

**CITY OF DEEPHAVEN
PLANNING & ZONING COMMISSION
NOTICE OF MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS**

NOTICE IS HEREBY GIVEN that the Deephaven Planning Commission will hold its regular monthly meeting on Tuesday, April 21, 2020 at 7:00 p.m. at Deephaven City Hall located at 20225 Cottagewood Road, Deephaven, MN.

In accordance with the requirements of Minnesota Statutes, Section 13D.021, the Mayor has determined that due to the outbreak of COVID-19 it is not practical or prudent to hold an in-person meeting.

Some members of the Deephaven Planning Commission may be participating via telephone or other electronic means.

Members of the public may monitor the meeting by joining the following link:

Topic: Deephaven Planning Commission

Time: Apr 21, 2020 07:00 PM Central Time (US and Canada)

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AGENDA - DEEPHAVEN PLANNING COMMISSION

Date: Tuesday April 21, 2020
Location: Deephaven Council Chambers, 20225 Cottagewood Road
Time: 7:00 p.m.

1. APPROVAL OF MINUTES

- a) February 18, 2020
- b) March 17, 2020 – meeting canceled

2. PUBLIC HEARINGS

- a) **Public Hearing - Variance request of Matt and Kelly Allman to encroach into the front yard setback in conjunction with the construction of a new home at 19905 Lakeview Avenue**
- b) **Public Hearing - Variance requests of H/A Partners to encroach into the side yard setback, lake yard setback, and to exceed the impervious surface area in conjunction with the construction of a new house at 19875 Cottagewood Avenue**
- c) **Public Hearing – Variance requests of Andrew and Kathryn Krejci to encroach into the side yard setback, lake yard setback, and toe exceed the impervious surface area in conjunction with construction of a new house at 19880 Lakeview Avenue**

3. NEW BUSINESS

4. OLD BUSINESS

5. LIAISON REPORT

6. ADJOURN

Next Council Meeting – Monday, May 4, 2020

Next Planning Commission Meeting – Tuesday, May 19, 2020

**DEEPHAVEN PLANNING COMMISSION MEETING MINUTES
FEBRUARY 18, 2020
7:00 p.m.**

CALL TO ORDER: Chairman John Studer called the meeting to order at 7:00 p.m.

PRESENT: Commissioners John Studer, John Daly, Jeff Eaton, Doug Nagle, and Bob Werneiwski

ABSENT: Cindy Hunt Webster and Josh Wilcox

OTHERS PRESENT: Interim Zoning Coordinator Dana Young and City Council Liaison Kent Carlson

1. MINUTES OF January 21, 2020

Motion by Bob Werneiwski to approve the minutes of January 21, 2020. Seconded by Jeff Eaton. Motion carried 4-0.

2. PUBLIC HEARINGS

Public Hearing to consider the variance request of Lawrence and Rebecca Parkhurst to encroach into the front yard setback in conjunction with a garage addition at 4015

Heathcote Road.—Section 1302.04(3) of the zoning ordinance requires a front yard setback of 50 feet. The applicants are seeking a variance of 1.7 feet from the minimum required front yard setback.

Chairman John Studer introduced the agenda item.

Young presented the staff report. He said that the property owners are requesting a variance to build a garage addition on their property. The proposal would replace the existing attached 2-car garage with an attached 3-car garage. The property is a 48,579 square foot R-2 lot. He stated that the was constructed in 1961 according to Hennepin County Records. The existing closest front encroachment of the house is 42 feet and the proposed garage addition would be 48.3 feet from the front property line. Section 1302.04(3) of the zoning ordinance requires a front yard setback of 50 feet. The applicants are seeking a variance of 1.7 feet from the minimum required front yard setback.

The location of the proposed garage is set further back than the front face of the house and the alignment of the garage is reasonable given the existing location of the house on the property. There is also a sanitary sewer easement that runs through the property just behind the proposed addition. The encroachment is a minor change from existing conditions and staff is supportive of the request.

Young stated that Staff recommends **approval** of the variance request of Lawrence and Rebecca Parkhurst to encroach 1.7 feet into the minimum required front yard setback in conjunction with the construction of an attached garage at 4015 Heathcote Road, as proposed.

Young listed the possible findings for approval:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

Yes. The applicant is seeking to vary from the stated setback standards of the ordinance to improve an existing non-conforming house constructed in 1961, per Hennepin County tax records. The expanded conditions are minor and remain in harmony with the purpose and intent of the ordinance.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

The minor encroachment of the garage addition is reasonable and is setback further than the front façade of the existing house.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The existing house was constructed in 1961, and the front yard setback is nonconforming. There is also a sewer easement to the rear of the proposed expansion. Expanding the garage that aligns with the house and does not interfere with the sewer easement is difficult without a variance.

(e) Will the variance, if granted, alter the essential character of the locality?

The proposal would not alter the essential character of the locality. The proposed project is of a scope and scale comparable to the existing conditions on the property, while the area of proposed encroachment is minor.

Young concluded his staff report.

Abby Seba (134 9th Avenue, Hopkins) was present to represent the property owners. She stated that they had originally proposed a detached garage but the sanitary sewer easement didn't allow this expansion to occur. She stated that they are keeping the side entrance into the garage and are intending to keep the new garage low and in character with the neighborhood.

Discussion was held regarding the additional impervious surface caused by the construction of the new garage. John Studer noted that it would only add 309 s.f.

Chairman John Study closed the public hearing at 7:06 p.m.

Motion by Commissioner Werneiwski to accept the recommendation and findings of staff and recommend the City Council **approve** the variance request of Lawrence and Rebecca Parkhurst to encroach 1.7 feet into the minimum required front yard setback in conjunction with the

construction of an attached garage at 4015 Heathcote Road, as proposed. Seconded by Commissioner Studer. Motion carried 4-0.

Public Hearing to consider the variance request of Rodney and Kristen McCormick to encroach into the side yard setback in conjunction with a garage addition at 4224

Heathcote Road.—Section 1302.04(3) of the zoning ordinance requires a side yard setback of 20 feet and the applicants are seeking a variance of 5.7 feet from the minimum required side yard setback.

Chairman John Studer introduced the agenda item.

Young presented the staff report. He stated that the property owners are requesting a variance to build a house addition on their property. The proposal would replace the existing attached single-story, 2-car garage with an addition that includes attached 3-car garage, mudroom, and living space above the garage. The property is a 44,899 square foot R-2 lot. The house was constructed in 1965 according to Hennepin County Records.

The house sits 38.5 feet off of the east property line, and the applicants are proposing an addition that would be as close as 14.3 feet from this lot line. Section 1302.04(3) of the zoning ordinance requires a side yard setback of 20 feet and the applicants are **seeking a variance of 5.7 feet from the minimum required side yard setback.**

He stated that the existing 22x24 foot garage is small by modern 2-car garage standards and the applicants are proposing a 3-car garage with living space above as well as a mudroom area. While the property has ample space to the west, the configuration of the house makes the addition to the east a logical choice. The proposed 3-car garage width is reasonable at 12 feet wide per stall. It is the addition of the mudroom that staff views as the feature of the addition that could be modified if the city felt that the encroachment was problematic. However, staff appreciates the desires of the property owners to have a mudroom area rather than a direct entry from the garage to the kitchen.

Taken as a whole, the proposed house would be modestly sized for the property, and it is simply the positioning of the house on the lot that is creating issues for the property owners. The neighboring house to the east is approximately 45 feet off of the shared property line, and the proposed addition would be less than 24 feet tall. In the opinion of staff, the impacts to the neighbor to the east would be relatively modest and staff is generally supportive of the request.

Young stated that Staff recommends **approval** of the variance request of Rodney and Kristen McCormick to encroach 5.7 feet into the minimum required side yard setback in conjunction with the construction of an attached garage at 4224 Heathcote Road, as proposed.

Young listed the possible findings for approval:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

Yes. The applicant is seeking to vary from the stated setback standards of the ordinance to improve an existing house constructed in 1965, per Hennepin County tax records. The expanded conditions

remain in harmony with the purpose and intent of the ordinance in that they generally seek to maintain appropriate separation distances between the houses given the existing constraints.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

Given the position of the house and the overall size of the house relative to the lot size, the request is reasonable. The overall scale of the house is modest relative to the property size and other houses within the neighborhood, and the addition is an appropriate modernization of an existing house.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The existing house was constructed in 1965, and is positioned within the southeast quadrant of the property. The existing configuration of the house and the positioning of the house in the property create unique circumstances that limit the options to expand the house without encroaching into the side yard setback.

(e) Will the variance, if granted, alter the essential character of the locality?

The proposal would not alter the essential character of the locality. The proposed project is of a scope and scale comparable to the neighboring properties and, as proposed, there would be approximately 60 feet of separation between the adjacent houses.

Kristen McCormick, 4224 Heathcote Road, was present to discuss their request with the Commission. She stated that their current garage just isn't large enough and their proposed three-car garage would also allow for additional storage space. She stated that they are also proposing a mudroom between the garage and kitchen as a huge benefit to accommodate their hockey playing kids.

Jeff Eaton asked if the garage could be repositioned.

Kristen McCormick stated that there are elevation problems behind their house and existing garage.

Kristen McCormick noted that the nearest neighbor, Cheryl & Eric Wilson, have provided written support of their variance request.

Chairman Studer closed the public hearing at 7:15 p.m.

Jeff Eaton was pleased that there was no objection from the neighbor as he didn't typically like to approve a variance request that was so close to the lot line.

Bob Werneiwski stated that he thought the request sounded reasonable.

Motion by Commissioner Studer to accept the recommendation and findings of staff and recommend the City Council **approve** the variance request of Rodney and Kristen McCormick to encroach 5.7 feet into the minimum required side yard setback in conjunction with the construction of a home addition at 4224 Heathcote Road, as proposed. Seconded by Jeff Eaton. Motion carried 4-0.

Consider the variance request of Karen Schreiber, property owner, to exceed the maximum permitted impervious surface coverage, exceed the maximum permitted grade alteration, and to regrade within a bluff impact zone at 19745 Lakeview Avenue.— Section 1302.05(2) of the zoning ordinance limits maximum impervious surface area to 25% and the applicants are requesting an impervious surface area of 34.5% which is a reduction of 35.6% 1312.04 of the city ordinance limits the maximum grade alteration to 3 feet and the applicants are requesting to alter the existing grade by up to 5 feet in some areas. Sections 1345.67 and 1350 of the city ordinance restrict grading within steep slope and bluff areas. The existing and proposed stairway is located within a bluff.

John Daly enters at 7:20 p.m.

Chairman John Studer introduced the agenda item.

Young presented the staff report. He stated that the property owner is building a stairway to the lake which will require re-grading of the bluff area to accommodate retaining walls. The stairway is slightly different than the existing stairway and is within a bluff impact zone. The property is currently nonconforming for impervious area at 35.6%. The property is a 19,420 square foot R-3 property.

He stated that Section 1302.05(2) of the city ordinance limits maximum impervious surface area to 25% of the lot area and the applicants are requesting an impervious surface area of 34.5%. Existing conditions on the property are 35.6%. The city does not typically county retaining walls in impervious calculations and removing these from the calculations gives an existing impervious area of 34.4% and a proposed impervious area of 31.9%. The proposal is a reduction from existing conditions.

Technically, the impervious surface area variance would require mitigation to 25% impervious. In this case, however, the applicant is simply reconfiguring and reducing existing at-grade impervious areas and staff is recommending that mitigation not be required for the property.

He stated that Section 1312.04 of the zoning ordinance requires a variance for any grade alteration greater than three feet at any point. The applicant is proposing grade alteration of up to 4 feet, **and is seeking a variance of 1 foot from the maximum permitted grade alteration.** The proposed stairs are supported by a series of retaining walls. Two of the twenty walls have heights of 4 feet. Given the slope change, staff sees this as a minor and unavoidable situation and is supportive of this aspect of the request.

Bluff impact zone: Section 1345.67 of the zoning code states: “*Slopes Prone to Severe Erosion*” means slopes having an average slope of 30 percent or more as measured over a

horizontal distance of fifty feet or more. No structure, including driveways, retaining walls and support systems shall be allowed on slopes prone to severe erosion. These slopes shall be maintained in a natural state with additional vegetative cover as needed to minimize erosion.

He stated that Section 1345.04 of the city code defines “Bluff Impact Zone” as a bluff and land located within 20 feet from the top of a bluff. Section 1350 of the city code regulates grading within the bluff and bluff impact zone. The stairs themselves meet the requirements of Section 1350 which outlines the limitations of stairways, lifts, and landings.

He stated that the city engineer reviewed the proposal and requested the following: that erosion control measures should be indicated on the plan, and that disturbed green areas should be restored with plantings, staked sod, or seed and erosion control blanket with 7 days of completing construction.

He stated that Staff is supportive of this aspect of the proposal since it generally maintains the footprint of the existing stairway without disturbing other areas of the bluff impact zone.

He stated that Staff recommends **approval with conditions** of the variance requests to exceed the maximum permitted impervious surface area by 6.9%, exceed the maximum permitted grade alteration by up to 1 foot, and to regrade within the bluff impact zone for the property at 19745 Lakeview Avenue Road, as proposed.

The recommendation is conditioned that the applicants meet the requirements and specifications of the city engineer.

Young listed the possible findings for approval:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

Yes. The purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The project is attempting to replace a stairway within a bluff area. The proposal is in harmony with the purpose and intent of the ordinance since it is generally replacing the stairway within the existing footprint and avoiding additional grading and impervious impacts.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan’s Protection Elements Goals and Policies which seeks to maintain natural features and major assets such as lakes, woodlands, drainage ways, slopes and wetlands.

(c) Does the proposal put property to use in a reasonable manner?

Yes. A stairway to the lake is reasonable and legal request. The grading impacts are in support of a stairway that is generally a replacement of existing conditions and the impervious area is a reduction from existing conditions.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The property has an existing stairway and deck in the same general area of the bluff. The impervious conditions are existing conditions to the property. The stairway is in bluff area and meets the “slopes prone to severe erosion criteria” and creating an at-grade stairway is difficult without exceeding the grading limitations.

(e) Will the variance, if granted, alter the essential character of the locality?

No. The proposal would not alter the essential character of the locality. The proposal is similar in scope and scale to the existing stairway on the property.

John Daly asked if we received a survey showing the existing conditions and whether the impervious surface calculations included the wooden walkway provided by the Grandview Point Homeowners Association.

Dana Young stated that we didn't receive anything showing existing conditions and was unsure if the impervious surface calculations included the wooden walkway.

Bob Renaud, MN Green, was present to represent the property owner. He stated that the existing stairs are deteriorating, which is why they are proposing to move towards stone steps. He stated that retaining walls will be needed to support the stairs, which are from 18” – 24” in size. He stated that they are rebuilding the stairs in the same footprint as the existing stairs.

John Daly asked how they are planning to reduce the impact from the construction.

Bob Renaud stated that they are going to work from the bottom up using silt fencing. He stated that they will adjust the grade for the new retaining walls.

Jeff Eaton asked if he had any concerns regarding the engineer's recommendation that the disturbed green areas need to be restored with plantings, staked sod, or seed and erosion control blanket within 7 days of completing construction.

Bob Renaud stated that he doesn't have any concerns regarding the 7 day timeline unless there are poor weather conditions. He stated it would be to everyone's benefit to have silt fences, silt logs and the erosion blankets in place.

A question was asked regarding the height of the retention walls. Bob Renaud stated that the tallest retaining wall would be 4' and all of the retaining walls would be between 2'-4' in height.

John Studer asked if the other timber walls would be replaced.

Bob Renaud stated that they would be replaced with rock walls.

Jeff Eaton asked if they have considered any mitigation.

Bob Renaud stated that they were told that they didn't need mitigation. He stated that a rain garden would only cause more construction.

Chairman Studer closed the public hearing at 7:30 p.m.

John Daly stated that he is concerned with the lack of information on existing conditions. He stated that he is working on a similar project and was required to get soil engineering for the project. He stated that he would like additional information to ensure the hill doesn't give way.

John Studer stated that his initial concern is that this construction is occurring in a bluff. He stated that he would like to see the existing conditions as well. He stated that he is concerned about slope stability.

Karen Schreiber, 19745 Lakeview Avenue, stated that she has lived at her home for 40 years. She noted that both the timber and concrete are slowly giving way and the stairs are becoming increasingly dangerous to use. She noted that the proposed pathway is exactly the same as the current pathway. She noted that the timber walls along the neighboring property will remain untouched.

Dana Young noted that he received a call from Tony Sugalski, the neighboring property owner at 19725 Lakeview Avenue, voicing his support for the project.

Chairman Studer closed the public hearing at 7:38 p.m.

John Studer stated that he agreed with staff's recommendations regarding the impervious issue and stated that he was not concerned with the proposed grading of only one foot over the three-foot requirement. He stated that in regards to the bluff impact, he wouldn't be supportive of any new construction but agreed with staff that this is maintenance of existing stairs and retaining walls.

Bob Werneiwski agreed with John Daly that he would like to see a survey of existing conditions but is fine with the request.

Doug Nagle stated that he is struck by the lack of existing information and is concerned with the overall extent of the project.

Karen Schreiber noted that she hasn't done anything with the property to add hardcover.

Jeff Eaton recommended that the applicant provide photos or a drawing of the existing conditions.

John Daly stated that this is a unique property and would like further clarification on the hardcover impact, particularly with the Grandview walking path included in the calculation.

Motion by Commissioner Studer to accept the recommendation, findings, and conditions of staff and recommend that the City Council **approve with conditions** the variance requests to exceed the maximum permitted impervious surface area by 6.9%, and exceed the maximum permitted grade alteration by up to 1 foot, and to regrade within the bluff impact zone for the property at

19745 Lakeview Avenue Road, as proposed. Seconded by Commissioner Eaton. Motion carried 5-0

The recommendation is conditioned that the applicants meet the requirements and specifications of the city engineer.

Public Hearing to consider Ordinance 13-80 amending Deephaven zoning code Section 1310.03 regarding Short Term Rental.

Chairman John Studer introduced the agenda item.

Young stated that the City Council reviewed the draft ordinance at their January 6th meeting. There was a great deal of discussion on the ordinance and a variety of opinions expressed about its merits. (See attached meeting minutes.) Ultimately, the City Council felt that the best course of action was to hold a public hearing on the ordinance revisions.

There was a little confusion at the city council level about the intent of the ordinance. From staff's perspective, the ordinance is intended to be a ban on short-term rentals. While there are exceptions listed in the ordinance itself (rentals of less than 30 consecutive calendar days or to more than 2 tenant occupant groups in any 12-month period are prohibited) these were meant to provide definition and clarity for enforcement.

The 30-day minimum has become the standard for these types of ordinances. If the minimum length of stay were shorter, it would create a bigger loophole. But, the minimum stay could theoretically be longer (3 months, 6 months, etc.).

The 2 tenant occupant group's exception was not meant to be a loophole as much as it was meant to be an acknowledgement that you could have a legitimate long-term rental property in the city that has 2 tenant occupant groups during a 12-month window. If the city prefers to have more restrictive language (i.e. 1 tenant group) the rental window could be narrowed (3 months, 6 months, etc.). Staff does, however, like the fact that one-off rentals for major events (Super Bowl, Ryder Cup, etc.) are excluded from the ordinance limitations and that the city would not be called on to enforce such rentals.

Lynn Blakeway, 20040 Minnetonka Blvd, stated that she attended both the Planning Commission and City Council meetings on this ordinance. She noted that people have commented on how enjoyable it is to stay in an AirBnB and that the rental period would only be for a 4-month period. She stated that she is concerned with the constant flow of strangers, which occurs not just for a 4-month period but year round. She stated that Police Chief Johnson reported that the AirBnB had 122 reviews. She noted that only around one-third of renters actually submit a comment, which means a potential client base of over 350 renters. She stated that they bought their property as a single family home and wants it returned to that.

Jim Blakeway, 20040 Minnetonka Blvd, read a letter from an immediate neighbor, who expressed her concern that this is a residential area and didn't enjoy having strangers next door. He cited an article on the adverse impact of short term rental properties occurring in Lake Placid. He concluded by stating that it is a lot easier to nip this problem in the bud now.

Chairman Studer closed the public hearing at 7:50 p.m.

John Studer stated that the ordinance allows the occasional renter for a regatta as it would allow two renters within a 12-month period.

Jeff Eaton stated that he views AirBnB's as a commercial operation. He stated that he would not like to live this way.

Discussion was held on potential enforcement action, which would include enforcement action by the Deephaven Police Department and the City Attorney.

Jeff Eaton noted that we don't have many people here arguing against the ordinance. He stated that he thought it was a good idea to enforce this now. He stated that the City could move towards licensing rental properties in the future if more people supported this type of use.

Doug Nagle stated that the chief attraction is lake properties. He stated that he had seen people partying at this location and noted that properties around the lake get pretty quiet by 10:00 p.m. He stated that he would prefer to get in front of this issue.

Bob Werneiwski stated that he doesn't support the ordinance. He stated that the ordinance is finding a solution for a problem we don't have.

Motion by Commissioner Daley to recommend that the City Council adopt Ordinance 13-80 regarding Short Term Rentals as written. Seconded by Commissioner Nagle. Commissioner Werneiwski opposed. Motion carried 4-1.

3. NEW BUSINESS

Planning Commission Terms – Discuss Planning Commission term expirations for John Studer, John Daly, and Doug Nagle.

John Studer stated that he has been asked by the Mayor to stay on for another three years to assist with continuity due to the recent resignation of Zoning Coordinator Dale Cooney.

Jeff Eaton stated that it is highly valuable to have John Studer and John Daly on the Planning Commission. He stated that they provide great insight as contractors.

John Daly stated that he struggles with being involved with some projects due to potential conflict of interest.

Jeff Eaton stated that you have always discussed if there was a potential conflict of interest prior to discussing a project and always provide valuable insight.

John Studer stated that he agrees with Jeff. As a builder in Deephaven, you may have an involvement with one of the projects presented before the Commission.

John Daly stated that he is interested in staying. He noted that he hoped that we could step up our level of professionalism.

Jeff Eaton agreed but didn't know how to do it.

John Daly stated that the City of Tonka Bay had seven variances to consider with one request and voted separately on each variance. He stated that we may need a more formal process and to control the environment better.

Doug Nagle suggested that the City could pass out copies of Roberts Rule of Order.

Jeff Eaton stated that Deephaven is a small town and likely going to be less formal.

Kent Carlson noted that the League of MN Cities provides Planning Commission guidelines, which might be helpful.

Doug Nagle stated that he gets frustrated by what he sees as a disconnect between the City and Planning Commission, particularly with requests that are denied unanimously by the Planning Commission yet are approved by the City Council.

Bob Werneiwski stated that we are a small town and some Planning Commission members are much stricter on the enforcement of the City Code than others. He stated that Deephaven is more much stringent on hardcover standards than other cities. He added that we are only a recommending body to the City Council.

Doug Nagle stated that he would also be willing to stay on the Planning Commission.

Kent Carlson stated that the City Council wants to encourage a vibrant community through redevelopment. He stated that we have strict standards on hardcover and lake yard setbacks and focus on storm water management because we don't have a storm water infrastructure.

Motion by Bob Werneiwski to recommend the reappointment of John Studer, John Daly, and Doug Nagle to the Planning Commission for three-year terms of office effective until April 2023. Seconded by Jeff Eaton. Motion carried 5-0.

4. OLD BUSINESS

There was no Old Business this evening.

5. LIAISON REPORT

Carlson presented the Liaison Report. He stated that the City Council unanimously approved the variance request of David Marantz and Barl Kessler, at 20425 Carson Road.

He stated that the City has two existing PUD's, one along Hwy 101 for the Valley View townhomes and one at St. Therese for Deephaven Woods. Both of these PUD's were identified early on in the City's comprehensive plan. He stated that the Council denied the proposed PUD ordinance for the LMCC due to the Council's and resident's concerns regarding the sweeping nature of the ordinance. For that reason, there was no reason to review the LMCC concept plan.

6. ADJOURNMENT

Motion by Jeff Eaton to adjourn the meeting. Seconded by John Studer. Motion carried 5-0.
The meeting adjourned at 8:31 p.m.

Respectfully submitted,
Dana Young
Interim Zoning Coordinator



Agenda Date: 04-21-20

Agenda Item: Public Hearing to consider the variance requests of H/A Partners to encroach into the side yard setback, the lake yard setback, and to exceed the hardcover percentage in conjunction with the construction of a new home at 19875 Cottagewood Avenue.

Summary: H/A Partners, property owners, are requesting three variances to build a new home on their property. The proposal would replace the existing home. The property is a 11,372 square foot R-3 lot.

	Front Yard	East Side Yard	West Side Yard	Lake Yard	Impervious Area	Building Height
Permitted/Required	35 ft	15 ft	10 ft	100 ft	25.0%	36 ft
Existing	0 ft	12.6 ft	13.8 ft	61.1 ft	22.1%	30.8 ft
Proposed	46 ft	5 ft	10 ft	67.7 ft	33.8%	36 ft

Side Yard Setback:

The existing house was constructed in 1960 according to Hennepin County Records, and has significant encroachments in the front yard setback, the east side yard setback, and lake yard setback. The proposed plan submitted by the applicant would greatly improve the front yard setback, increase the existing east side yard setback, decrease the overall encroachment into the lake yard setback, and increase the impervious area. The proposed new home would be 5 feet from the east side yard property line, requesting a variance of 10 feet. Section 1302.05(3) of the zoning ordinance requires a sum total of 25’ with a minimum of 10’ for a side yard setback in the R-3 Zoning District. The applicant is **seeking a variance of 10 feet from the minimum required east side yard setback.**

The east side property line borders a 15’ wide street end owned by the City. It is the applicant’s position that the location of the street end provides a sufficient buffer between the proposed new house and the neighbor’s house to the east, which is located 21.9’ at its closest point from the applicant’s property line. While a 10’ variance and an additional encroachment of 7.6’ from the existing is not insignificant, staff is supportive of the request principally due to the location of the street end.

Lake Yard Setback:

The applicant is proposing a lake yard setback of 67.7' from the closest point on the lake shore. The Hennepin County property site shows a lake yard setback of 61.1' for the existing house due to a significant deck extension. It is important to note that the two lake yard setbacks are measured from two distinct points. The applicant is **seeking a variance of 32.3' from the minimum required lake yard setback.**

Although the proposed location of the new home has a front setback that is 11' in excess of the required 35' front setback, the encroachment into the lake yard setback is impacted by the applicant's decision to match the existing lake yard setbacks of the two neighboring houses on each side of this property. The house itself is not overly large at 2,320 s.f. nor is the deck at 400 s.f. The lake yard setback of 67.7' is primarily a result of the measurement to the nearest lake shore location, the intent to match the lake yard setbacks of the neighboring homes, and an undersized lot of 11,502 s.f. The encroachment is a minor change from existing conditions and staff is supportive of the request.

Hardcover Percentage:

The applicant is proposing an 11.7% increase in hardcover over existing conditions and a 8.8% increase over the maximum permitted hardcover percentage. Much of the increase in hardcover is owing to the driveway addition, which adds 915 s.f. or 8.0% of additional hardcover. In addition, the applicant is proposing to install two infiltration swales in the front of the property, which should mitigate excess stormwater. With the proposed stormwater mitigation and due to the fact that the proposed building coverage for the property is not overly ambitious, staff is supportive of the request.

STAFF RECOMMENDATION:

Staff recommends **approval** of the variance requests of H/A Partners to encroach 10 feet into the minimum required east side yard setback, 32.3' into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 8.8% in conjunction with the construction of a new home at 19875 Cottagewood Avenue, as proposed.

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 1315 OF THE ORDINANCE:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

Yes. The applicant is seeking to vary from the stated setback standards of the ordinance to improve an existing non-conforming house constructed in 1960, per Hennepin County tax records. The expanded conditions are minor and remain in harmony with the purpose and intent of the ordinance.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

The encroachment of the east side yard setback is reasonable considering that it abuts a 15' street end, the lake yard setback is reasonable considering the attempt to match the current rear setbacks of the two neighboring homes, and the increase in hardcover is almost entirely attributable to the need to install a driveway.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The existing house was constructed in 1960 and the front yard setback, side yard setback and lake yard setback are nonconforming.

(e) Will the variance, if granted, alter the essential character of the locality?

The proposal would not alter the essential character of the locality. The proposed project is of a scope and scale comparable to the existing conditions on neighboring properties.

Planning Commission Action: Action required by June 15, 2020. Possible motions include:

1. I move the Planning Commission accept the recommendation and findings of staff and recommend the City Council **approve** the variance request of H/A Partners to encroach 10 feet into the minimum required east side yard setback, 32.7 feet into the lake yard setback, and exceed the maximum required hardcover percentage by 8.8% in conjunction with the construction of a new home at 19875 Cottagewood Avenue, as proposed.
2. I move the Planning Commission recommend the City Council **deny** the variance request of H/A Partners to encroach 10 feet into the minimum required east side yard setback, 32.7 feet into the lake yard setback, and exceed the maximum required hardcover percentage by 8.8% in conjunction with the construction of a new home at 19875 Cottagewood Avenue, as proposed. The motion is based on the following findings:
_____.

Attachments:

- 1) Variance Application
- 2) Location Map
- 3) Existing Survey
- 4) Proposed Survey
- 5) Building Perspectives
- 6) Building Plan
- 7) Engineering Memo
- 8) Public Comment

Key Dates:

Application complete: ~~February 18, 2020~~
Notice of Public Hearing published: ~~March 5, 2020~~
Planning Commission Public Hearing: April 21, 2020
City Council Consideration: May 4, 2020
60 Day Deadline: ~~April 18, 2020~~

120 Day Deadline (if necessary):

June 15, 2020

Variance Application

City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331
952-474-4755
cityofdeephaven.org

Owner Information

Property Owner Name: H/A PARTNERS
Property address: 19875 COTTAGEWOOD ~~RD~~ AVE
Wk Phone: 612 84 9055 Hm Phone: _____
Email address: cory@vinehillpartners.com

Owner's Representative Information:

Representative is (circle one): Developer Contractor Architect Other OWNER/PARTNER
Applicant (individual or company name): H/A PARTNERS
Contact for Business: CORY LEPPER Title: OWNER
Address: 17746 OLD EXCELSIOR BLVD City: MTKA State: MN Zip: 55345

Property Information:

Present use of property: SINGLE FAMILY RESIDENTIAL
Property acreage: 11,502 SF .264 A
Existing Variances: Yes _____ No X

If yes, please explain _____

Describe Request: Build New X Add On _____ Remodel _____ Replace _____

What is the Variance being requested for: SIDE SETBACK, LAKE SETBACK
HARD COVER

Variations are requested of the following:

	Required	Proposed
<input checked="" type="checkbox"/> Side Yard	<u>25</u> feet	<u>15</u> feet
<input type="checkbox"/> Front Yard	_____ feet	_____ feet
<input type="checkbox"/> Rear Yard	_____ feet	_____ feet
<input checked="" type="checkbox"/> Lake setback	<u>100</u> feet	<u>67.7</u> feet
<input type="checkbox"/> Building height	_____ feet	_____ feet
<input type="checkbox"/> Structure height	_____ Feet	_____ feet
<input type="checkbox"/> Wetland	_____ feet	_____ feet
<input checked="" type="checkbox"/> Impervious Cover	<u>2,876</u> sq ft	<u>3,886</u> Sq ft
<input type="checkbox"/> Shoreland	_____ feet	_____ feet
<input type="checkbox"/> Massing	_____ volume	_____ volume
<input type="checkbox"/> Other	_____ feet	_____ feet
If other, please explain		

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, and, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property owner proposes to use the property in a reasonable manner, but one which is not allowed by the city's zoning ordinance, 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, and 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty is establishing a practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

MAINTAINS THE RESIDENTIAL CHARACTER OF NEIGHBORHOOD
WHILE IMPROVING ARCHITECTURE AND ADJACENT VALUES.

Establishing Practical Difficulty:

1. The landowner's (Applicant's) proposal puts the property to a reasonable use because:

MAINTAINS RESIDENTIAL USE AND IMPROVES SITE CONDITIONS

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

THE SIZE IS NON-CONFORMING AND SEVERELY LIMITS BUILDING USE

3. The variance, if granted, will not alter the essential character of the locality because:

IMPROVES THE AESTHETIC AND QUALITY OF THE NEW HOME

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

NOTE. NEW HOME WILL BENEFIT STORMWATER, ARCHITECTURE & VALUE.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

NOTE. USE IS CONSISTENT WITH EXISTING

Describe the effect of the variance, if granted, on traffic congestion in the public street.

NOTE. MAINTAINS SINGLE FAMILY RESIDENTIAL USE & OCCUPANCY

Describe the effect of the variance, if granted, on the danger of fire.

NOTE. NEW MATERIALS & CODES WILL REDUCE FIRE DANGER

Describe the effect of the variance, if granted, on the danger to public safety.

NOTE. MAINTAINS SFD USE & MOVING GARAGE PROVIDES ADDITIONAL RIGHT OF WAY TO THE CITY.

Describe the effect of the variance, if granted, on established property values in the surrounding area.

WILL IMPROVE & ENHANCE VALUE w/ NEW CONSTRUCTION

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

NOTE. IMPROVED STORMWATER, INCREASED ROAD SETBACK ALL BENEFIT PUBLIC & WELFARE OF CITY.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

____ LMCD X Watershed District ____ Minnesota DNR

Owner's Acknowledgement & Signature(s)

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. I certify that the information supplied is true and correct to the best of my knowledge.

I also acknowledge that I understand that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. I recognize that I am solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

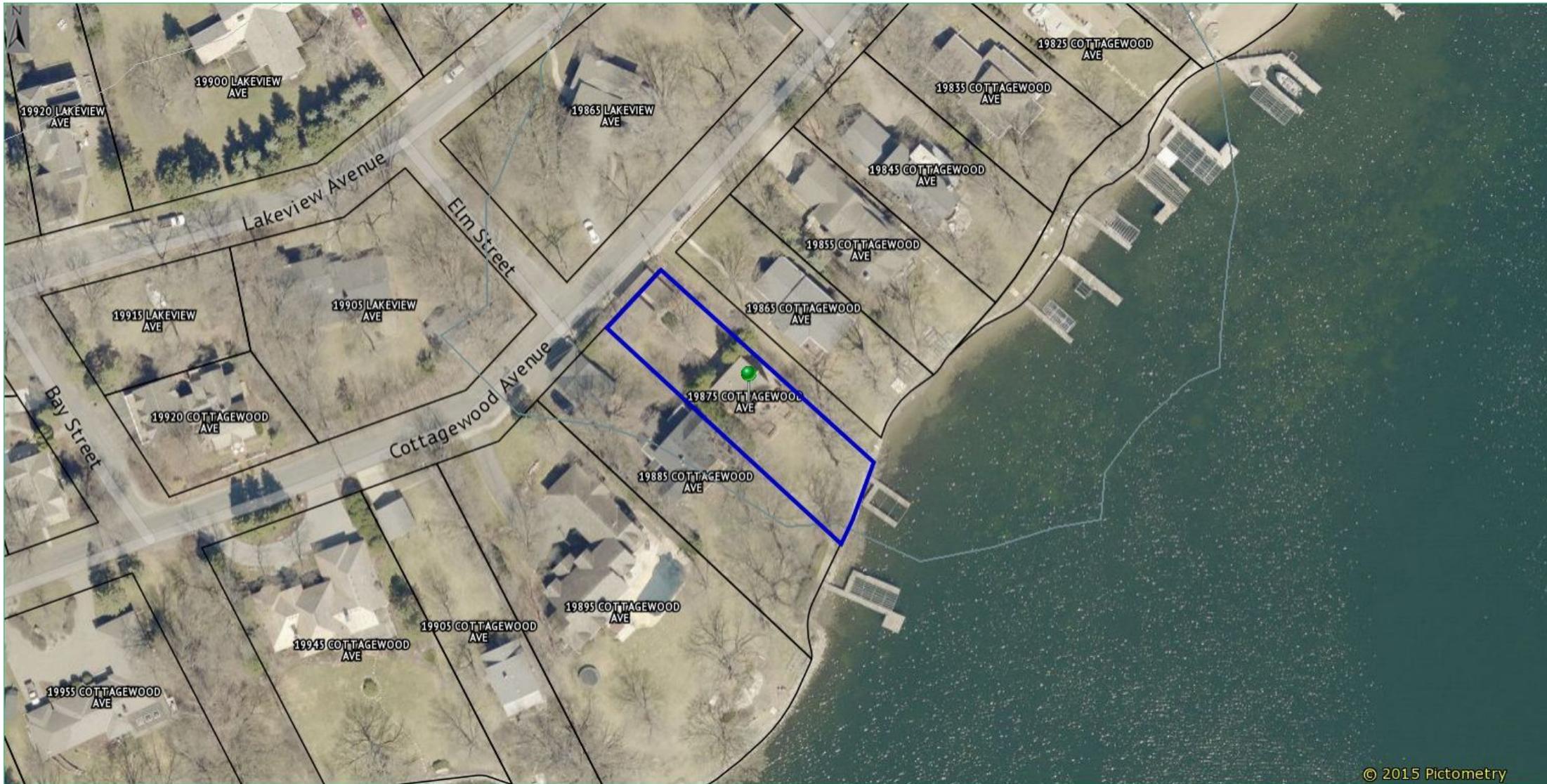
Owner's Signature:  Date: 2/16/2020

Printed Name: CORY VEPPNER

Owner's Signature: _____ Date: _____

Printed Name: _____

Location Map



© 2015 Pictometry

LEGAL DESCRIPTION:

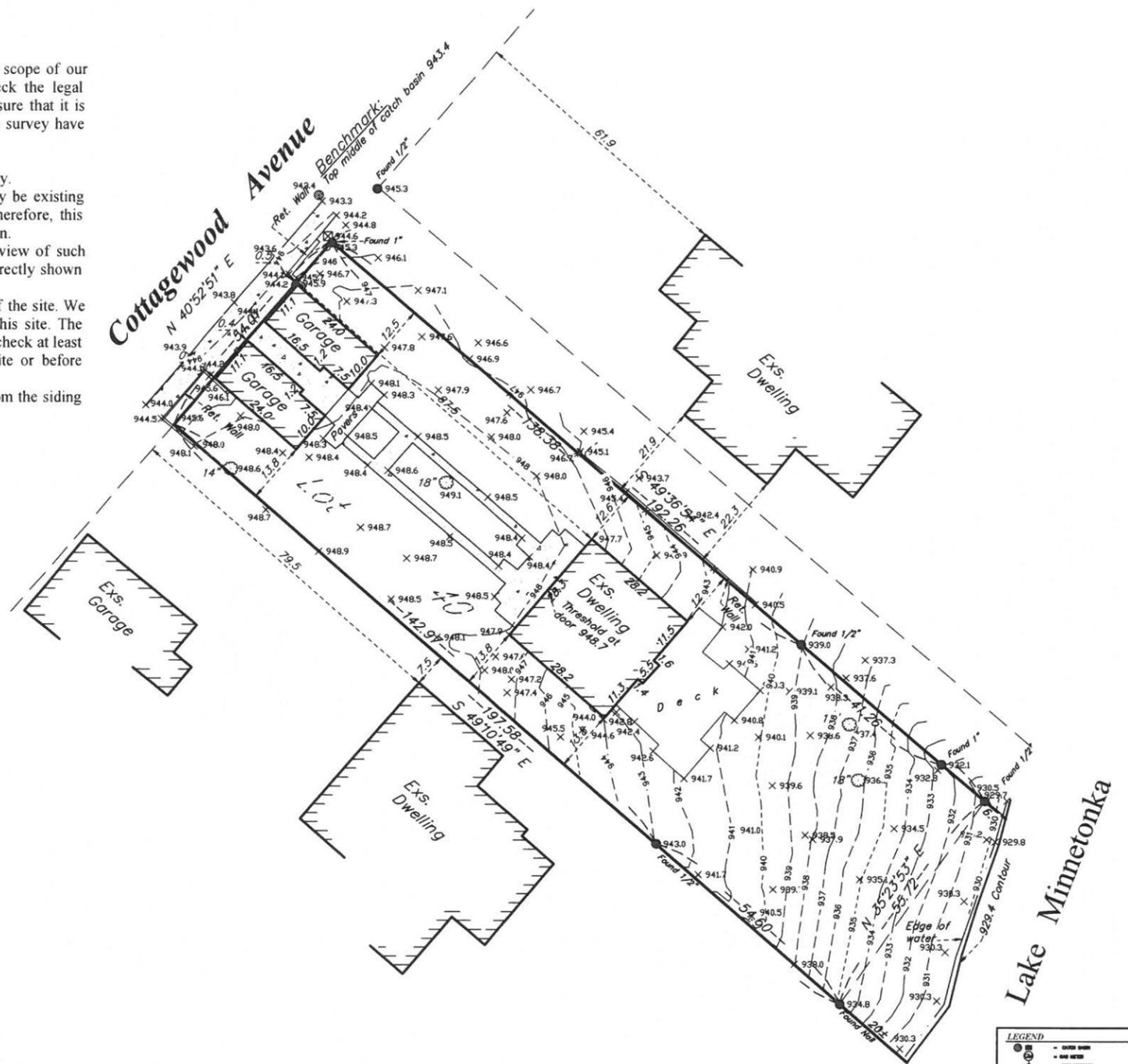
Lot 40, REVISED COTTAGEWOOD, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. 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 to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
7. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

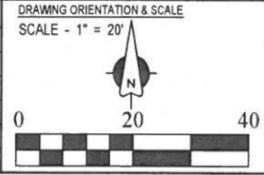
"●" Denotes iron survey marker, set, unless otherwise noted.



EXISTING HARDCOVER	
House	807 Sq. Ft.
Existing Deck	544 Sq. Ft.
Garages	518 Sq. Ft.
Concrete Surfaces	586 Sq. Ft.
Pavers	86 Sq. Ft.
TOTAL EXISTING HARDCOVER	2,541 Sq. Ft.
AREA OF LOT TO OHW	11,502 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	22.1%

LEGEND	
	CORNER MARK
	IRON SURVEY MARKER
	POLE SURVEY MARKER
	BOUNDARY LINE
	EASEMENT LINE
	RIGHT-OF-WAY LINE
	UTILITY LINE
	CONTOUR LINE
	BUILDING FOOTPRINT

DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

VINE HILL PARTNERS

19875 COTTAGEWOOD AVENUE
DEEHPAVEN, MN

Advance
Surveying & Engineering, Co.

17917 Highway 7
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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.

Thomas M. Bloom
42379
LICENSE NO.
JUNE 17, 2019
DATE

DATE SURVEYED: JUNE 17, 2019

DATE DRAFTED: JUNE 17, 2019

SHEET TITLE
EXISTING CONDITIONS SURVEY

DRAWING NUMBER
190671 TB

SHEET SIZE 17 X 22

SHEET NO.
S1

SHEET 1 OF 1

LEGAL DESCRIPTION:
 Lot 40, REVISED COTTAGEWOOD, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. 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 to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
- While we show the building setback lines per the City of Deephaven web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:

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

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN:

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall be in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.

- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

SITE WORK COMPLETION:

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Deephaven requirements to insure that grading was properly done.
- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.

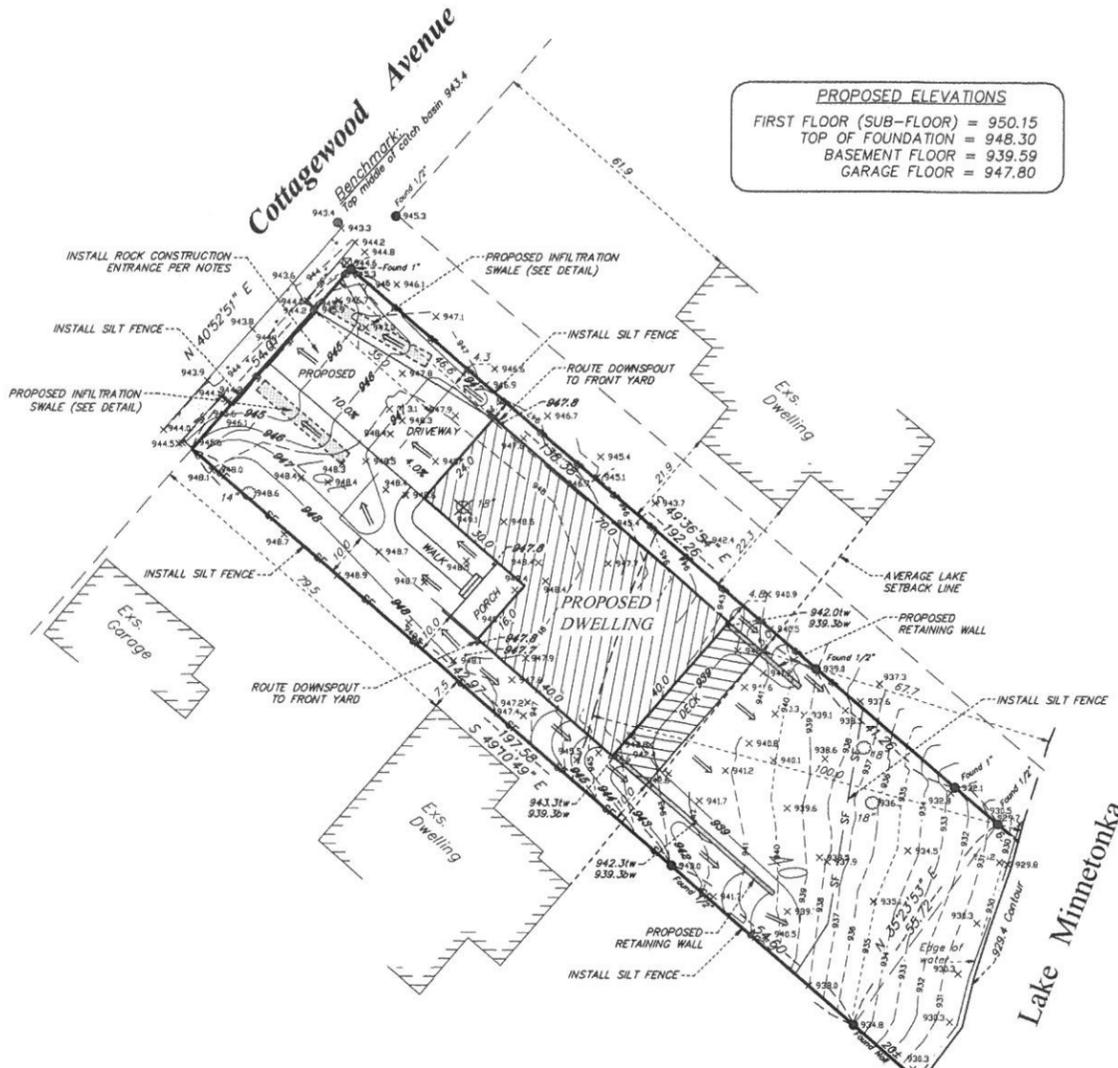
STORMWATER MANAGEMENT REQUIREMENTS

- ONSITE RETENTION REQUIREMENT: 1.33-INCH STORM EVENT OVER PROPOSED IMPERVIOUS AREA EQUAL TO AREA OVER 25% MAXIMUM HARDCOVER REQUIREMENT:
 11,502 SF (TOTAL AREA) X 0.25 = 2,876 SF (MAX HARDCOVER)
 3,886 SF (PROP. HARDCOVER) - 2,876 SF = 1,010 SF (OVERAGE)
- REQUIRED STORAGE FOR 1.33-INCH STORM EVENT:
 (1.33172) FT X 1,010 SF = 112 CF
- INFILTRATION WILL PROVIDE ONSITE RETENTION OF 156 CF IN PROPOSED INFILTRATION SWALES (2).
 (2.6'X3'X50" = 390 CF X 0.4 = 156 CF)
 156 CF X 75% (REDUCTION PER CITY CREDIT) = 117 CF

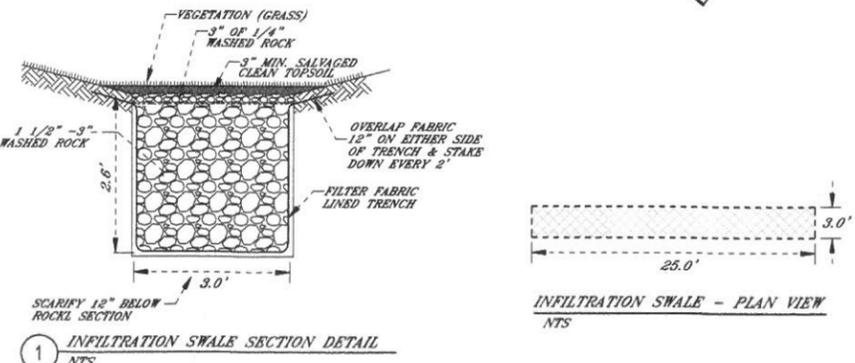
EXISTING HARDCOVER		PROPOSED HARDCOVER	
House	807 Sq. Ft.	House	2,320 Sq. Ft.
Existing Deck	544 Sq. Ft.	Front Porch/Steps	140 Sq. Ft.
Garages	518 Sq. Ft.	Deck	400 Sq. Ft.
Concrete Surfaces	586 Sq. Ft.	Driveway	915 Sq. Ft.
Pavers	86 Sq. Ft.	Front Walk	111 Sq. Ft.
TOTAL EXISTING HARDCOVER	2,541 Sq. Ft.	TOTAL PROPOSED HARDCOVER	3,886 Sq. Ft.
AREA OF LOT TO OHW	11,502 Sq. Ft.	AREA OF LOT TO OHW	11,502 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	22.1%	PERCENTAGE OF HARDCOVER TO LOT	33.8%

LEGEND

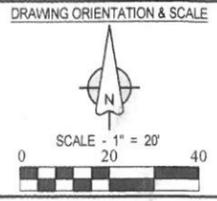
EXISTING CONTOUR	--- 945 ---
EXISTING SPOT ELEVATION	X 945.5
PROPOSED CONTOUR	— 946 —
PROPOSED SPOT ELEVATION	945.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE	SF
TREE REMOVAL	⊗



PROPOSED ELEVATIONS
 FIRST FLOOR (SUB-FLOOR) = 950.15
 TOP OF FOUNDATION = 948.30
 BASEMENT FLOOR = 939.59
 GARAGE FLOOR = 947.80



DATE	REVISION DESCRIPTION



CLIENT NAME / JOB ADDRESS

VINE HILL PARTNERS
 19875 COTTAGEWOOD AVENUE
 DEEPAHVEN, MN

Advance
 Surveying & Engineering, Co.

17917 Highway 7
 Minnetonka, Minnesota 55345
 Phone (952) 474-7964
 Web: www.advsur.com

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

Joseph S. Rinke
 # 52716
 LICENSE NO.
 JANUARY 22, 2020
 DATE

DATE SURVEYED: JUNE 17, 2019
 SURVEYED BY: ADVANCE SURVEYING & ENG., CO.
 DATE DRAFTED: JANUARY 22, 2020

SHEET TITLE
 PROPOSED SURVEY

DRAWING NUMBER
 200045 JR

SHEET SIZE 22 X 34
SHEET NO.
 S1
 SHEET 1 OF 1





PRELIMINARY
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)



Vine Hill Partners

Residence
Cottagewood Road
Excelsior, MN

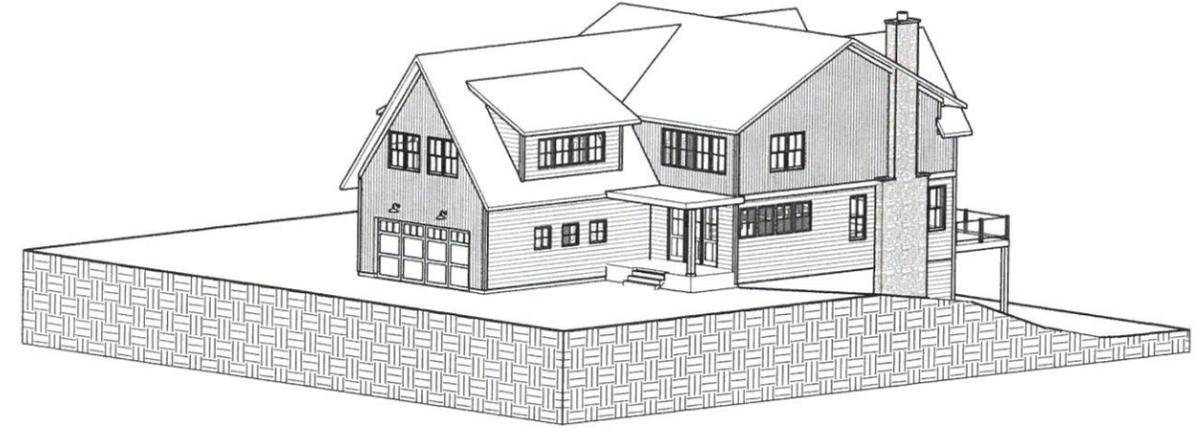
DATE: 6/24/2018
DRAWN BY: PFER K.
PROJECT #: 18-041P
BEHR DESIGN INC.
THIS DRAWING AND DESIGN LAYOUT IS
THE PROPERTY OF BEHR DESIGN INC.
AND IS NOT TO BE REPRODUCED OR
TRANSMITTED IN ANY FORM OR BY
ANY MEANS, ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE AND
RETRIEVAL SYSTEM, WITHOUT THE
WRITTEN PERMISSION OF BEHR DESIGN INC.

SHEET NO.

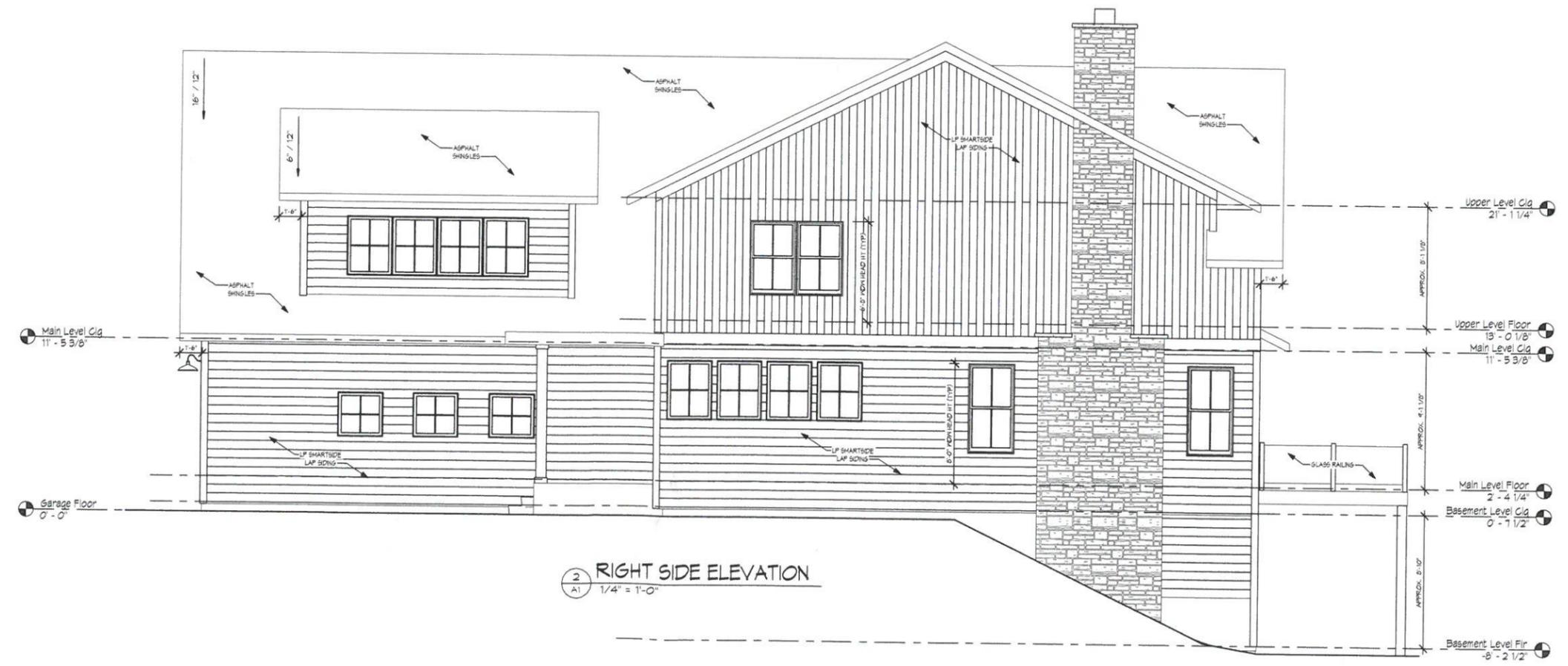
A1
Ext Elevations



1 FRONT ELEVATION
A1 1/4" = 1'-0"



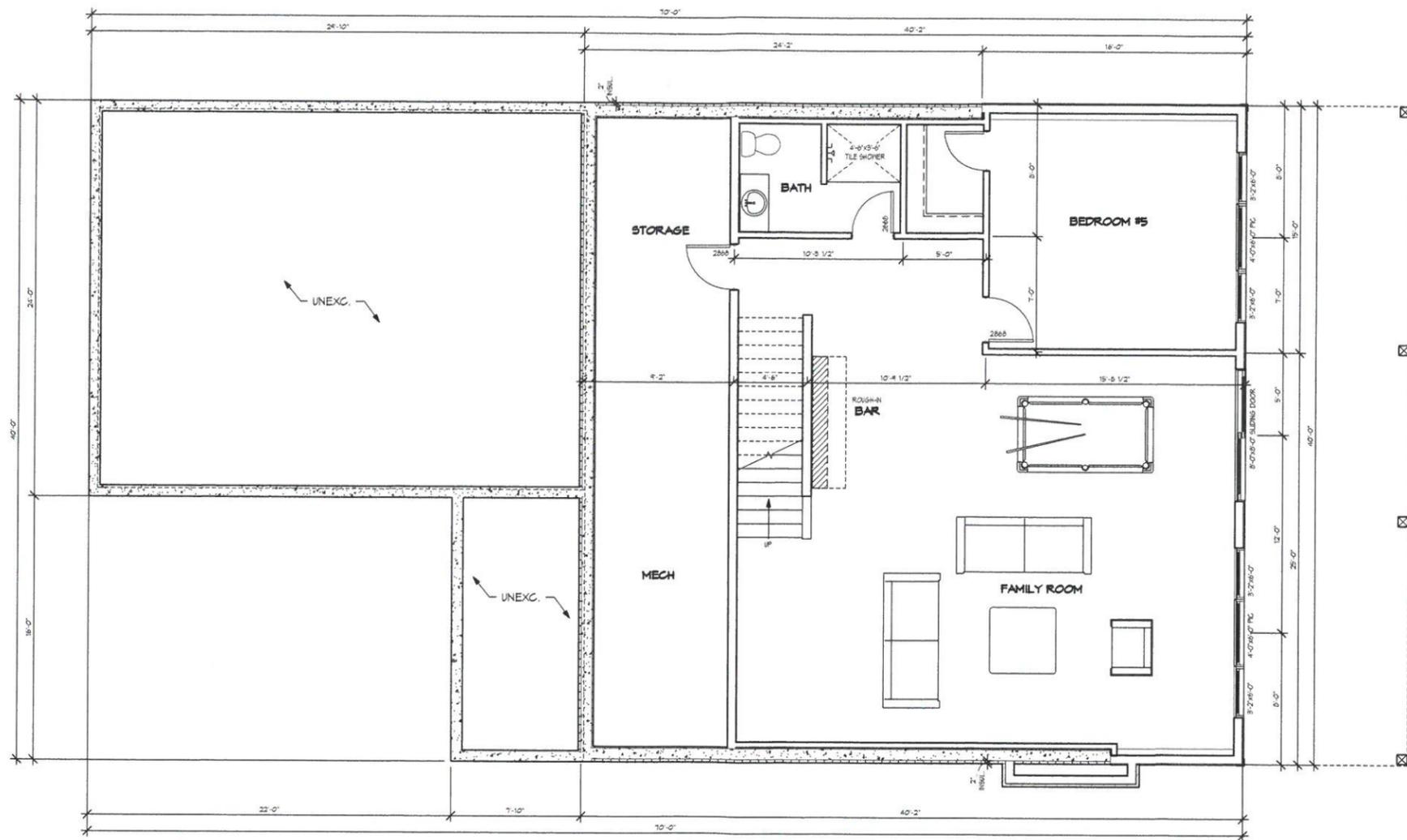
3 FRONT 3D VIEW
A1



2 RIGHT SIDE ELEVATION
A1 1/4" = 1'-0"

BEHR DESIGN, INC. NOR ITS EMPLOYEES ASSUME ANY RESPONSIBILITY FOR VARIOUS CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS AND WORKMANSHIP. RESIDENTIAL DESIGNERS OR ARCHITECTS ARE NOT DESIGNERS. BEHR DESIGN, INC. PROVIDES ONLY THAT QUALIFIED LICENSED STRUCTURAL ENGINEER BE REQUIRED TO VERIFY THE STRUCTURAL INTEGRITY OF ALL BUILDINGS. BEHR AND STRUCTURAL ENGINEERS SPECIFIED ON THESE PLANS ARE FOR INFORMATION ONLY AND SHOULD BE USED BY THE MANUFACTURERS OF ANY EQUIPMENT, PARTS AND OR A LUG AND TO VERIFY. BEHR AND STRUCTURAL ENGINEERS SPECIFIED ON THESE PLANS SHOULD BE ADVISED OF ANY CHANGES TO THE ORIGINAL DESIGN AND TO VERIFY THAT ANY CHANGES WILL NOT AFFECT THE INTEGRITY OF THE DESIGN. IN THE CASE OF DOORS AND WINDOWS, BEHR AND STRUCTURAL ENGINEERS SPECIFIED ON THESE PLANS SHOULD BE ADVISED OF ANY CHANGES TO THE ORIGINAL DESIGN AND TO VERIFY THAT ANY CHANGES WILL NOT AFFECT THE INTEGRITY OF THE DESIGN. BEHR DESIGN, INC. SHALL NOT BE LIABLE FOR ANY DAMAGE TO PROPERTY OR PERSONS OR FOR ANY INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS. BEHR DESIGN, INC. SHALL NOT BE LIABLE FOR ANY DAMAGE TO PROPERTY OR PERSONS OR FOR ANY INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS. BEHR DESIGN, INC. SHALL NOT BE LIABLE FOR ANY DAMAGE TO PROPERTY OR PERSONS OR FOR ANY INJURY TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE PLANS.

PRELIMINARY
 NOT FOR CONSTRUCTION
 (FOR BIDDING PURPOSES ONLY)



1 BASEMENT / FND FLR PLAN
 AS 1/4" = 1'-0"

BEHR DESIGN, INC. FOR THE PROJECTS HEREIN, SHALL BE RESPONSIBLE FOR THE DESIGN AND VERIFICATION OF THE DESIGN AND CONSTRUCTION OF THE STRUCTURE AND QUALITY OF MATERIALS AND WORKMANSHIP. BEHR DESIGN, INC. DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. BEHR DESIGN, INC. SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT DUE TO THE CLIENT'S FAILURE TO OBTAIN NECESSARY PERMITS AND APPROVALS. BEHR DESIGN, INC. SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT DUE TO THE CLIENT'S FAILURE TO OBTAIN NECESSARY PERMITS AND APPROVALS. BEHR DESIGN, INC. SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COSTS INCURRED BY THE CLIENT DUE TO THE CLIENT'S FAILURE TO OBTAIN NECESSARY PERMITS AND APPROVALS.

- NOTES:
- 1) ALL BRG. HEADERS ARE TO BE (2)-2x10 UNLESS NOTED OTHERWISE (UNO).
 - 2) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES.
 - 3) OWNER/CONTRACTOR TO SPEC. ALL FLOORING MATERIAL.
 - 4) OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS.
 - 5) ALL BRG. WALL WINDOW & DOOR OPN'GS WIDER THAN 60" REQUIRE (2) TRIMMERS MIN. UNDER EA. SIDE OF HEADER.
 - 6) (FL) - FLUSH BEAM, (DR) DROPPED BEAM
 - 7) ALL HEADERS ARE DROPPED UNLESS NOTED (FL)
 - 8) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.

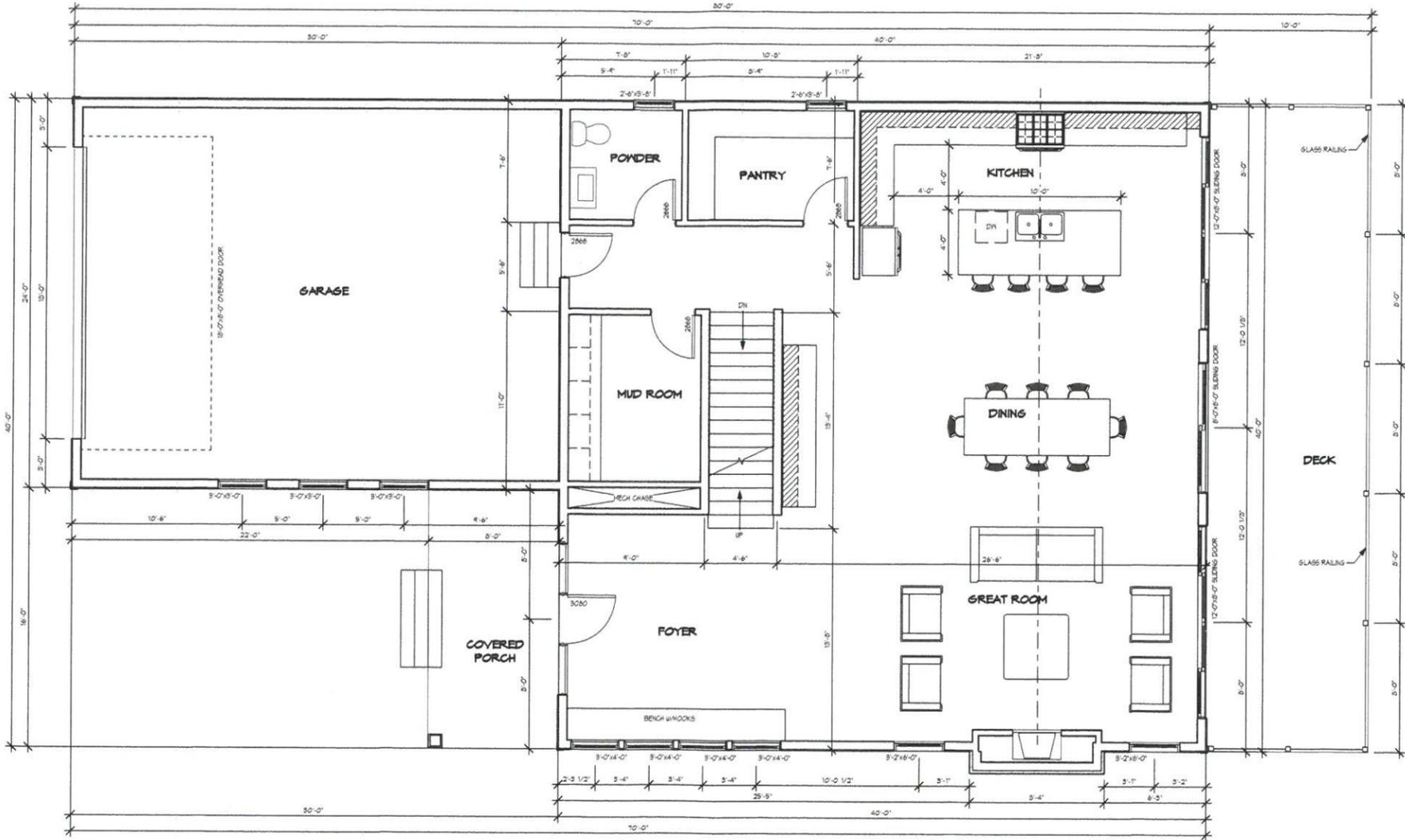


Residence
 Cottagewood Road
 Excelsior, MN

DATE: 8/24/2011
 DRAWN BY: PHEF/K
 PROJECT #: 11-01-11P
 BEHR DESIGN, INC.
 THE DRAWING AND DESIGN LAYOUT IS THE PROPERTY OF BEHR DESIGN, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN, INC.

SHEET NO.
A3
 Basement Plan

PRELIMINARY
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)

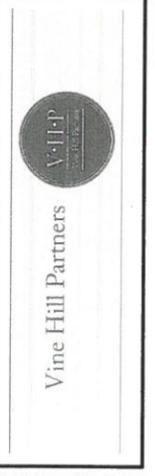


1 MAIN FLOOR PLAN
A4 1/4" = 1'-0"

BASEMENT LEVEL SQUARE FEET = 1195 sq ft
 MAIN LEVEL SQUARE FEET = 1611 sq ft
 UPPER LEVEL SQUARE FEET = 2240 sq ft
 TOTAL SQUARE FEET = 5046 sq ft
 GARAGE SQUARE FEET = 730 sq ft

BEHR DESIGN, INC. FOR THE SERVICES HEREIN HAS NO RESPONSIBILITY FOR THE CONSTRUCTION, TECHNIQUES AND/OR QUALITY OF MATERIALS AND WORKMANSHIP. THE CLIENT, OWNER OR CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CLIENT, OWNER OR CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION. THE CLIENT, OWNER OR CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CLIENT, OWNER OR CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

- NOTES:
- 1.) ALL BRG. HEADERS ARE TO BE (2)-2x10 UNLESS NOTED OTHERWISE (UNO).
 - 2.) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES.
 - 3.) OWNER/CONTRACTOR TO SPEC. ALL FLOORING MATERIAL.
 - 4.) OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS.
 - 5.) ALL BRG. WALL WINDOW & DOOR OPINGS WIDER THAN 60" REQUIRE (2) TRIMMERS MIN. UNDER EA. SIDE OF HEADER.
 - 6.) (FL) - FLUSH BEAM, (DR) DROPPED BEAM
 - 7.) ALL HEADERS ARE DROPPED UNLESS NOTED (FL)
 - 8.) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.



Residence
Cottagewood Road
Excelsior, MN

DATE: 9/24/2018
 DRAWN BY: PETER K.
 PROJECT #: 18-041P
 BEHR DESIGN, INC.
 THE DRAWING AND SPECIFICATIONS
 PROTECTED UNDER STATE AND FEDERAL
 LAWS. ANY REPRODUCTION OR
 REPRODUCTION FOR ANY
 PURPOSE WITHOUT THE WRITTEN
 CONSENT OF BEHR DESIGN, INC.

SHEET NO.
A4
Main Floor Plan

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Wednesday, March 18, 2020 10:53 AM
To: Dale Cooney
Cc: Dana Young
Subject: FW: 19875 Cottagewood Avenue
Attachments: 19875 Cottagewood Avenue.pdf

Pat,

This site was forwarded by Dana for review prior to your start with the City. I have completed review of the information provided, and following are my comments for City consideration:

1. Existing drainage patterns will be maintained with proposed improvements. Runoff will continue to drain from the front of the lot to a catchbasin on Cottagewood Avenue on the northeast corner of the property. Runoff from the rear of the lot will continue to drain directly to Lake Minnetonka. A swale is proposed along the southwest property line to direct runoff away from the adjacent structure.
2. Due to proximity of the proposed structure to the northeast property line, insufficient space is available for a swale to direct runoff away from the adjacent structure on the northeast side. However, notes on the plan indicates roof downspouts will be routed to the proposed infiltration trenches in the front yard.
3. Land alteration of more than 3' is proposed so a variance should be required for proposed improvements.
4. Retaining walls 4' or greater in height must be designed by a licensed Professional Engineer. Wall plans must be submitted for review and approval prior to construction.
5. Grading of the swales along side lot lines and directing of roof downspouts toward the infiltration trenches should be verified by the City prior to permanent restoration to confirm adequate drainage away from adjacent properties.
6. Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
7. Work in public right-of-way must be coordinated with the City. Contractor must provide minimum 48 hour notice prior to any work.
8. Extents of removals in public right-of-way must be verified with the City prior to any work. Bituminous pavement must be saw-cut for clean match lines. Concrete pavement must be removed to joints.
9. Infiltration trenches are proposed to meet stormwater management requirements. The typical section and sizing of the swales are adequate to meet City requirements.
10. Construction of stormwater management facilities should be observed by a City representative to ensure systems are installed as proposed.
11. A record drawing of stormwater management improvements installed should be submitted upon completion to confirm facility was constructed per plan.
12. Soils under impervious areas to be re-vegetated should be de-compacted prior to restoration. Soils should be ripped a minimum 12" deep prior to placement of topsoil.
13. The applicant should be required to submit a Maintenance Agreement for any stormwater management facilities installed. The agreement should define maintenance responsibilities following completion of project, specify types and frequencies of inspection and maintenance activities, designate who will conduct inspection and maintenance activities, and outline reporting requirements.
14. Clear drive lanes must be maintained on Cottagewood Avenue at all times.
15. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss further.

dalec@mediacombb.net

From: Dana Young <danayoung@mchsi.com>
Sent: Monday, March 16, 2020 9:17 AM
To: dalec@mediacombb.net
Subject: FW: Comments on Variance Request 19875 Cottagewood Avenue

Pat,

Here are some comments from a neighbor on the variance request at 19875 Cottagewood Avenue. You might want to make copies for the Planning Commission.

Thanks,

Dana

From: Elmer Baldwin [mailto:elmerbaldwin@yahoo.com]
Sent: Sunday, March 15, 2020 3:06 PM
To: DanaYoung@mchsi.com
Cc: Laura Baldwin
Subject: Comments on Variance Request 19875 Cottagewood Avenue

Hi Dana,

My wife, Laura Baldwin, and I are property owners of 19885 Cottagewood Avenue, the property immediately adjacent to the 19875 Cottagewood Ave. property where the property owners are requesting multiple variances. We are very concerned about the Planning Commission and City Council granting any additional side yard, lake setback or impervious / hardcover variances to this small lot. We are opposed to all three requests.

1. The request for variance of the side yard setback to the east not only violates minimum side yard setback in Section 1302.05(3) of the city ordinance, but the request encroaches on critical fire lane access to Lake Minnetonka. Especially considering the recent fire in Wayzata (Gale Ave, Woodland) this winter, where firefighters struggled to access water to fight the blaze and protect the neighborhood. We request the council considers the safety of Deephaven residents before granting this variance. Cottagewood Ave. is a very tight and dead-ends not far from this property to the east, making access during an emergency a major concern.
2. The request for variance from minimum required lake yard setback violates minimum lard yard setback in Section 1302.05(3) of the city ordinance and would further encroach on the lake from the existing structure that is already less than 100 feet from Lake Minnetonka. The proposed structure would potentially negatively impact the health of the lakeshore and further obstruct sight lines from our property.
3. The request to increase hardcover violates minimum hardcover percentage in Section 1302.05(3) and is a major concern as to the overall size and location of any new house on this small lot. We are opposed to any building that negatively impacts the aesthetics, use or enjoyment of our property. We support the owners remodeling or building on the current footprint, as those were the guidelines approved for Laura and I when we were faced with replacing a century-old structure.
4. The existing house is already in violation of Section 1302.05(3) with respect to the side yard setback to the west, encroaching on our property line.

Our home was built in 1890s and we have worked hard, and invested in it, to preserve its integrity in accordance to these ordinances, and expect our new neighbors to do the same.

Respectfully,

Elmer

Elmer Baldwin
elmerbaldwin@yahoo.com
19885 Cottagewood Ave.
Deephaven, Minnesota
612.751.2004 m



Agenda Date: 04-21-20

Agenda Item: Public Hearing to consider the variance request of Matt & Kelly Allman to encroach into the front yard setback in conjunction with the construction of a new home at 19905 Lakeview Avenue.

Summary: Matt & Kelly Allman, property owners, are requesting a variance to build a new home on their property. The proposal would replace the existing home. The property is a 22,836 square foot R-3 lot.

	Front Yard	East Side Yard	West Side Yard	Rear Yard	Impervious Area	Building Height
Permitted/Required	35 ft	25 ft	10 ft	15 ft	25.0%	36 ft
Existing	26.2 ft	52.3 ft	26.2 ft	>15 ft	20.4%	20.6 ft
Proposed	<u>27.6 ft</u>	40.8 ft	18.0 ft	>15 ft	25.0%	36 ft

Front Yard Setback:

The existing house was constructed in 1969 according to Hennepin County Records and has an existing front encroachment of 26.2 feet. The proposed new home would be 27.6 feet from the front property line. Section 1302.05(3) of the zoning ordinance requires a front yard setback of 35 feet in the R-3 Zoning District. The applicants are **seeking a variance of 7 feet, 5 inches from the minimum required front yard setback.**

The location of the proposed house aligns with the front of the existing house to the west and borders Elm Street to the east. The front yard setback of 27.6 feet proposes to be an additional 1.4 feet further from the front yard setback of the existing house. The encroachment is a minor change from existing conditions and staff is supportive of the request given the front setback of the house west of this property and the location of Elm Street to the east.

STAFF RECOMMENDATION:

Staff recommends **approval** of the variance request of Matt & Kelly Allman to encroach 7 feet, 5 inches into the minimum required front yard setback in conjunction with the construction of a new home at 19905 Lakeview Avenue, as proposed.

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 1315 OF THE ORDINANCE:

(a) Is the variance in harmony with the purpose and intent of the ordinance?

Yes. The applicant is seeking to vary from the stated setback standards of the ordinance to improve an existing non-conforming house constructed in 1969, per Hennepin County tax records. The expanded conditions are minor and remain in harmony with the purpose and intent of the ordinance.

(b) Is the variance consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

(c) Does the proposal put property to use in a reasonable manner?

The minor encroachment of the front yard setback is reasonable and is setback further than the front façade of the existing house.

(d) Are there unique circumstances to the property not created by the landowner?

Yes. The existing house was constructed in 1969 and the front yard setback is nonconforming.

(e) Will the variance, if granted, alter the essential character of the locality?

The proposal would not alter the essential character of the locality. The proposed project is of a scope and scale comparable to the existing conditions on the property, while the area of proposed encroachment is minor.

Planning Commission Action: Action required by June 18, 2020. Possible motions ...

1. I move the Planning Commission accept the recommendation and findings of staff and recommend the City Council **approve** the variance request of Matt & Kelly Allman to encroach 7 feet, 5 inches into the minimum required front yard setback in conjunction with the construction of a new home at 19905 Lakeview Avenue, as proposed.
2. I move the Planning Commission recommend the City Council **deny** the variance request of Matt & Kelly Allman to encroach 7 feet, 5 inches into the minimum required front yard setback in conjunction with the construction of a new home at 19905 Lakeview Avenue, as proposed. The motion is based on the following findings: _____.
3. I move the Planning Commission recommend that staff draft written notice to Matt & Kelly Allman stating the City of Deephaven needs to extend the 60-day time limit to June 18, 2020 for the following reason(s) _____.

Attachments:

- 1) Narrative
- 2) Location Map
- 3) Proposed Survey
- 4) Proposed Plans
- 5) Engineering Memo
- 6) Public comment

Key Dates:

Application complete:	February 18, 2020
Notice of Public Hearing published:	March 5, 2020
Planning Commission Public Hearing:	April 21, 2020
City Council Consideration:	May 4, 2020
60 Day Deadline:	April 18, 2020
120 Day Deadline (if necessary):	June 18, 2020

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

By placing the structure in the proposed location the driveway length is reduced, thus keeping the total hardcover under 25% requirement while maintaining established setbacks of existing, neighboring properties. (See photos below.)



Existing House (approx. 25' setback)



Neighbor to East on Lakeview Ave (approx. 22' setback)

Establishing Practical Difficulty:

1. The landowner's proposal puts the property to a reasonable use because:
The proposed structure is located 2'-8" further from the street than the existing structure and the overall amount of non-conforming area on the site is reduced from 446sf to 261sf.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner because:
The property is an irregular shape with three sides exposed to public streets; encroachment on the front yard setback allows for a more desirable, private backyard with the option for future improvements such as a pool.
3. The variance, if granted, will not alter the essential character of the locality because:
The proposed location keeps the structure consistent and congruent with the other houses in the neighborhood.

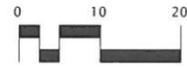
Establishing the variance, if granted, will not adversely impact the rights of others:

1. Describe the effect of the variance, if granted, on neighboring properties in the neighborhood in general:
The location of the proposed structure is consistent with neighboring properties and improves on the encroachment of the existing structure.
2. Describe the effect of the variance, if granted, on supply of light and air to adjacent properties:
The proposed structure is located 2'-10" further away from the street versus the existing. In addition, the new proposed structure has the second story approximately an additional 5' which will help with sightlines. (Refer to illustrative cross section as submitted.)
3. Describe the effect of the variance, if granted, on traffic congestion in the public street:
The proposed design reduces the overall non-conforming area by eliminating the detached structure and access point off of Cottagewood Ave.
4. Describe the effect of the variance, if granted, on the danger of fire:
The updated structure will meet or exceed all current fire codes and will have no negative effects on the danger of fire.
5. Describe the effect of the variance, if granted, on the danger of public safety:
The distance from the street to the proposed structure will be increased from all three adjacent streets as compared to the current, existing structure(s) thus improving site lines around the property.
6. Describe the effect of the variance, if granted, on established property values in the surrounding area:
The updated structure will bring inherent value to the neighboring properties.
7. Describe the effect of the variance, if granted, on the impairment of public health, safety or welfare:
The elimination of the detached structure and access point off of Cottagewood Ave should improve public safety and security.

Location Map



11/20/2015 - 04/15/2016



LEGAL DESCRIPTION:

(LEGAL DESCRIPTION PER BURNET TITLE AS AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT NO. 2164019-11816 WITH AN EFFECTIVE DATE OF 08/04/19.)

The Northeasterly 30.45 feet of Lot 172, Revised Cottagewood; and that part of Lot 173, Revised Cottagewood described as follows: Beginning at the Northeasterly corner of said Lot 173, thence Southerly along the Easterly line of said Lot 173, to the Southeastly corner of said Lot, thence Westerly along the Southerly line of said Lot, a distance of 30.45 feet, thence Northerly in a straight line to the place of beginning, and all of Lots 174 and 175, in Revised Cottagewood, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

TITLE NOTES:

No titlework was provided for our review. A deed must be provided to verify the legal description shown on the mortgage document listed herein. Easements of which we are unaware may exist.

PARCEL AREA:

PARCEL AREA = 22,534 SQ. FT. / 0.52 ACRES

SURVEY NOTES:

1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE HENNEPIN COUNTY SURVEYORS OFFICE.
2. UNDERGROUND UTILITIES SHOWN PER VISIBLE UTILITIES AND INFORMATION PROVIDED BY THE CITY OF DEEPAVEN PUBLIC WORKS DEPARTMENT.
3. THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.

ZONING AND SETBACKS:

INFORMATION GATHERED FROM CITY OF DEEPAVEN WEBSITE OCT. 2, 2019. (VERIFY WITH PLANNER PRIOR TO DESIGN)

ZONING (PER WEBSITE ZONING MAP): R3

SETBACKS:	(IN FEET)
FRONT YARD	35
SIDE YARD	TOTAL OF 25 (MIN. 10)
EXTERIOR SIDEYARD	25 (WITH 10 INTERIOR)
REAR YARD	15
LAKE MINNETONKA	100
OTHER LAKES	75

BENCHMARKS

ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE MNDOT GEODETIC WEBSITE. SURVEY DISK ALBANS MNDT RM 1 WITH AN ELEVATION OF 863.55 WAS USED TO ESTABLISH VERTICAL CONTROL FOR THIS SURVEY (NAVD 88)

19905 LAKEVIEW AVENUE

DEEPAVEN, MINNESOTA

CONTACT:

STEVEN STREETER
STREETER AND ASSOCIATES, INC.
18312 Minnetonka Blvd.
Wayzata, MN 55391-3232
Phone: 952-346-2482
Email: sstreeter@streeterhomes.com

COUNTY/CITY:

HENNEPIN COUNTY
CITY OF DEEPAVEN

REVISIONS:

DATE	REVISION
10-08-2019	INITIAL ISSUE
11-12-2019	TITLE COMM ADD

CERTIFICATION:

I hereby certify that this plan 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.

Daniel L. Thurnes
Daniel L. Thurnes Registration Number: 25718
Date: 10-08-2019

PROJECT LOCATION:

19905 LAKEVIEW AVE.

PID# 2411723420015

Suite #200
1970 Northwestern Ave
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
c: dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME: SURVSTR67
PROJECT NO.: STR19067

BOUNDARY/TOPOGRAPHIC SURVEY

EXISTING IMPROVEMENT AREAS:

HOUSE	2667 SF
DETACHED GARAGE	536 SF
GARAGE APRON	41 SF
FRONT WALK	202 SF
REAR PAVERS	210 SF
DECK	415 SF
REAR CONCRETE WALK	151 SF
GRAVEL DRIVE	367 SF
TOTAL IMPERVIOUS	4589 SF
TOTAL PARCEL AREA	22534SF
% COVERAGE	20.4%

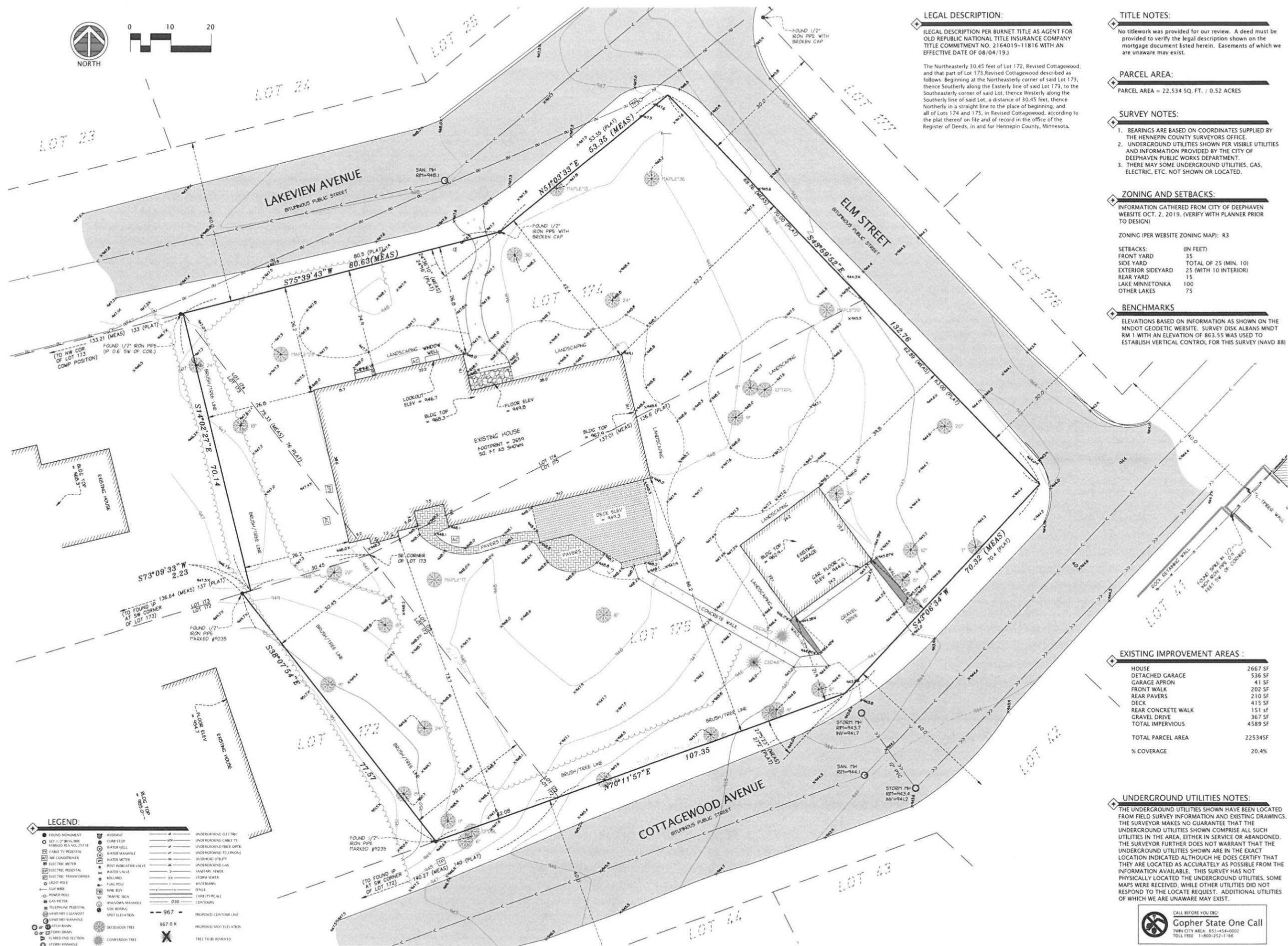
UNDERGROUND UTILITIES NOTES:

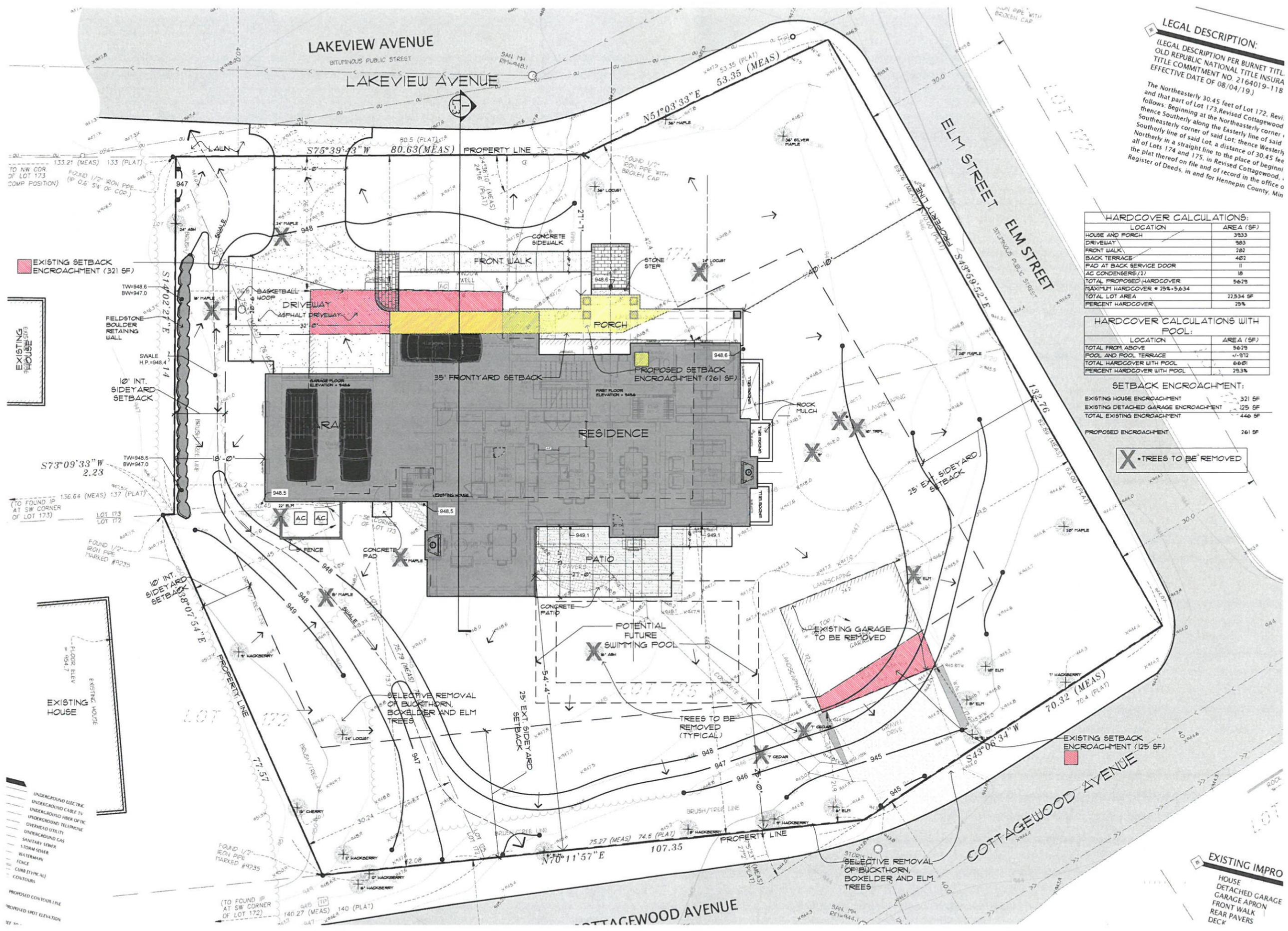
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.



LEGEND:

● FOUND MONUMENT	○ IRON PIPE	— UNDERGROUND ELECTRIC
○ SET 1/2" IRON PIPE MARKED RL NO. 25718	○ WATER WELL	— UNDERGROUND CABLE TV
○ CABLE TV PRESTAL	○ WATER MANHOLE	— UNDERGROUND FIBER OPTIC
○ AIR CONDITIONER	○ WATER METER	— UNDERGROUND TELEPHONE
○ ELECTRIC METER	○ POST INDICATOR VALVE	— UNDERGROUND GAS
○ ELECTRIC PEDESTAL	○ WATER VALVE	— SANITARY SEWER
○ ELECTRIC TRANSFORMER	○ ROLLARD	— STORM SEWER
○ SIGHT POLE	○ FLAG POLE	— WATERMAIN
○ CUY WIRE	○ MAN BOX	— FENCE
○ POWER POLE	○ TRANSFORMER SIGN	— CURB (TYPE) (SCALE)
○ GAS METER	○ UNKOWN MANHOLE	— 030
○ TELEPHONE PRESTAL	○ SOLE BORING	— 967 X
○ SANITARY CLEANOUT	○ SPOT ELEVATION	— PROPOSED CONTOUR LINE
○ SANITARY MANHOLE	○ CONTOURS	— PROPOSED SPOT ELEVATION
○ PATCH BARN	○ DECIDUOUS TREE	— TREE TO BE REMOVED
○ TORN DRAIN	○ CONIFEROUS TREE	
○ FLORED END TELECOM		
○ STORM MANHOLE		





HARDCOVER CALCULATIONS:

LOCATION	AREA (SF)
HOUSE AND PORCH	3933
DRIVEWAY	983
FRONT WALK	282
BACK TERRACE	422
PAD AT BACK SERVICE DOOR	11
AC CONDENSERS (2)	18
TOTAL PROPOSED HARDCOVER	5679
MAXIMUM HARDCOVER @ 25% = 5,634	
TOTAL LOT AREA	22,534 SF
PERCENT HARDCOVER	25%

HARDCOVER CALCULATIONS WITH POOL:

LOCATION	AREA (SF)
TOTAL FROM ABOVE	5679
POOL AND POOL TERRACE	4,972
TOTAL HARDCOVER WITH POOL	6,651
PERCENT HARDCOVER WITH POOL	29.5%

SETBACK ENCROACHMENT:

EXISTING HOUSE ENCROACHMENT	321 SF
EXISTING DETACHED GARAGE ENCROACHMENT	125 SF
TOTAL EXISTING ENCROACHMENT	446 SF
PROPOSED ENCROACHMENT	261 SF

X = TREES TO BE REMOVED

Scale 1/8" = 1'-0" North



Keenan & Sveiven, Inc.
15119 Minnetonka Blvd.
Minnetonka, Minnesota 55345
Telephone 952 475 1229
Facsimile 952 475 1667

DESIGN · BUILD
Landscape Architecture

Allman Residence
1905 Lakeview Avenue
Deephaven, MN

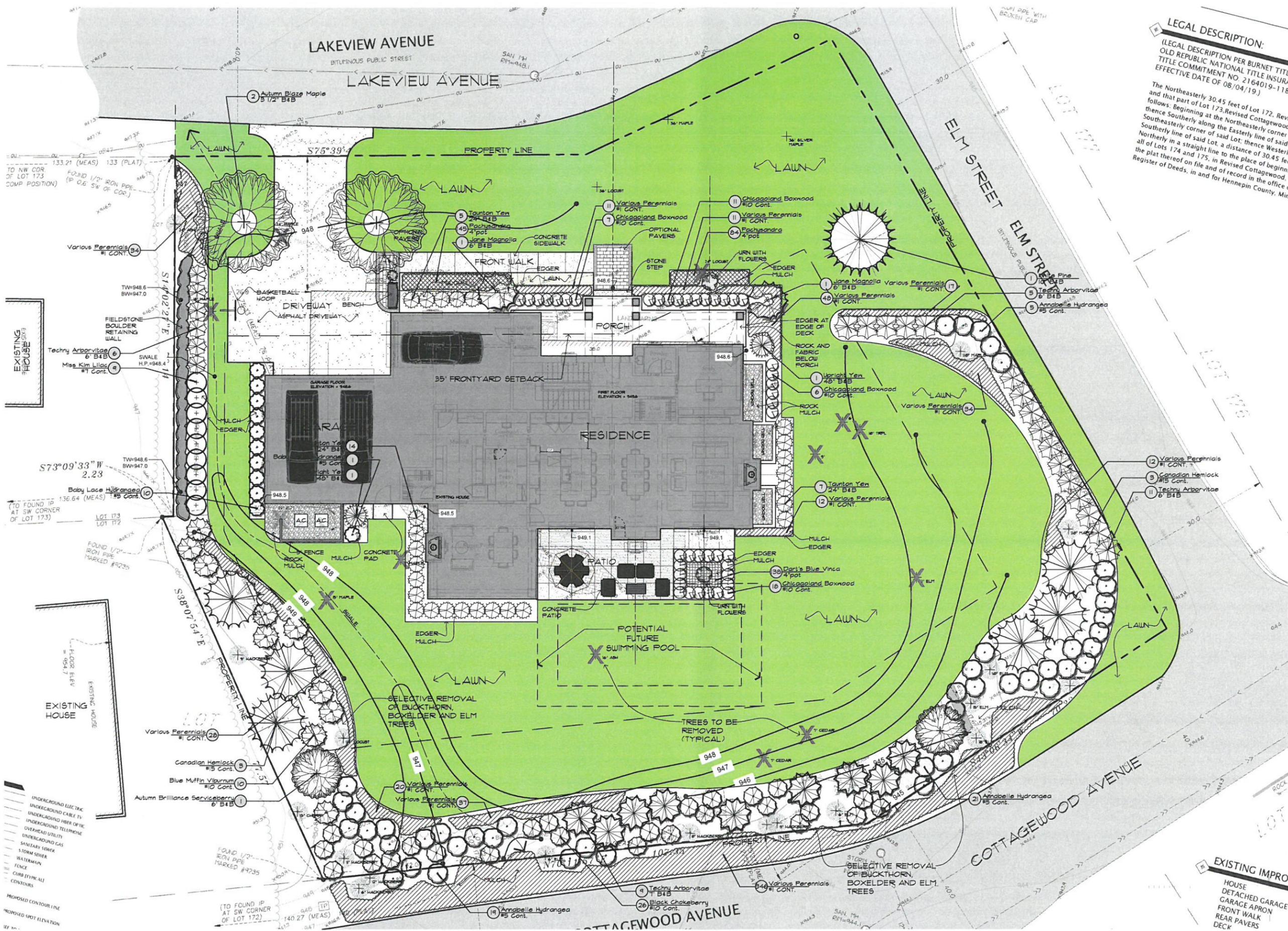
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Landscape Architect under the laws of the State of Minnesota.
Todd Irvine

reg. no. 46008
date: 00/00/00

drawn: JI
date: 2020-2-18
revisions:

Landscape
Site Plan

L-1



LEGAL DESCRIPTION:
 (LEGAL DESCRIPTION PER BURNET TITL
 OLD REPUBLIC NATIONAL TITLE INSURA
 TITLE COMMITMENT NO. 2164019-118
 EFFECTIVE DATE OF 08/04/19.)
 The Northeasterly 30.45 feet of Lot 172, Rev.
 and that part of Lot 173, Revised Cottagewood
 follows. Beginning at the Northeasterly corner
 thence Southerly along the Easterly line of said
 southeasterly corner of said Lot; thence Westerly
 Southerly line of said Lot, a distance of 30.45 feet
 all of Lots 174 and 175, in Revised Cottagewood,
 the plat thereof on file and of record in the office of
 Register of Deeds, in and for Hennepin County, Min

**KEENAN
 SVEIVEN**
 Keenan & Sveiven, Inc.
 15119 Minnetonka Blvd.
 Minnetonka, Minnesota 55345
 Telephone 952 475 1229
 Facsimile 952 475 1667

DESIGN · BUILD
 Landscape Architecture

Allman Residence
 19905 Lakeview Avenue
 Deephaven, MN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Landscape Architect under the laws of the State of Minnesota.
 Todd Irvine

reg. no. 46008
 date: 00/00/00

drawn: TI
 date: 2020-2-18
 revisions:

Landscape Development Plan

L-2

Scale 1/8" = 1'-0"
 North

Allman Residence
19905 Lakeview Avenue
Deephaven, MN

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

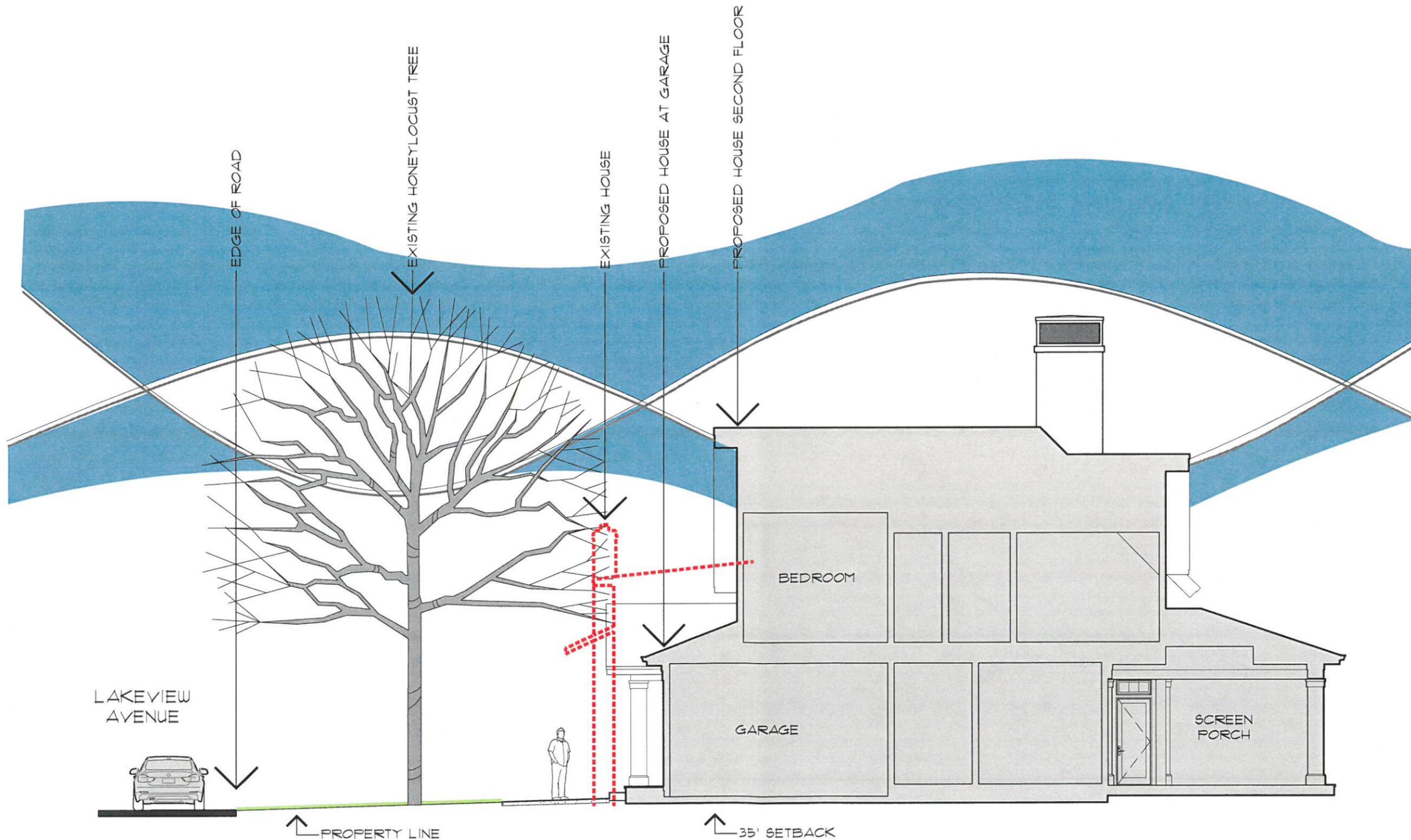
Todd Irvine

reg. no. 46008
date: 00/00/00

drawn: JI
date: 2020-2-18
revisions:

Landscape
Site Plan

L-3



1 ILLUSTRATIVE CROSS SECTION

Scale 1/4" = 1'-0"



1 Perspective View from Lakeview Avenue and Elm Street
SCALE: N.T.S.

SWAN ARCHITECTURE

+612.338.5976

International United States, LLC
225 Summit Street, Suite 200
Minneapolis, MN 55402

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

1. Field verify and coordinate all conditions and dimensions prior to work. Immediately report and/or review all questions/discrepancies with the Architect for knowledge, direction or approval prior to proceeding with work.
2. All work shall conform to governing laws, ordinances, rules, regulations, and orders of public authorities having jurisdiction.
3. Construction to be performed in current State of MN building & energy codes and local industry standards and standard industry practices.

Allman Residence

19905 Lakeview Avenue, Deephaven, MN 55331

Perspective View

Variance Issue

Variance Issue	2020.02.18

A0.0



1 Perspective View from Lakeview Avenue and Elm Street
SCALE: N.T.S.

SWAN ARCHITECTURE
+612.338.5976

International Interior Systems
2250 Grandview, Suite 100
Minneapolis, MN 55425

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

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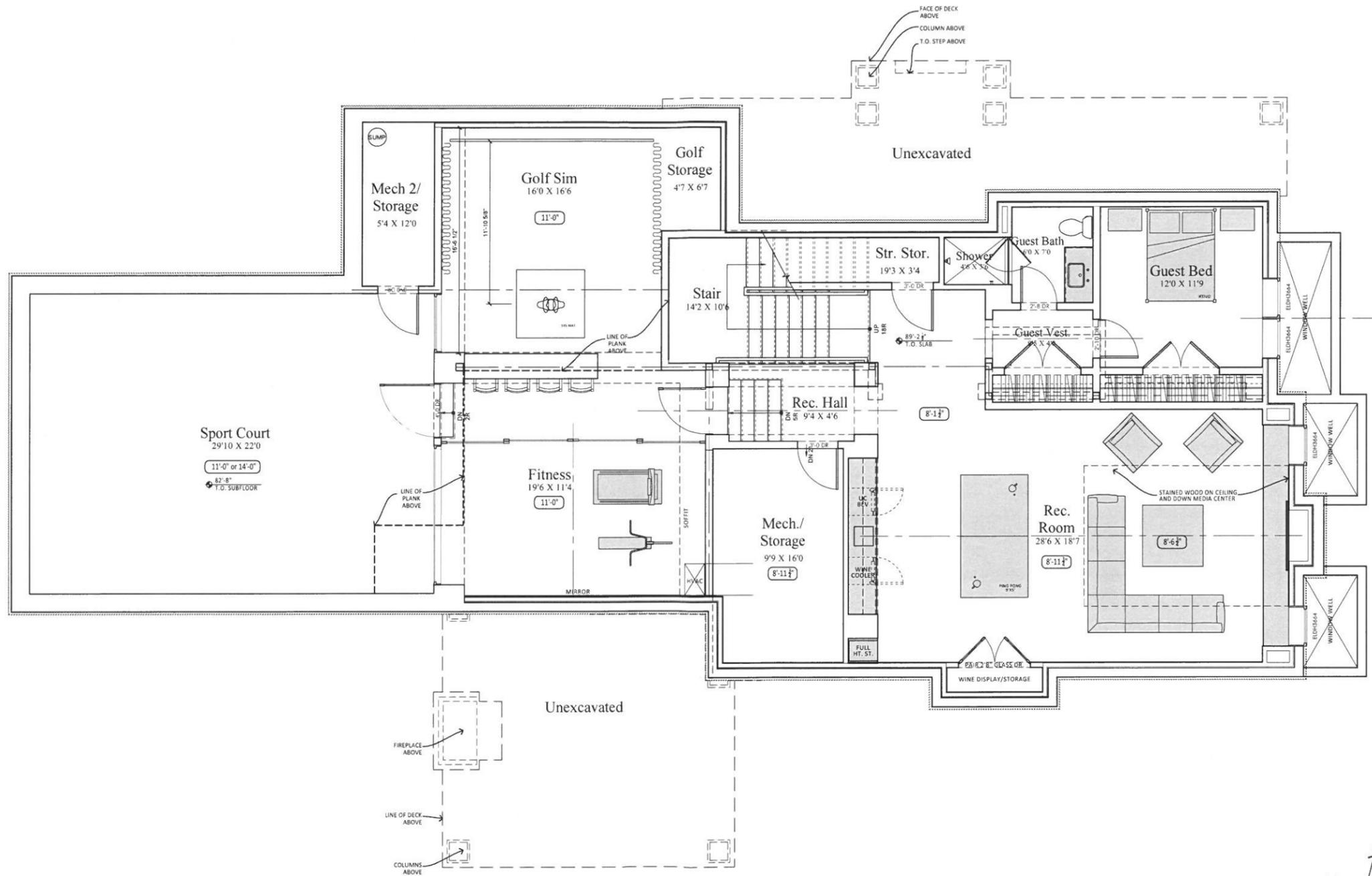
Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

Perspective View

Variance Issue

Variance Issue	2020.02.18

A0.1



1 Lower Level Plan
SCALE: 1/4" = 1'-0"

SWAN ARCHITECTURE
+ 612.338.5976
International Under-Score
275 Lakeland Street, Suite 418
Minneapolis, MN 55402

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

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2. All work shall conform to governing laws, ordinances, rules, regulations and order of public authorities having jurisdiction.
3. Construction to be performed to current State of MN building & energy codes and local industry standards and standard industry practices.

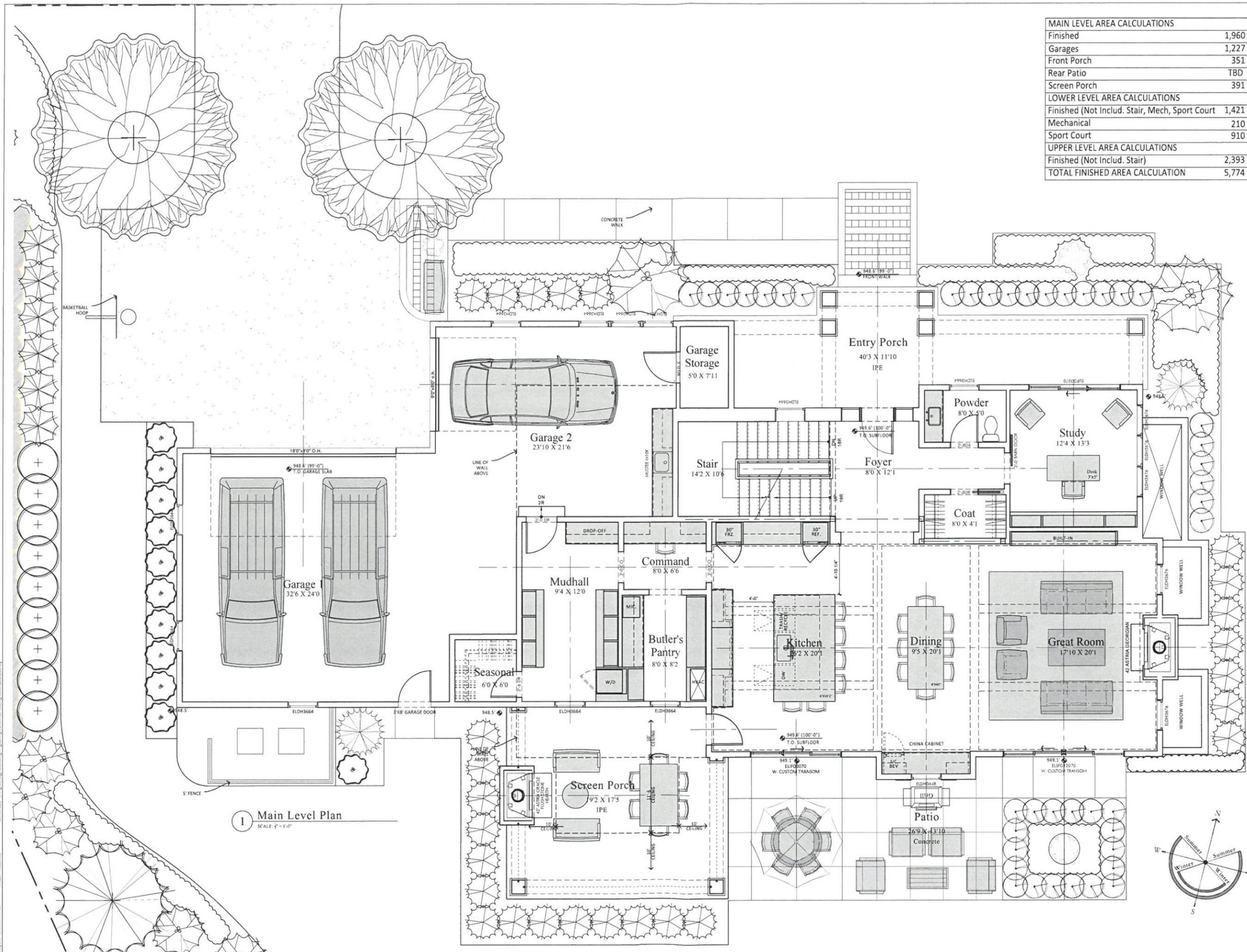
Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

Lower Level Floor Plan

Variance Issue

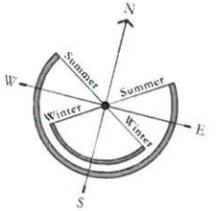
Variance Issue	2020.02.18

A1.0



MAIN LEVEL AREA CALCULATIONS	
Finished	1,960 S.F.
Garages	1,227 S.F.
Front Porch	351 S.F.
Rear Patio	TBD S.F.
Screen Porch	391 S.F.
LOWER LEVEL AREA CALCULATIONS	
Finished (Not Includ. Stair, Mech, Sport Court)	1,421 S.F.
Mechanical	210 S.F.
Sport Court	910 S.F.
UPPER LEVEL AREA CALCULATIONS	
Finished (Not Includ. Stair)	2,393 S.F.
TOTAL FINISHED AREA CALCULATION	5,774 S.F.

1 Main Level Plan
SCALE: 1/8" = 1'-0"



SWAN ARCHITECTURE
+612.338.5976
International Design Group
225 Summit Street, Suite 100
Minneapolis, MN 55402

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

- Field verify and coordinate all conditions and dimensions prior to work. Immediately report and/or review all quantities/ discrepancies with the Architect for knowledge, direction or approval prior to proceeding with work.
- All work shall conform to governing laws, ordinances, rules, regulations and order of public authorities having jurisdiction.
- Construction to be performed to current State of MN building & energy codes and local industry standards and standard industry practices.

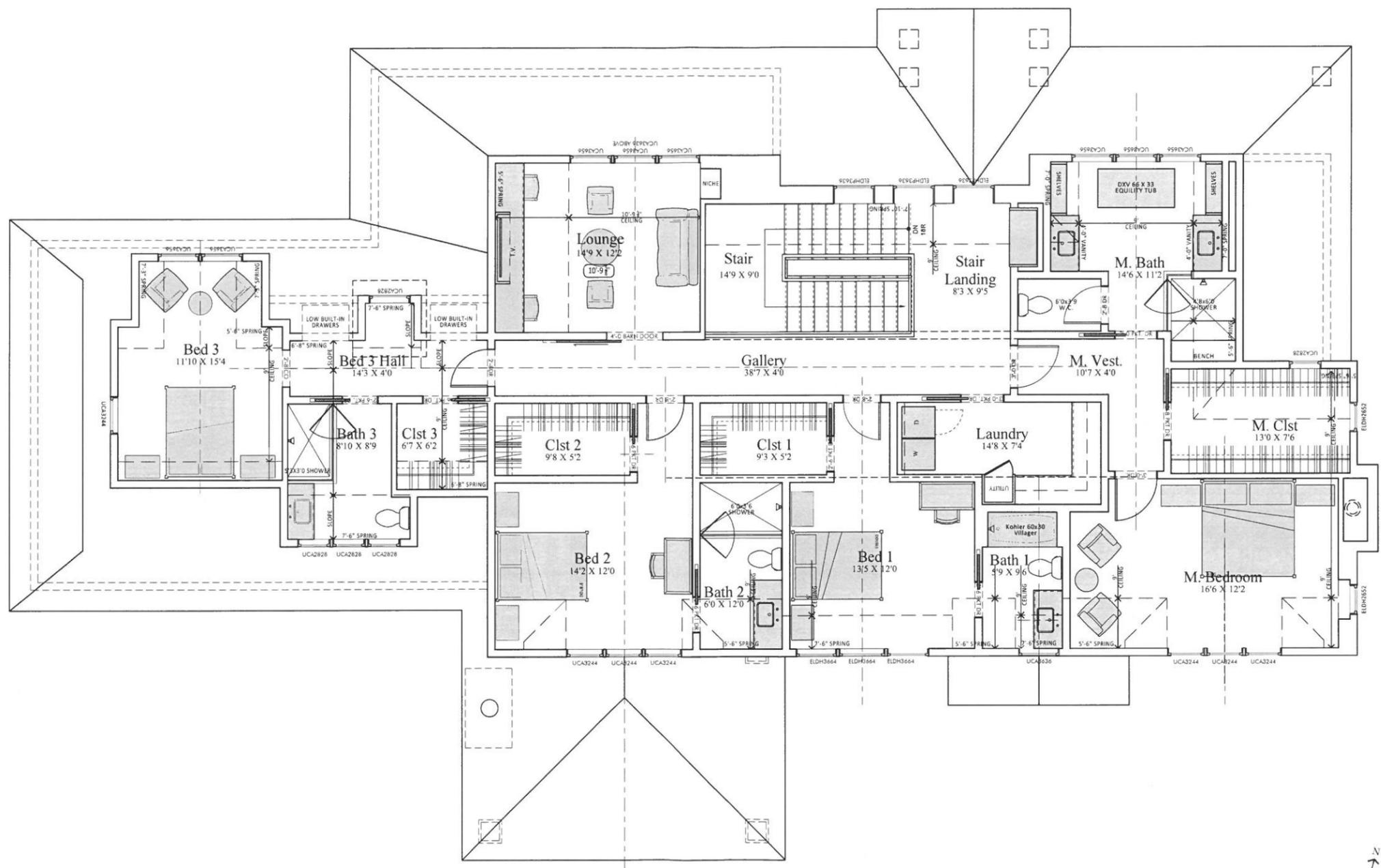
Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

Main Level Floor Plan

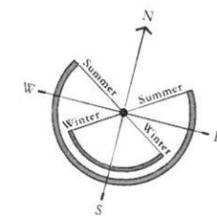
Variance Issue

Variance Issue	2020.02.18

A1.1
COPYRIGHT SWAN ARCHITECTURE, LTD.



1 Upper Level Plan
SCALE: 1/4" = 1'-0"



IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

1. Field-verify and coordinate all conditions and dimensions prior to work. Immediately report and/or review all questions/discrepancies with the Architect for knowledge, direction or approval prior to proceeding with work.
2. All work shall conform to governing laws, ordinances, rules, regulations and order of public authorities having jurisdiction.
3. Construction to be performed to current State of MN building & energy codes and local industry standards and standard industry practices.

Allman Residence

19005 Lakeview Avenue, Deephaven, MN 55331

Upper Level Floor Plan

Variance Issue

Variance Issue	2020.02.18

A1.2

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

1. Field verify and coordinate all conditions and dimensions prior to work. Immediately report and/or review all variations/discrepancies with the Architect for knowledge, direction or approval prior to proceeding with work.
2. All work shall conform to governing laws, ordinances, rules, regulations and orders of public authorities having jurisdiction.
3. Construction to be performed to current State of MN building & energy codes and local industry standards and standard industry practices.

Allman Residence

19905 Lakeview Avenue, Deephaven, MN 55331

Exterior Elevations

Variance Issue

Variance Issue	2020.02.18

A2.2



1 South (Rear) Exterior Elevation
SCALE: 1/4" = 1'-0"

Drawing Date: 2/18/2020 11:12 AM
 Drawing: 20200218112 AM
 User: SWAN_ARCHITECTURE
 Path: S:\Projects\Allman Residence\2020\20200218112 AM\20200218112 AM.dwg
 Plot: 2/18/2020 11:12 AM
 Plotter: AutoCAD
 Plot Scale: 1/4" = 1'-0"



1 East Exterior Elevation
SCALE: 1/4" = 1'-0"

SWAN ARCHITECTURE
+612.338.5976
International Model Space
275 Hennepin Avenue, Suite 218
Minneapolis, MN 55402

IMPORTANT NOTE FOR CONTRACTORS & SUB-CONTRACTORS

1. Field verify and coordinate all conditions and dimensions prior to work. Immediately report and/or review all conditions/ discrepancies with the Architect for knowledge, direction or approval prior to proceeding with work.
2. All work shall conform to governing law, ordinances, rules, regulations and order of public authorities having jurisdiction.
3. Construction to be performed to current State of MN building & energy codes and local industry standards and standard industry practices.

Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

Exterior Elevations

Variance Issue

Variance Issue	2020.02.18

A2.3

Pat Smith

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Monday, March 30, 2020 12:48 PM
To: Pat Smith
Subject: RE: 19905 Lakeview Ave

Pat,

I have completed review of the information submitted. Following are my comments for City consideration:

1. Existing drainage patterns will be maintained with the proposed improvements. Runoff will continue to drain from the middle west side of the lot toward Lakeview Avenue, Elm Street, and Cottagewood Avenue. A portion of the area draining to Lakeview Avenue drains west along the street. The remainder of the lot drains to a storm inlet on Cottagewood Avenue just directly south of the property.
2. Perimeter erosion control measures should be indicated on the plans. Measures should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
3. Grade alteration is not proposed in excess of 3', so a variance should not be required.
4. Work in public right-of-way must be coordinated with the City. Contractor must provide minimum 48 hour notice prior to any work.
5. Removal limits in the right-of must be coordinated with the City prior to work. Bituminous pavement should be saw-cut for a clean match line. Sod should be installed in right-of-way where driveway is removed.
6. Soils under impervious areas to be re-vegetated should be de-compacted prior to restoration. Soils should be ripped a minimum 12" deep prior to placement of topsoil.
7. The existing hardcover for the lot is estimated at 20.4%. Proposed improvements would increase the hardcover to 25.0%, with plans for a future pool that would increase the ultimate hardcover to 29.3%. The current plans do not indicate any stormwater runoff mitigation measures. However, both Lakeview Avenue and Cottagewood Avenue are quite flat in this area with minimal inlets and storm sewer, so an increase in impervious surface will likely result in additional flooding west along Lakeview Avenue and at the inlet on Cottagewood Avenue during precipitation events. Therefore, runoff mitigation should be provided as necessary to limit proposed volumes to existing conditions.
8. Clear drive lanes must be maintained on Lakeview Avenue, Elm Street, and Cottagewood Avenue at all times.
9. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss further.

Thanks,

Robert E Bean Jr. P.E.
Water Resources Project Engineer
Bolton & Menk, Inc.
2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172
Phone: 952-448-8838 ext. 2892
Mobile: 612-756-3184
Bolton-Menk.com

dalec@mediacombb.net

From: Tom Nicol <tnicol@excelsiorbenefits.com>
Sent: Monday, March 16, 2020 4:08 PM
To: Dale Cooney
Subject: Front Yard Setback Variance - 19905 Lakeview Ave

Dear City of Deephaven,

I currently reside at 19955 Cottagewood Avenue

I'm writing to provide support for a 7' 5" front yard setback variance request at 19905 Lakeview Ave in Deephaven. Matt and Kelly Allman are applying for this variance and my understanding is that their request would put their new home to be further from the street than the existing home on the property and that the new home would be relatively in line with the adjacent home to the West.

Best regards,
Tom Nicol



Agenda Date: 04-21-20

Agenda Item: Public Hearing to consider the variance requests of Andrew and Kathryn Krejci to encroach into the side yard setback, the lake yard setback, and to exceed the hardcover percentage in conjunction with the construction of an addition to the existing home at 19880 Lakeview Avenue.

Summary: Andrew and Kathryn Krejci, property owners, are requesting three variances to build an addition onto their existing home. The property is 12,396 square feet in area and zoned R-3, Single Family Residential.

The table below compares the required, existing and proposed setbacks, hardcover and building height.

	Required	Existing	Proposed
Front Yard Setback	35 feet	43.3 feet	35.3 feet
East Side Yard Setback	10 feet	10 feet	10 feet
West Side Yard Setback	15 feet	9.4 feet	8.7 feet
Lake Yard Setback	100 feet	78.5 feet	64 feet (patio)
Impervious Area (max.)	25%	33.3%	37%
Building Coverage (max.)	4,500 SF	2,224 SF	2,468 SF
Building Height (max.)	32 feet	32 feet	32 feet

Side Yard Setback

According to Hennepin County Records, the existing house was constructed in 1909, which predates Deephaven’s zoning ordinance. The house was constructed 9.4 feet from the westerly property line. The proposed plan would add a small addition onto the rear of the house but would be in the same plane as the existing side wall of the house. Because the house is constructed at a slight angle relative to the side property line, the side yard setback decreases slightly from 9.4 feet to 8.7 feet. Section 1302.05(3) of the zoning ordinance requires a sum total of 25’ with a minimum of 10’ for a side yard setback in the R-3 Zoning District. The applicant is **seeking a variance of 6.3 feet from the minimum required east side yard setback.**

Lake Yard Setback

The applicants is proposing a lake yard setback of 64 feet from the proposed patio to the closest point on the lake shore. The applicants are **seeking a variance of 36 feet from the minimum required lake yard setback.**

The proposed addition, on the other hand, is proposed to have a setback of 75 feet, which is the average setback of the houses on either side of the subject site. Currently, the existing house is setback 78.5 feet from the lake. The encroachment is a minor change from existing conditions and staff is supportive of the request.

Hardcover Percentage

City ordinance limits total hardcover to 25% because the lot is located in the shoreland management district. Currently, the site has a hardcover of 33.3%. The proposed patio, rear addition, and front addition increases the hardcover to 37%. To offset the increased hardcover, the applicant is proposing to install an infiltration swale along the east property line capturing most of the water that would otherwise reach Lake Minnetonka.

Variance Review Criteria

Minn. Stat § 462.357, subd. 6(2) requires the City's Board of Appeals and Adjustments evaluating a variance request to make the following inquiries:

1) *Is the variance in harmony with the purpose and intent of the ordinance?*

Staff Comment: The applicant is seeking to vary from the stated setback standards of the ordinance to improve an existing non-conforming house constructed in 1909, per Hennepin County tax records. The expanded conditions are minor and remain in harmony with the purpose and intent of the ordinance.

2) *Is the variance consistent with the comprehensive plan?*

Staff Comment: The request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which encourage residents to maintain and/or improve older homes which will promote diversity of housing in Deephaven.

3) *Does the proposal put property to use in a reasonable manner?*

Staff Comment: The encroachment of the west side yard setback is reasonable considering that the small addition will be in keeping with the established wall plane of the west elevation. A patio adjacent to the rear of the house is a reasonable use for the backyard. In addition, the lake yard setback is reasonable considering the attempt to match the current rear setbacks of the two neighboring homes.

4) *Are there unique circumstances to the property not created by the landowner?*

Staff Comment: Yes. The existing house was constructed in 1909 and the west side yard setback and lake yard setback are nonconforming.

5) *Will the variance, if granted, alter the essential character of the locality?*

Staff Comment: No, the proposal would not alter the essential character of the locality. The proposed project is of a scope and scale comparable to the existing conditions on neighboring properties.

Public Comment

Staff sent a public notice to all property owners within 350 feet of the subject site prior to the Planning Commission meeting of April 21, 2020. Public comments are attached.

STAFF RECOMMENDATION:

Staff recommends **approval** of the variance requests of Andrew and Kathryn Krejci to encroach 6.3 feet into the minimum required west side yard setback, 36 feet into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 12% in conjunction with the construction of a new addition and patio at 19880 Lakeview Avenue, as proposed.

Planning Commission Action: Action required by June 15, 2020. Possible motions include:

- 1) I move the Planning Commission accept the recommendation and findings of staff and recommend the City Council **approve** the variance requests of Andrew and Kathryn Krejci to encroach 6.3 feet into the minimum required west side yard setback, 36 feet into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 12% in conjunction with the construction of a new addition and patio at 19880 Lakeview Avenue, as proposed.

OR

- 2) I move the Planning Commission recommend the City Council **deny** the variance requests of Andrew and Kathryn Krejci to encroach 6.3 feet into the minimum required west side yard setback, 36 feet into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 12% in conjunction with the construction of a new addition and patio at 19880 Lakeview Avenue, as proposed. The motion is based on the following findings: _____.

Attachments:

- 1) Variance Application
- 2) Location Map
- 3) Existing Survey
- 4) Proposed Survey
- 5) Building Perspectives
- 6) Building Plan
- 7) Engineering Memo
- 8) DNR Letter
- 9) Public Comments

Key Dates:

Application complete:	March 19, 2020
Notice of Public Hearing published:	April 9, 2020
Planning Commission Public Hearing:	April 21, 2020
City Council Consideration:	May 4, 2020
60 Day Deadline:	May 18, 2020
120 Day Deadline (if necessary):	June 15, 2020

Variance Application

City of Deephaven
20225 Cottagewood Road
Deephaven, MN 55331
952-474-4755
cityofdeephaven.org

MAR 17 2020

BY:

Owner Information

Property Owner Name: Andrew and Kathryn Krejci

Property address: 19880 Lakeview Avenue

Wk Phone: 952.205.6652 Hm Phone: 612.716.3980

Email address: drew.krejci@gmail.com

Owner's Representative Information:

Representative is (circle one): Developer Contractor Architect Other

Applicant (individual or company name): Vine Hill Partners

Contact for Business: Cory Lepper Title: Principal/Owner

Address: 17736 Old Excelsior Blvd City: Minnetonka State: MN Zip: 55345

Property Information:

Present use of property: Residence

Property acreage: .28 acres

Existing Variances: Yes No

If yes, please explain _____

Describe Request: Build New Add On Remodel Replace

What is the Variance being requested for: Variances are being requested for side yard, lake setback and impervious cover.

Variations are requested of the following:

		Required		Proposed		
<u>X</u>	Side Yard	<u>25</u>	feet	<u>20.7</u>	feet	(Existing)
	Front Yard		feet		feet	
	Rear Yard		feet		feet	
<u>X</u>	Lake setback	<u>100</u>	feet	<u>63.3</u>	feet	(79.3 existing)
	Building height		feet		feet	
	Structure height		Feet		feet	
	Wetland		feet		feet	
<u>X</u>	Impervious Cover	<u>4,126</u>	sq ft	<u>5,110</u>	Sq ft	
	Shoreland		feet		feet	
	Massing		volume		volume	
	Other		feet		feet	
If other, please explain						

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, *and*, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property owner proposes to use the property in a reasonable manner, but one which is not allowed by the city's zoning ordinance, 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, *and* 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing a practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

the variances for the remodel are consistent with existing single-family properties in the neighborhood, will not impose or impact neighbors,

will line up with existing properties and will lead to an improvement on the existing structure.

Establishing Practical Difficulty:

1. The landowner's (Applicant's) proposal puts the property to a reasonable use because:
the proposal is consistent with existing single-family properties in the neighborhood. At the same time, our lot is non-conforming and was
built in 1900. Proposed remodel will not impose on neighbors and will be an improvement on the existing structure.

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not
created by the landowner property because:
our lot is non-conforming and was built in 1900. Our remodel will be consistent with existing single-family properties in the neighborhood
and will be an improvement on the existing structure.

3. The variance, if granted, will not alter the essential character of the locality because:
our remodel will be consistent with existing single-family properties in the neighborhood. At the same time, our remodel will be an
improvement to the current structure, will line up with existing properties and will have no impact on our neighbors.

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood
in general:

The requested variances will have no negative impact to our neighbors or the neighborhood in general. The remodel will be an
improvement to the current structure.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.

The requested variances will have no impact on the supply of light and air to adjacent properties. The remodel will be an improvement
to the current structure.

Describe the effect of the variance, if granted, on traffic congestion in the public street.

The requested variances will have no impact on traffic congestion in the public street. The variances will lead to an improvement of the
site.

Describe the effect of the variance, if granted, on the danger of fire.

The requested variances will not have any impact on the danger of fire. The variances will lead to an improvement of the site.

Describe the effect of the variance, if granted, on the danger to public safety.

The requested variances will not create any danger to public safety. The variances will lead to an improvement of the site.

Describe the effect of the variance, if granted, on established property values in the surrounding area.

The requested variances and the resulting remodel will help increase the established property values in the surrounding area by

improving the existing property and its value.

Describe the effect of the variance, if granted, on the impairment of the public health, safety or
welfare.

The requested variances will not create an impairment of the public health, safety or welfare. The variances will lead to an improvement
of the site.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

LMCD Watershed District Minnesota DNR

Owner's Acknowledgement & Signature(s)

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name, and I am the party whom the City should contact about this application. I certify that the information supplied is true and correct to the best of my knowledge.

I also acknowledge that I understand that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. I recognize that I am solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

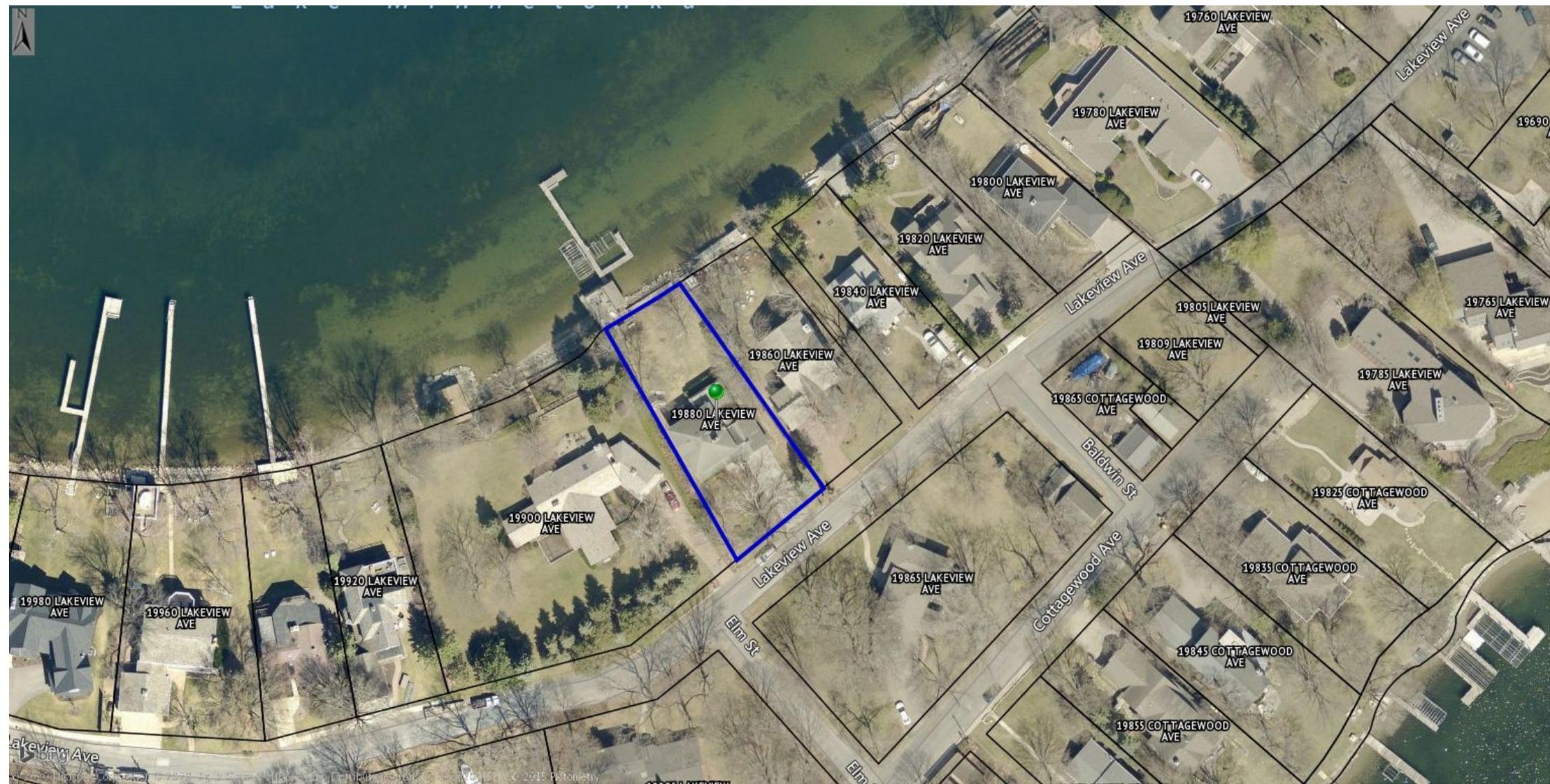
Owner's Signature:  Date: 3.16.2020

Printed Name: Andrew Krejci

Owner's Signature:  Date: 3.16.2020

Printed Name: Kathryn Krejci

Location Map



03/20/2015 - 06/09/2015

LEGAL DESCRIPTION:

That part of Lots 26 and 27, Revised Cottagewood, described as follows: Beginning at a point in the Southeasterly line of Lot 26, distant 31.2 feet Southwesterly from the Southeasterly or most Easterly corner of said Lot 26; thence North 40 degrees 50 minutes East along the Southeasterly line of said Lots 26 and 27, a distance of 77.7 feet to a point in the Southeasterly line of Lot 27, distant 46.5 feet Northeastly from the Southwesterly or most Southerly corner of said Lot 27; thence North 45 degrees 38 minutes West, 172.3 feet, more or less, to the shore of Lake Minnetonka, thence Southwesterly along the shore of said lake to its intersection with a line bearing North 40 degrees 12 minutes West from the point of beginning; thence South 40 degrees 12 minutes East to the point of beginning, according to the plat thereof on file or of record in the office of the Register of Deeds in and for said County.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. 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 to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Building dimensions and setbacks measured to outside of siding or stucco.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

STANDARD SYMBOLS & CONVENTIONS:

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

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.

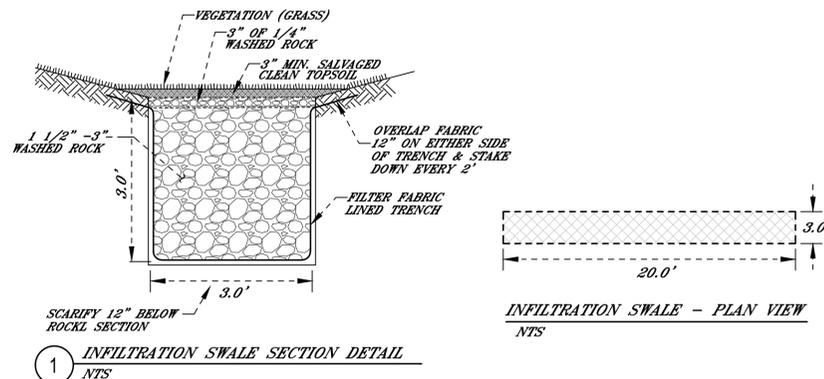
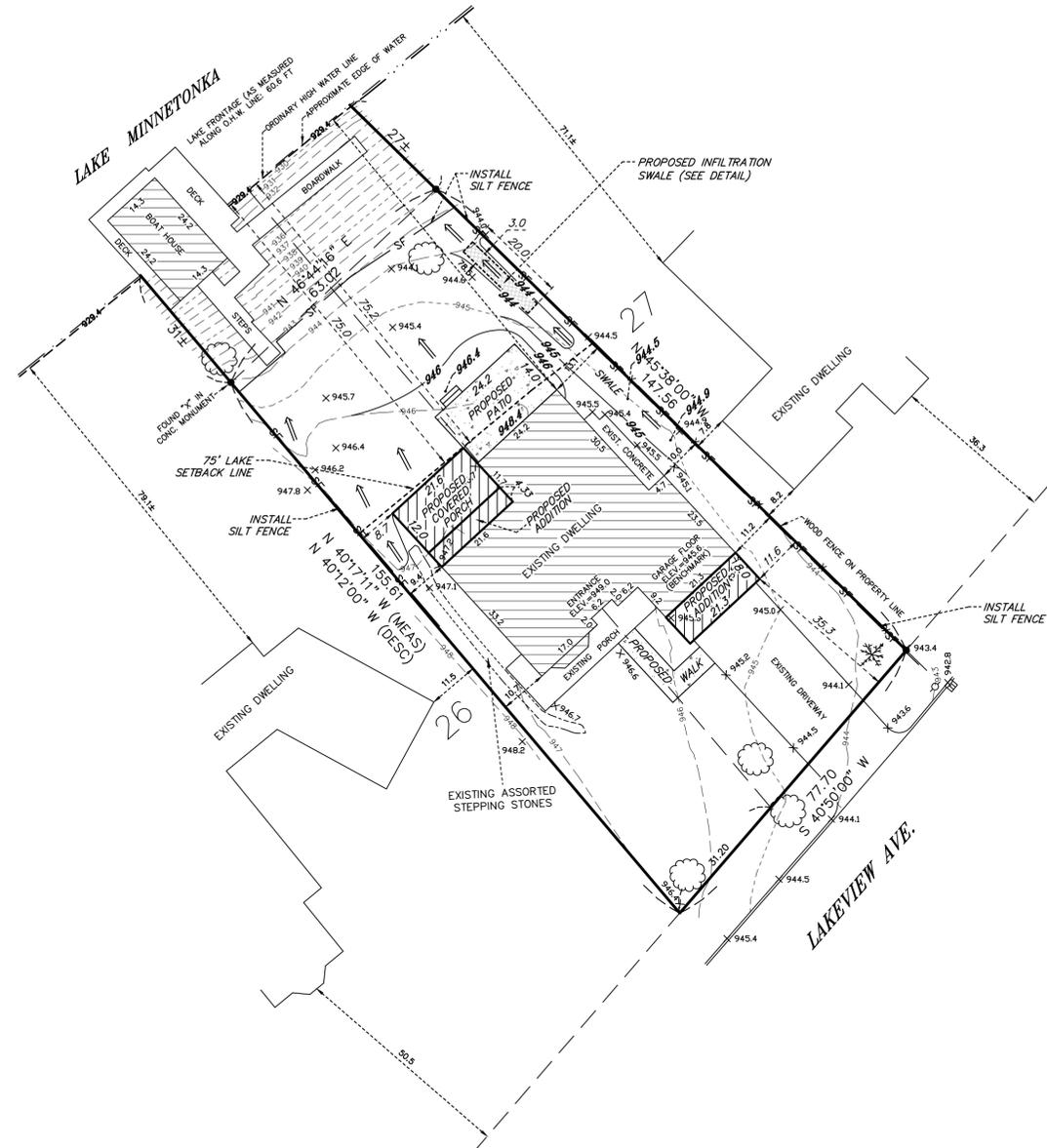
DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- Concrete truck washout shall be in the plastic lined ditch and dispose of washings as solid waste.

- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

SITE WORK COMPLETION:

- When final grading has been completed but before placement of seed or sod an "as built" survey shall be done per City of Deephaven requirements to insure that grading was properly done.
- When any remedial grading has been completed, sod or seeding shall be completed including any erosion control blankets for steep areas.
- When turf is established, silt fence and inlet protection and other erosion control devices shall be disposed of and adjacent streets, alleys and walks shall be cleaned as needed to deliver a site that is erosion resistant and clean.
- Contractor shall maintain positive drainage of a minimum 2% slope away from proposed building.



STORMWATER MANAGEMENT REQUIREMENTS

- ONSITE RETENTION REQUIREMENT : 1.33-INCH STORM EVENT OVER PROPOSED IMPERVIOUS AREA EQUAL TO AREA OVER EXISTING HARDCOVER CONDITIONS:
4,126 SF (EXIST HARDCOVER)
4,592 SF (PROP. HARDCOVER) - 4,126 SF = 466 SF (OVERAGE)
- REQUIRED STORAGE FOR 1.33-INCH STORM EVENT:
(1.33/12) FT X 466 SF = 52 CF
- INFILTRATION WILL PROVIDE ONSITE RETENTION OF 72 CF IN PROPOSED INFILTRATION SWALE.
(3'X3'X20' = 180 CF X 0.4 = 72 CF)
72 CF X 75% (REDUCTION PER CITY CREDIT) = 54 CF

EXISTING HARDCOVER		PROPOSED HARDCOVER	
HOUSE	2,093 SQ. FT.	HOUSE	2,337 SQ. FT.
BOAT HOUSE	131 SQ. FT.	BOAT HOUSE	131 SQ. FT.
DECK/BOARDWALK	368 SQ. FT.	DECK/BOARDWALK	368 SQ. FT.
PATIO	251 SQ. FT.	PATIO	350 SQ. FT.
CONCRETE	91 SQ. FT.	CONCRETE	91 SQ. FT.
PORCH	236 SQ. FT.	FRONT PORCH	236 SQ. FT.
DRIVEWAY/WALK	923 SQ. FT.	REAR COVERED PORCH	259 SQ. FT.
BACK STEPS	33 SQ. FT.	DRIVEWAY/WALK	820 SQ. FT.
TOTAL EXISTING HARDCOVER	4,126 SQ. FT.	TOTAL PROPOSED HARDCOVER	4,592 SQ. FT.
AREA OF LOT TO O.H.W.	12,396 SQ. FT.	AREA OF LOT TO O.H.W.	12,396 SQ. FT.
LOT COVERAGE	33.3%	LOT COVERAGE	37.0%

NOTE: ASSORTED STEPPING STONES NOT INCLUDED IN HARDCOVER CALCULATIONS.

LEGEND

EXISTING CONTOUR --- 945 ---

EXISTING SPOT ELEVATION X 945.5

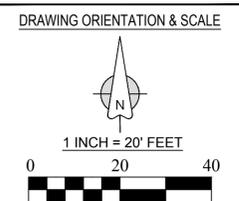
PROPOSED CONTOUR --- 945 ---

PROPOSED SPOT ELEVATION 945.5

DRAINAGE ARROW - FLOW ==>

SILT FENCE --- SF ---

DATE	REVISION DESCRIPTION
2-18-20	ADDED CONCRETE PAD & UPDATED STORMWATER MANAGEMENT
4-16-20	UPDATED SITE PLAN & STORMWATER MANAGEMENT



CLIENT/JOB ADDRESS

VINE HILL PARTNERS

19880 LAKEVIEW AVE.
DEEHPHAVEN, MN

Advance
Surveying & Engineering, Co.

5300 South Hwy. No 101
Minnetonka, Minnesota 55345
Phone (952) 474-7964
Web: www.advsur.com

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

Josida S. Rinke
Josida S. Rinke
52716
LICENSE NO.
FEBRUARY 17, 2020
DATE

DATE SURVEYED: NOV. 13, 2019

SURVEYED BY
ADVANCE SURVEYING. & ENG., CO.

DATE DRAFTED: FEB. 17, 2020

SHEET TITLE

PROPOSED SURVEY

DRAWING NUMBER

200111 JR

SHEET NO.

S1

SHEET 1 OF 1

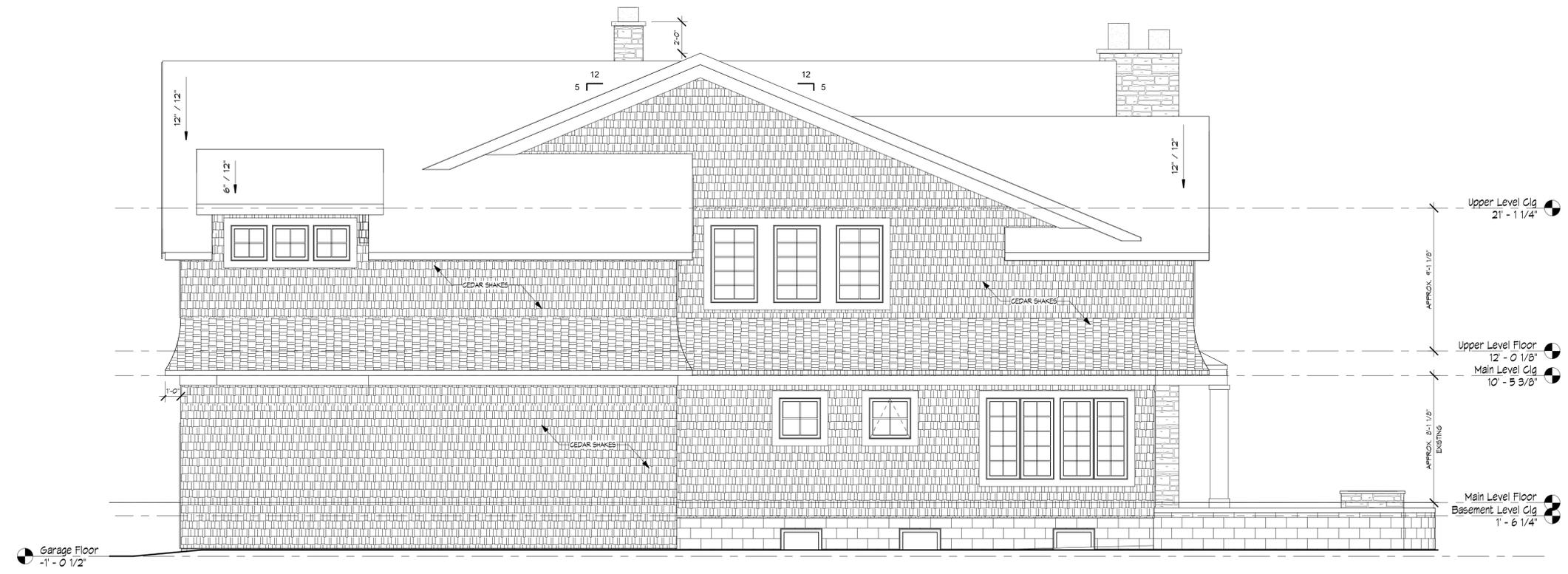


1 FRONT ELEVATION
1/4" = 1'-0"



3 FRONT 3D VIEW
A1

PRELIMINARY
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2 RIGHT SIDE ELEVATION
1/4" = 1'-0"

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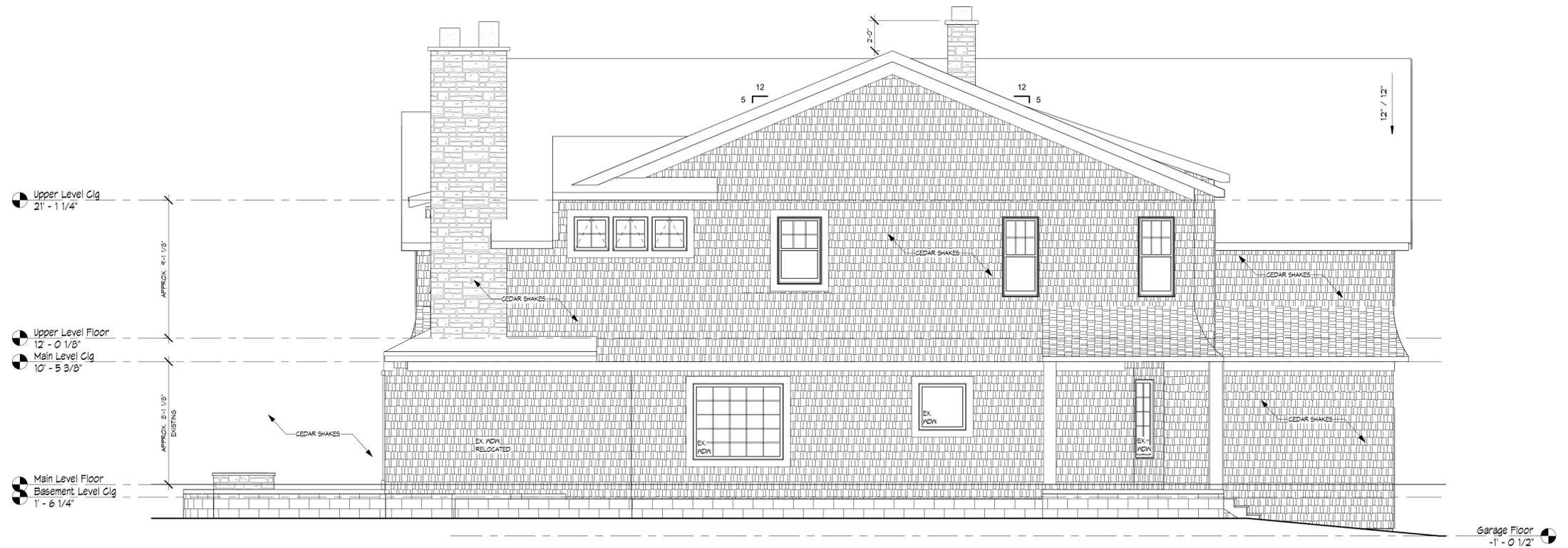


1 REAR ELEVATION
1/4" = 1'-0"



3 REAR 3D VIEW
A2

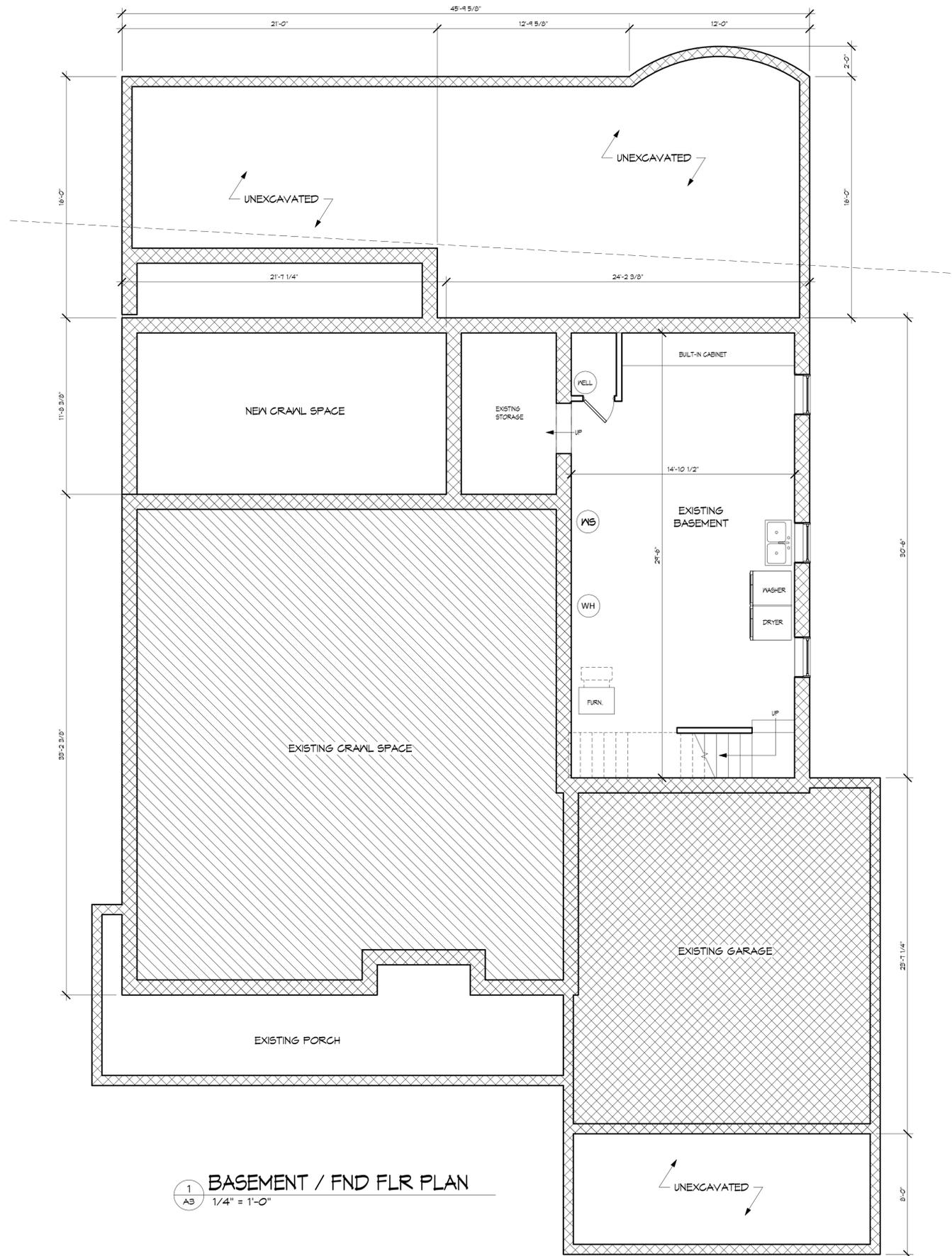
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2 LEFT SIDE ELEVATION
1/4" = 1'-0"

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1 BASEMENT / FND FLR PLAN
 A3 1/4" = 1'-0"

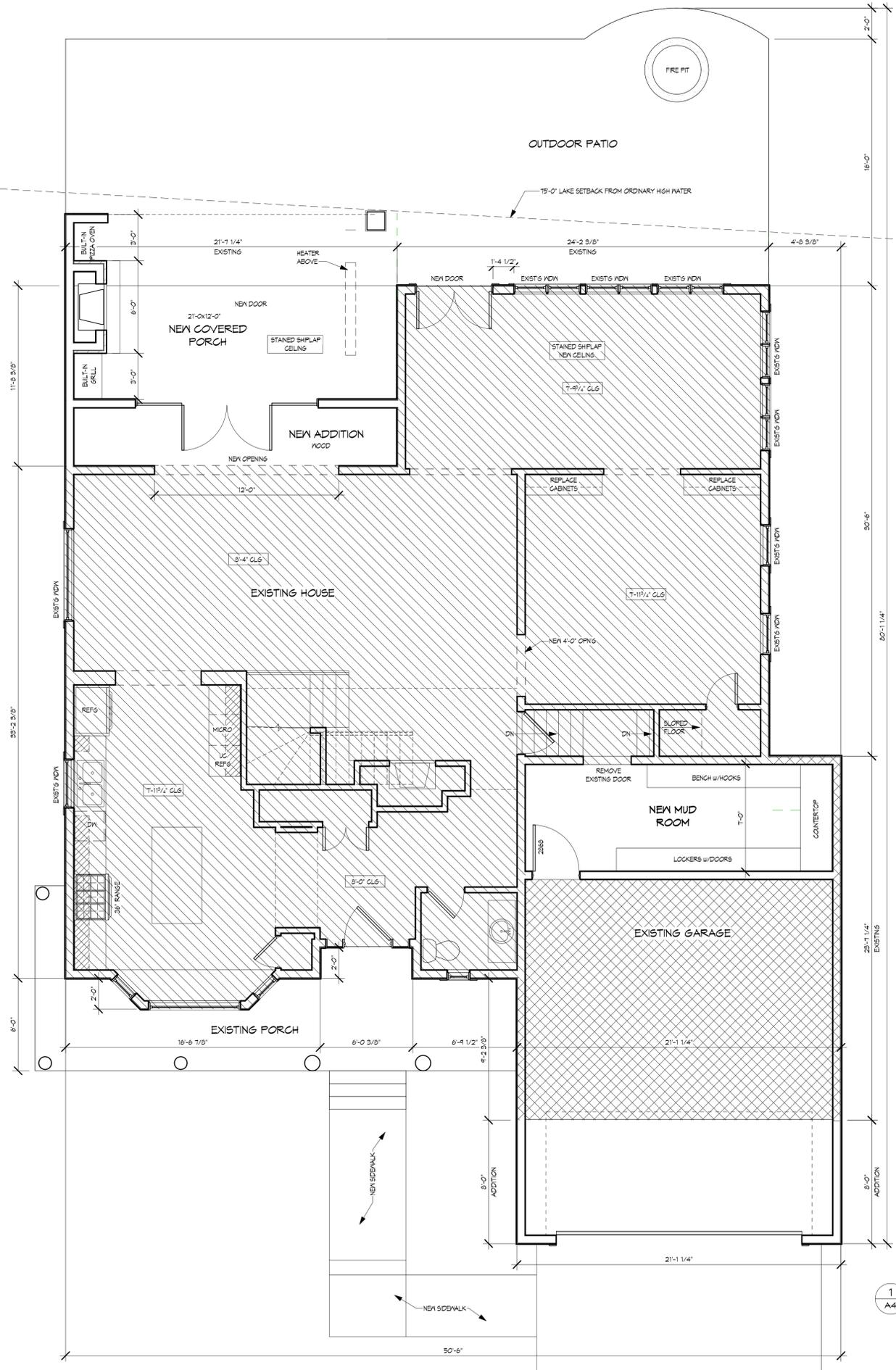
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- NOTES:
- 1.) ALL BRG. HEADERS ARE TO BE (2)-2X10 UNLESS NOTED OTHERWISE (UNO).
 - 2.) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES.
 - 3.) OWNER/CONTRACTOR TO SPEC. ALL FLOORING MATERIAL.
 - 4.) OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS.
 - 5.) ALL BRG WALL WINDOW & DOOR OPNG'S WIDER THAN 60" REQUIRE (2) TRIMMERS MIN. UNDER EA. SIDE OF HEADER.
 - 6.) (FL) - FLUSH BEAM, (DR) DROPPED BEAM
 - 7.) ALL HEADERS ARE DROPPED UNLESS NOTED (FL)
 - 8.) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.

PRELIMINARY
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1 MAIN FLOOR PLAN
1/4" = 1'-0"

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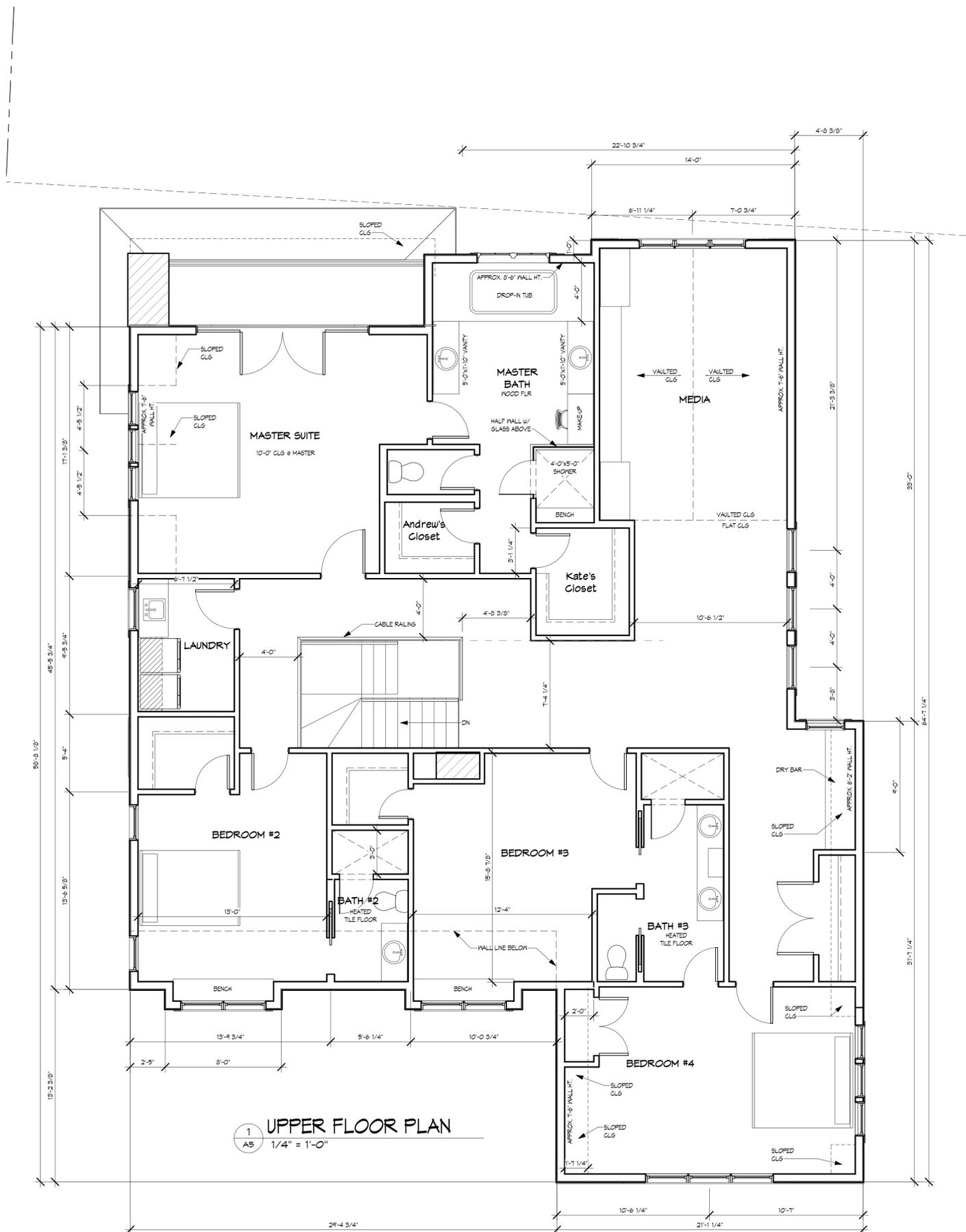


Kreici Residence
19880 lakeview Ave.
Deephaven, MN

DATE: 4/10/2020
DRAWN BY: P. BEHR, K.
PROJECT #: 20-01VH
VINE HILL PARTNERS, INC.
THIS DRAWING AND DESIGN LAYOUT IS
PROTECTED UNDER STATE AND FEDERAL
LAW. NO PART OF THIS DRAWING OR ANY
INFORMATION HEREON IS TO BE REPRODUCED
OR USED FOR ANY
PURPOSE WITHOUT PRIOR WRITTEN
CONSENT FROM BEHR DESIGN, INC.

SHEET NO.
A4
Main Floor Plan

**PRELIMINARY
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)**



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 - 6.) (FL) - FLUSH BEAM, (DR) DROPPED BEAM
 - 7.) ALL HEADERS ARE DROPPED UNLESS NOTED (FL)
 - 8.) USE ENERGY HEEL HEIGHT ON ROOF TRUSSES.





Pat Smith

From: Bonin, BJ (DNR) <bj.bonin@state.mn.us>
Sent: Thursday, March 26, 2020 4:12 PM
To: pat@cityofdeephaven.org
Subject: 19880 Lakeview variance request

Pat:

Given the current pandemic, the DNR does not want employees attending public meetings at this time. So I am submitting comments on this project via this email.

Looking at the plans from Vine Hill Partners regarding the proposed work on this parcel, the DNR doesn't like to see non-compliant structures get variances to be even less compliant with setbacks. That said, the DNR understands that this is the City's call and trusts that the City will conform to the established variance process when deciding whether or not to issue a variance.

I noticed that the parcel has a boat storage structure (boathouse) shown on the plan. Please note that work of any kind on the boat storage structure, including routine maintenance or demolition, requires a DNR individual permit. If it is a proposed new structure or addition to an existing one, it will not be allowed. The statute is linked below (see Subd. 4). <https://www.revisor.mn.gov/statutes/cite/103G.245>

Please let me know if you have any questions.

BJ Bonin, PG

Interim Area Hydrologist | Ecological and Water Resources – Region 3

Minnesota Department of Natural Resources

1200 Warner Road
St. Paul, MN, 55106
Phone: 651-259-5822

 **DEPARTMENT OF
NATURAL RESOURCES**



Pat Smith

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Monday, March 23, 2020 12:43 PM
To: Pat Smith
Subject: RE: Variance App - 19880 Lakeview Ave

Pat,

I have completed review of the information provided, and following are my comments for City consideration:

1. Existing drainage patterns will be maintained with proposed improvements. Runoff will continue to drain from the front of the lot to a catchbasin on Lakeview Avenue at the southeast corner of the property. Runoff from the rear of the lot will continue to drain directly to Lake Minnetonka. Swales are proposed along the side lines to direct runoff away from adjacent structures.
2. Land alteration of more than 3' is not proposed so a variance should not be required for proposed improvements.
3. Grading of the swales along side lot lines and directing of roof downspouts toward the infiltration trench should be verified by the City prior to permanent restoration to confirm adequate drainage away from adjacent properties.
4. Perimeter erosion control measures should be installed by the Contractor and inspected by the City prior to any other work. Contractor must provide minimum 24 hour notice prior to inspection.
5. An infiltration trench is proposed to meet stormwater management requirements. The typical section and sizing of the swale is adequate to meet City requirements.
6. Construction of stormwater management facilities should be observed by a City representative to ensure systems are installed as proposed.
7. A record drawing of stormwater management improvements installed should be submitted upon completion to confirm facility was constructed per plan.
8. The applicant should be required to submit a Maintenance Agreement for any stormwater management facilities installed. The agreement should define maintenance responsibilities following completion of project, specify types and frequencies of inspection and maintenance activities, designate who will conduct inspection and maintenance activities, and outline reporting requirements.
9. Clear drive lanes must be maintained on Lakeview Avenue at all times.
10. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit should be provided to the City conditional to final approval.

If you have any questions or comments, please contact me to discuss further.

Thanks,

Robert E Bean Jr. P.E.
Water Resources Project Engineer
Bolton & Menk, Inc.
2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172
Phone: 952-448-8838 ext. 2892
Mobile: 612-756-3184
Bolton-Menk.com

Pat Smith

From: Rick Kotovic <rkotovic@yahoo.com>
Sent: Monday, April 13, 2020 10:32 AM
To: pat@cityofdeephaven.org
Cc: Kotovic Nancy
Subject: Krejci variances

Nancy and I approve the Krejci's request for variances as described in the notice for the meeting April 21st planning meeting.

Respectfully submitted,

Rick and Nancy Kotovic
612.716.3465 cell

Pat Smith

From: Chrisy Hughes <cbhughes@hotmail.com>
Sent: Monday, April 13, 2020 7:02 PM
To: pat@cityofdeephaven.org
Subject: Krejci hearing

Hi Pat -

I wanted to let you know that I have seen the hearing notice for the Krejci's remodel and we approve of there proposed changes. I understand the space use of the house and the needs of their family. No doubt the new construction will be well done and fir nicely into Cottagewood.

Thank you
Chrisy Hughes
19960 Lakeview Ave

Pat Smith

From: Dina Conzemius <dinaconzemius@gmail.com>
Sent: Monday, April 13, 2020 9:26 AM
To: pat@cityofdeephaven.org
Subject: Krejci remodel

Hi Pat -

It's reassuring to see construction plans are moving ahead in Deephaven despite the current situation.

I'm writing to let you know I received the variance requests from the Krejci home at 19880 Lakeview Avenue. I can't attend the meeting on 4/21 but want to pass along my support of their project. There is one home between mine and the Krejci's, I know it will be a beautifully done project and not negatively impact the look and feel of our neighborhood. Quite the opposite!

Best,
Dina Conzemius
19920 Lakeview Avenue