



CITY OF WACONIA PLANNING COMMISSION AGENDA

Special Meeting of
Planning Commission
Waconia, Minnesota

Tuesday, June 14th, 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. New Business
 - A. PUBLIC HEARING: VARIANCE and STEEP SLOPE ALTERATION PERMIT - Requests by Frank & Judith Foss to allow construction of a new home at a reduced front yard setback for the property located at 224 Lake Street West.
 - B. STEEP SLOPE ALTERATION PERMIT – Request by Dave & Paula Kirsch to construct a new home and landscape improvements within a steep slope for the property located at 1302 Beachcomber Blvd.
5. Old Business
 - A. VARIANCE – 208 Main Street East – This agenda item was tabled by the Planning Commission at their regular meeting on June 2nd, 2016, to allow for the submittal of further information.

Adjourn



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 14 th , 2016
Item Name:	Public Hearing – Variance and Steep Slope Alteration Permit request by Frank and Judith Foss to allow the construction of a new home at the property located at 224 Lake 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 checked="" type="checkbox"/> 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 and Steep Slope Alteration Permit submitted by Frank & Judith Foss to construct a new home at reduced front yard setback on a steep slope located in the R-4, Mixed Residential District and the Shoreland Overlay District for the property located at 224 Lake Street West.

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

BACKGROUND:

Applicant: Deborah Everson

Owner: Frank & Judith Foss

Address: 224 Lake Street West, Waconia MN

PID# 750504580

Zoning: R-4, Mixed Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received a Variance Application and Steep Slope Alteration Permit Application from Frank and Judith Foss (the “applicants”) to construct a new home on the property located at 224 Lake Street West. The variance is necessary as the applicant is proposing expansion within the front yard setback and the Steep Slope Permit is necessary as the average slope is approximately 12% in the Shoreland Overlay District.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.D – R-4, Mixed Residential District
2. Section 900.06 – Supplementary Regulations, Subd. 7 – Shoreland Overlay District
3. Section 900.06 – Supplementary Regulations, Subd. 8 – Environmental Protection Regulations
4. Section 900.12 – Administration, Enforcement and Procedures, Subd. 4 – Variances
5. Section 900.12 – Administration, Enforcement and Procedures, Subd. 11 – Land Alterations

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 and PLANNING CONSIDERATIONS:

The applicant is proposing the construction of a new home on the property located at 224 Lake Street West. Table 1.1 below indicates the existing, required, and proposed lot requirements for the property as indicated in the R-4, Mixed Residential District and the Shoreland Overlay District.

Table 1.1

	Lot Requirements – R-4 & Shoreland	Existing Conditions	Proposed Conditions
Lot Area	7,850 sq. ft. min.	Approx. 12,630 sq. ft.	N/A
Lot Width	50 ft. min.	55.19 ft.	N/A
Front Yard Setback	25 ft. min.	0.9 ft.*	0.9 ft.
Side Yard Setback	10 ft. min.	Approx. 8 ft.	10 ft.

* The existing detached garage is located 0.9 feet from the front lot line and the applicants are proposing to retain the existing garage and add on to the rear side attaching said structure to the new home.

1. The table above indicates that the lot area and lot width are conforming and the applicants are proposing to meet the setback requirements from Lake Waconia and the side yard setbacks for the property.
2. The applicants are proposing to demolish the existing single-family home on the parcel and replace it with a new more accessible and energy efficient home in its place.
3. The applicants are proposing to retain the existing detached garage structure which is located 3.2 ft. from the west side lot line and 0.9 feet from the front lot line. The garage is planned to be moved to allow for construction and placed back in the exact same location. The non-conforming section of the City Code allows for legal non-conforming structures, such as the garage structure, to be rebuilt in the exact same location without expansion.
4. The applicants are proposing to connect the existing garage to the new home on the north/lake side of the existing accessory structure. This connection/addition is the reason the variance is necessary as the garage is 22.2 feet deep and is setback from the Lake Street right-of-way approximately 0.9 feet, which totals 23.1 feet. The City Ordinance for the R-4, Mixed Residential District requires a minimum setback of 25 ft. from the Lake Street right-of-way and therefore the applicant cannot expand within the setback without the approval of a variance.
5. Based on a review of the floor plans and the Certificate of Survey provided the applicant is proposing an expansion within the front yard setback of approximately 28 square feet.
6. The building height and impervious surfaces are conforming as proposed.

STEEP SLOPE ALTERATION PERMIT PROCEDURES:

The City Code requires, prior to the commencement of any development on a steep slope, an application for a permit shall be made to the City for review and approval by the Planning Commission and City Council. Steep Slopes, as defined in the Shoreland Overlay District, are slopes exceeding 12% over a distance of 50 feet or more, which are not bluffs. Properties outside of the Shoreland area are also required to get approval of a Steep Slope Permit prior to commencement of any work for slopes of 18% or more.

The Shoreland Overlay District states “*Local government officials must evaluate the possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must*

be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, another facilities as viewed from the surface of the public waters, assuming summer, leaf-on vegetation.”

The City’s Environmental Protection Regulation Section of the City Code indicates development standards for slopes exceeding 18%, slopes exceeding 24%, and Wooded Slopes as stated below:

1. Slopes Exceeding 18% - Any development on slopes exceeding 18% where there is an elevation difference of 20 feet or more shall first receive a permit from the City.
2. Slopes Exceeding 24% - No development shall be permitted on slopes exceeding 24% unless it can be demonstrated that grading can be accomplished without detriment to surface waters, wetlands and woodlands or that impacts on natural features will be mitigated.
3. Wooded Slopes – No development shall be permitted on wooded slopes exceeding 24% where there is an elevation difference of 20 feet or more. A wooded slope shall be defined as a slope of 24% or more that contains clusters of significant trees. A cluster shall be defined as two or more significant trees within 30 feet of one another.

STEEP SLOPE ALTERATION PERMIT ANALYSIS and PLANNING CONSIDERATIONS:

The applicant is proposing the construction of a new home within the steep slope on the property. The slope indicated by the applicant on the plan set shows an average slope of 12% and therefore the Steep Slope Alteration Permit was required for this project.

City staff, specifically the City Engineer and Public Services Director, have reviewed the application and are recommending approval of the Steep Slope Alteration Permit for the Foss project subject to the conditions stated below.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on June 2nd, 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 and Steep Slope Alteration Permit submitted by Frank & Judith Foss based on the Variance Criteria and the Steep Slope Permit Procedures 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 variance and steep slope permit submitted by Mr. and Mrs. Foss, 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 construction entrance shall be made up of 1.5 inch clear rock.
- 4) A silt fence shall be installed near the construction entrance on Lake Street.
- 5) Soil piles must be mulched within 5 days without any activity, instead of the typical 14 day requirement, due to working in the steep slope adjacent to Lake Waconia.
- 6) The steep slope shall be monitored and temporary log rolls be placed if necessary to support downstream silt fence towards Lake Waconia.
- 7) A second silt fence or log roll shall be placed ahead of the silt fence indicated on the Erosion Control Plan.
- 8) Street sweeping as necessary should be completed along with storm water inlet protection on Lake Street near the entrance to the building site.
- 9) Upon completion of the project the applicants shall submit and As- Built Certificate of Survey to show the improvements have been completed as proposed.

ATTACHMENTS:

1. Variance Application (3 pages)
2. Public Hearing Notice (1 page)
3. Applicant Statement of Variance (2 pages)
4. Architect Statement of Variance (2 pages)
5. Location Map (1 page)
6. Certificate of Survey - Existing (1 page)
7. Certificate of Survey - Proposed (1 page)
8. Proposed Elevations and Floor Plans (8 pages)
9. Erosion Control Plan (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: Frank & Judith Foss
2. Address of Property: 224 Lake Street W
3. Legal Description: City Lots of Waconia Lot 004 Block 051
4. Applicant's Name: Deborah Everson
5. Mailing Address: Domain Architecture, 2748 Hennepin Ave S, Mpls, MN 55408
6. Daytime Phone(s): 612.870.612.870.75077507
7. Email Address: deb@domainarch.com

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

OFFICE USE ONLY

Date Received: 5/31/16

Fee: \$ 125⁰⁰
Receipt #: 0248250



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: R4 Multi Family
2. Existing use of Property: Single Family Residential
3. Has request for a variance on this property been sought previously? If so, when? Existing Garage has allowed non conforming use.

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: 2016 05 30

Printed Name: Deborah Everson

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 Tuesday, June 14th, 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 principal structure setback for the property located at 224 Lake Street West (PID# 75.0504580), which is zoned R-4, Mixed Residential District and located within the Shoreland Overlay District.

The applicants, Frank & Judith Foss, are requesting approval of a variance to construct a new principal structure on the subject parcel at a reduced front yard setback versus the 25 ft. minimum setback requirement stated in the R-4, Mixed Residential 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 Tuesday, June 14th, 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 June 2nd, 2016 Waconia Patriot newspaper)

Frank and Judith Foss
212 W. Lake Street
Waconia, MN 55387
May 27, 2016

City of Waconia
201 South Vine Street
Waconia MN 55387

Attn:
Lane Braaten, Community Development Director

We plan to remove the small house located at 224 W. Lake Street and replace it with a new house that will incorporate design principles that will provide us with an accessible and energy efficient home in which we can live comfortably as we continue to age.

Our architect, our builder, and we have been in contact with the City of Waconia planning department a number of times beginning early this year to ensure that our design would meet Waconia's requirements. We believed that we had complied with all of the City's requirements until late May when we were informed that we would need to obtain a variance because the house does not meet Waconia's 25-foot setback requirement from the front property line.

The house is to be attached to an existing garage. The garage was built many years ago in compliance with a variance we obtained at that time. The garage is not at issue here and will remain in its current location, becoming part of our new house.

The back of the existing garage is 24 feet from the front property line. If the house were to be built to conform to the 25-foot setback required by City ordinance, there would be a one-foot gap between the house and garage.

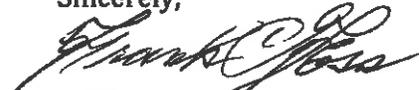
We are asking for a front setback variance of one-foot to approximately 12 square feet of our new house to extend forward of the required setback thereby allowing our house to be attached to the existing garage.

In summary:

1. The variance will allow us to construct and occupy a new single-family residence that is in complete harmony with the surrounding residential neighborhood.
2. The variance would be fully consistent with Waconia's comprehensive plan.

3. The proposed attachment of the house to the garage will allow us to use our property in a reasonable manner.
4. The location of the existing garage creates a unique circumstance that necessitates a variance to allow us to attach the house to the garage.
5. Granting the variance will not alter the essential character of the residential locality.

Sincerely,




Frank and Judy Foss

fcfoss@mchsi.com

952-442-5094

City of Waconia
201 South Vine Street
Waconia, MN 55387

Re: 224 Lake Street West
Waconia, MN 55387
Frank & Judith Foss

To whom it may concern:

The owners of 224 Lake Street West request review of the variance application to allow for a new home with an existing attached garage. Existing zoning is R4 Multi Family.

The owners are seeking a two-part variance from the code;

1. To allow development on and within a steep slope in the SH Shoreland Overlay District. Definition of a Steep Slope is more than 12% grade (6 feet rise over 50 foot run). The average slope of this property is 11.6%; top of property to lake edge. This means there are steeper areas as well as shallower areas on this property. We are asking for this variance to be granted as it is a typical slope for all development along Lake Street W and will add value to this area.
2. To allow a 24 square foot development in the front yard setback. This variance will allow the existing garage to be connected to the proposed home. The permitted non conforming existing garage sits within the front yard setback. At this connection, all side yard setbacks will be maintained.

How this project will conform to the following standards: (for setback variance)

1. This property sits on Lake Street which is the high point of the properties along this street facing the lake. The high point and road access only at this location creates a unique situation: the garage and front door are at the same place, thus naturally creating the hardship.
2. An attached garage is a necessity of this age in place home. An attached garage is a very common right of other properties in this area.
3. The variance will not give the Foss's any special privilege, but it will allow an equal opportunity to an attached garage.
4. The proposed single-family home will not interfere with the enjoyment or use of the neighboring properties. The architectural character of the houses on

this block, facing Lake Waconia, is highly variable and the proposed house is not out of character with the range of front facades that exist on the block. This new home will not impair the public health, safety or welfare of the residents of the City in any way.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Everson". The signature is fluid and cursive, with the first letter 'D' being particularly large and stylized.

Deborah Everson, AIA
Domain Architecture & Design

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

uimwop 24341
ARCHITECT LICENSE NO.

© DOMAIN 2016

224 LAKE STREET WEST
WACONIA, MN 55387

FRANK FOSS

ISSUE DATE

REVIEW 2016 MAR 4
REVIEW 2016 APRIL 4
PRICING 2016 APRIL 25
DD 2016 MAY 17
DD 2016 MAY 24

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DWG NO.

A-103

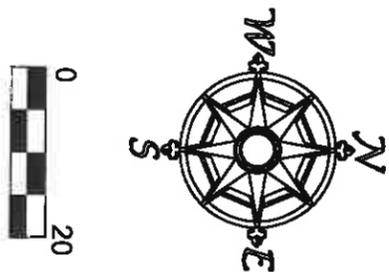
CORRICTOR OF SURVEY

~ for ~ Frank Foss
224 Lake Street W
Waconia, MN 55387

LAKE WACONIA

Elevation 03/02/16 = 963.4
(OHW = 963.1)

Shoreline

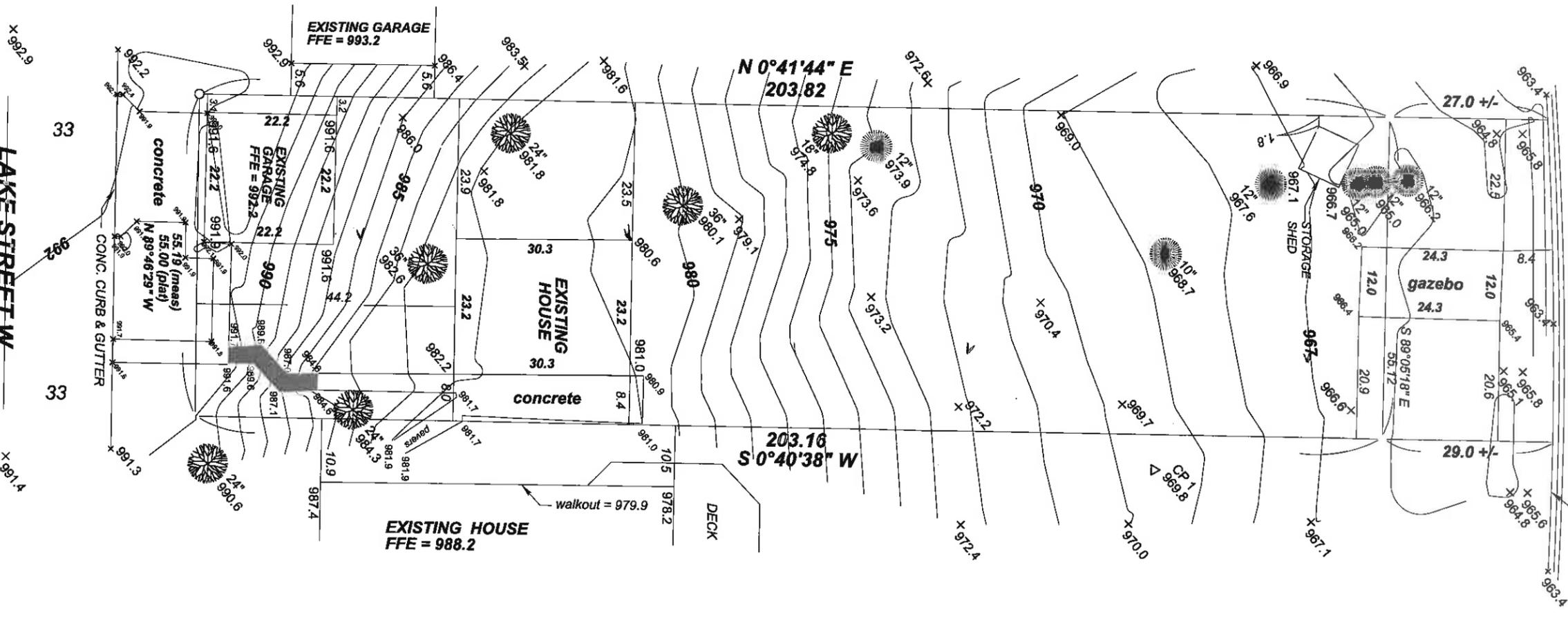


DESCRIPTION OF PROPERTY:
Lot 4, Block 51, CITY LOTS OF WACONIA,
Carver County, Minnesota.

LEGEND	
	Found Iron Monument
	Set PK Nail
	Survey Control Point
	Deciduous Tree
	Coniferous Tree
	Spot Elevation
	(NAVD88 Vertical Datum

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

Steven V. Ische License No. 22703 Date 03/04/16



PROJ. NO.: 1380-00
BOOK 8, PAGE 16

952-443-3010

May 24, 2016 2:32pm P:\Foss 224 (212) W Lake Street Waconia 55387\CAD\Model\A-FP.dwg

Copyright Land Surveyors of Minnesota, LODD 9446

2748 Hennepin Avenue South
 Minneapolis, Minnesota 55409
 612 879 7507 (M)
 612 879 7508 (F)
 www.danreinhart.com
 ARCHITECTURE & DESIGN

domain

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Steven V. Ische
 ARCHITECT LICENSE NO. 22703
 © DANREINHART

FOSS RESIDENCE

224 LAKE STREET WEST
 WACONIA, MN 55387

ISSUE DATE	2016 MAR 4
REVIEW	2016 APR 4
PRICING	2016 APR 26
DD	2016 MAY 17
DD	2016 MAY 24
	© DANREINHART

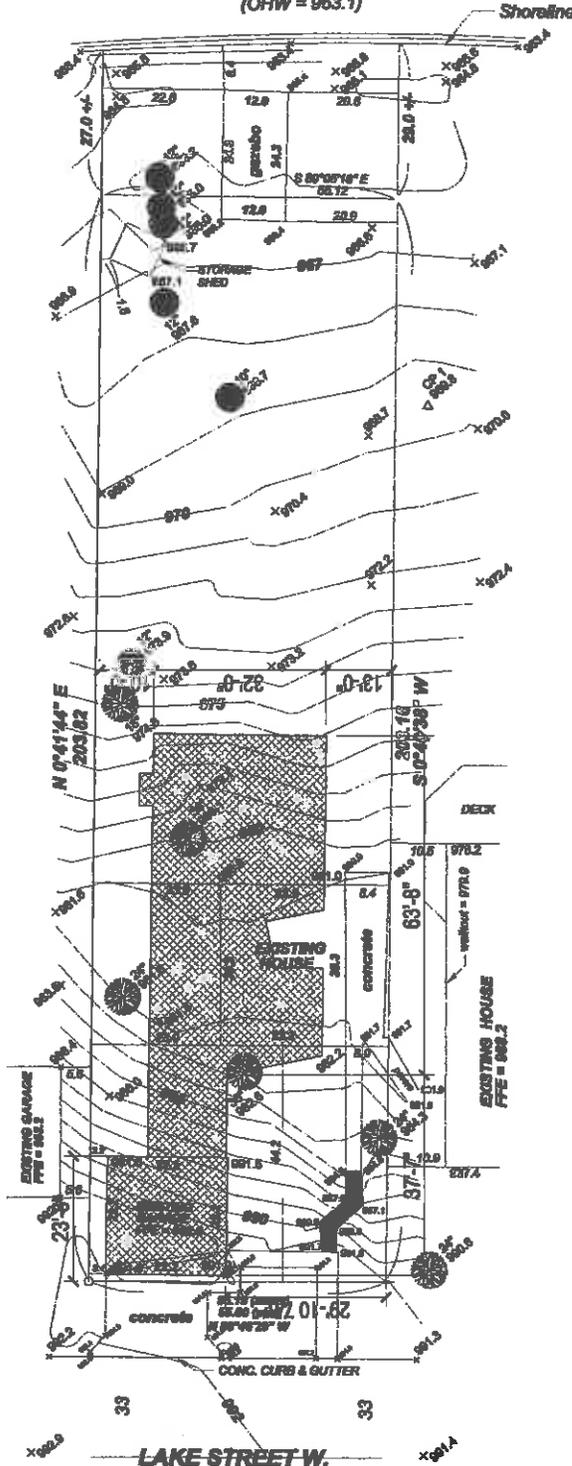
DWG NO.
A-104

Certificate of Survey

~ for ~ **Frank Foss**
224 Lake Street W
Waconia, MN 55387

LAKE WACONIA

Elevation 03/02/16 = 963.4
 (OHW = 963.1)



DESCRIPTION OF PROPERTY:

Lot 4, Block 81, CITY LOTS OF WACONIA,
 Carver County, Minnesota.

LEGEND	
○	Found Iron Monument
●	Set PK Nail
△	Survey Control Point
● (with leaf symbol)	Deciduous Tree
● (with needle symbol)	Coniferous Tree
X 966.0	Spot Elevation (NAVD88 Vertical Datum)

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

Steven V. Ische License No. 22703 Date 03/04/16

PROJ. NO.: 1380-00
 BOOK & PAGE 18

852-443-3010



May 24, 2016-2:31pmP:\Foss 224 (212) W Lake Street Waconia 55387\CAD\ModellA-FP.dwg

2748 Hennepin Avenue South
Minneapolis, Minnesota 55408
612.870.7507 (p)
612.870.7509 (f)
www.domainarch.com

domain
ARCHITECTURE & DESIGN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
Signature 24341
ARCHITECT LICENSE NO.
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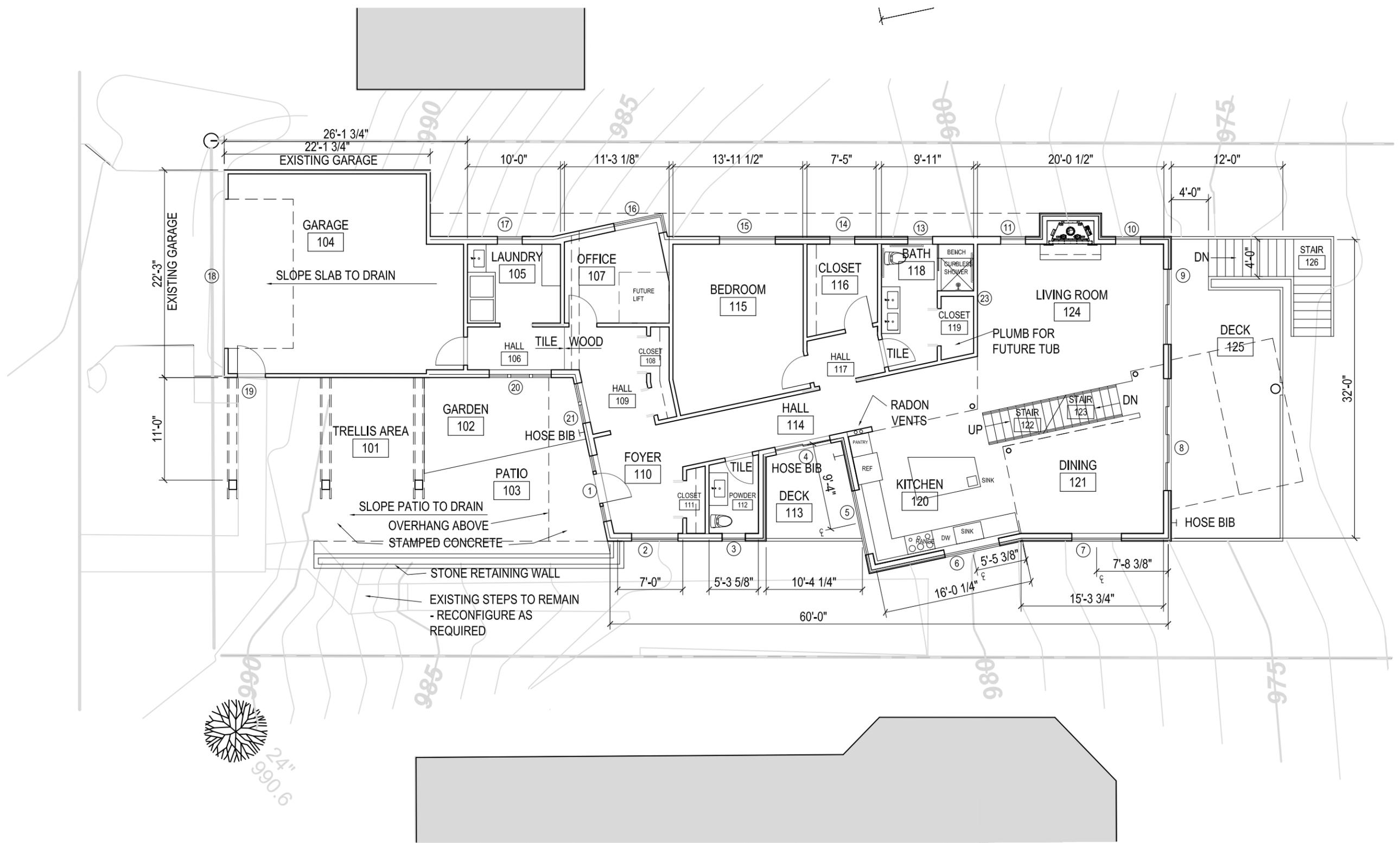
FOSS RESIDENCE

224 LAKE STREET WEST
WACONIA, MN 55387

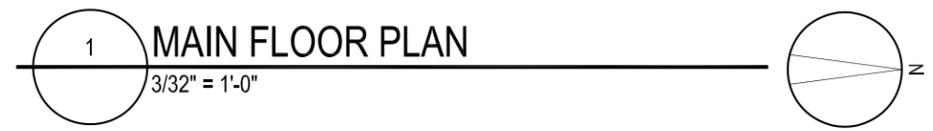
ISSUE DATE	
REVIEW	2016 MAR 4
REVIEW	2016 APRIL 4
PRICING	2016 APRIL 25
DD	2016 MAY 17
DD	2016 MAY 24

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DWG NO.
A-101



GENERAL NOTES
SEE A-1-2 FOR WINDOW SCHEDULE



MAIN FLOOR

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

William 24341
 ARCHITECT LICENSE NO.
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FOSS RESIDENCE

224 LAKE STREET WEST
 WACONIA, MN 55387

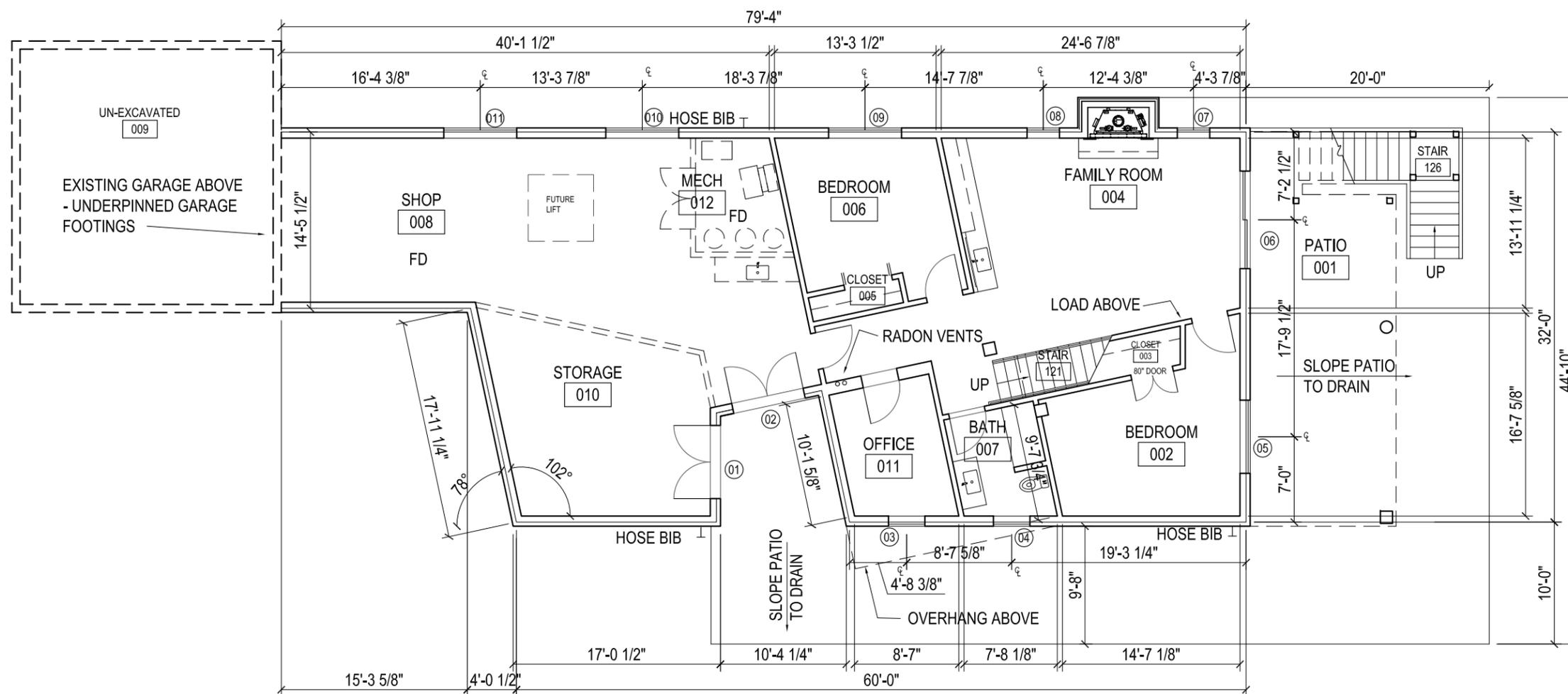
ISSUE DATE

REVIEW	2016 MAR 4
REVIEW	2016 APRIL 4
PRICING	2016 APRIL 25
DD	2016 MAY 17
DD	2016 MAY 24

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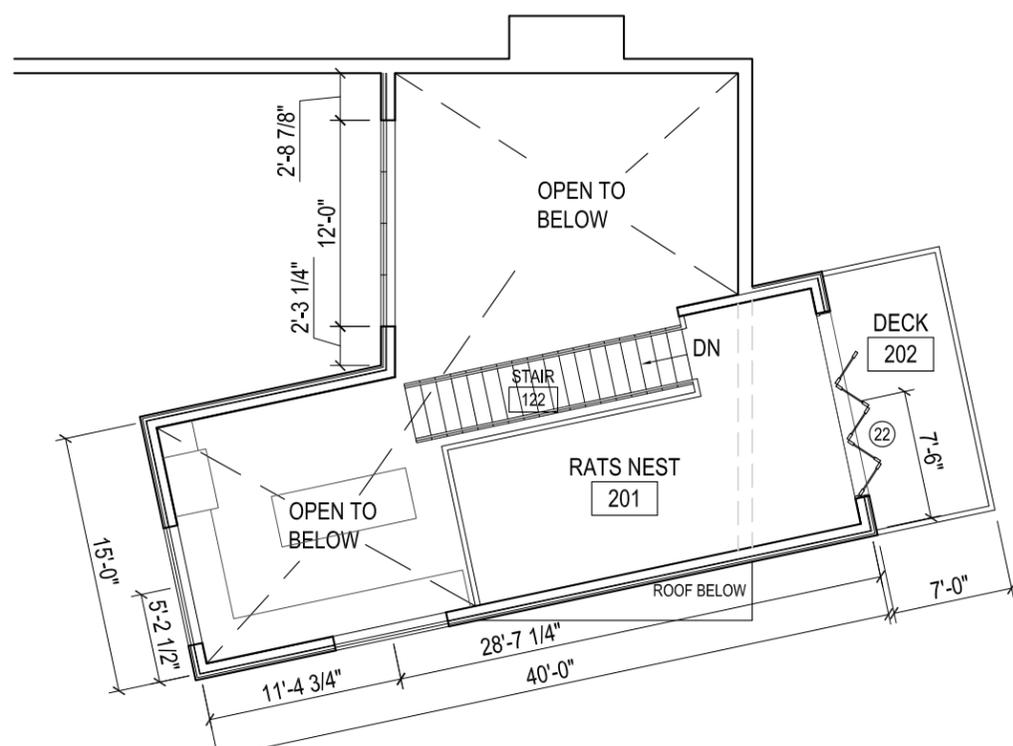
DWG NO.

A-100



1 LOWER FLOOR PLAN
 3/32" = 1'-0"

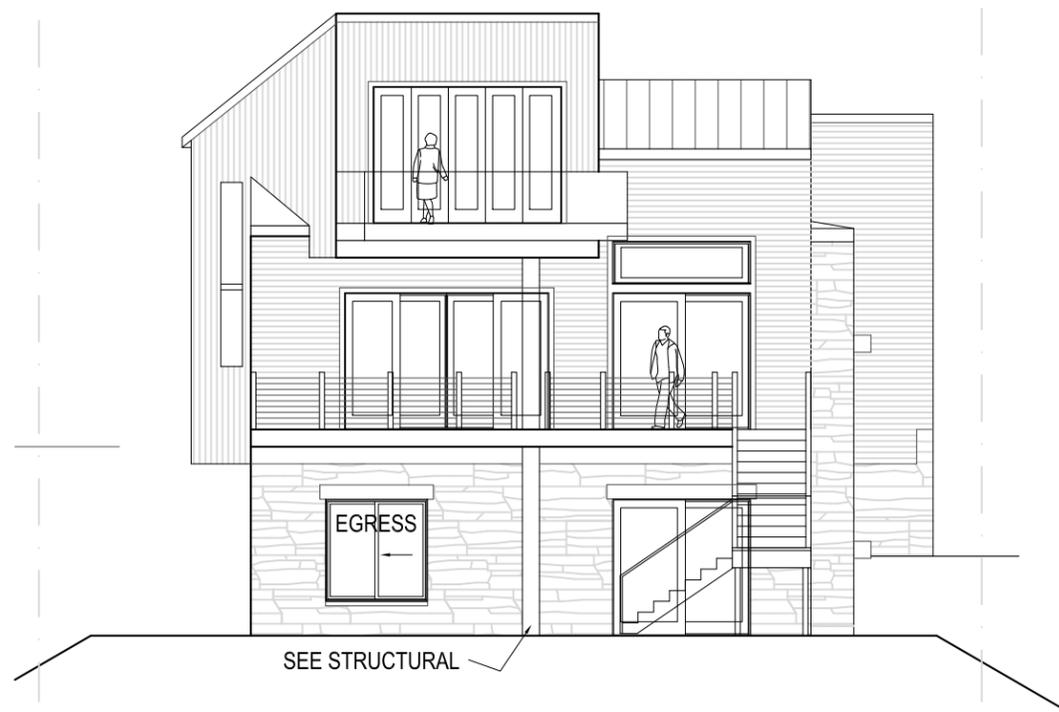
GENERAL NOTES
 SEE A-1-2 FOR WINDOW SCHEDULE



2 UPPER FLOOR PLAN
 3/32" = 1'-0"

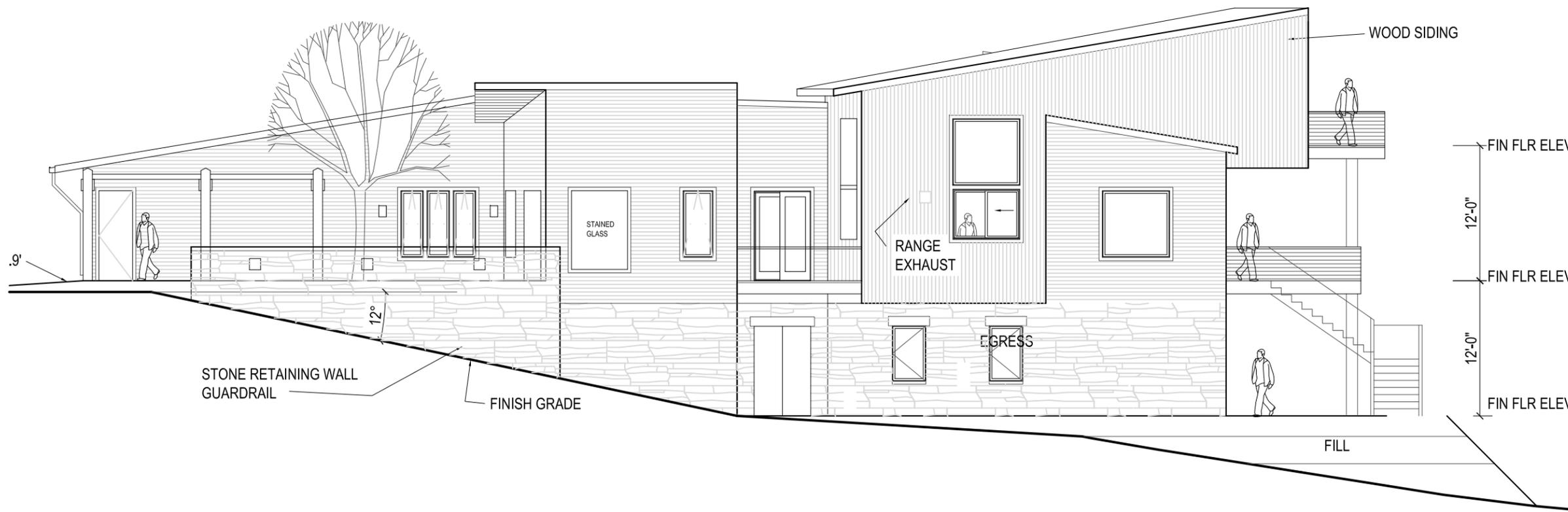
LOWER AND
 UPPER FLOORS

May 24, 2016-2:56pm P:\Foss 224 (212) W Lake Street Waconia 55387\CAD\ModellA-EL.dwg



SEE STRUCTURAL

1 NORTH ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"

ELEVATIONS

2748 Hennepin Avenue South
Minneapolis, Minnesota 55408
612.870.7507 (p)
612.870.7509 (f)
www.domainarch.com

domain

ARCHITECTURE & DESIGN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature 24341
ARCHITECT LICENSE NO.
© DOMAIN 2016

FOSS RESIDENCE

224 LAKE STREET WEST
WACONIA, MN 55387

ISSUE DATE	
REVIEW	2016 MAR 4
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DD	2016 MAY 17
DD	2016 MAY 24

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A-201

May 24, 2016-2:56pm P:\Foss 224 (212) W Lake Street Waconia 55387\CAD\Model\A-EL.dwg



1 SOUTH ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"

ELEVATIONS

2748 Hennepin Avenue South
Minneapolis, Minnesota 55408
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[Signature] 24341
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ISSUE DATE	
REVIEW	2016 MAR 4
REVIEW	2016 APRIL 4
PRICING	2016 APRIL 25
DD	2016 MAY 17
DD	2016 MAY 24

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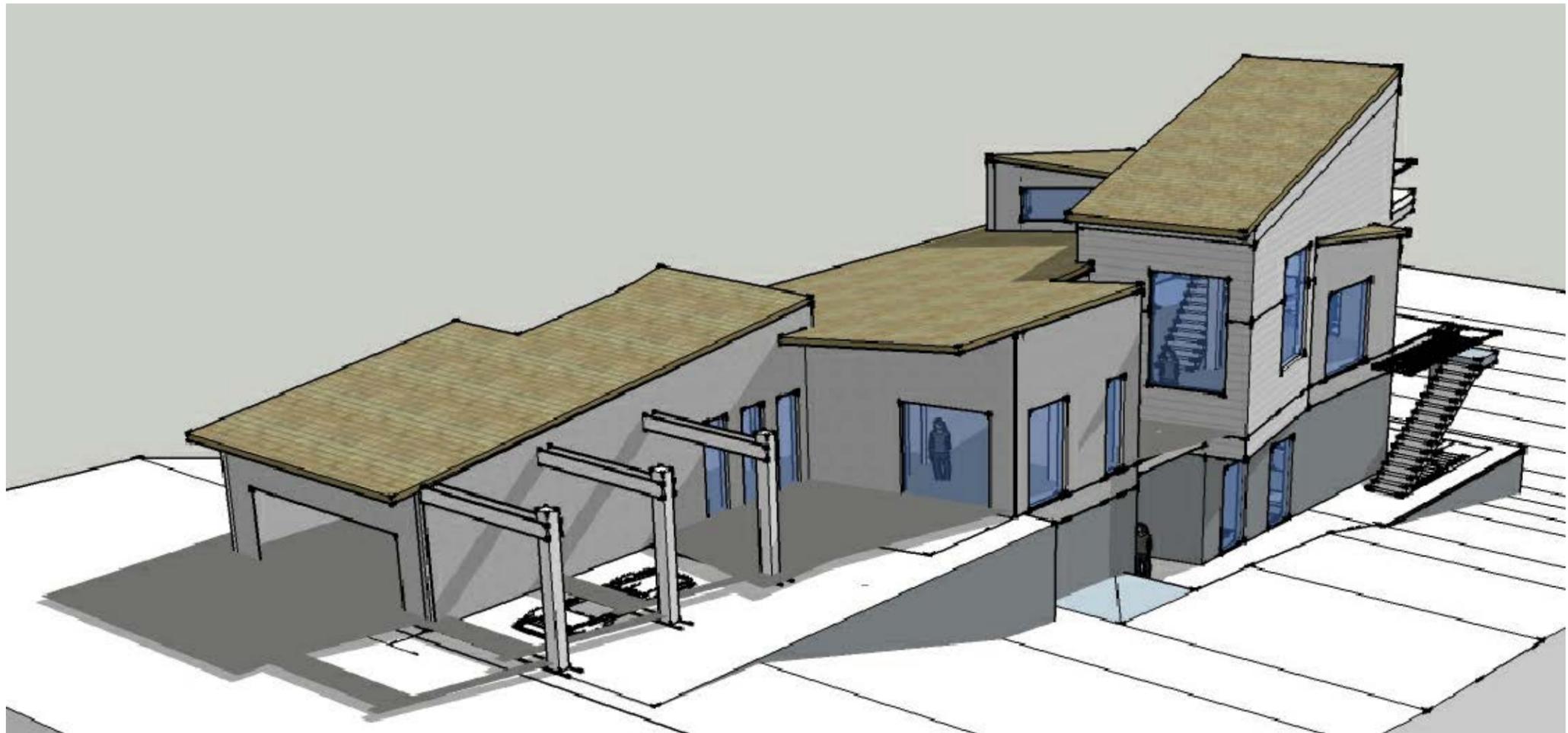
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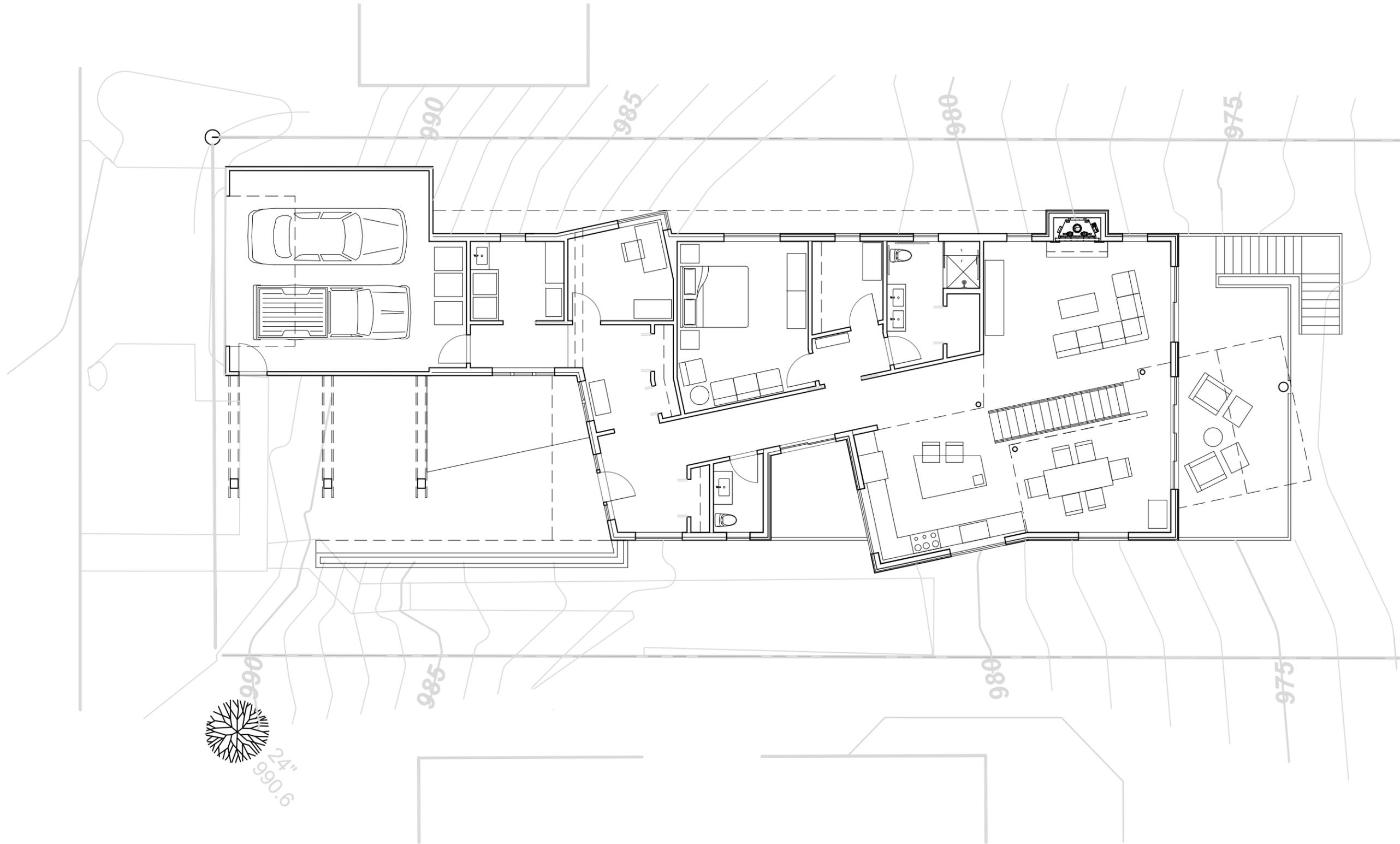
ISSUE DATE	
REVIEW	2016 MAR 4
REVIEW	2016 APRIL 4
PRICING	2016 APRIL 25
DD	2016 MAY 17
DD	2016 MAY 24

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DWG NO.

A-205

May 24, 2016-2:32pmP:\Foss 224 (212) W Lake Street Waconia 55387\CAD\ModellA-FP.dwg



1 MAIN FLOOR PLAN
3/32" = 1'-0"

FURNITURE

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Minneapolis, Minnesota 55408
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612.870.7509 (f)
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ISSUE DATE

REVIEW	2016 MAR 4
REVIEW	2016 APRIL 4
PRICING	2016 APRIL 25
DD	2016 MAY 17
DD	2016 MAY 24

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F-101



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 14 th , 2016
Item Name:	Steep Slope Alteration Permit request by Dave & Paula Kirsch to allow the construction of a new home and landscape improvements within a steep slope for the property located at 1302 Beachcomber Blvd.
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 checked="" type="checkbox"/> Discussion Session <input type="checkbox"/>
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 Steep Slope Alteration Permit Request by Dave and Paula Kirsch to allow construction of a new home and landscape improvements within a steep slope at 1302 Beachcomber Blvd..

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

BACKGROUND:

Applicant: Brad Kerber (dba. Kerber Family Homes, LLC)

Owner: Dave and Paula Kirsch

Address: 1302 Beachcomber Blvd.

PID# 755050250

Zoning: R-1, Single-Family Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received a Steep Slope Alteration Permit Application from Dave and Paula Kirsch (the “applicants”) to allow construction of a new home and certain landscape improvements within a steep slope on the property located at 1302 Beachcomber Blvd. The permit is necessary as the City Ordinance requires a Steep Slope Land Alteration Permit for all Shoreland properties which are developing within a slope of 12% or greater and the slope on the subject parcel is approximately 25%.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.A – R-1, Single-Family Residential District
2. Section 900.06 – Supplementary Regulations, Subd. 7 – Shoreland Overlay District
3. Section 900.06 – Supplementary Regulations, Subd. 8 – Environmental Protection Regulations
4. Section 900.12 – Administration, Enforcement and Procedures, Subd. 11 – Land Alterations

DEFINITIONS:

Sensitive Resource Management – The preservation and management of areas unsuitable for development in their natural stage due to constraints such as shallow soils over groundwater to bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Shoreland – Land located within the following distances from public water; 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and, 300 feet from a river or stream, whichever is greater. The limits of shorelands

may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Steep Slope – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site’s soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, that are not bluffs.

STEEP SLOPE ALTERATION PERMIT PROCEDURES:

The City Code requires, prior to the commencement of any development on a steep slope, an application for a permit shall be made to the City for review and approval by the Planning Commission and City Council. Steep Slopes, as defined in the Shoreland Overlay District, are slopes exceeding 12% over a distance of 50 feet or more, which are not bluffs. Properties outside of the Shoreland area are also required to get approval of a Steep Slope Permit prior to commencement of any work for slopes of 18% or more.

The Shoreland Overlay District states *“Local government officials must evaluate the possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, another facilities as viewed from the surface of the public waters, assuming summer, leaf-on vegetation.”*

The City’s Environmental Protection Regulation Section of the City Code indicates development standards for slopes exceeding 18%, slopes exceeding 24%, and Wooded Slopes as stated below:

1. Slopes Exceeding 18% - Any development on slopes exceeding 18% where there is an elevation difference of 20 feet or more shall first receive a permit from the City.
2. Slopes Exceeding 24% - No development shall be permitted on slopes exceeding 24% unless it can be demonstrated that grading can be accomplished without detriment to surface waters, wetlands and woodlands or that impacts on natural features will be mitigated.
3. Wooded Slopes – No development shall be permitted on wooded slopes exceeding 24% where there is an elevation difference of 20 feet or more. A wooded slope shall be defined as a slope of 24% or more that contains clusters of significant trees. A cluster shall be defined as two or more significant trees within 30 feet of one another.

PLANNING CONSIDERATIONS:

The applicant is proposing the construction of a new home and landscape improvements within the steep slope on the property. In addition the new home will require additional excavation within the steep slope as the proposed home includes a walkout basement.

City staff, specifically the City Engineer and Public Services Director, have reviewed the application and are recommending approval of the Steep Slope Alteration Permit subject to the conditions stated below.

RECOMMENDATION:

The Planning Commission should review the steep slope alteration request submitted by Dave & Paula Kirsch based on the Steep Slope Alteration Procedures 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 steep slope permit for Mr. and Mrs. Kirsch, staff would recommend the approval upon the following conditions:

- 1) The Erosion Control Plan submitted with the application be followed as approved and 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 add a 1.5 inch clear rock construction entrance.
- 4) Silt fencing shall be added at the entrance to the property near the cul-de-sac and construction entrance.
- 5) Soil piles must be mulched within 5 days without any activity and should have log rolls placed around them for containment.
- 6) Areas of steep slope must be monitored and temporary log rolls be placed if necessary to support downstream silt fence toward the lake.
- 7) Street sweeping as necessary should be completed along with storm water inlet protection on Beachcomber Blvd. near the entrance of the building site.
- 8) All retaining walls exceeding 4 ft. in height shall require a permit and shall be designed by a licensed engineer.
- 9) A final landscaping plan shall be submitted to City staff for review and approval prior to installation within the steep slope.

ATTACHMENTS:

1. Land Alteration Permit Application (2 pages)
2. Location Map (1 page)
3. Certificate of Survey (1 page)
4. Erosion Control and Proposed Contours (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

STEEP SLOPE ALTERATION PERMIT

X

LAND ALTERATION/GRADING PERMIT

(Check One)

Present zoning classification: Single family residential

Existing use of property: Vacant single family residential lot

**THE FOLLOWING INFORMATION MUST BE SUBMITTED
IN ORDER TO PROCESS THE APPLICATION**

1. Site plan showing locations of excavation on property and location of any adjacent structures.
2. Show existing grade elevations prior to alteration and finished grade elevations after alterations are completed (FINISHED GRADES SHALL NOT ADVERSELY AFFECT ADJACENT PROPERTIES).
3. During excavation, proper erosion control measures shall be implemented to prevent eroding of topsoil. Show plans for erosion control.
4. Provide plans for restoration of disturbed area after excavation is completed. Specify whether area will be seeded, sodded, etc. to prevent run-off of excavated material.
5. If applicable, show plans for controlling dispersal of material by wind or by hauling to and from the site.
6. Payment of application fee (As determined in Chapter 70 of the Uniform Building Code + \$50 deposit). Additional consulting review fees may apply, such as civil engineering and legal counsel.

Applicant's Signature: Brad Kerber

Date: 5-31-16

Printed Name: Brad Kerber



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

APPLICANT INFORMATION

1. Owner's Name: Dave and Paula Kirsch
2. Address of Property: 1302 Beachcomber Blvd
3. Legal Description: Lot 12, Block 4, Waconia Landing
4. Applicant's Name: Brad Kerber / Kerber Family Homes, LLC
5. Mailing Address: 864 78th Street, Victoria, MN 55386
6. Daytime Phone(s): 612-369-7551
7. Email Address: brad@kerberfamilyhomes.com

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

OFFICE USE ONLY

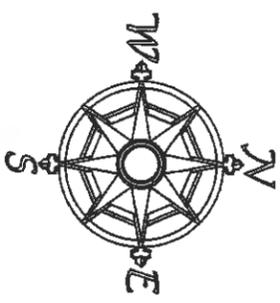
Date Received: 5/31/16

Fee: \$ _____
Receipt #: _____

CONTINGENT OF SURVEY

~ for ~ Kerber Family Homes

of: 1302 Beachcomber Blvd.
Waconia, MN 55387



LAKE WACONIA
ELEVATION ON 04/29/30 = 962.3

DESCRIPTION OF PROPERTY:
Lot 12, Block 4, WACONIA LANDING,
Carver County, Minnesota.

PROPOSED ELEVATIONS:
Sewer Stub Elev 968.82 +/- VERIFY
Per Rec. Drawing:
Basement Walkout: 974.5
Garage Slab: 982.8
Top of Foundation: 983.3

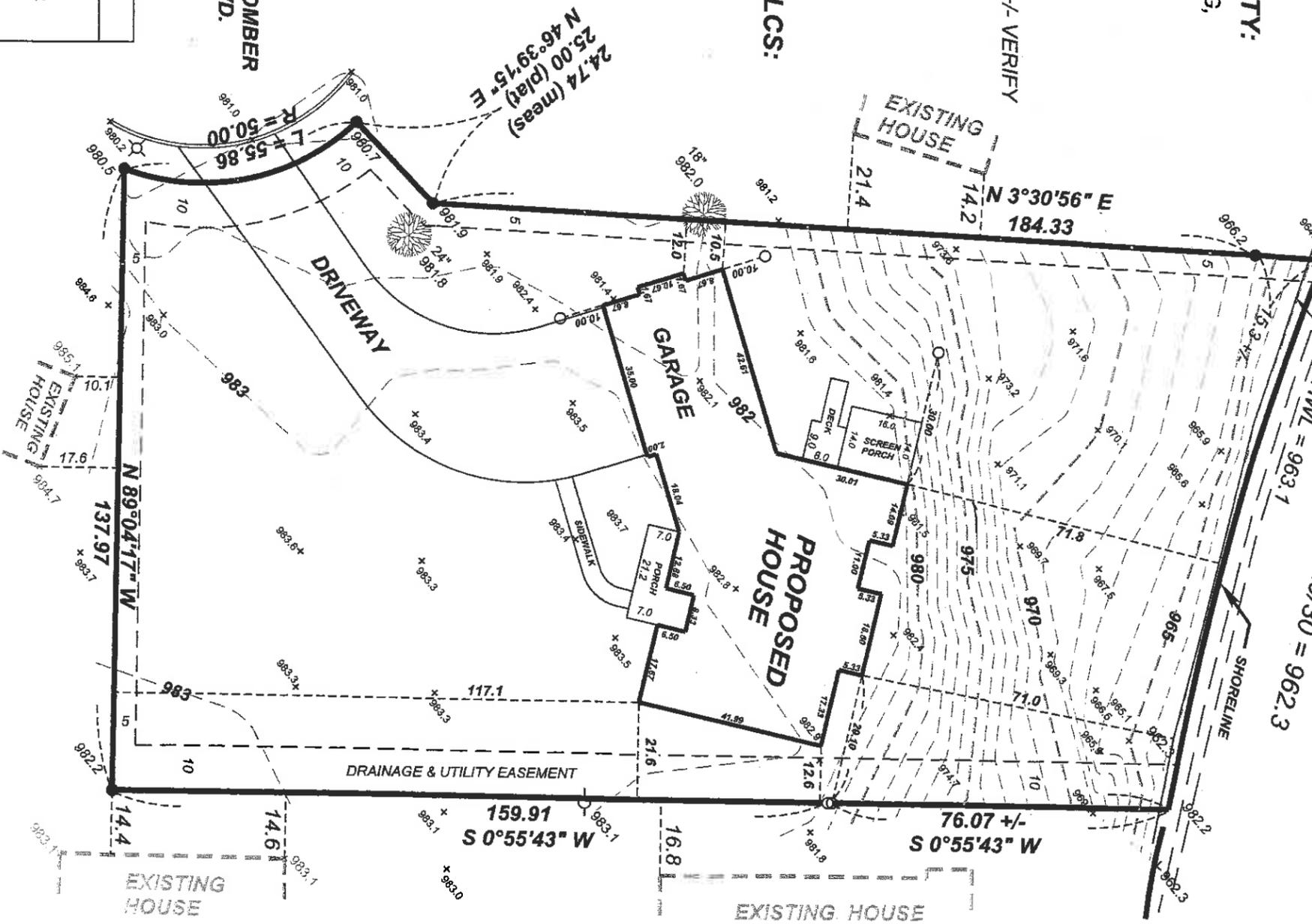
IMPERVIOUS SURFACE CALCS:
Lot Area: 32,650 s.f.

Proposed House: 3,816 s.f.
Screen Porch: 224 s.f.
Deck: 112 s.f.
Porch: 203 s.f.
Sidewalk: 123 s.f.
Driveway: 2,968 s.f.
Total Impervious: 7,446 s.f.
Impervious % : 22.8%

Garage Slab: 984.5
Top of Foundation: 985.0
Basement Walkout: 976.2

BEACHCOMBER
BLVD.

LEGEND	
X	Spot Elevation
●	Found Iron Monument
	Deciduous Tree
⊖	Power Pole
○	Set 1/2" X 14" Iron Pipe



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

Steven V. Ischia
Steven V. Ischia

22703 License No. 05/11/16 Date

PREMIER
LAND SURVEYING, LLC

952-443-3010

CERTIFICATE OF SURVEY

for Kerber Family Homes

of: 1302 Beachcomber Blvd.
Waconia, MN 55387

- Construction Entrance - Class 5 Red Pave To be Paved
- Retaining Wall
- Power Paths
- Silt Fence
- Bio Log
- 4" Top Soil w/ Sed

DESCRIPTION OF PROPERTY:
Lot 12, Block 4, WACONIA LANDING,
Carver County, Minnesota.

PROPOSED ELEVATIONS:

Sewer Stub Elev 968.82 +/- VERIFY
Per Rec. Drawing:
Basement Walkout: 974.5
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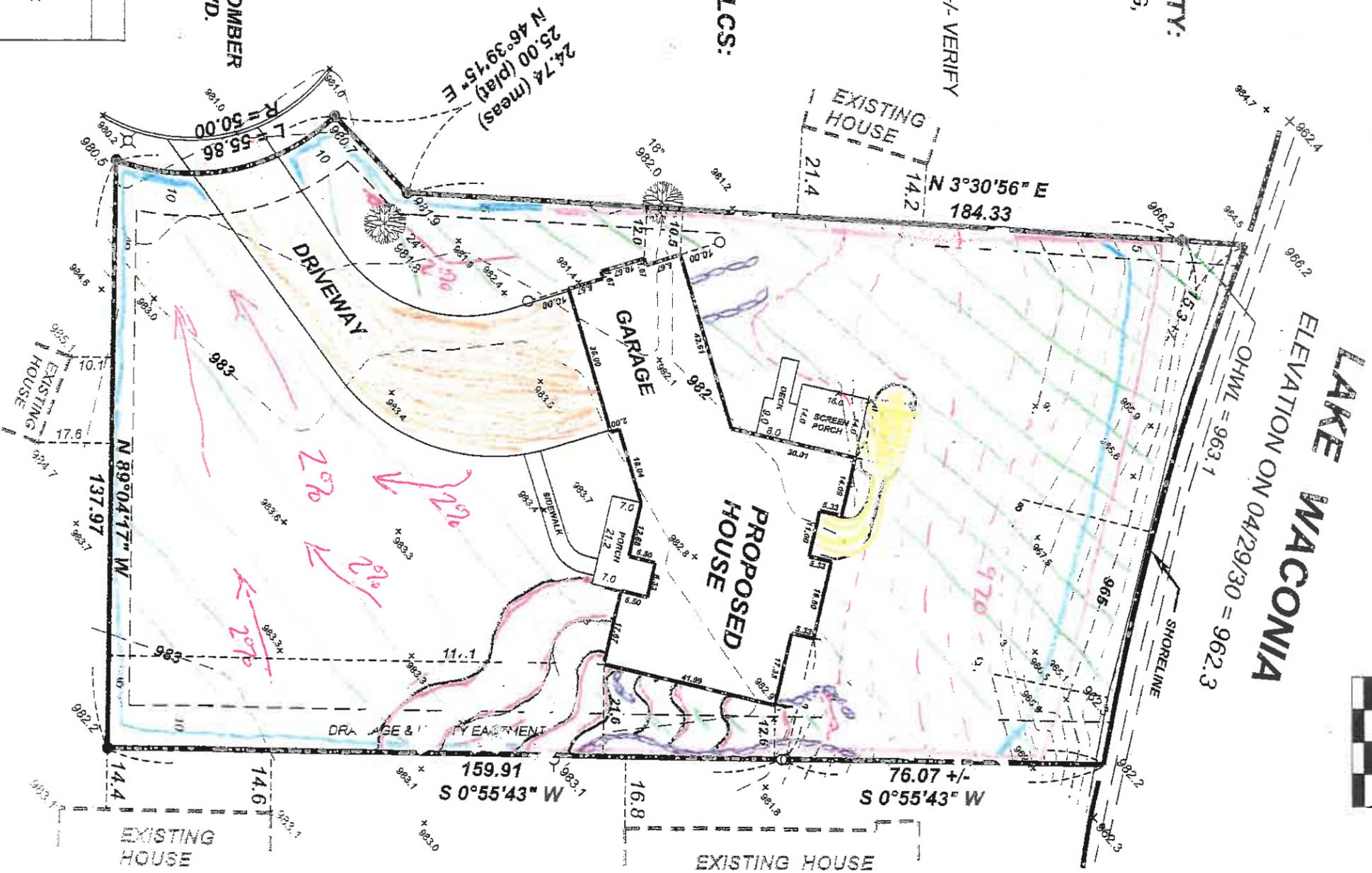
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BEACHCOMBER
BLVD.

LEGEND	
X	Spot Elevation
●	Found Iron Monument
🌳	Deciduous Tree
⊙	Power Pole
○	Set 1/2" X 14" Iron Pipe



Construction Time line - June - Dec

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

Steven V. Ische
Steven V. Ische 22703 05/11/16
License No. Date

PREMIER
LAND SURVEYING, LLC

952-443-3010



REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date:	June 14 th , 2016
Item Name:	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 – Continued from the 6/2/16 PC Meeting
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.)

Motion recommending either approval or denial of the Variance request by Chris Weinberger to construct a new home at reduced setbacks 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.)

The Planning Commission, at their regular meeting on Thursday, June 2nd, 2016, reviewed the Variance Application submitted by Chris Weinberger for the property located at 208 Main Street East. Upon consideration of the application the Planning Commission tabled action to allow the applicant additional time to submit further information and to allow for a site visit to both the subject property and the neighboring properties. Specifically, the Commission indicated the applicant submit the following:

1. A storm water plan be submitted for review as the subject parcel exceeds, and will exceed if approved, the 25% maximum hardcover allowed in the Shoreland Overlay District.
2. An elevation representation illustrating the impact the proposed structure will have on views from the neighboring properties as the applicant is proposing a structure with an overall height of approximately 26 ft. versus the existing structure height of approximately 12 feet.

In addition to the supplemental submittal information required by the Planning Commission it was requested that an onsite meeting be set up by staff, the applicant, and the neighboring property owners to allow the Commissioners an opportunity to assess the impact of the proposed structure from the adjacent properties. In working with the applicant and the neighboring property owners staff has set an onsite meeting date of **Monday, June 13th at 6 PM.** Staff has secured permission from the applicant, Ms. Hamer, and Mr. and Mrs. Stacken to visit the properties to help inform the Planning Commission recommendation to the City Council. The meeting has been noticed and is a public meeting open to everyone who may want to attend.

Staff requests the Planning Commission attend the June 13th onsite meeting, review the information submitted by the applicant and determine if said information is sufficient to make a recommendation to the City Council.

NOTE: All application materials and staff comments were initially provided in the June 2nd, 2016 Planning Commission packet materials. This memo is not intended to be all encompassing, rather it is in addition to the information provided in the initial report.

If the Planning Commission chooses to recommend approval of the setback and hardcover surface variance submitted by Mr. Weinberger, staff would recommend 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 storm water mitigation acceptable to the Public Services Director.
4. Upon completion of the project the applicant shall 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 been moved or expanded in any way.

ATTACHMENTS:

Attachment 1: Storm Water Plan Comments – Craig Eldred, Public Services Director (1 page)

Attachment 2: Elevation Representations (2 pages)



PUBLIC SERVICES DEPARTMENT MEMO

To: Lane Braaten, Community Development Director

From: Craig Eldred, Public Services Director

Date: June 9, 2016

RE: Property 208 Main Street East

CC:

This memo is a follow-up response to a visit with the property owner Mr. Chris Weinberger which occurred on Tuesday, June 7th, 2016.

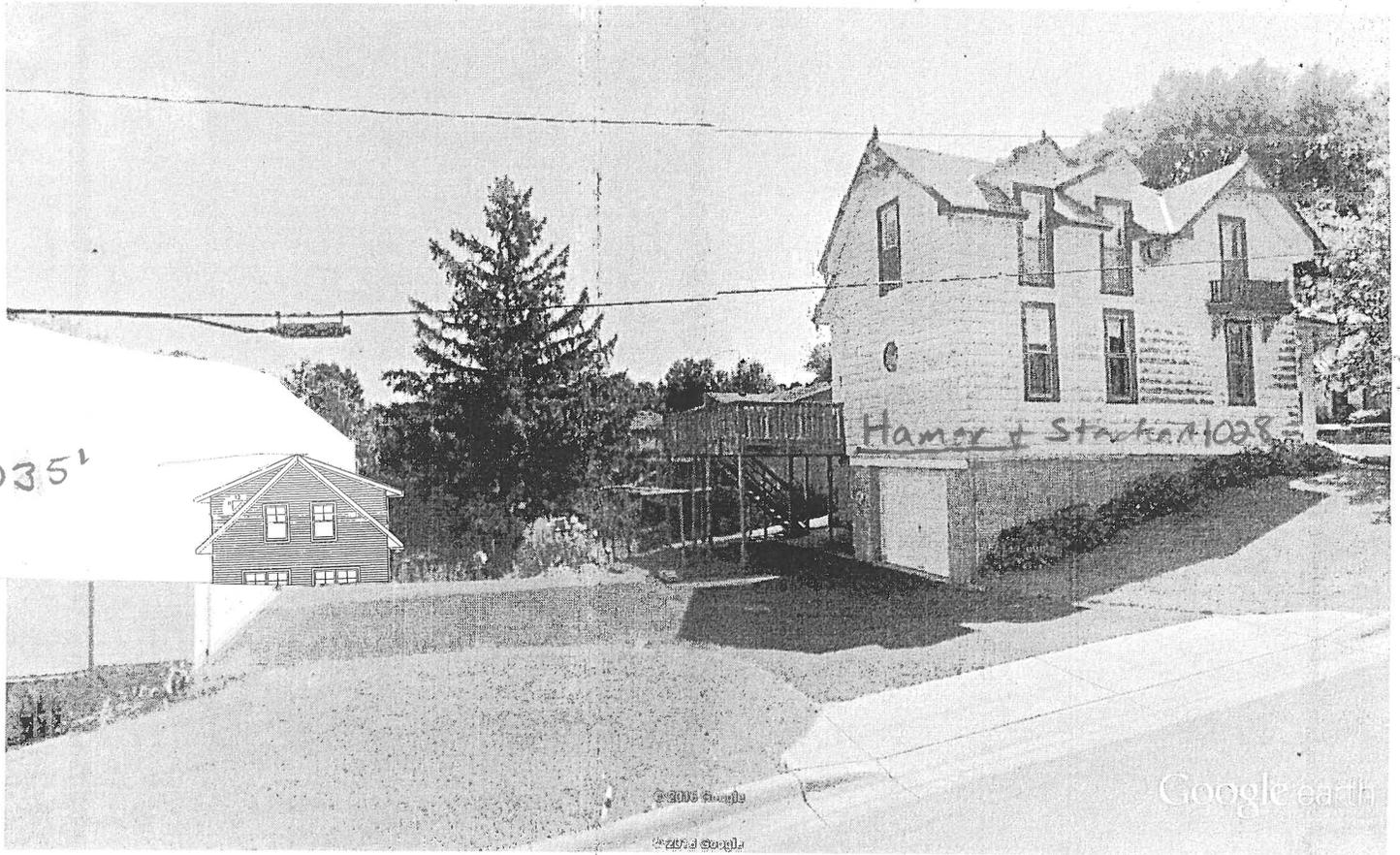
I surveyed the plans provided by Mr. Weinberger and discussed potential storm water capture options as a result of his proposed property improvement. While Mr. Weinberger intends to reduce some of the hard surface the limited space available for varied infiltration improvements is quite limited. I feel it's best to utilize Rain Barrels for capture of roof water.

Mr. Weinberger has planting areas which may utilize this use of water, and may have emphasis to reduce potential potable water use for watering plant material.

If you have further questions, feel free to contact me.

Chris Weinberger Shed View Rendering

1035'

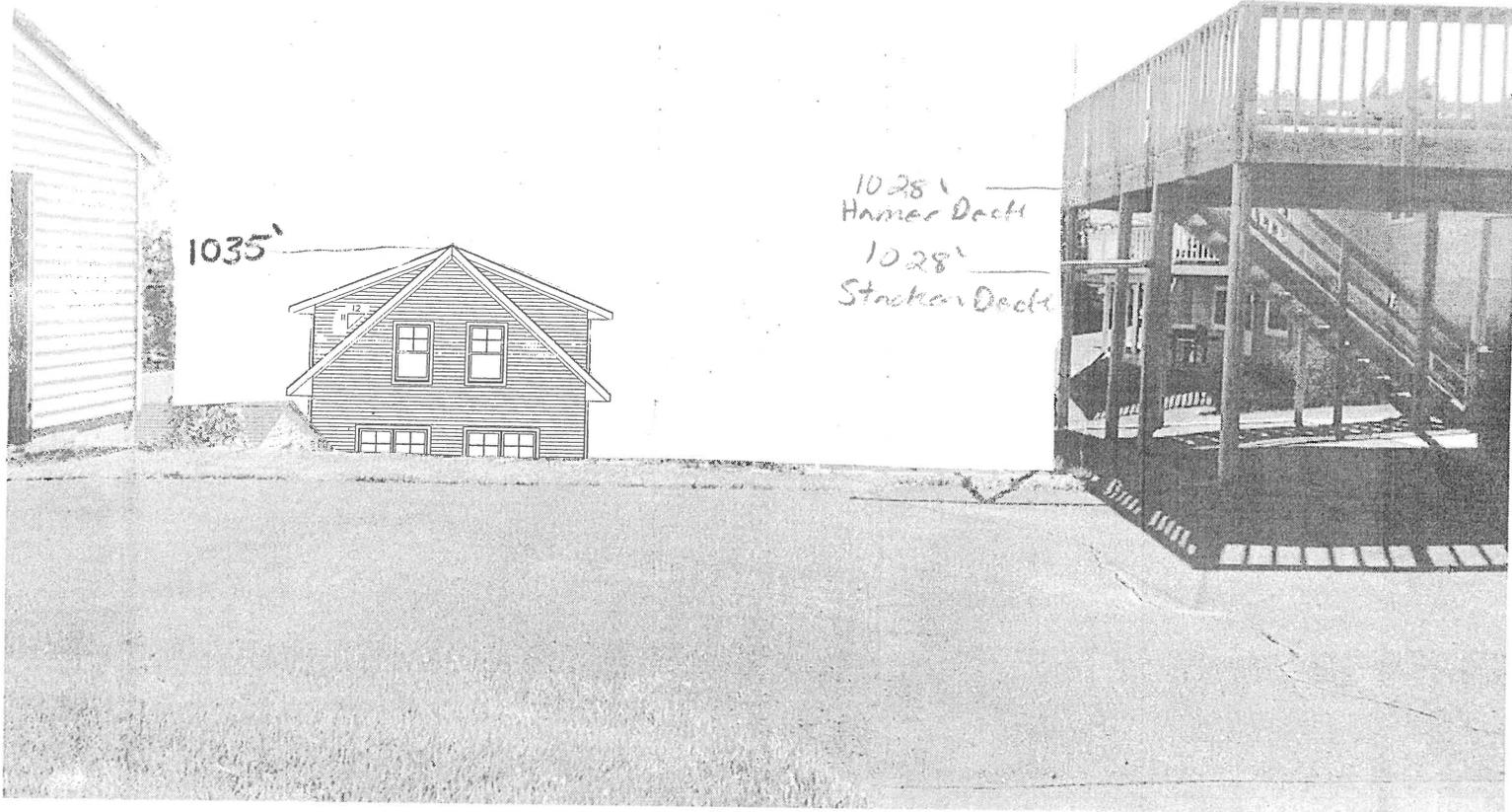


Google earth

feet
meters



Chris Weinberger Shed View Rendering



1035'

1028'
Hamer Deck

1028'
Stacker Deck