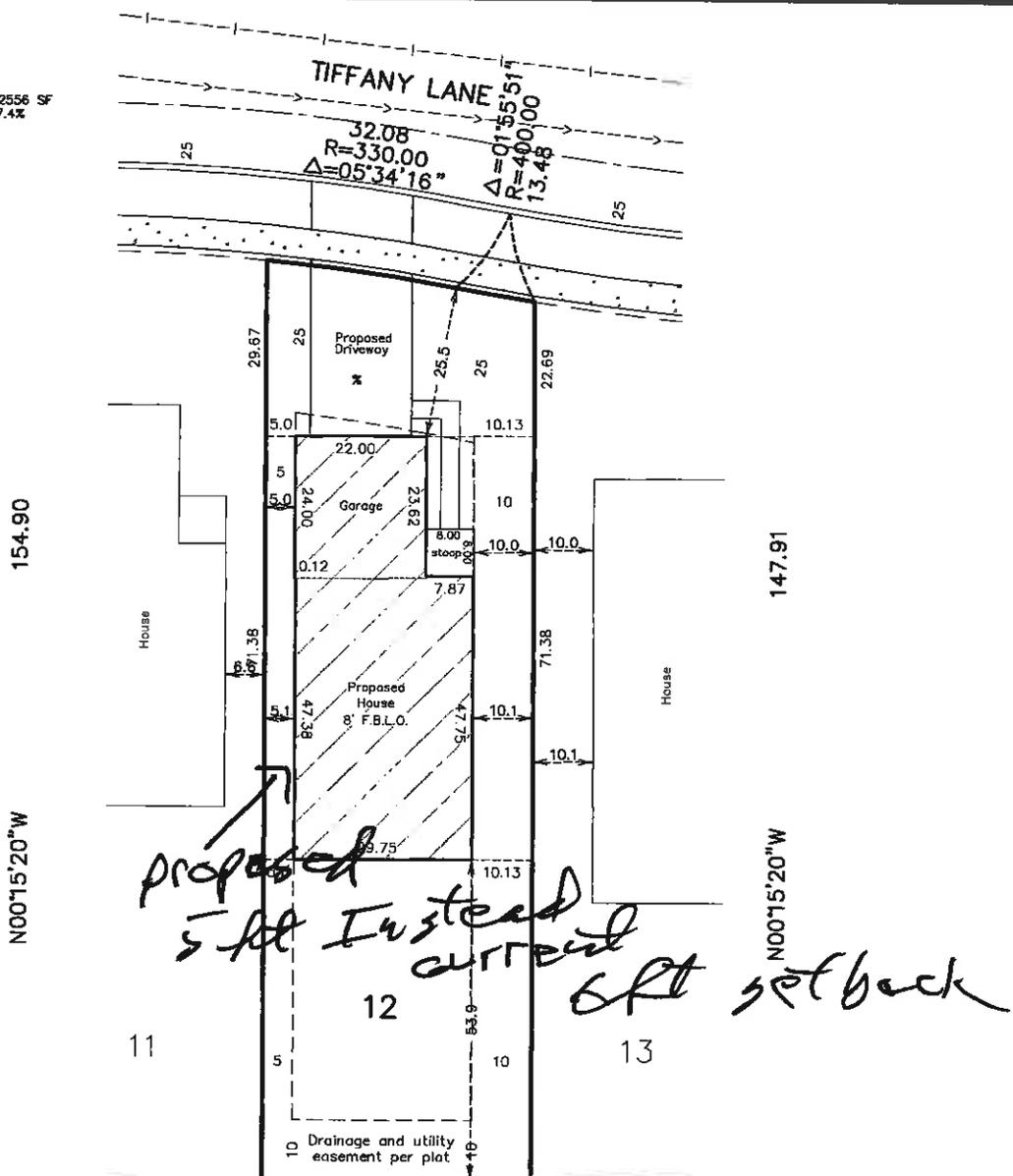
2422 Enterprise Drive
 Mendota Heights, MN 55120
 Ph: (651) 681-1914
 Fax: (651) 681-9488
 www.pioneereng.com

Project #: 114279009 Folder #: 7743 Drawn by: MN

Lot 14, Block 1,
 WATERFORD 3RD ADDITION
 according to the recorded plat thereof
 Carver County, Minnesota
 Address: 573 Tiffany Lane, Waconia, Minnesota
 House Model: Shelby Elevation: N/A
 Buyer: Moore

**Certificate of Survey for:
 Castle Gate Construction**

Lot area = 6829 SF
 House area = 1941 SF
 Porch area = 64 SF
 Sidewalk area = 80 SF
 Driveway area = 471 SF
 Total Impervious Area = 2556 SF
 Impervious Coverage = 37.4%



- Denotes service
- Denotes television box
- Denotes electric box
- Denotes telephone box
- Denotes existing elevation
- Denotes proposed elevation
- Denotes drainage flow direction
- Denotes spike

Construction Notes:

1. Install rock construction entrance.
2. Install silt fence as needed for erosion control.
3. Sidewalks shall drain away from house a minimum of 1.0%.
4. Contractor must verify driveway design.
5. Contractor must verify service elevation prior to construction.
6. Add or remove foundation ledge as required.

General Notes:

1. Grading plan by Demars Gabriel last dated 8/31/09 was used to determine proposed elevations shown herein.
2. This survey does not purport to show improvements or encroachments, except as shown, as surveyed by me or under my direct supervision.
3. Proposed building dimensions shown are for horizontal location of structures on the lot only. Contact builder prior to construction for approved construction plans.
4. No specific soils investigation has been performed on this lot by the surveyor. The suitability of soils to support the specific house proposed is not the responsibility of the surveyor.
5. This certificate does not purport to show easements other than those shown on the recorded plat.
6. Bearings shown are based on an assumed datum.

N89°44'40"E 45.00

SPARROW ROAD

Lowest opening elevation per grading plan : #
 Lowest floor elevation per grading plan : #

House elevations	(Proposed)	As-built
Lowest Floor Elevation	: 0	/
Top Of Foundation Elev.	: 0	/
Garage Slab Elev. @ Door	: 0	/
T.O.F. Elevation @ Lookout	: 0	/

We hereby certify to Castle Gate Construction 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 05/05/16.

Signed: Pioneer Engineering, P.A.

BY:
 Peter J. Hawkinson, Professional Land Surveyor
 Minnesota License No. 42299 email-phawkinson@pioneereng.com

Scale: 1" = 20'
 Benchmark:
 Top Nut Hydrant
 Elevation =

Revisions:
 1/3x

PIONEERengineering, P.A.
CIVIL ENGINEERS LAND PLANNERS LAND DEVELOPERS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
 Mendota Heights, MN 55120
 Ph.: (651) 681-1914
 Fax: (651) 681-9488
 www.pioneereng.com

Project #: 114279011 Folder #: 7743 Drawn by: MN

Lot 12, Block 1,
 WATERFORD 3RD ADDITION
 according to the recorded plat thereof
 Carver County, Minnesota

Address: xxx Tiffany Lane, Waconia, Minnesota
 House Model: Phoenix Elevation: N/A
 Buyer:

Certificate of Survey for:
 Castle Gate Construction



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 2 nd , 2016						
Item Name:	Public Hearing – Variance Request by Chris Weinberger to Construct a New Home at Reduced Setbacks and Exceed the Hardcover Maximum for the property located at 208 Main Street East						
Originating Department:	Community Development						
Presented by:	Lane L. Braaten, Community Development Director						
Previous Planning Commission Action (if any):	June 14 th , 1989 – Variance approval for construction of a front deck at a setback of 4 ft. from the front property line.						
Item Type (X only one):	<table border="1"><tr><td>Consent</td><td></td><td>Regular Session</td><td><input checked="" type="checkbox"/></td><td>Discussion Session</td><td></td></tr></table>	Consent		Regular Session	<input checked="" type="checkbox"/>	Discussion Session	
Consent		Regular Session	<input checked="" type="checkbox"/>	Discussion Session			

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Open Public Hearing

Motion to close the Public Hearing

Motion recommending either approval or denial of the Variance Request by Chris Weinberger to construct a new home at reduced setback requirements and hardcover exceeding the lot requirements stated in the R-2, Single-Family Residential District and the Shoreland Overlay District for the property located at 208 Main Street East.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND:

Applicant: Chris Weinberger

Owner: Chris Weinberger

Address: 208 Main Street East, Waconia MN

PID# 750504150

Zoning: R-2, Single-Family Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received a Variance Application from Mr. Chris Weinberger (the “applicant”) to construct a new home on his property located at 208 Main Street East. The variance is necessary as the parcel accesses off of an alley, is quite small (8,203.2 sq. ft.) and the applicant is proposing a 16.7 ft. front yard setback, a 24.9 ft. rear yard setback and a proposed hardcover surface of 34.6% versus the 25 ft. front yard setback, the 30 ft. rear yard setback and the 25% maximum hardcover allowed in the R-2, Single-Family Residential District and the Shoreland Overlay District.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.04 – Definitions
2. Section 900.05 – District Regulations, Subd. 2.B – R-2, Single-Family Residential District
3. Section 900.06 – Supplementary Regulations, Subd. 7 – Shoreland Overlay District
4. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 - Variances

DEFINITIONS:

1. **Lot Line, Front:** The boundary of a lot which abuts an existing and dedicated street, and in case of a corner lot it shall be the shortest dimension on a public street.
2. **Lot Line, Rear:** The boundary of a lot which is opposite the front line.

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.” So a city evaluating a variance application should make findings as to:

1. Is the variance in *harmony with* the purposes and intent of the ordinance?
2. Is the variance *consistent with* the *comprehensive plan*?
3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

VARIANCE ANALYSIS:

The applicant is proposing the construction of a new home on the property located at 208 Main Street East. As the property is a legal non-conforming lot the parcel is considered buildable, but is left with a very limited building envelope when taking into consideration all required setbacks and hardcover surface requirements stated in the R-2, Single-Family Residential District and the Shoreland Overlay District. Table 1.1 below indicates the proposed, existing and required lot requirements in said districts.

Table 1.1

	Lot Requirements R-2 & Shoreland	Existing Conditions	Proposed Conditions
Lot Area	7,850 sq. ft. min.	8,203.2 sq. ft.	N/A
Lot Width	50 ft. min.	132.2 ft.	N/A
Hardcover Surface	25% max.	36%	34.6%
Structure Height	35 ft. max.	Approx. 12 ft. (overall height)	Approx. 26 ft. (overall height)
Front Yard Setback	25 ft. min.	16.7 ft.	16.7 ft.
Side Yard Setback	10 ft. min.	30.2 ft.	30.2 ft.
Rear Yard Setback	30 ft. min.	24.9 ft.	24.9 ft.

The table above indicates that the lot area and lot width are conforming, but the depth of the lot limits the building envelope on site. If all principal structure setbacks were required to be met the applicant would be left with a 7 ft. wide building envelope setback 10 ft. from the east and west property lines (see attached proposed Certificate of Survey which indicates the building envelope on site).

The applicant is proposing to reduce the imperious surface from 36% hardcover to 34.6 % and not encroach any further into the front or rear yard setbacks. Further, the proposed height is in conformance with the Shoreland standards which allows a maximum height of 35 ft. as measured from the highest adjacent grade to the midpoint of the highest gable. Although the height is conforming as proposed the Commission should consider if the vertical expansion of the structure within the setbacks is reasonable as the home is located in very close proximity to neighboring properties and may cause reduced views from said properties, especially the property to the south.

The existing home on the property is approximately 12 ft. in overall height and has a building footprint of 20 ft. x 36 ft. (720 sq. ft.) and the applicant is proposing to replace the existing home with a new two-story home with an over height of approximately 26 feet and a building footprint of 20 ft. x 44 ft. (880 sq. ft.).

The existing home is accessed off of a public alley, which intersects with Spruce Street approximately a half block south of City Square Park.

A previous property owner was granted a Variance on June 14th, 1989 to allow the construction and placement of the existing deck on the front of the home, which the applicant intends to retain in its current size and location. As this is located within close proximity to the alley it is staff's recommendation that a condition of approval require an As-Built Survey be submitted to City Staff for review when the project is complete to insure that the deck and proposed structure are in compliance with any approvals.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on May 19th, 2016 and posted at Waconia City Hall. Individual notices were mailed to property owners within 350 feet of the subject parcel. As of the time and date of this report staff has not received any comments regarding this application.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the variance request submitted by Mr. Chris Weinberger based on the Variance Criteria stated above and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on June 20th, 2016.

If the Planning Commission chooses to recommend approval of the setback and hardcover surface variance submitted by Mr. Weinberger, staff would recommend the approval upon the following conditions:

- 1) The home be constructed as proposed and as conditionally revised by the Planning Commission and City Council.
- 2) All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
- 3) Upon completion of the project the applicant submit an As-Built Certificate of Survey to show the home was constructed in the exact location proposed, the impervious surface is in compliance with the approval, and the existing non-conforming deck has not be moved or expanded in any way.

ATTACHMENTS:

1. Variance Application (3 pages)
2. Public Hearing Notice (1 page)
3. Statement of Variance (1 pages)
4. Location Map (1 page)
5. Certificate of Survey - Existing (1 page)
6. Certificate of Survey - Proposed (1 pages)
7. Building Elevations (1 page)
8. Cross Section – Building Height (1 page)



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: Chris Weinberger
2. Address of Property: 208 E. Main St.
3. Legal Description: Residential
4. Applicant's Name: Chris Weinberger
5. Mailing Address: 208 E. Main St, Waconia, MN 55387
6. Daytime Phone(s): (612) 599-5788
7. Email Address: Chris.Weinberger@gmail.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: 5/5/16

Fee: \$ 125⁰⁰
Receipt #: 0246502



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: Residential
2. Existing use of Property: Residential
3. Has request for a variance on this property been sought previously? If so, when? Yes, 1989
Previous Owner added a deck

IMPORTANT

Subd. 4. Variances

- A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:
1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
 2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
 5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (**\$125 residential; \$275 non-residential**)
3. **Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.**

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

4. Scaled site plan with north arrow indicating existing structures and proposed additions or modification to structures.
5. Show all distances of buildings and structures from property lines.
6. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: Chris Weinberger

Date: 4/25/2016

Printed Name: Chris Weinberger

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on Thursday, June 2nd, 2016 at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Variance request to exceed the hardcover maximum and allow reduced principal structure setbacks for the property located at 208 Main Street East (PID# 75.0504150), which is zoned R-2, Single-Family Residential District and located within the Shoreland Overlay District.

The applicant, Chris Weinberger, is requesting approval of a variance to construct a new principal structure on the subject parcel with a front yard setback of 16.7 ft., a rear yard setback of 24.9 ft. and a maximum hardcover of 34.6% versus the lot requirements stated in the R-2, Single-Family Residential District and Shoreland Overlay District which require a 25 ft. minimum front yard setback, a 30 ft. minimum rear yard setback and a maximum hardcover of 25% in the Shoreland area.

Pertinent information pertaining to this request is available at the City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on Thursday, June 2nd, 2016. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387

Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Lane L. Braaten, Community Development Director

(Published in the May 19th, 2016 Waconia Patriot newspaper)

To whom it may concern,

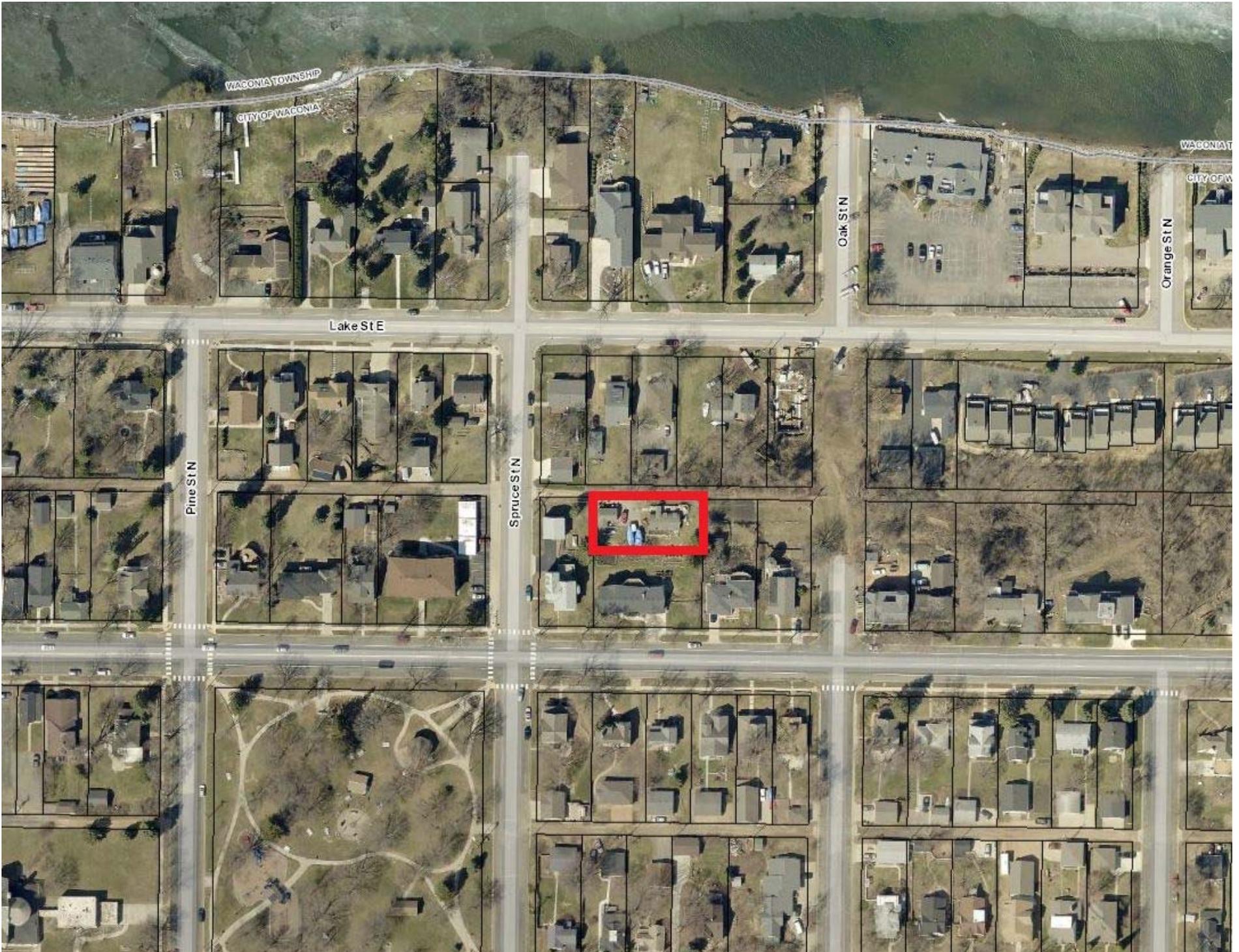
My name is Chris Weinberger. I have been a resident of Waconia since 11/15/2005. I enjoy living in this community, have worked hard to put down my roots and now have a growing family. I am asking the city council for a variance and I appreciate the opportunity to explain why I feel a variance should be granted.

Our home is the one of the smallest and certainly one of the most unique homes in Waconia. It is a 700 square foot Quanzit Hut. While it is not without its charm, the square footage is compromised by the curved roof design. Moreover, the house, duct work, plumbing, windows, electrical wiring, etc. are over 70 years old and it is not the safest environment to raise our child.

Our plan is to build a beautiful, safe and new home increasing our usable square footage. Our plan shows how this can be done while maintaining the front, rear and east side set backs and decreasing the existing hard surface by 109 Square feet.

The proposed variance is in harmony with the purposes and intent of the ordinance as the variance is residential in nature. It is also consistent with the comprehensive plan as the new house will have a design that is similar to the surrounding homes yet it will still have the smallest footprint on our block (20' x 44'). This proposal puts the property to use in reasonable manner because it reduces the percentage of hard surface while maintaining three of the existing set backs and increasing the livable square footage. The property is only 62' wide. The front set back is 25' and the rear set back is 30' this would only allow me to build a 7' wide 122' long hallway. I did not create these circumstances. The lot size, shape and boundaries were determined long before I bought it. If the variance is granted, the plan proposed will not alter the essential character of the locality as the size, design and use of the property is consistent with the surrounding homes.

Thank you,
Chris



CERTIFICATE OF SURVEY

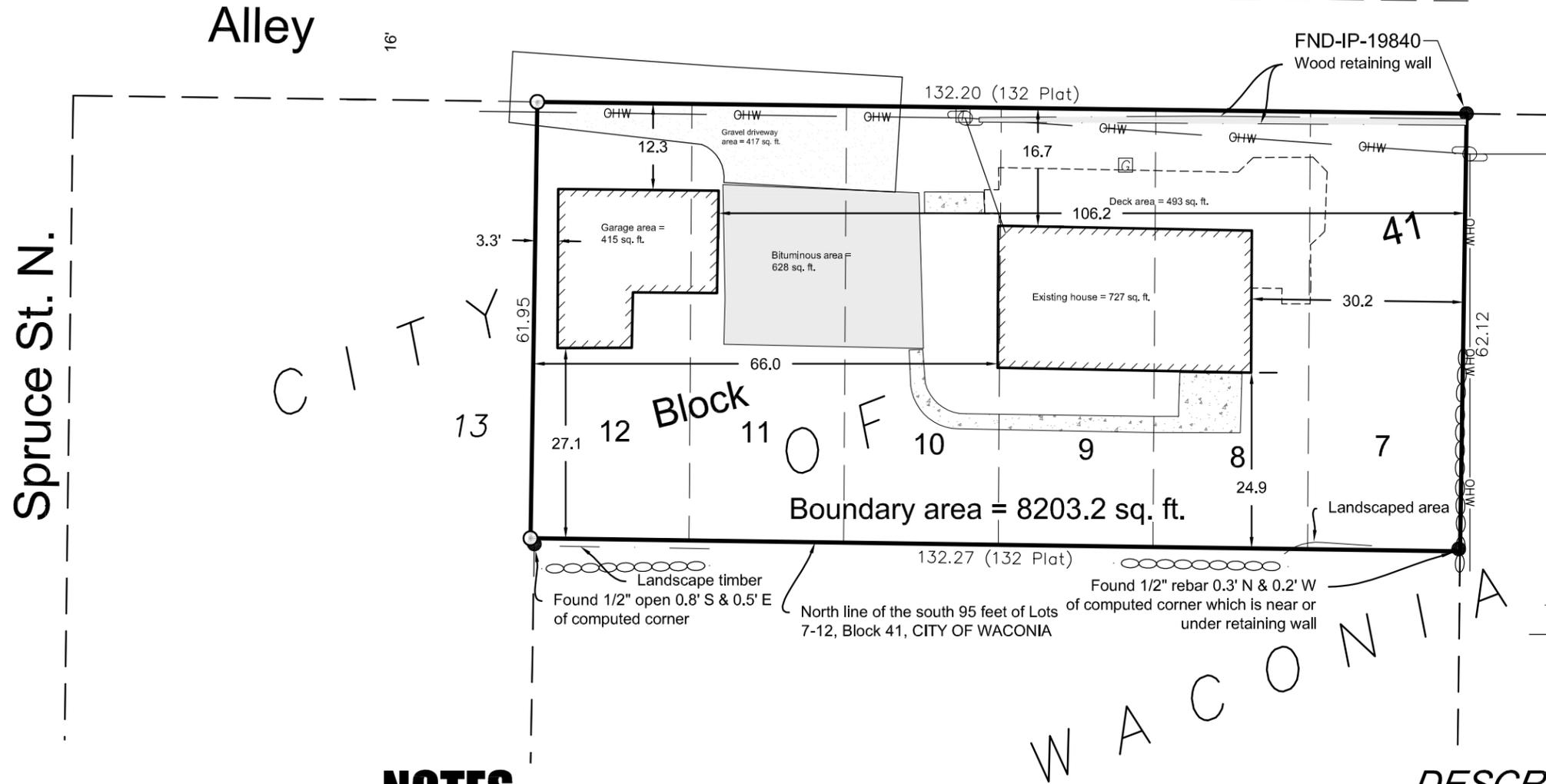
~for~ Chris Weinberger

EXISTING HARD SURFACES

House = 727 sq. ft.
 Garage = 415 sq. ft.
 Deck = 493 sq. ft.
 Gravel = 417 sq. ft.
 Bituminous = 628 sq. ft.
 Sidewalks = 200 sq. ft.
 Wall = 69 sq. ft.

Total = 2,949 sq. ft./8,203 Boundary area= (36% of lot is hard surface)

NORTH



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS #45356
- ⊠ DENOTES GAS METER
- ⊞ DENOTES POWER POLE
- ⊡ DENOTES TELEPHONE PEDESTAL
- ⊞ DENOTES CABLE PEDESTAL
- ⊞ DENOTES UTILITY BOX
- ⊡ DENOTES TELEPHONE PEDESTAL
- ▨ DENOTES CONCRETE SURFACE
- ▨ DENOTES BITUMINOUS SURFACE
- ▨ DENOTES GRAVEL SURFACE
- DENOTES RETAINING WALL
- DENOTES OVERHEAD WIRE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/24/16.
- Bearings shown are on an assumed datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

DESCRIPTION OF THE SURVEYED PREMISES

Lots 7, 8, 9, 10, 11 and 12, Block 41, City of Waconia, Carver County, Minnesota, EXCEPTING THEREFROM the South 95 feet of said Lots 7, 8, 9, 10, 11 and 12, of said Block 41, City of Waconia, Carver County, Minnesota.

- Denotes Iron Set
- Denotes Iron Found

Bearings shown are on an assumed datum.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 7th day of April, 2016.

Scale 1" = 20'

Drawn By: SNN

KAS

License No. 45356

Job No.: 16202LS

Project Manager: KDN

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 990 5th Avenue SE, Suite 2
 Hutchinson, MN 55350
 Tel. (320) 587-2025 Fax (320) 587-2595
 www.egrud.com

CERTIFICATE OF SURVEY

PROPOSED

~for~ Chris Weinberger

EXISTING HARD SURFACES

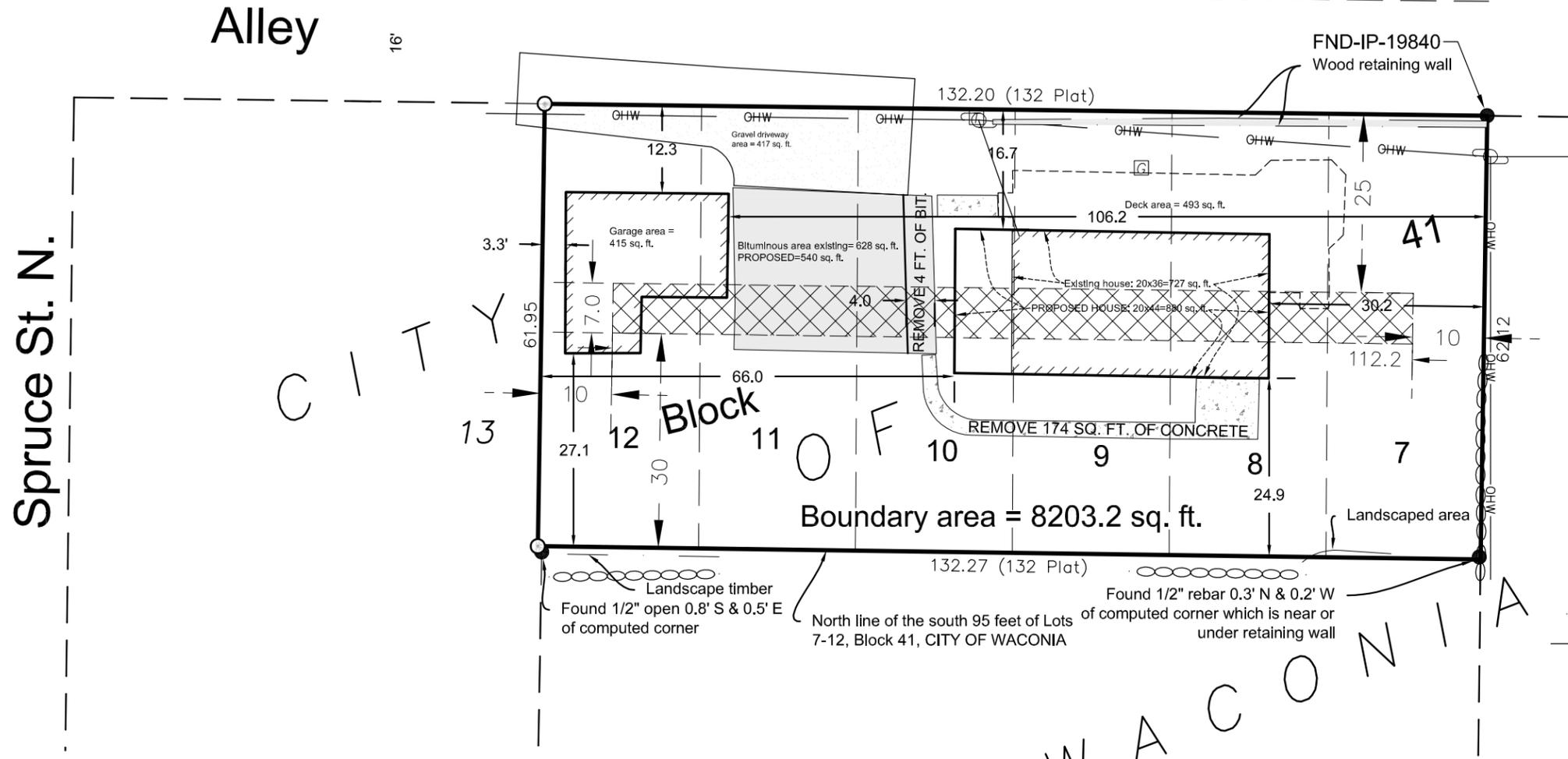
House = 727 sq. ft.
 Garage = 415 sq. ft.
 Deck = 493 sq. ft.
 Gravel = 417 sq. ft.
 Bituminous = 628 sq. ft.
 Sidewalks = 200 sq. ft.
 Wall = 69 sq. ft.

Total = 2,949 sq. ft./8,203 Boundary area=
 (36% of lot is hard surface)

PROPOSED HARD SURFACES

House = 880 sq. ft.
 Garage = 415 sq. ft.
 Deck = 493 sq. ft.
 Gravel = 417 sq. ft.
 Bituminous = 540 sq. ft.
 Sidewalks = 26 sq. ft.
 Wall = 69 sq. ft.

Total = 2,840 sq. ft./8,203 Boundary area=
 (34.6% proposed hard surface)



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS #45356
- ⊠ DENOTES GAS METER
- ⊞ DENOTES POWER POLE
- ⊟ DENOTES TELEPHONE PEDESTAL
- ⊡ DENOTES CABLE PEDESTAL
- ⊢ DENOTES UTILITY BOX
- ⊣ DENOTES TELEPHONE PEDESTAL
- ▨ DENOTES CONCRETE SURFACE
- ▩ DENOTES BITUMINOUS SURFACE
- ▧ DENOTES GRAVEL SURFACE
- ⊞⊞⊞ DENOTES RETAINING WALL
- OHW — DENOTES OVERHEAD WIRE
- ▤ DENOTES BUILDABLE AREA (790 sq. ft.)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/24/16.
- Bearings shown are on an assumed datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

DESCRIPTION OF THE SURVEYED PREMISES

Lots 7, 8, 9, 10, 11 and 12, Block 41, City of Waconia, Carver County, Minnesota, EXCEPTING THEREFROM the South 95 feet of said Lots 7, 8, 9, 10, 11 and 12, of said Block 41, City of Waconia, Carver County, Minnesota.

- Denotes Iron Set
- Denotes Iron Found

Scale 1" = 20'

Job No.: 16202LS

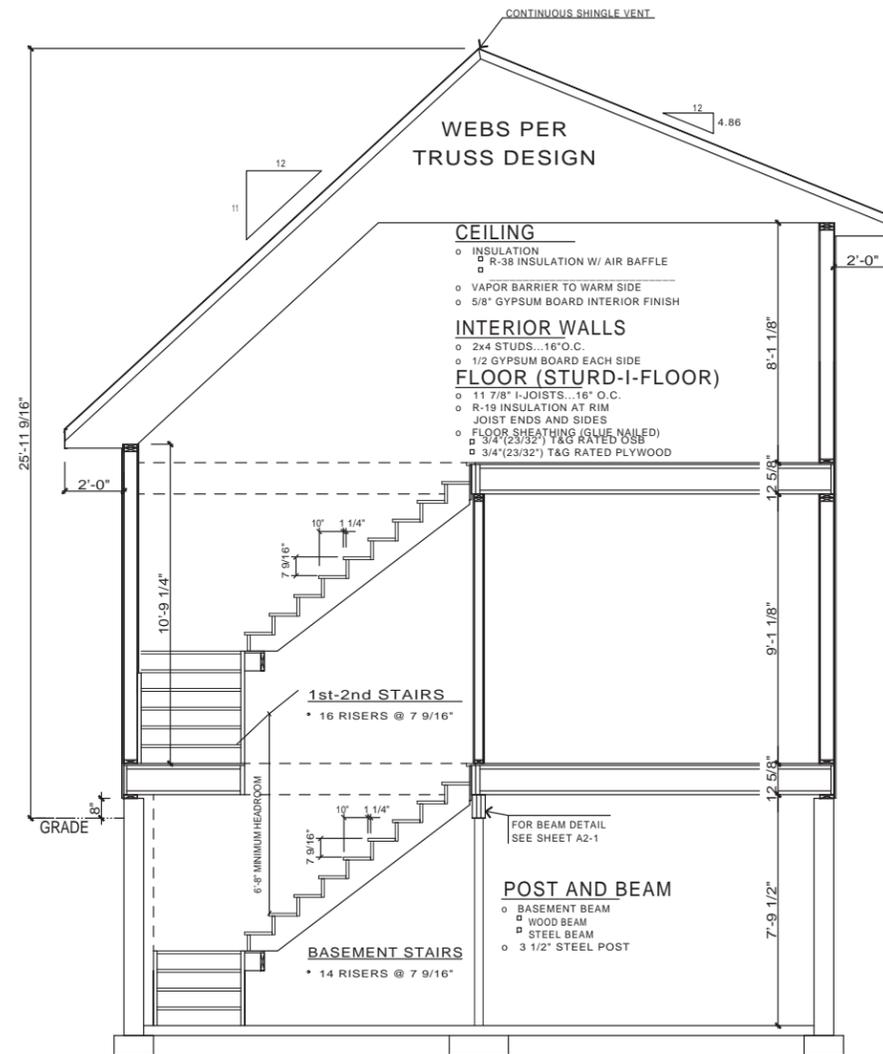
Bearings shown are on an assumed datum.

Drawn By: SNN
 Project Manager: KDN

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 29th day of April, 2016.

License No. 45356

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 990 5th Avenue SE, Suite 2
 Hutchinson, MN 55350
 Tel. (320) 587-2025 Fax (320) 587-2595



FOUNDATION WALLS AND DETAILS

- REFER TO SHEET A2-1 FOR FOUNDATION DETAILS AND SPECIFICATIONS.

CROSS SECTION

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

ROOF TRUSS LOADING SUMMARY

LOADING	LIVE	DEAD
TOP CHD	XX PSF	7.0 PSF
BTM CHD	0.0 PSF	10.0 PSF

TOTAL XX PSF 17.0 PSF

FLOOR LOADING SUMMARY

LIVE LOAD	40.0 PSF
DEAD LOAD	10.0 PSF

ROOF

- ENGINEERED TRUSSES...24" O.C.
- ENERGY HEEL
- ROOF SHEATHING WITH CLIPS
- 1/2" (15/16") RATED OSB
- 5/8" (19/32") RATED OSB
- FELT UNDERLAYMENT
- SELF SEALING 3 TAB SHINGLES

OVERHANG

- ALUMINUM SOFFIT & FASCIA (SHOWN)
 - ODE ROOF EDGE
 - 2x8 SUB FASCIA
 - SL-8 ALUM FASCIA
 - SYS-3 VENTED
 - SOFFIT PANEL
 - S-MOULDING
- WOOD SOFFIT & FASCIA
 - ODE ROOF EDGE
 - 2x8 SUB FASCIA
 - 1x8 ROUGH SAWN CEDER FASCIA
 - 3/8" ROUGH SAWN LAUAN SOFFIT
 - 2x2 NAILER
 - CONTINUOUS EAVE VENTING

EXTERIOR WALLS

- STUDS SPACED 16" O.C.
 - 2x6
 - 2x4
- SHEATHING
 - 7/16" RATED SHEATHING
 - 3/8" RATED SHEATHING
 - 1" INSULATED SHEATHING...R-5
 - 1" INSULATED SHEATHING...R-6
 - HOUSEWRAP
- INSULATION
 - R-19 INSULATION (W/2x6 STUDS)
 - R-13 INSULATION (W/2x4 STUDS)
 - 4 MIL POLY VAPOR BARRIER TO WARM SIDE
- SIDING
 - HORIZONTAL COMPOSITION SIDING
 - HORIZONTAL VINYL SIDING
 - HORIZONTAL BEVEL CEDAR
 - 3/8" ROUGH SAWN LAUAN OVER SHEATHING
 - 5/8" ROUGH SAWN LAUAN DIRECT TO STUDS
- 1/2" GYPSUM BOARD INTERIOR

GENERAL NOTES

- SOFFIT VENTS AND RIDGE VENTS TO PROVIDE A MINIMUM VENTILATION OF 1/300TH OF THE HORIZONTAL PROJECTION OF THE ROOF AREA.
- ATTIC ACCESS PROVIDES BY 22" x 30" ACCESS OPENING.
- FLOOR TO SILL HEIGHT OF BEDROOM WINDOWS TO BE 44" MAX.
- FOUNDATION INSULATION PER LOCAL CODE REQUIREMENTS.
- BUILDER TO INSTALL STAIR RAILING TO THE BASEMENT STAIRS PER LOCAL CODE REQUIREMENTS.
- BUILDER TO INSTALL WINDOW GUARDS AS REQUIRED PER LOCAL CODE REQUIREMENTS.

NOTES:
THESE PLANDRAWINGS ARE PROTECTED UNDER WAUSAU HOME'S PATENT RIGHTS AND ARE THE PROPERTY OF WAUSAU HOME'S INCORPORATED. NO PART OF THESE PLANDRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF WAUSAU HOME'S INCORPORATED. WAUSAU HOME'S INCORPORATED IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANDRAWINGS. YOU ACKNOWLEDGE AND HEREBY WAIVE ANY RIGHTS TO INTELLECTUAL PROPERTY OR PATENT RIGHTS THAT YOU MAY HAVE OR MAY IN THE FUTURE OBTAIN FOR THE CONSTRUCTION OF A SINGLE HOME BY AN AUTHORIZED WAUSAU HOME'S INC. BUILDER.

REV. NO.	DATE	DESCRIPTION



PRINT DATE:	05/09/2016
ORDER NO.:	VL301S

MODEL:	ARROWHEAD VL301S
FOR:	MASTER

SHEET NO.:	A4
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REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 2 nd , 2016
Item Name:	Public Hearing – Variance Request by Peter Matthias to Construct a New Home at Reduced Setbacks and Exceed the Hardcover Maximum for the property located at 12 Point Drive
Originating Department:	Community Development
Presented by:	Lane L. Braaten, Community Development Director
Previous Council Action (if any):	
Item Type (X only one):	Consent <input type="checkbox"/> Regular Session <input type="checkbox"/> <u>X</u> Discussion Session <input type="checkbox"/>
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>	

Open Public Hearing

Motion to close the Public Hearing

Motion recommending either approval or denial of the Variance Request by Peter Matthias to construct a new home at reduced setback requirements and hardcover exceeding the lot requirements stated in the R-2, Single-Family Residential District and the Shoreland Overlay District for the property located at 12 Point Drive.

EXPLANATION OF AGENDA ITEM *(Include a description of background, benefits, and recommendations.)*

BACKGROUND:

Applicant: Peter Matthias

Owner: Lois Matthias

Address: 12 Point Drive, Waconia MN

PID# 752960200

Zoning: R-2, Single-Family Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received a Variance Application from Mr. Peter Matthias (the “applicant”) to construct a new home on the property located at 12 Point Drive. The variance is necessary as the applicant is proposing a 21.9 ft. front yard setback, a 6.7 ft. side yard setback and a proposed hardcover surface of 31.1% versus the 25 ft. front yard setback, the 10 ft. side yard setback and the 25% maximum hardcover allowed in the R-2, Single-Family Residential District and the Shoreland Overlay District.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.B – R-2, Single-Family Residential District
2. Section 900.06 – Supplementary Regulations, Subd. 7 – Shoreland Overlay District
3. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 - Variances

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.” So a city evaluating a variance application should make findings as to:

1. Is the variance in *harmony with* the purposes and intent of the ordinance?
2. Is the variance *consistent with* the *comprehensive plan*?

3. Does the proposal put property to use in a *reasonable manner*?
4. Are there *unique circumstances* to the property not created by the landowner?
5. Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

VARIANCE ANALYSIS:

The applicant is proposing the construction of a new home on the property located at 12 Point Drive. Table 1.1 below indicates the existing, required, and proposed lot requirements for the property as indicated in the R-2, Single-Family Residential District and the Shoreland Overlay District. The analysis of this variance submittal is based solely on the existing and proposed variance surveys provided with the application as no building plans were submitted.

Table 1.1

	Lot Requirements – R-2 & Shoreland	Existing Conditions	Proposed Conditions
Lot Area	7,850 sq. ft. min.	12,803*	N/A
Lot Width	50 ft. min.	60.49 ft.	N/A
Hardcover Surface	25% max.	32.25%*	31.1%
Front Yard Setback	25 ft. min.	26.3ft.**	21.9 ft.**
Side Yard Setback	10 ft. min.	1.2 ft.	6.7 ft.
OHWL Setback	50 ft. min.	62.5 ft.	61.5 ft.

* For purposes of this review the easement areas for the location of Point Drive were removed from the hardcover calculations. The area used to determine hardcover assumes a total lot area of 10,603 outside of the easement.

** For purposes of this review staff has interpreted the edge of the Point Drive easement area as right-of-way and requiring typical setbacks from the edge of said easement.

The table above indicates that the lot area and lot width are conforming and the applicant is proposing to meet the setback requirements from Lake Waconia. The remaining rear yard and side yard setbacks will not meet City Ordinance requirements as proposed, which partially results from Point Drive bisecting the parcel. The current home was constructed as close as 1.2 feet to the side lot line, which has resulted in the eaves of the roof extending onto the neighboring property. The proposal indicates a 6.7 ft. setback from each of the side lot lines and a 21.9 ft. setback from the edge of the Point Drive easement area.

The applicant is proposing to reduce the impervious surface from 32.25% to 31.1% and use stormwater mitigation in the form of rain gardens and rain barrels as indicated in the proposed Certificate of Survey and the Variance Statement. The Shoreland Overlay District allows a maximum of 25% hardcover. Any approval of the Variance request should include a condition of approval requiring the stormwater mitigation plan be submitted to City staff for review and approval prior to the issuance of a building permit.

The application submittal did not include any floor plans or elevations of the proposed home. The applicant indicated that he did not want to make a significant investment of plan drawings if the Planning Commission and City Council were not amenable to the proposed setbacks. Therefore, if the application is to be approved, the conditions of approval should include a requirement that the proposed home meet all other applicable City Ordinance requirements and not extend outside the proposed building envelope.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on May 19th, 2016 and posted at Waconia City Hall. Individual notices were mailed to property owners within 350 feet of the subject parcel. As of the time and date of this report staff has not received any comments regarding this application.

RECOMMENDATION:

The Planning Commission should hold the required public hearing, review the variance request submitted by Mr. Peter Matthias based on the Variance Criteria stated above and make a recommendation to the City Council. Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on June 20th, 2016.

If the Planning Commission chooses to recommend approval of the setback and hardcover surface variance submitted by Mr. Matthias, staff would recommend the approval upon the following conditions:

- 1) The home be constructed as proposed and as conditionally revised by the Planning Commission and City Council.
- 2) All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
- 3) The applicant shall install a raingarden and other stormwater improvements to mitigate the proposed impervious surface on the parcel. A final stormwater plan shall be reviewed and approved by City staff prior to the issuance of a building permit.
- 4) The building plans shall be reviewed by City staff prior to building permit issuance to insure compliance with all other applicable City Code requirements and the new home shall not extend outside the approved building envelope.

ATTACHMENTS:

1. Variance Application (3 pages)
2. Public Hearing Notice (1 page)
3. Statement of Variance (14 pages)
4. Location Map (1 page)
5. Certificate of Survey - Existing (1 page)
6. Certificate of Survey - Proposed (1 pages)



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135
www.waconia.org

VARIANCE

APPLICANT INFORMATION

1. Owner's Name: LOIS MATTHIAS + HER 5 CHILDREN
2. Address of Property: 12 POINT DRIVE, WACONIA
3. Legal Description: LOT 1, HARMS LAKEVIEW TERRACE, 1ST ADDITION
4. Applicant's Name: PETER MATTHIAS
5. Mailing Address: P.O. BOX 27406, MINNEAPOLIS, MN 55427
6. Daytime Phone(s): 763-287-7260 (CELL: 612-600-1428)
7. Email Address: pmatthias@bestvendors.com

The City will distribute copies & appropriate information to applicant via email

OFFICE USE ONLY

Date Received: 3/4/16 BLW
5/4/16

Fee: \$ 125.-
Receipt #: _____

Peter Matthias 5-4-16



CITY OF WACONIA
201 South Vine Street
Waconia, MN 55387
Phone: (952) 442-2184 Ext. 2
Fax (952) 442-2135

VARIANCE APPLICATION

1. Present Zoning: SINGLE, PRIVATE RESIDENCE
2. Existing use of Property: FAMILY RESIDENCE
3. Has request for a variance on this property been sought previously? If so, when? YES. JUNE 1992
Requested 3' variance off 10-foot setback when
building a single-car garage

IMPORTANT

Subd. 4. Variances

A. No variance shall be granted to allow a use not permitted under the terms of this Ordinance in the district involved. In granting a variance the Board may prescribe appropriate conditions in conformity with this Ordinance. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance. A variance shall not be granted by the Board unless it conforms to the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and do not result from the actions of the petitioner.
2. Literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
4. The proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
5. FINANCIAL SAVINGS WILL NOT CONSTITUTE A HARDSHIP.

THE FOLLOWING INFORMATION MUST BE FURNISHED IN ORDER TO PROCESS THE APPLICATION

1. A letter from the applicant(s) which should address the following:
 - Explain (in detail) the variance you are requesting (giving distances where appropriate).
 - Conditions or peculiar difficulties to the structure or land, which makes a variance necessary.
 - Why do you feel a variance should be granted in this instance?
2. Payment of application fee (\$125 residential; \$275 non-residential)
3. Non-residential variance requests are required to submit an escrow payment in the amount of \$1,000.00.

****Additional information may be requested by staff, based on the proposal. Additional consulting review fees may apply, such as civil engineering and legal counsel.**

4. Scaled site plan with north arrow indicating existing structures and proposed additions or modification to structures.
5. Show all distances of buildings and structures from property lines.
6. Show any unique features to property associated with variance request (i.e. trees, ravines, steep slopes, etc.).

The Planning Commission may or may not hold a public hearing on the request (based on the amount of the variance requested). The Planning Commission should make a recommendation to the City Council within sixty (60) days. If they do not, the City Council may proceed without the Planning Commission's recommendation.

The City Council may approve, approve with conditions, or deny the variance. If a variance is denied the applicant cannot resubmit a variance request for that same property until six (6) months has lapsed. If a variance is approved, it should be made use of within one (1) year or it will become void.

A violation of any condition set forth in the granting of the variance shall be a violation of the zoning ordinance and automatically terminate the variance.

Applicant's Signature: Peter Matthias

Date: 3-3-2016

Printed Name: PETER MATTHIAS

CITY OF WACONIA, MN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Waconia, MN, will hold a public hearing on Thursday, June 2nd, 2016 at 6:30 p.m., at the Waconia City Hall, 201 South Vine Street, Waconia, MN, to consider a Variance request to exceed the hardcover maximum and allow reduced principal structure setbacks for the property located at 12 Point Drive (PID# 75.2960200), which is zoned R-2, Single-Family Residential District and located within the Shoreland Overlay District.

The applicant, Peter Matthias, is requesting approval of a variance to construct a new principal structure on the subject parcel with a side yard setback of 6.7 ft., a front yard setback of 21.9 ft. and a maximum hardcover of 31.1% versus the lot requirements stated in the R-2, Single-Family Residential District and Shoreland Overlay District which require a 10 ft. minimum side yard setback, a 25 ft. minimum front yard setback and a maximum hardcover of 25% in the Shoreland area.

Pertinent information pertaining to this request is available at the City Hall. Interested persons may submit written or oral comments pertaining to this matter any time prior to the hearing, or at the hearing on Thursday, June 2nd, 2016. Written comments will be distributed to the Planning Commission for review and consideration. Please submit written comments by mail, email or in person as follows:

Mail/in person: Attention: Lane L. Braaten, 201 South Vine Street, Waconia, MN 55387

Email: lbraaten@waconia.org

By: WACONIA PLANNING COMMISSION

ATTEST: Lane L. Braaten, Community Development Director

(Published in the May 19th, 2016 Waconia Patriot newspaper)

OVERVIEW:

Our family has owned the home/lot located on Lake Waconia for multiple generations. It has recently been transferred from our mother, Lois Matthias, to her children. The single-story home is on a flat, narrow lot, that started as a cabin on Lake Waconia, and has been added onto multiple times over the years. As a result, the layout is difficult, and contains various structural issues. Adding on (or up) to the current structure is not feasible. The house was not built with the same standards that are used today. Because of this, we are looking into just removing the entire house and starting from scratch.

We feel that by rebuilding, we can extend the life of the house/estate for our family for future generations. Likewise, with a new house on the lot, we believe that we would be able to greatly increase the value of the property. This in turn will increase the value of the neighborhood and surrounding homes. It will also benefit the city by way of increased property tax revenue.

However, after meeting with City Planning group and reviewing the current laws & regulations, we concluded that we would need to request a few variances in order for us to proceed with this project.

As shown on Addendum A, you can see that our lot is extremely narrow, at only 60.4' in width. Although it's just over 200' in length, the lot also contains an easement for a Public Right Of Way (for street & utility purposes), which passes through the property, thereby splitting the property into two pieces. One of these pieces is too small to use for any structural buildings.

For purposes of this variance, we are looking to approve a 'footprint' of a new house which can be seen in Addendum C. Any final building/architect plans would stay within the approved footprint.

VARIANCES:

- 1) Our current house is 51.8' wide, on a 60' lot. It is built 1.2' off the lot-line on the West side, thereby causing the eaves of the roof to extend over the lot-line, partially above our neighbors lot. The house is 6.7' off the Eastern Lot-line. (See Addendum B/'Existing')
According to the regulations, we need to be 10' off the lot-line on both sides of the property. This regulation would set the maximum width of the house at 40', thereby reducing the width (i.e. our lake view) by approximately 12' or 23%. This would prohibit us from moving forward with this project.

We would like to request that we shrink the width of the new house by 4.8', or 9.3%, from a width of 51.8', down to 47.0'. The house on the East side would remain 6.7' off the lot-line, and would move in off the West lot-line, from 1.2' to 6.7'. (See Addendum B/'Proposed')

This will bring the eaves/roofline fully back onto our property, and increase the area between the houses on the West side. This will then would allow us to retain the majority of our current lake views, which is the primary reason for investing in a house on the lake.

- 2) Per the completed Lot Survey with the City, the hard-cover was calculated at 32.25%. (See Addendum B/'Existing') However, the regulation currently used states that the hard-cover be only 25% of the lot. This would be a reduction of 22.5%. Such a step would make the house too small to be viable. Instead, we would like to propose a smaller reduction of 3.6%, dropping the hardcover ratio from 32.25% to 31.15% (Addendum B/'Proposed') At the same time, we would also incorporate other water-mitigation techniques that we hope would equate a substantial credit against the hardcover % and bring us even closer to the 25% threshold. Either way, the end result would be much improved over our current situation.

The methods to help manage water run-off would include:

- Shorten the driveway by exiting directly perpendicular to the street, instead of having the driveway run the entire length along the West lot-line.
- Remove the cement patio on the rear of the existing house.
- Create a large rain garden, approx. 300sf, and populate the garden with native plants conducive to water absorption in MN. It will also include a 55-gal dry well at its center, to assist with the quantity of water absorption.(See Addendum D)
- Install a rain collection system that collects rainwater from 100% of the roof. The system is made up of two 600 gallon cisterns, which can be buried below ground. With attached pumps, the water can be used to water the lawn during dry periods. And any over-flow would be directed to the rain-garden for absorption back into the land (Addendum D). With a roof of 2,700sf, it would collect 74% of a 1"rainfall!

- 3) Lastly, regulations state that the set-back for the closest building be 25' from the 'Easement Line' that runs through the property. After surveying the property, we discovered that the 'Easement Line' and the 'curb of the road' that travels through the easement are not the same. There is a 6.0' difference between the two lines. (Addendum B/'Proposed')

With this proposed footprint, the closest building to the back of the 'Curb' is 27.9'. However, based on how the Easement is measured, it is only 21.9' off the 'Easement Line'.

We would like to propose we be allowed to use the 'Curb of the street' instead of the 'Easement Line' in order to meet the 25' set-back regulation.

On a side note, it is still possible to shift the whole house closer to the lake to alleviate this variance, however, by doing so would create some issues. One, by being closer to the lake, there is less lawn to absorb water-runoff before reaching the lake. Two, being closer to the lake could infringe on our neighbors view/line of sight. And three, moving the house closer toward

to the lake would necessitate extending the driveway, which in turn would increase our hard-cover %...something we are working very hard to reduce.

OTHER NOTES:

We are unable to submit an architect's drawing at this juncture. Until we can determine if these variances will be acceptable, we want to delay hiring a costly architect. But keeping within an approved footprint will not be a problem. We do take these regulations very seriously. Water conservation is a huge priority for this family, and we're willing to work hard to find solutions that will work. Even though we still exceed some measurements, we have also reduced the overage from our current situation, and have greatly improved the overall situation of the property.

Other details about the house include a two-car, attached garage, instead of the single, unattached garage that currently exists. The house will be built with a second story. There will be no below-ground space. The foundation will be a cement slab. The first floor will be at 9' ceilings, the second story at 8' ceilings, and a lower-pitched roof, so as not to exceed the 35' cap on the height of the house. Our projection is to come in around 30' in height.

Because the house will be a home, as well as a vacation destination for siblings & family, there will be a separate, small living space built within the structure that can be closed off when needed, and remain open when not needed. It would contain a small, secondary kitchenette.

Overall, the house will have 4 bedrooms, and 3 ½ bathrooms, and will likely have an exterior of Stucco & Stone. It will fit nicely into our neighborhood.

CLOSING:

We wish to thank you for your time & consideration of this request. Between the narrowness of the lot, and the easement for the road that passes through the middle of the property, it is impossible to move forward with this project without some form of variance. If we were to try to build using the current regulations as is, it would result in a house that would be too small for our family. This project wouldn't get off the ground.

We hope we've offered a compromise that will be acceptable to you. It would bring the structure on our lot closer to current standards, as well as bringing a benefit to everyone involved. The increased home value would mean increased taxes for the city, as well as increased home values for our neighbors. And, it would be able to remain in our family for hopefully many more generations.

If there are any questions that we missed, please don't hesitate to call me to discuss.

Thanks again for your time.

Peter Matthias



Work – 763-287-7260, Cell - 612-600-1428

ADDENDUM 'B'

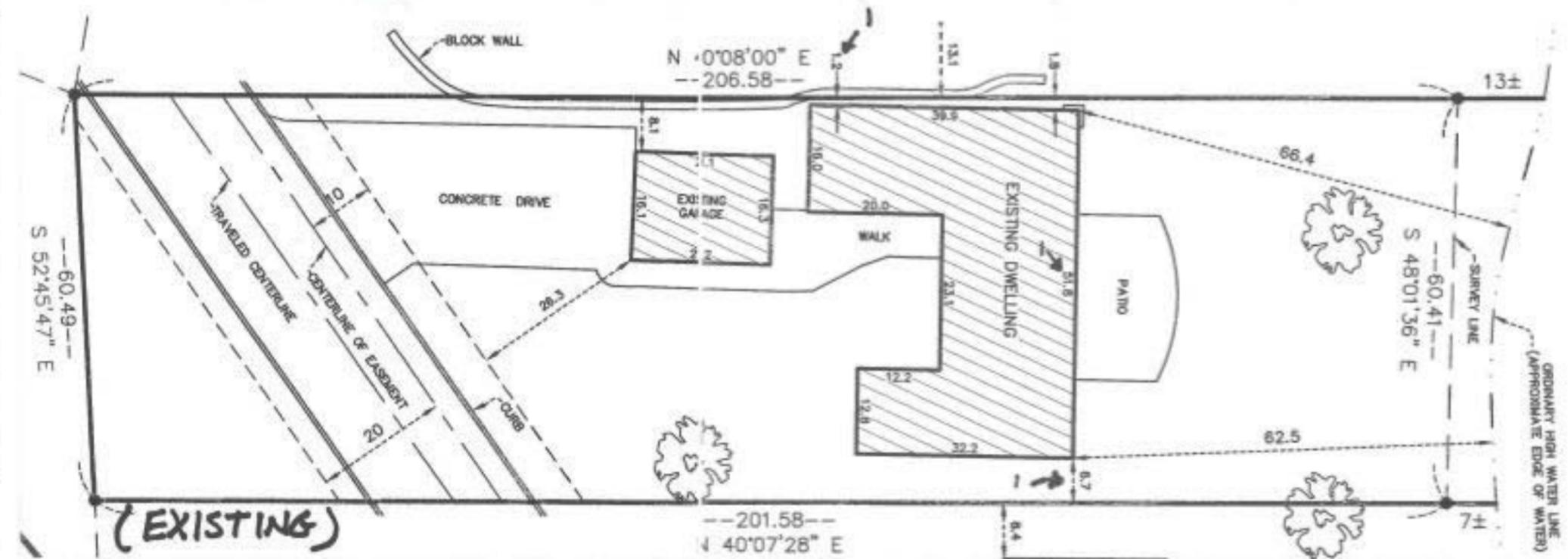
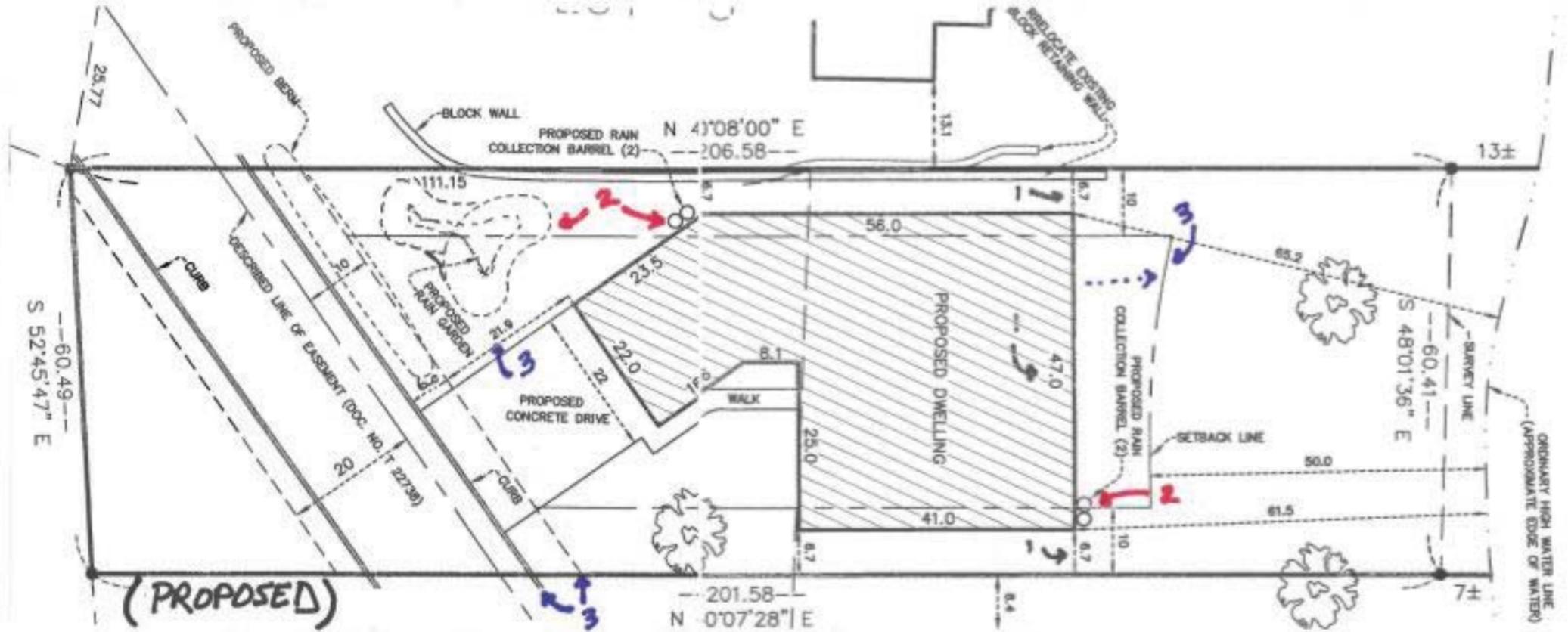
- Variance #1
- Variance #3
- Variance #2

STANDARD SYMBOLS & CONVENTIONS:

"●" Denotes iron survey marker, found, unless otherwise noted.

PROPOSED HARDCOVER CALCULATIONS	
HOUSE	- 2,622 SQ FT
DRIVEWAY/WALK (NOT IN EASEMENT)	- 560 SQ FT
BLOCK WALL	- 121 SQ FT
TOTAL	- 3,303 SQ FT
AREA OF LOT TO O.H.W. (NOT IN EASEMENT)	- 10,103 SQ FT
PROPOSED COVERAGE	- 31.1%
EASEMENT AREAS	
LOT AREA (NOT IN EASEMENT)	- 10,603 SQ FT
EASEMENT AREA	- 2,200 SQ FT
TOTAL AREA OF LOT (TO O.H.W.)	- 12,803 SQ FT
DRIVEWAY/ROADWAY IN EASEMENT	- 1,643 SQ FT

EXISTING HARDCOVER CALCULATIONS	
HOUSE	- 1,516 SQ FT
GARAGE	- 342 SQ FT
PATIO	- 350 SQ FT
DRIVEWAY/WALK (NOT IN EASEMENT)	- 1,148 SQ FT
BLOCK WALL	- 63 SQ FT
TOTAL	- 3,419 SQ FT
AREA OF LOT TO O.H.W. (NOT IN EASEMENT)	- 10,103 SQ FT
EXISTING COVERAGE	- 32.25%
EASEMENT AREAS	
LOT AREA (NOT IN EASEMENT)	- 10,603 SQ FT
EASEMENT AREA	- 2,200 SQ FT
TOTAL AREA OF LOT (TO O.H.W.)	- 12,803 SQ FT
DRIVEWAY/ROADWAY IN EASEMENT	- 1,680 SQ FT



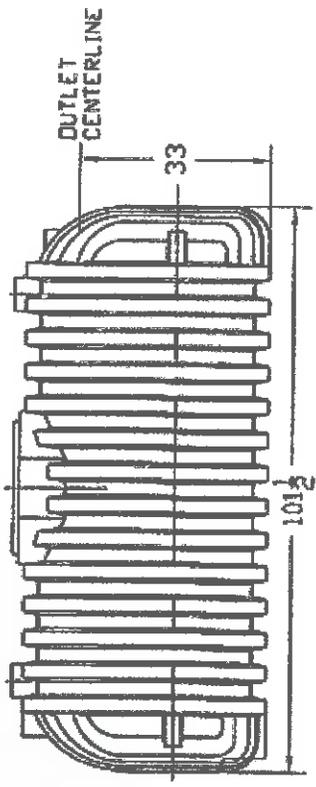
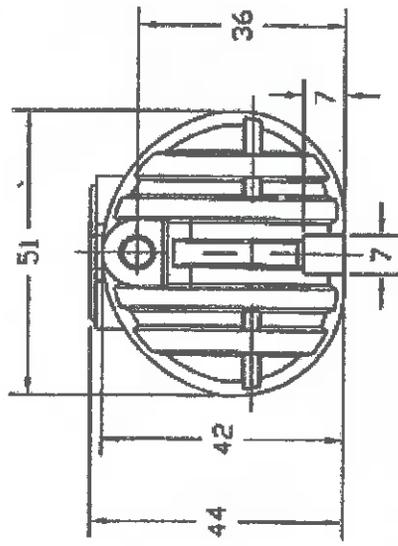
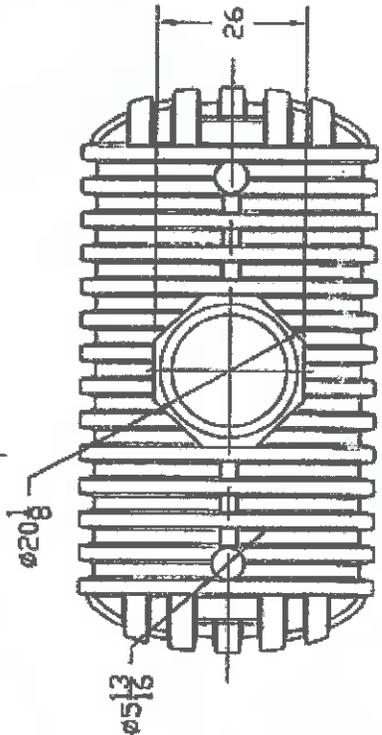
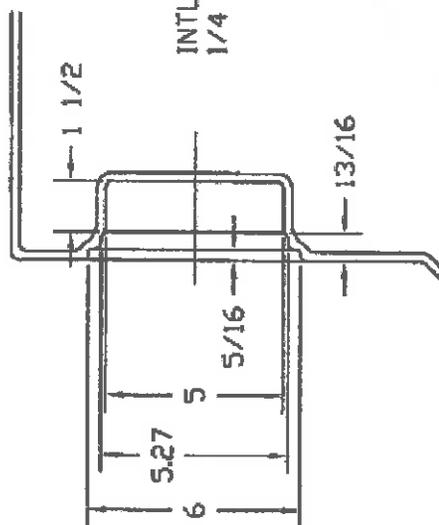
ADDENDUM 'D'



- a. Rain Garden, 300 sq. feet
- b. 8" Depth wet zone
- c. 400 gallon rain water cistern
- d. Gutter / Downspout below ground
- e. Retaining wall, 4ft.
- f. Small berm to direct runoff
- g. Drain tile that feeds into rain garden / french drain
- h. water-cistern overflow
- i. property line
- j. small hill
- k. 55gal. Drywell / Soakaway to increase capacity of rain garden.

(C.)

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



866-310-2556

600 GALLON CISTERN

JTP	21JAN03	SHEET NO.	B	DWG NO.		REV	
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Plants for Rainwater Gardens

We encourage you to use plants native to your region in your rain garden. Below are list of plants that would work well in the wet zone, for gardens in the upper Midwest. The upland zone can be planted with native prairie, savanna, and woodland species, depending on amount of sun or shade.

- ❖ Native Plants for the Wet Zone - Sunny Sites
- ❖ Native Plants for the Wet Zone - Shady Sites
- ❖ Native Shrubs for the Wet Zone

~~Plants in the Standard Design (10' x 10' x 10')~~

- * a combination of plants from this list will be use to fill the rain garden, (a., b.)
- * at 300 sf, and plants spaced a foot apart, I will use 300 seedlings, with 100 in the wet zone and 200 outside the wet zone.

Native Plants for the Wet Zone - Sunny Sites

Common Name	Scientific Name
Flowers:	
Sweet flag	<i>Acorus calamus</i>
Giant Hyssop	<i>Agastache foeniculum</i>
Canada anemone	<i>Anemone canadensis</i>
Swamp milkweed	<i>Asclepias tuberosa</i>
New England aster	<i>Aster novae-angliae</i>
Marsh marigold	<i>Caltha palustris</i>
Turtle head	<i>Chelone glabra</i>
Boneset	<i>Eupatorium perfoliatum</i>
Joe-pye weed	<i>Eupatorium maculatum</i>
Bedstraw	<i>Galium boreale</i>
Bottle gentian	<i>Gentiana andrewsii</i>
Sneezeweed	<i>Helenium autumnale</i>
Oxeye sunflower	<i>Helianthus helianthoides</i>
Blue flag	<i>Iris versicolor</i>
Blazing star	<i>Liatris pycnostachya</i>
Great blue lobelia	<i>Lobelia siphilitica</i>
Prairie phlox	<i>Phlox pilosa</i>
Virginia mountain mint	<i>Pycnanthemum virginiana</i>
Grass-leaved goldenrod	<i>Solidago graminifolia</i>
Meadowsweet	<i>Spiraea alba</i>
Tall meadow rue	<i>Thalictrum dasycarpum</i>
Blue vervain	<i>Verbena hastata</i>
Culver's root	<i>Veronicastrum virginicum</i>
Golden Alexander	<i>Zizia aurea</i>
Grasses and sedges:	
Big bluestem	<i>Andropogon gerardii</i>
Fringed brome	<i>Bromus ciliatus</i>
Blue joint grass	<i>Calamagrostis canadensis</i>
Sedge (many species)	<i>Carex spp.</i>
Canada wildrye	<i>Elymus canadensis</i>
Rush (many species)	<i>Juncus spp., Scirpus spp.</i>
Rice cut grass	<i>Leersia oryzoides</i>
Wool grass	<i>Scirpus cyperinus</i>
Indian grass	<i>Sorghastrum nutans</i>
Cordgrass	<i>Spartina pectinata</i>

Native Plants for the Wet Zone - Shady Sites

Ferns:

Ostrich fern	<i>Matteuccia struthiopteris</i>
Sensitive fern	<i>Onoclea sensibilis</i>
Cinnamon fern	<i>Osmunda cinnamomea</i>
Interrupted fern	<i>Osmunda claytoniana</i>
Royal fern	<i>Osmunda regalis</i>
Marsh fern	<i>Thelypteris palustris</i>

Sedges - we are testing:

Fringed, lake, long- beaked, tussock, fox	<i>C. crinita</i> , <i>C. lacustris</i> , <i>C. sprengelii</i> , <i>C. stricta</i> , <i>C. vulpinoidea</i>
----------------------------------------------	---------------------------------------------------------------------------------------------------------------

Flowers:

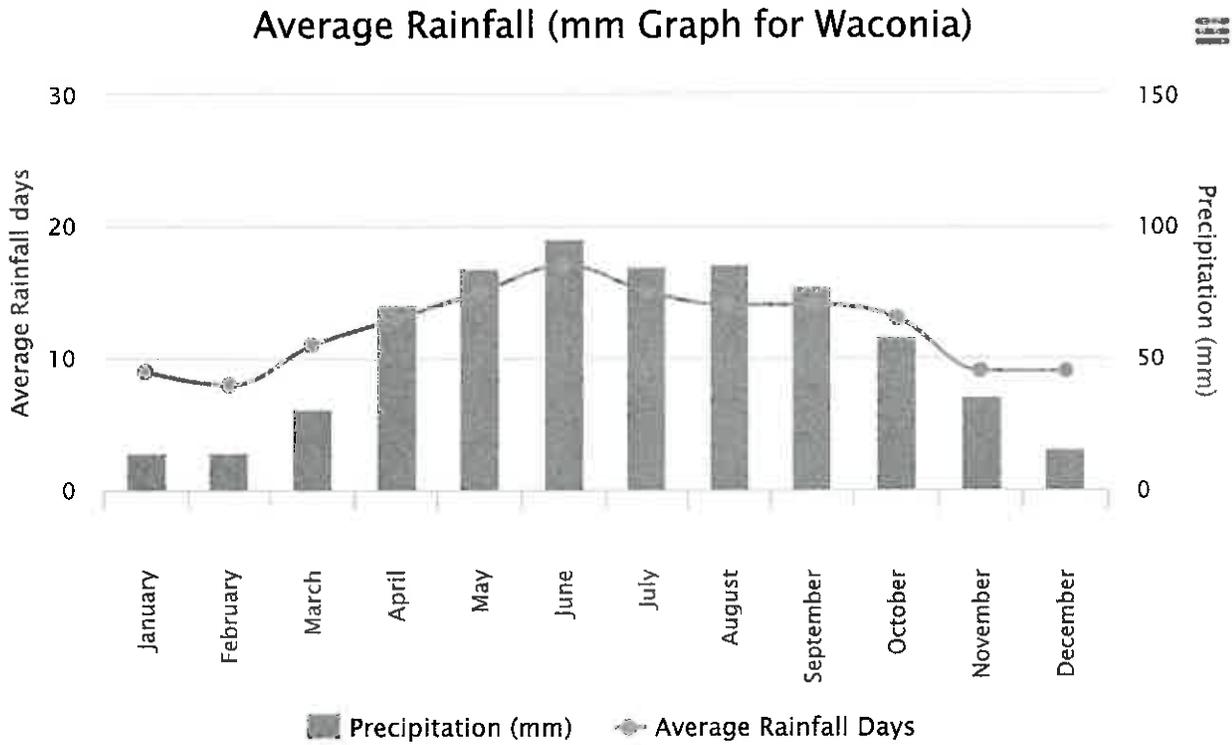
Wild sarsaparilla	<i>Aralia nudicaulis</i>
Marsh marigold	<i>Caltha palustris</i>
Turtle head	<i>Chelone glabra</i>
Joe Pye-weed	<i>Eupatorium purpureum</i>
Virginia waterleaf	<i>Hydrophyllum virginianum</i>
Spotted touch-me-not	<i>Impatiens capensis</i>
Cardinal flower	<i>Lobelia cardinalis</i>
Canada mayflower	<i>Maianthemum canadense</i>
Virginia bluebells	<i>Mertensia virginica</i>
False dragonhead	<i>Physostegia virginiana</i>
Tail meadow rue	<i>Thalictrum dasycarpum</i>

Native Shrubs for the Wet Zone

The shrubs in this list were planted in our Rainwater Shrub Trial garden in 1999 and all are performing well so far. Most of these species do well in sun or shade.

Saskatoon	<i>Amelanchier alnifolia</i>
False indigo	<i>Amorpha fruticosa</i>
Black chokeberry	<i>Aronia melanocarpa</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
Silky dogwood	<i>Cornus amomum</i>
Grey dogwood	<i>Cornus racemosa</i>
Red-osier dogwood	<i>Cornus sericea</i>
Red-osier dogwood 'Isanti'	<i>Cornus sericea 'Isanti'</i>
Hazelnut	<i>Corylus americana</i>
Dwarf bush honeysuckle	<i>Diervilla lonicera</i>
Winterberry	<i>Ilex verticillata</i>
Fragrant sumac	<i>Rhus aromatic</i>
Meadow sweet (needs sun)	<i>Spiraea alba</i>
Snowberry	<i>Symphoricarpos alba</i>
Nannyberry	<i>Viburnum lentago</i>
American cranberry	<i>Viburnum trilobum</i>
American cranberry 'Compacta'	<i>Viburnum trilobum 'Compacta'</i>

Willows (*Salix* spp.) were not in our trial but most willows thrive in wet soil.



(<http://www.intellicast.com/Local/History.aspx?location=USMN0764>)

Waconia, Minnesota

[Weather Report](#) · [Interactive Map](#) · [Extended Forecast](#) · [Hourly Forecast](#) · [Past Observations](#) · [Historic Averages](#)

Monthly Averages & Records - °F °C						
Date	Average Low	Average High	Record Low	Record High	Average Precipitation	Average Snow
January	3°	23°	-32° (1994)	55° (1981)	0.81"	NA
February	8°	28°	-37° (1996)	59° (1990)	0.76"	NA
March	21°	40°	-16° (1989)	79° (2007)	1.93"	NA
April	35°	57°	4° (1995)	93° (1980)	2.95"	NA
May	47°	69°	25° (1989)	95° (2006)	3.29"	NA
June	57°	78°	36° (1979)	101° (1988)	4.46"	NA
July	61°	82°	41° (2005)	104° (1988)	3.98"	NA
August	58°	79°	37° (2004)	100° (2006)	4.11"	NA
September	49°	71°	29° (2000)	95° (1978)	3.3"	NA
October	36°	58°	19° (1981)	86° (2007)	2.48"	NA
November	23°	40°	-9° (1996)	77° (1999)	1.43"	NA
December	9°	26°	-27° (1996)	64° (1998)	0.92"	NA

AVERAGE RAINFALL COLLECTED FROM A ROOF (GALLONS)

Inches of Rain	SQARE FEET OF ROOF						
	1000	1500	2000	2500	3000	3500	4000
12.5	7,793	11,689	15,585	19,481	23,378	27,274	31,170
12.0	7,481	11,221	14,962	18,702	22,442	26,183	29,923
11.5	7,169	10,754	14,338	17,923	21,507	25,092	28,676
11.0	6,857	10,286	13,715	17,144	20,572	24,001	27,430
10.5	6,546	9,819	13,091	16,364	19,637	22,910	26,183
10.0	6,234	9,351	12,468	15,585	18,702	21,819	24,936
9.5	5,922	8,883	11,845	14,806	17,767	20,728	23,689
9.0	5,611	8,416	11,221	14,027	16,832	19,637	22,442
8.5	5,299	7,948	10,598	13,247	15,897	18,546	21,196
8.0	4,987	7,481	9,974	12,468	14,962	17,455	19,949
7.5	4,676	7,013	9,351	11,689	14,027	16,364	18,702
7.0	4,364	6,546	8,728	10,910	13,091	15,273	17,455
6.5	4,052	6,078	8,104	10,130	12,156	14,182	16,208
6.0	3,740	5,611	7,481	9,351	11,221	13,091	14,962
5.5	3,429	5,143	6,857	8,572	10,286	12,000	13,715
5.0	3,117	4,676	6,234	7,793	9,351	10,910	12,468
4.5	2,805	4,208	5,611	7,013	8,416	9,819	11,221
4.0	2,494	3,740	4,987	6,234	7,481	8,728	9,974
3.5	2,182	3,273	4,364	5,455	6,546	7,637	8,728
3.0	1,870	2,805	3,740	4,676	5,611	6,546	7,481
2.5	1,559	2,338	3,117	3,896	4,676	5,455	6,234
2.0	1,247	1,870	2,494	3,117	3,740	4,364	4,987
1.5	935	1,403	1,870	2,338	2,805	3,273	3,740
1.0	623	935	1,247	1,559	1,870	2,182	2,494
0.5	312	468	623	779	935	1,091	1,247

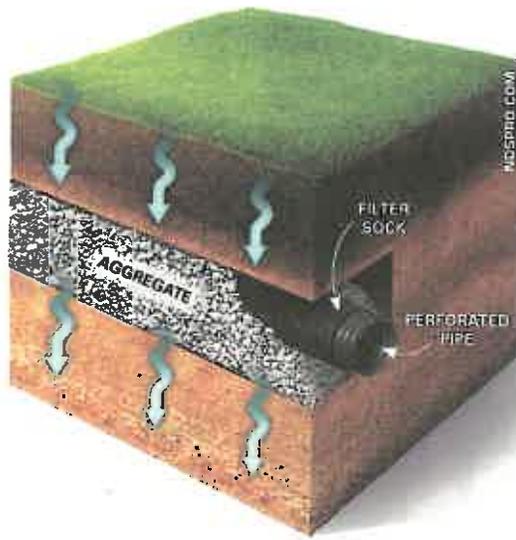
[CLICK HERE FOR A PRINTABLE PDF](#)

(9.)

INSTALL A FRENCH DRAIN

A French drain is a versatile system for dealing with all kinds of drainage problems. It disperses water over a large area through a buried perforated pipe. The pipe must be surrounded by material that allows water to drain through. Conventionally this was gravel, but NDS sells a system called EZflow that includes the pipe and surrounding polystyrene aggregate in one convenient and lightweight package. A French drain system can be used alone or combined with a dry well.

A properly designed French drain system does not require an outlet. The water will simply soak into the soil as it flows along the perforated pipe. In fact, a French drain doesn't require an inlet on just one end either. You can construct the drain to accept water along its length, and disperse it underground.



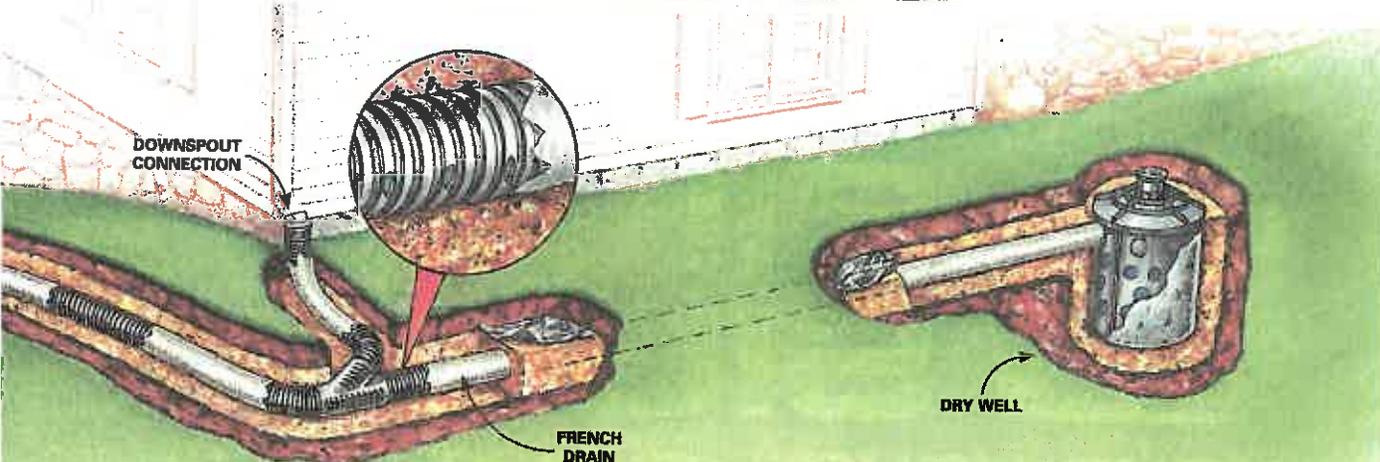
ANATOMY OF A FRENCH DRAIN

A typical French drain consists of a perforated pipe—usually flexible lightweight plastic—sheathed by a fabric sock to keep dirt and sand from clogging the pipe. The pipe is buried in a trench and surrounded by aggregate. Water enters the pipe, from an inlet at one end, through the earth, or through long narrow grates spaced along its length, and is dispersed through the aggregate and into the ground.



INSTALL THE PIPE IN A TRENCH

Connect the lengths of tubing and place them over a bed of gravel. Then add gravel on the sides and over the top before covering the pipe. Perforated drainage pipe is also available with the sock in place.



CREATE A DRY WELL

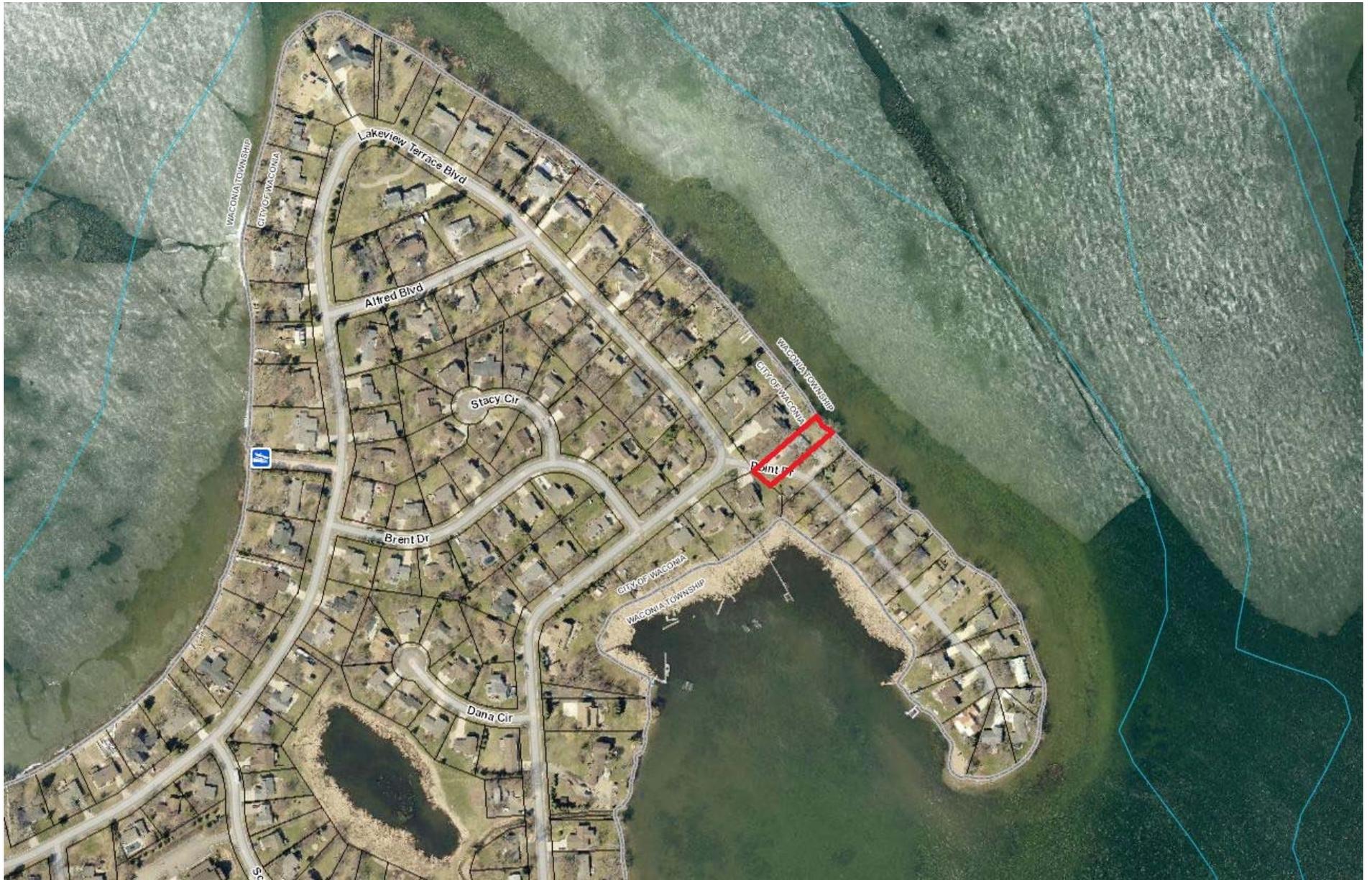
A dry well is simply a large hole filled with gravel or some other aggregate that catches excess water and holds it while it soaks into the ground. You can increase the capacity of a dry well by burying special dry well barrels. These plastic containers collect water and hold it while it drains out through holes in the sides and bottom. The containers must be surrounded by gravel or another porous material to allow drainage. You can stack these plastic dry wells or place them side by side. In general, a dry well should be large enough to collect the first 10 or 15 minutes of a large rainstorm. Websites like ndspro.com provide guidance and calculators to help you determine the size of your dry well. You can also consult with a landscape contractor or soil engineer. You can increase the capacity of a dry well by connecting it to a French drain system. Search for "dry well" at familyhandyman.com.



DRY WELL

Commercially available dry wells like this are easy to assemble and provide a holding tank for excess runoff water while it drains out the sides and bottom.

LOCATION MAP—12 POINT DRIVE



ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502 WWW.ADVSUR.COM

SURVEY FOR: **PETER MATTHIAS**

SURVEYED: September, 2015

DRAFTED: September 10, 2015

REVISED: September 17, 2015, to show hardcover areas.

ADDRESS:

12 Point Dr, Waconia, Mn

LEGAL DESCRIPTION:

Lot 1, Re-plat of Outlot A, Harm's Lake View, First Addition, Carver County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.

STANDARD SYMBOLS & CONVENTIONS:

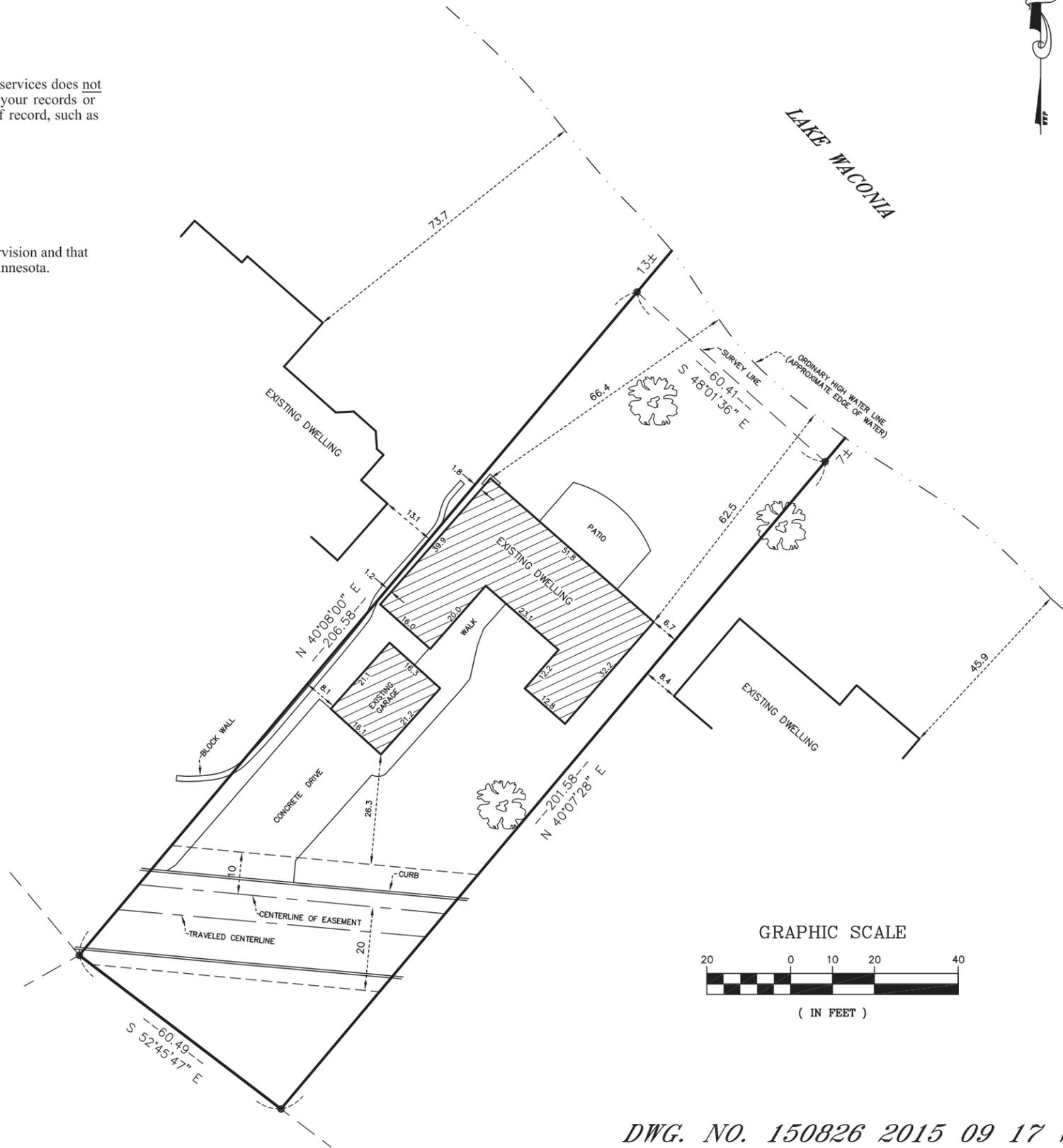
"●" Denotes found iron monument, unless otherwise noted.

CERTIFICATION:

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

Signature: *James H. Parker* Typed Name: James H. Parker Reg. No.: 9235

Date: September 17, 2015



HARDCOVER CALCULATIONS

HOUSE - 1,516 SQ FT
 GARAGE - 342 SQ FT
 PATIO - 350 SQ FT
 DRIVEWAY/WALK (NOT IN EASEMENT) - 1,148 SQ FT
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 TOTAL - 3,419 SQ FT
 AREA OF LOT TO O.H.W. (NOT IN EASEMENT) - 10,603 SQ FT
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LOT AREA (NOT IN EASEMENT) - 10,603 SQ FT
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 DRIVEWAY/ROADWAY IN EASEMENT - 1,680 SQ FT

DWG. NO. 150826 2015 09 17 WP



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 2 nd , 2016
Item Name:	MATERIALS REVIEW: Review and consider exterior building material for the property located at 201 Main Street West
Originating Department:	Community Development
Presented by:	Lane L. Braaten, Community Development Director
Previous Council Action (if any):	
Item Type (X only one):	Consent <input type="checkbox"/> Regular Session <input type="checkbox"/> <u>X</u> Discussion Session <input type="checkbox"/>

RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

The Planning Commission should review the attached information and either approve or deny the exterior building material proposed by the applicant.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

BACKGROUND:

Owner(s): Statewide Gas, Tom Kurtz

Address: 201 Main Street West

PID# 750503040

Zoning: B-2, General Business District

Architectural Design Standards District: Downtown District

City staff met with Mr. Tom Kurtz, Owner of Statewide Gas Services, on May 24th, 2016 to discuss his upcoming landscape project to update the look of his property located at 201 Main Street West. Staff has attached a copy of the landscape plan and a material sheet for review. Typically an update to landscaping in front of an existing business would not be brought to the Planning Commission for review, but Mr. Kurtz is proposing to use a rusted metal material to face his north retaining wall façade. As this isn't a typical building material in our Downtown Design Standards District, and City Ordinance specifically prohibits pre-fabricated steel and metal panels, staff is looking for a material review subject to Section 900.06, Subd. 9.D. Design Standards, Downtown District, specifically subpart 12. d. regarding "Other Materials."

City Ordinance does allow the use of accent materials up to 15% of the building façade, which can include metal, glass block, spandrel glass or similar materials as approved by the Planning Commission. As the applicant has not established an exact façade percentage, both staff and the applicant thought having the Planning Commission review the material would be appropriate.

City Ordinance states "The Planning Commission may also approve other materials that the Planning Commission, in its discretion, determines are compatible with any permit materials if it finds that: 1) the quality and appearance of the proposed materials is consistent with the standard that has been set within the Downtown District; and 2) the use of these materials will not have a detrimental effect upon adjacent property values or property values within the City."

Staff requests the Planning Commission review the metal wall panels proposed to face the existing retaining wall and determine if the material is consistent with the standard that has been set downtown and if the material would have a detrimental effect upon adjacent property values.

ATTACHMENTS:

Attachment 1: Landscape Plan (1 page)

Attachment 2: Images of Metal Panel (1 page)



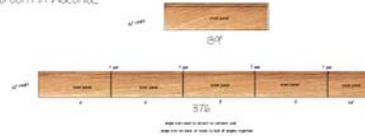
Mark/OEM

Mark i would like to fabricate wall panels for Statewide Gas Showroom in Waconia.

The cement walls are 36" tall

Wall A- 32' x 89" long one pc.

Wall B- 32' x 37 1/2" long. Using 8' sections



Remove modular block here to and naturalize with boulders

oversized river rock instead of new cement.

Use over sized river rock instead of cement.
No Mulch, Minimal plants,

Tom and Pam

I would like to modernize and naturalize front:

Fireplace modern - fire natural

Remove a portion of retaining wall and lodge boulders.
I would stand up flat, pancake boulders.





INSPIRATION BOARD - STATE WIDE GAS SERVICES WACONIA SHOWROOM

