

**CITY OF DEEPHAVEN
REGULAR COUNCIL MEETING
7:00 P.M., MONDAY, MAY 4, 2020
NOTICE OF MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS**

NOTICE IS HEREBY GIVEN that the City Council of the City of Deephaven will hold its regular Council meeting on Monday, May 4, 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 City Council may be participating via telephone or other electronic means. Members of the public may monitor the meeting by joining the following link:

Join Zoom Meeting

<https://us02web.zoom.us/j/86431641758?pwd=N1N3c1FBVz1JeXZlYUVNRjVxb1VDUT09>

Meeting ID: 864 3164 1758

Password: 585312

One tap mobile

+13126266799,,86431641758#,,1#,585312# US (Chicago)

+19292056099,,86431641758#,,1#,585312# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 864 3164 1758

Password: 585312

Find your local number: <https://us02web.zoom.us/j/86431641758?pwd=N1N3c1FBVz1JeXZlYUVNRjVxb1VDUT09>

**DEEPHAVEN CITY COUNCIL
DEEPHAVEN CITY COUNCIL CHAMBERS
20225 COTTAGEWOOD ROAD
MONDAY, MAY 4, 2020
7:00 P.M.**

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. APPROVE CONSENT AGENDA**
 - A. Approve April 20, 2020 Regular Council Minutes**
 - B. Approve Verifieds**
 - C. Approve 6-Month Probation of Deputy Clerk Tracy Gustafson**
 - D. Approve 6-Month Probation of Mark Duffy, Public Works**
 - E. Change Designation of Official Publication**
 - F. Approve March 2020 Treasurer's Report**
- 3. MATTERS FROM THE FLOOR**
- 4. PUBLIC HEARING**
 - A. Public Hearing on the Partial Vacation of Dale Avenue**
- 5. PLANNING & ZONING REQUESTS**
 - A. 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. 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. 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**
- 6. UNFINISHED BUSINESS**
 - A. Approve Boat Lift Addendum**
 - B. Approve Warming House Restroom Lock Proposal**
 - C. Present Ord. No. 08-08, Establishing Uniform Park & Ice Rink Hours**
 - D. Discuss the Issuance of Non-Resident Beach Permits**
 - E. Other**
- 7. NEW BUSINESS**
 - A. Other**
- 8. DEPARTMENT REPORTS**
 - A. Excelsior Fire District**
 - B. Police Department**
 - C. Public Works**
 - D. Administration**
- 9. ADJOURNMENT**

**DEEPHAVEN CITY COUNCIL MEETING
MONDAY, APRIL 20, 2020
MINUTES
VIA ZOOM VIDEO CONFERENCING TECHNOLOGY**

1. **CALL MEETING TO ORDER:** Mayor Paul Skrede called the meeting to order at 6:00 p.m.

PRESENT: Mayor Paul Skrede, Councilmember's Tony Jewett, Steve Erickson, Kent Carlson, and Melissa McNeill

STAFF: City Assessor Dan Distel and City Administrator Dana Young

2. **PLEDGE OF ALLEGIANCE**

The Council did not recite the Pledge of Allegiance this evening due to the fact that the meeting was a video conference.

3. **LOCAL BOARD OF APPEAL & EQUALIZATION**

Mayor Skrede introduced City Assessor Dan Distel and Hennepin County Assessors Ashley Gunderson and Melody Devine.

Dan Distel stated that there were 66 sales during the study period, 13 of which were lake property. He stated that the study period extends from October 2018 to October 2019. He stated that there was a 2.5% increase in off-lake property and a 5% increase in lake property in 2020. He stated that he received 10-15 phone calls this year, a number of them regarding the potential impact of COVID-19 on market values. He stated that COVID-19 has not been taken into consideration at this time but common sense tells him that it might have a future impact.

Mayor Skrede noted that the Council packet contains both the letter of appeal from Jeff Wright and Dan Distel's response to Mr. Wright's letter.

Jeff Wright stated that he doesn't view his property as part of Cottagewood.

Councilmember Carlson asked Jeff for the square footage of his house.

Jeff Wright stated that it was 4,000 S.F.

Dan Distel stated that Jeff had a significant increase on his property since 2017, an increase well above the average increase in Deephaven. He stated that newer homes in the Cottagewood area, including Jeff's property, have increased significantly over the past few years. He stated that the sales for these newer homes in the Cottagewood area, both on and off lake, have demanded a higher price. He noted that the other comparable properties that he included in his response

letter showed properties increasing 21-24% since 2017. He added that the two recent sales of the property at 20100 Minnetonka Blvd sold far in excess of what he had listed for the estimated market value on that property.

Councilmember Erickson enters the meeting at 6:17 p.m.

Further discussion was held on the value of comparable properties in the area and their rate of increase since 2017.

Jeff Wright stated that just because the other properties also increased at a significant percentage doesn't mean that they are valued correctly. He asked when the second sale of 20100 Minnetonka Blvd occurred and whether it was included in the sales data.

Dan Distel stated that the second sale of this property was not included in the sales data.

Mayor Skrede stated that the relevance of this second sale is that it indicates that the first sale price seems legitimate. He asked for a breakdown on the market value of Jeff's property.

Dan Distel stated that he had a value of \$1,215,000 on the land and \$795,000 on the house.

Mayor Skrede asked if you could build a house for \$200 per foot.

Councilmember Carlson stated that you couldn't build a house for that amount. He noted that Jeff's property sold for \$1,124,000 in 2010. He stated that he thought it very likely that the land value alone would increase \$100,000 in ten years. He stated that land values on lake property have gone up substantially in the past ten years.

Councilmember Jewett compared Jeff's property with a recent sale at 20236 Cottagewood Road. He stated that he could sympathize with a 13% increase this year but felt that the property was just moving towards its true value.

Councilmember McNeill stated that she couldn't see what Jeff had thought the value of his property should be in his letter.

Jeff Wright stated that he is not the expert on assessing properties. He stated that the 13% increase he received this year got his attention and thought it was well-beyond what the market is doing. He stated that he thought a single digit percentage increase would be more reasonable.

Dan Distel stated that establishing comparables is difficult and didn't know what the effect was on Jeff's property being located across from the City Hall parking lot. He stated that for this reason he has given Jeff's property a discount for his location and would increase the value of his property if he were located further down the street.

Councilmember Erickson stated that he understands Jeff's concerns with a 13% increase this year but noted that there is significant interest in on-lake properties. He stated that he had no further questions.

Councilmember Carlson agreed that he had no additional questions. He stated that he believe the land value is there along with a 4,000 S.F. house. He stated that he appreciates the expertise of Dan Distel and Councilmember Jewett in this matter.

Mayor Skrede noted that the 13% increase this year is in line with the other properties.

Jeff Wright stated that just because they are all high doesn't mean that they are right.

Mayor Skrede stated that Jeff could take his appeal to Hennepin County to see what they think about the values. He noted that this whole section of Cottagewood Road was re-evaluated.

Jeff Wright stated that he appreciates the Council's consideration of his request.

Motion by Councilmember Jewett to accept the City Assessor's 2020 market value of \$2,010,000 at 20220 Cottagewood Road. Seconded by Councilmember Erickson. Motion carried 5-0.

Motion by Councilmember Carlson to adjourn the Local Board of Appeal & Equalization meeting at 6:50 p.m. and to reconvene the Regular Council meeting. Seconded by Councilmember Erickson. Motion carried 5-0.

4. APPROVE CONSENT AGENDA

Motion by Councilmember Carlson to approve the Consent Agenda, consisting of the following items:

- A. Approve April 6, 2019 Special Council Work Session Minutes
- B. Approve April 6, 2020 Regular Council Minutes
- C. Approve 2020 SafeAssure Contract
- D. Adopt Ordinance No. 04-69, Amending Small Wireless Facility Permit Fees
- E. Adopt Ordinance No. 04-70, Amending Tobacco Ordinance

Seconded by Councilmember McNeill. Motion carried 5-0.

Councilmember Jewett noted that Ordinance No. 04-69 only addresses fees and not the state mandated requirement on small cell facilities.

Mayor Skrede asked to staff to review what would trigger Council review of any upgrades on the city's two cell towers.

5. PUBLIC HEARING

A. Public Hearing on the Partial Vacation of Dale Avenue

Administrator Young stated that the public hearing on the partial vacation of Dale Avenue was scheduled for this evening and notices were sent to those residents within 350 feet of Dale Avenue. He stated that there are still some unanswered questions regarding the proposed vacation request including the impact on an existing pedestrian easement and why the street vacation did not include the entire portion of Dale Avenue west of Walden Trail. He stated that he would recommend obtaining public comment this evening but have a further discussion on this vacation request on May 4th after these and other questions have been answered.

Hearing no comments on the proposed partial vacation of Dale Avenue, Mayor Skrede declared the public hearing closed.

Councilmember Carlson stated that further conversation with the applicant would be helpful.

Mayor Skrede agreed that addition information would be helpful and we don't need to hold another public hearing on this issue on May 4th.

Brit, who joined the Council on this Zoom presentation, stated her concern regarding small cell technology, which she understood has been banned in certain cities as there have been no independent safety studies on this technology.

Councilmember Erickson stated that the small cell facilities report back to a cell tower. He stated that the legislation adopted by the City allowing small cell facilities was required by the State of Minnesota.

Paul Skrede recommended that concerns regarding small cells should be brought to the state level.

6. UNFINISHED BUSINESS

A. Review Boat Lift Addendum

Administrator Young stated that at the April 6th Council Work Session, the Council discussed the possibility of adding an addendum to the Mooring Lease Agreement that would allow residents on a dock slip to install a boat lift. He stated that the language used in the addendum is taken from the City of Excelsior Mooring Policy on Boat Lifts.

Councilmember Jewett stated that this addendum covers the questions that he and Dean Friesen have on boat lifts. He stated that the boat lifts described in the addendum are self-explanatory and only expects to receive a handful of requests for a boat lift. He noted that it may be difficult to fit these boat lifts in one of our dock slips.

Mayor Skrede asked if the boat lifts described in the addendum would fit in our slips.

Councilmember Erickson stated that our slips are 9.5' wide post to post.

Mayor Skrede stated that we need to get specific measurements on the proposed boat lifts to make sure they fit.

Councilmember Jewett stated that the lift measures 120" wide by 124" long.

Councilmember McNeill stated that the addendum also needs to include a release of liability and agreed to draft a liability release form to use along the addendum.

Councilmember Erickson agreed that we need to hold the lift user liable for any damage to the dock.

Mayor Skrede asked Councilmember McNeill to forward the proposed language to staff and to check on the proposed lift specifications for Council review on May 4th.

B. Discuss Park Committee Recommendations

Administrator Young stated that at their April 6th meeting, the Deephaven Park Committee submitted two recommendations for Council consideration. The first recommendation was for the City Council to consider whether to sell parking permits to non-residents during the COVID-19 pandemic in the attempt to alleviate potential problems with over-crowding and maintaining the appropriate social distancing at the beaches.

He stated that the Public Safety Committee also reviewed this issue at their April 14th meeting and recommended continuing with the sale of beach parking permits to non-residents but limiting the total number of non-resident beach parking permits to 235. The number of 235 permits was determined by using a five-year average of beach parking permits issued to non-residents.

Mayor Skrede appreciated that input from the Park Committee but noted that Police Chief Johnson didn't think that no longer offering non-resident beach permits would necessarily limit the number using the beach. He noted that when the triathlon was held during Deephaven Days, non-residents simply parked at Thorpe Park and walked to the beach. He stated that it really is the practicality of not selling non-resident permits vs. installing social distancing signs at the beach.

Councilmember McNeill asked how many of these permits belong to the Minnetonka Yacht Club.

Councilmember Jewett stated that not many are sold to the Yacht Club. He stated that a lot of members use the parking lot but don't want to pay for permits. He stated that one idea would be to delay selling non-resident beach permits until after the Governor's Stay at Home Order has been lifted. He stated that limiting the number of non-resident beach permits to 235, as suggested by the Public Safety Committee, doesn't really do that much.

Councilmember Carlson agreed with Councilmember Jewett on waiting on the lifting of the Stay at Home Order.

Mayor Skrede agreed to support holding off on the non-resident beach permits but didn't want to

hold off on sending out parking permits to residents.

The Council agreed that resident parking permits should be sent out as soon as possible.

Councilmember Jewett stated that we can discuss the sale of non-resident beach permits at the May 4th meeting, when Governor Walz would have acted on the Stay at Home Order.

Councilmember Carlson agreed. He stated that we need to know when other similar uses are opened up.

Councilmember Erickson stated that we should continue to sell the \$120 boat launch permits.

The Council agreed that boat launch permits should continue to be sold.

Britt stated that she found it difficult to park down at the beach last year. She stated that it is difficult now to enforce social distancing with all the people out walking. She stated that selling the maximum number of permits is not the best idea. She suggested increasing the permit cost to discourage non-resident use or perhaps the Council is content with the way things are.

Mayor Skrede agreed that it can be very crowded at the beach. He stated that the beach often quiets down after the launch ramp is blocked for the swimming season. He stated that it is hard to determine which cars parked down at the beach are for Deephaven residents or non-residents. He thanked Britt for her thoughts on this matter.

Councilmember Jewett stated that he doesn't have an answer to the permits but noted it is a very popular beach. He wondered if we can decrease the numbers at the beach due to COVID-19. He suggested that we hold off on further discussion until after the Stay at Home Order is lifted on May 4th.

Administrator Young stated that the second Park Committee recommendation was for the City Council to consider and determine the appropriate funding for securing the warming house and restrooms during those hours that Thorpe Park is closed

He added that the Public Safety Committee also reviewed this issue at their April 14th meeting and recommended the following course of action:

- Obtain a quote on the installation of a timer on the two restroom doors set to automatically lock 10:00 p.m. and reopen at 6:00 a.m.
- Establish consistent closing hours for all city beaches, parks and ice rinks at 10:00 p.m. to 6:00 a.m.

Mayor Skrede stated that the Public Safety Committee suggested that the restrooms should only be open during park hours and the Council should establish uniform park and beach closing hours.

Councilmember Erickson asked what is the problem we are fixing and is 10:00 p.m. an appropriate closing time.

Councilmember McNeill stated that we should have consistent times and she didn't think 10:00 p.m. was too early to close down the parks.

Councilmember Erickson stated that he wants the locking of the restrooms to be need based.

Mayor Skrede stated that we could readjust closing times as we move forward.

Councilmember Jewett noted that this has been a discussion item for the Park Committee all last year. He stated that he doesn't know what the right answer is but is fine with closing at 10:00 or 11:00 p.m. He wondered if the police could lock the restrooms at 10:00 p.m. and if public works could open them up back up at 6:00 a.m. He stated that this has been a wish list item for the Park Committee for quite a while.

Mayor Skrede stated that he is not looking at a wireless locking solution but a timer.

C. Other

There was no other Unfinished Business this evening.

7. NEW BUSINESS

A. Other

There was no other New Business this evening.

8. REPORTS FROM STANDING COMMITTEES

A. Park Committee

Administrator Young presented a review of the Park Committee meeting held on April 7, 2020 on the following items:

- The two recommendations on the sale of non-resident beach parking permits and warming house security issues
- 2020 Park Committee goals were discussed
- Discussed the revised Bikeway Survey results that just included the results from Deephaven residents

B. Public Works Committee

Administrator Young presented a review of the Public Safety & Public Works Committee meeting held on April 14, 2020 on the following items:

- Discussed the responses to the Stone Arch letter that was sent out regarding proposed options on the Stone Arch. The vast majority of Northome and Cedarhurst residents strongly supporting keeping the Stone Arch. A follow-up letter will be sent to the residents within the next few weeks.
- Discussed a request from Barbara Sykora on selecting a new and more historically accurate plaque for the Stone Arch. The Committee responded to the request by stating that the Committee's interest in the Stone Arch was solely in regards to the narrow width & limited height and not in the design of a new plaque for the Stone Arch. Dana Young stated that he further recommended that she obtain the opinion on the proposed plaques from the Northome and Cedarhurst Homeowner's Association.
- Reviewed and denied recommendations on installing a three-way stop sign at the intersection of the Vine Hill Bridge & Minnetonka Blvd and on the installation of a load limit sign on the Vine Hill Bridge.
- Issued recommendations on the sale of non-resident beach parking permits and warming house security issues.
- Reviewed and denied a request from a resident for the City to participate in the cost of installing a fence along a portion of the Chowens Corner Parking Lot at 3435 Montgomerie Avenue.
- Reviewed a report from the City Engineer summarizing the results of the most recent bridge inspections conducted by Hennepin County.
- Discussed ongoing drainage issues at 20664 Linwood Road and recommended providing engineering services to determine the scope and cost of outletting excess water from the drainage easement area to the lake.

10. ADJOURNMENT

Motion to adjourn by Councilmember Jewett, seconded by Councilmember Erickson. Motion carried 5-0. The meeting adjourned at 8:34 p.m.

Respectfully submitted,
 Dana H. Young
 City Administrator

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Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
ADAM'S PEST CONTROLS INC					
1861	ADAM'S PEST CONTROLS INC	3113527	PEST CONTROL	04/14/2020	194.16
Total ADAM'S PEST CONTROLS INC					194.16
ALLSTREAM					
2405	ALLSTREAM	16740483	PHONE SERVICE	03/23/2020	559.00
Total ALLSTREAM					559.00
ARCPOINT LABS OF EDEN PRAIRIE					
2529	ARCPOINT LABS OF EDEN PRAIRIE	1936	LAB SERVICES	03/31/2020	88.00
Total ARCPOINT LABS OF EDEN PRAIRIE					88.00
BLUE TARP FINANCIAL					
2040	BLUE TARP FINANCIAL	4062111826	MISC SUPPLIES	04/07/2020	69.98
		4063009268	MISC SUPPLIES	04/07/2020	184.09
		4063009975	MISC SUPPLIES	04/21/2020	199.99
Total BLUE TARP FINANCIAL					454.06
BOLTON & MENK INC					
1199	BOLTON & MENK INC	0248541	2020 DEV REVIEW	03/31/2020	1,273.00
		0248542	2020 Misc Drainage	03/31/2020	207.00
		0248543	2020 MISC Engineering BRIDGE INSPECTIONS	03/31/2020	99.00 320.00
		0248544	2020 SWR IMPROVEMENTS	03/31/2020	3,612.50
		0248545	2020 STREET IMPROVEMENTS	03/31/2020	1,598.00
		0248546	MONTGOMERIE DRNG REVIEW	03/31/2020	78.00
		0248547	SHUCK PARK IMPROVEMENTS	03/31/2020	902.00
		0248548	ST LOUIS BAY BOAT RAMP	03/31/2020	3,475.00
Total BOLTON & MENK INC					11,564.50
CARDMEMBER SERVICES					
1385	CARDMEMBER SERVICES	MARCH 2020	Marina Repair & Maint	03/27/2020	631.03
			POLICE - VEHICLE MAINT		152.89
			OFFICE SUPPLIES		157.32
			ELECTION JUDGE MEALS		473.73
			POLICE TRAINING		570.00
			Operational Supplies		563.46
			POLICE UNIFORMS		432.95
			POLICE -OFFICE SUPPLIES		175.23
			PKS REC EQUIP REPAIR		568.70
			ZOOM		16.11
			MN BCA		75.00
Total CARDMEMBER SERVICES					3,816.42
CATALYST GRAPHICS INC					
1897	CATALYST GRAPHICS INC	25579	DPVN NEWSLETTER	03/24/2020	430.00
		25655	2020 SPRING CLEANUP FLYERS	04/21/2020	155.00
Total CATALYST GRAPHICS INC					585.00
CENTERPOINT ENERGY					
109	CENTERPOINT ENERGY	APRIL 20	CITY HALL HAMILTON AVE	04/23/2020	370.75 50.75

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
			MTKA BLVD		108.50
			DPVN WARMING HOUSE		41.24
		MARCH 2020	DPVN WARMING HOUSE	03/24/2020	47.55
			HAMILTON AVE		48.09
			MTKA BLVD		115.23
			CITY HALL		525.30
Total CENTERPOINT ENERGY					1,307.41
CENTURY LINK					
	1966 CENTURY LINK	04 04 20	952-474-3419	04/04/2020	119.99
Total CENTURY LINK					119.99
CITY OF MINNETONKA					
	1315 CITY OF MINNETONKA	APRIL 20	UTILITY BILLING	04/20/2020	9,789.13
	1316 CITY OF MINNETONKA	MARCH 2020	INSPECTION SERVICE	04/08/2020	4,312.00
Total CITY OF MINNETONKA					14,101.13
CITY OF SHOREWOOD					
	168 CITY OF SHOREWOOD	APRIL 20	UTILITY BILLS	04/20/2020	2,299.71
Total CITY OF SHOREWOOD					2,299.71
COAST TO COAST COMPUTER					
	2597 COAST TO COAST COMPUTER	A2115377	TONER CARTRIDGE	03/26/2020	462.00
Total COAST TO COAST COMPUTER					462.00
DAN DISTEL					
	40 DAN DISTEL	1000149446	REIMBURSE FOR HENN CTY COMPUTER CH	04/15/2020	1,704.00
		MAY 20	ASSESSING	05/01/2020	4,381.00
Total DAN DISTEL					6,085.00
Dan Smith					
	2598 Dan Smith	SPEEDWAY	Fuel	04/09/2020	13.65
Total Dan Smith					13.65
DEAKYNE'S TRUE VALUE					
	39 DEAKYNE'S TRUE VALUE	04 02 2020	HARDWARE MISC	04/02/2020	23.84
		04 07 20	HARDWARE MISC	04/07/2020	18.95
			PAINT SUPPLIES		13.78
			PAINT SUPPLIES		78.91
			PAINT SUPPLIES		92.52
		04 15 2020	BATTERIES	04/15/2020	40.42
		MARCH 2020	SUPPLIES	03/31/2020	476.42
			PARK SUPPLIES		75.96
Total DEAKYNE'S TRUE VALUE					820.80
DELL COMM INC					
	790 DELL COMM INC	22778A	PHONE MAINTENANCE	03/30/2020	265.00
		227793A	PHONE MAINTENANCE	04/09/2020	360.99

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total DELL COMM INC					625.99
DELTA DENTAL PLAN OF MINNESOTA					
1624	DELTA DENTAL PLAN OF MINNESOTA	30000451209	GROUP DENTAL INSURANCE RETIREE DENTAL	04/15/2020	1,079.10 162.10
Total DELTA DENTAL PLAN OF MINNESOTA					1,241.20
DEM-CON DUMPSTERS					
2452	DEM-CON DUMPSTERS	4109	STREET SWEEPING STREET SWEEPING	03/31/2020	2,123.11 175.94
Total DEM-CON DUMPSTERS					2,299.05
DORSEY & WHITNEY					
41	DORSEY & WHITNEY	3571476	LEGAL FEES-18800 MTKA BLVD	04/06/2020	810.00
		3571477	LEGAL FEES LEGAL FEES	04/06/2020	413.00 590.00
Total DORSEY & WHITNEY					1,813.00
DREAMHOST LLC					
1307	DREAMHOST LLC	MAY 2020	MO HOST FEE - ACCT #30708	05/01/2020	9.95
Total DREAMHOST LLC					9.95
ECONO SIGNS LLC					
2463	ECONO SIGNS LLC	10-929545A	STREET SIGNS	04/06/2020	3,964.71
		10-959545	STREET SIGNS	04/06/2020	150.96
Total ECONO SIGNS LLC					4,115.67
EXCELSIOR FIRE DISTRICT					
1121	EXCELSIOR FIRE DISTRICT	20-8	POLICE PHOTO ID'S	04/09/2020	14.00
Total EXCELSIOR FIRE DISTRICT					14.00
FRATTALLONE'S ACE HARDWARE					
1639	FRATTALLONE'S ACE HARDWARE	034820	DOCK SCREWS	04/21/2020	42.29
Total FRATTALLONE'S ACE HARDWARE					42.29
GALLS, LLC					
504	GALLS, LLC	015326650	UNIFORM SUPPLIES	03/24/2020	67.71
		015345290	UNIFORM SUPPLIES	03/26/2020	142.74
		015403413	UNIFORM SUPPLIES	04/03/2020	66.15
		015417756	UNIFORM SUPPLIES	04/07/2020	28.48
Total GALLS, LLC					305.08
GARY L FISCHLER & ASSOCIATES					
2266	GARY L FISCHLER & ASSOCIATES	12673	PSYCHOLOGICAL SCREENING	03/24/2020	650.00
Total GARY L FISCHLER & ASSOCIATES					650.00
GOPHER STATE ONE-CALL					
68	GOPHER STATE ONE-CALL	0030329	CALLS	03/31/2020	51.30

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total GOPHER STATE ONE-CALL					51.30
GOV OFFICE					
2505	GOV OFFICE	11956	WEB SITE HOSTING	03/27/2020	1,650.00
Total GOV OFFICE					1,650.00
GRAINGER					
1308	GRAINGER	9501357157	HAND SOAP	04/10/2020	96.81
Total GRAINGER					96.81
HECKSEL MACHINE INC.					
411	HECKSEL MACHINE INC.	107102	BOAT ANCHORS	04/13/2020	55.00
Total HECKSEL MACHINE INC.					55.00
HENNEPIN COUNTY TREASURER *					
1303	HENNEPIN COUNTY TREASURER *	1000149031	RADIO ADMN FEE	04/02/2020	137.94
		1000149044	RADIO ADMN & MDC FEES	04/02/2020	586.23
		1000149248	BOOKING/JAIL FEES	03/31/2020	225.00
Total HENNEPIN COUNTY TREASURER *					949.17
HOLIDAY COMPANIES					
698	HOLIDAY COMPANIES	APRIL 2020	FUEL	04/05/2020	826.22
Total HOLIDAY COMPANIES					826.22
HOME DEPOT CREDIT SERVICES					
718	HOME DEPOT CREDIT SERVICES	MARCH 2020	CLEANING SUPPLIES	03/27/2020	539.22
Total HOME DEPOT CREDIT SERVICES					539.22
JANEX INC					
2601	JANEX INC	26564	TOILET TISSUE	04/02/2020	95.70
Total JANEX INC					95.70
JOHN MENZEL					
985	JOHN MENZEL	04 14 20	CLEAN CITY HALL	04/14/2020	150.00
		04 22 20	CLEAN CITY HALL	04/22/2020	150.00
		04 28 2020	CLEAN CITY HALL	04/28/2020	150.00
		4 8 2020	CLEAN CITY HALL	04/08/2020	150.00
Total JOHN MENZEL					600.00
L.E.L.S. #45 POLICE UNION					
93	L.E.L.S. #45 POLICE UNION	04 13 20	LELS #45 POLICE UNION	04/13/2020	310.00
Total L.E.L.S. #45 POLICE UNION					310.00
LANO EQUIPMENT INC.					
373	LANO EQUIPMENT INC.	01-740283	BPA FILTERS	03/30/2020	273.36
		01-743859	SKID STEER RENTAL	04/17/2020	310.00
		739973	BOBCAT PARTS	03/27/2020	103.66

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total LANO EQUIPMENT INC.					687.02
LOFFLER					
2140	LOFFLER	3400579	COPIER SERVICE	04/02/2020	1,290.00
Total LOFFLER					1,290.00
MATHEW & JULIE DORN					
2600	MATHEW & JULIE DORN	04 27 20	REFUND FOR WAITING LIST	04/27/2020	5.00
Total MATHEW & JULIE DORN					5.00
MATT'S AUTO SERVICE, INC.					
118	MATT'S AUTO SERVICE, INC.	74000	TOW FORFEITURE	03/30/2020	85.00
Total MATT'S AUTO SERVICE, INC.					85.00
MEDIACOM LLC					
1409	MEDIACOM LLC	APRIL 20	INTERNET FEE	04/16/2020	174.90
Total MEDIACOM LLC					174.90
MENARDS					
1407	MENARDS	12959	SHOP SUPPLIES	03/27/2020	50.90
		14438	MISC BLDG SUPPLIES	04/20/2020	71.29
		14512	MISC BLDG SUPPLIES	04/21/2020	215.85
Total MENARDS					338.04
METRO COUNCIL ENVIRO SERVICES					
105	METRO COUNCIL ENVIRO SERVICES	0001108355	WASTEWATER BILL	04/06/2020	36,042.48
Total METRO COUNCIL ENVIRO SERVICES					36,042.48
METROPOLITAN FORD					
1871	METROPOLITAN FORD	518785	FORD VEHICLE PARTS	03/26/2020	172.82
		518960	VEHICLE #158 PARTS	04/20/2020	62.93
		518961	VEHICLE #158 PARTS	04/21/2020	11.40
Total METROPOLITAN FORD					247.15
MICHAEL LYNNE'S TENNIS SHOP					
2097	MICHAEL LYNNE'S TENNIS SHOP	174632	CITY HALL TENNIS NETS	04/24/2020	568.70 -
Total MICHAEL LYNNE'S TENNIS SHOP					568.70 -
MID AMERICA PRINTING					
2599	MID AMERICA PRINTING	12646	BUSINESS CARDS	03/30/2020	42.00
Total MID AMERICA PRINTING					42.00
MINNESOTA TEAMSTERS #320					
108	MINNESOTA TEAMSTERS #320	APRIL 2020	UNION DUES	03/31/2020	76.00
Total MINNESOTA TEAMSTERS #320					76.00
MN BUREAU - CRIME APPREHENSION					
2051	MN BUREAU - CRIME APPREHENSION	00000598534	CJDN ACCESS	03/31/2020	510.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total MN BUREAU - CRIME APPREHENSION					510.00
MN PEIP					
2433	MN PEIP	960767	RETIREES HEALTH INSURANCE	04/10/2020	1,468.22
			GROUP HEALTH INSURANCE		11,739.28
Total MN PEIP					13,207.50
MN WISC PLAYGROUND					
2602	MN WISC PLAYGROUND	2020043	AWAY WITH GEESE UNIT	04/13/2020	756.20
Total MN WISC PLAYGROUND					756.20
MORRIS ELECTRONICS					
2045	MORRIS ELECTRONICS	03 20 2020	IT SERVICES - CITY HALL	03/20/2020	438.60
		20155981	IT SERVICES - CITY HALL	02/05/2020	1,327.71
		20156586	IT SERVICES - POLICE DEPT	03/20/2020	524.85
		20156587	IT SERVICES - CITY HALL	03/20/2020	186.19
		20156629	IT SERVICES - CITY HALL	03/24/2020	58.09
Total MORRIS ELECTRONICS					2,535.44
MTI DISTRIBUTING CO.					
112	MTI DISTRIBUTING CO.	1248756-00	TORO PARTS	03/25/2020	181.29
Total MTI DISTRIBUTING CO.					181.29
OLSEN CHAIN & CABLE INC					
2105	OLSEN CHAIN & CABLE INC	653772	CABLE - CLAMPS	04/14/2020	521.30
Total OLSEN CHAIN & CABLE INC					521.30
ON SITE COMPANIES - OSSTC					
1963	ON SITE COMPANIES - OSSTC	0000896804	CITY HALL	03/21/2020	70.00
		0000905325	SL BAY-PARK AVE	04/09/2020	37.50
		0000905326	CARSON'S BAY - BOAT LAUNCH	04/09/2020	37.50
		0000908527	CITY HALL	04/18/2020	70.00
		0000908528	CARSON'S BAY - BOAT LAUNCH	04/18/2020	70.00
		0000908529	SL BAY-PARK AVE	04/18/2020	70.00
Total ON SITE COMPANIES - OSSTC					355.00
OPTUM BANK					
2302	OPTUM BANK	9411582	QTRLY ACCT FEE	04/15/2020	89.75
Total OPTUM BANK					89.75
O'REILLY AUTOMOTIVE STORES INC					
1632	O'REILLY AUTOMOTIVE STORES INC	MARCH 2020	AUTO PARTS	03/28/2020	1,213.46
Total O'REILLY AUTOMOTIVE STORES INC					1,213.46
PARTSMASTER					
2603	PARTSMASTER	23536612	RESP MASK	04/21/2020	962.77
Total PARTSMASTER					962.77
POSTMASTER					

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
1216	POSTMASTER	4 20 - #168	1ST CLASS PRESORT	04/20/2020	240.00
		APRIL 2020	PARKING STICKER MAILING	04/28/2020	608.18
Total POSTMASTER					848.18
PREMIUM WATERS INC					
707	PREMIUM WATERS INC	330109-03-20	DRINKING WATER	03/31/2020	70.50
Total PREMIUM WATERS INC					70.50
PRIMARY PRODUCTS COMPANY					
2046	PRIMARY PRODUCTS COMPANY	69836	HAND SANITIZER	04/14/2020	79.49
		69863	NITRILE EXAM GLOVES	04/08/2020	39.57
Total PRIMARY PRODUCTS COMPANY					119.06
QUADIENT LEASING USA INC					
1933	QUADIENT LEASING USA INC	N8260660	POSTAGE LEASE PAYMENT	04/12/2020	381.42
Total QUADIENT LEASING USA INC					381.42
SAFEASSURE CONSULTANTS					
765	SAFEASSURE CONSULTANTS	2764	ANNUAL SAFETY TRAINING	04/01/2020	2,808.69
Total SAFEASSURE CONSULTANTS					2,808.69
STAPLES BUSINESS CREDIT					
2075	STAPLES BUSINESS CREDIT	1628377051	OFFICE SUPPLIES - POLICE	03/25/2020	172.15
			OFFICE SUPPLIES - ADMN		143.40 -
Total STAPLES BUSINESS CREDIT					28.75
STREICHER'S					
171	STREICHER'S	11422100	UNIFORM EMBROIDERY	03/27/2020	48.00
		11422369	UNIFORM - NEW HIRE	03/30/2020	314.93
		11424871	UNIFORM - NEW HIRE	04/10/2020	229.98
		11425571	UNIFORMS	04/15/2020	24.99
Total STREICHER'S					617.90
SUN LIFE FINANCIAL					
2202	SUN LIFE FINANCIAL	APRIL 2020	LIFE INSURANCE PREMIUM	04/13/2020	416.85
Total SUN LIFE FINANCIAL					416.85
SW NEWS MEDIA					
2170	SW NEWS MEDIA	03 2020	LEGAL ADVERTISING	03/31/2020	188.70
			LEGAL NOTICES		214.20
Total SW NEWS MEDIA					402.90
TALLEN AND BAERTSCHI					
977	TALLEN AND BAERTSCHI	APRIL 2020	PROSECUTION BILL	03/23/2020	3,841.82
Total TALLEN AND BAERTSCHI					3,841.82
TESSMAN SEED COMPANY					
499	TESSMAN SEED COMPANY	S309202-IN	GRASS SEED MIX	04/06/2020	386.00

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
Total TESSMAN SEED COMPANY					386.00
T-MOBILE					
1573	T-MOBILE	04 15 20	WIRELESS PHONES - #422866339	04/07/2020	77.09
Total T-MOBILE					77.09
TRUGREEN					
1238	TRUGREEN	118518461	HILL PARK NORTHOME	04/18/2020	35.00
Total TRUGREEN					35.00
UNITED FARMERS COOPERATIVE					
576	UNITED FARMERS COOPERATIVE	54672	OIL	04/15/2020	662.20
Total UNITED FARMERS COOPERATIVE					662.20
US BANK EQUIPMENT FINANCE					
2311	US BANK EQUIPMENT FINANCE	411761398	POLICE COPIER PAYMENT	04/08/2020	99.98
Total US BANK EQUIPMENT FINANCE					99.98
VANTAGEPOINT TRANSFER - 457					
321	VANTAGEPOINT TRANSFER - 457	04 12 2020	PLAN #304294 - D H YOUNG	04/14/2020	422.84
		04 28 2020	PLAN #304294 - D H YOUNG	04/28/2020	422.84
Total VANTAGEPOINT TRANSFER - 457					845.68
VERIZON WIRELESS					
2077	VERIZON WIRELESS	9850384574	CELL PHONES/HOT SPOTS/EQUIP	04/04/2020	315.64
		9852470145	CELL PHONES/HOT SPOTS/EQUIP	04/12/2020	310.16
Total VERIZON WIRELESS					625.80
VIKING LAND TREE CARE INC					
2563	VIKING LAND TREE CARE INC	4091	TREE REMOVAL	03/31/2020	1,000.00
Total VIKING LAND TREE CARE INC					1,000.00
WEX BANK					
2312	WEX BANK	65034114	FUEL	04/23/2020	765.72
Total WEX BANK					765.72
XCEL ENERGY					
144	XCEL ENERGY	678135697	19425 LAKE AVE	03/25/2020	53.39
		678139552	LIFT STATION 9	03/25/2020	30.48
		678144523	LIFT STATION 7	03/25/2020	47.36
		678148744	SEWER LIFT STATION	03/25/2020	34.48
		678152336	DOCKS	03/25/2020	69.71
		678158288	LIFT STATION 3	03/25/2020	20.44
		678164526	PUMP FOR WATER FNTN	03/25/2020	16.96
		678165355	LIFT STATION 4	03/25/2020	33.92
		678170449	20200 MTKA BLVD GARAGE	03/25/2020	68.40
		678171729	CITY HALL	03/25/2020	938.87
		678175012	3725 HAMILTON AVE	03/25/2020	181.57
		678176879	PARK BUILDING	03/25/2020	18.39
		678351977	LIFT STATION 6	03/26/2020	6.12

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt
145	XCEL ENERGY	679423516	STREET LIGHTS	04/03/2020	2,275.57
Total XCEL ENERGY					3,795.66
YOUNGSTEDTS BAY CAR WASH					
2423	YOUNGSTEDTS BAY CAR WASH	MARCH 2020	CAR WASHES	03/31/2020	60.48
Total YOUNGSTEDTS BAY CAR WASH					60.48
ZIEGLER INC					
2004	ZIEGLER INC	20C002142071	LOADER FILTERS	04/04/2020	333.12
Total ZIEGLER INC					333.12

Total Paid: 136,303.58
Total Unpaid: 568.70 -
Grand Total: 135,734.88

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: Approve Six Month Probationary Period of Tracy Gustafson

Summary:

The City of Deephaven hired Tracy Gustafson on November 12, 2020 to replace Mary Courtney as Deputy Clerk/Treasurer. Over the course of the last six months, Tracy has learned a great deal about the many duties and responsibilities of this position, which includes payroll, fund accounting and payables for the Excelsior Fire District and the cities of Deephaven, Woodland and Greenwood.

While it has been very challenging at times, Tracy has done a very good job in keeping pace with her many responsibilities and her work quality is very good. In summary, Tracy has done a very good job and has met every expectation in her position as Deputy Clerk/Treasurer. For this reason, staff recommends the continuation of her employment with the City of Deephaven.

Recommendation:

Staff recommends that the Deephaven City Council approve the six-month probationary period of Tracy Gustafson and authorize an increase in his hourly wage from \$30.69 per hour to \$31.97 per hour for the successful completion of her probationary status.

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: ***Approve Six-Month Probation of Mark Duffy***

Background Information:

The City of Deephaven hired Mark Duffy on November 18, 2019 to the position of Public Works Maintenance Worker following the resignation of Richard Meyer. Public Works Foreman John Menzel has written the following description of Mark Duffy's work performance after completing the first six months of employment with the City:

“Mark has shown that he is a hard worker, completes all tasks in a timely manner and has been found to be reliable and a self-motivator. Mark also has a great personality and works well with others in and outside of the department. Going forward I feel Mark will make a great addition to public works in the City of Deephaven”

In summary, Mark Duffy has done a very good job in the performance of his duties and has met every expectation as a Public Works Maintenance Worker. For this reason, staff recommends the continuation of his employment with the City of Deephaven.

Recommendation:

Staff recommends that the Deephaven City Council approve the six-month probationary period of Public Works Maintenance Worker Mark Duffy and authorize an increase in his hourly wage from \$28.43 to \$29.61 per hour for the successful completion of his probationary status.

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: Change Designation of Official Publication

Background Information:

The City of Deephaven has designated the Lakeshore Weekly News for many years, including in 2020. On April 23, 2020, staff received the following email that the Lakeshore Weekly News will no longer continue its publication after April 30th.

This email is to inform you about a difficult decision Southwest News Media has made regarding the publishing of the Eden Prairie News and Lakeshore Weekly News. The final edition of both newspapers will be distributed next Thursday, April 30.

Changes within our communities have always been documented by our news products, and we've seen our share of it within the media industry, particularly in recent years. We, too, have experienced a decline in advertising revenue, changes in marketing preferences, and now, the impact on local business, including our newspapers, from Covid-19.

We have contacted Adams Publishing Group, which distributes several weekly newspapers in the Lake Minnetonka area. They are interested in serving as your legal newspaper for the remainder of 2020.

Contact information is:

Steve Gall, Director of Advertising

Email: steve.gall@ecm-inc.com

Phone: (970) 343-0407

We have appreciated the long-time support shown by residents and businesses in the Lake Minnetonka area. We developed many partnerships over the years with our loyal advertisers and readers who turned to us as their primary source for local news and information. Our sincere thanks is extended to the City of Deephaven, city officials and staff members in naming the Lakeshore Weekly News its legal newspaper. It's been a true privilege to have served you.

Laurie Hartmann
General Manager
Southwest News Media

Recommendation:

Designate the Sun Sailor as the Official Publication for the City of Deephaven for 2020.

**CITY OF DEEPHAVEN
TREASURER'S REPORT
FUND CASH BALANCES**

2F

3/31/2020

Fund	2/29/2020	Monthly	Monthly	3/31/2020
	Cash Balance	Revenues	Expenses	Cash Balance
General Fund	3,067,161	71,589	552,217	2,586,533
Park Fund	0	0	0	0
Capital Projects	399,095	0	4,080	395,015
Water	225,222	395	4,018	221,599
Sewer	375,318	3,200	5,709	372,809
Recycling	68,973	0	140	68,833
Storm Water	24,509	629	933	24,205
Marina	270,556	195	11,354	259,397
Total	4,430,834	76,008	578,451	3,928,391

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: Public Hearing on the Partial Vacation of Dale Avenue

Summary:

The public hearing on the request to vacate a portion of Dale Avenue in order to reconfigure 19390 Walden Trail and 19270 Dale Avenue was held on April 20th. There was no one in attendance to either support or object to the proposed vacation. The Council took no action on the vacation request due to several unanswered questions regarding the proposed vacation request. A couple of questions include:

1. *What would happen to the access to the existing pedestrian easement if this portion of Dale Avenue were vacated?* David Steingas, of Steiner & Koppelman, who is representing Andrew & Barbara Mahoney in this request, didn't address this issue. However, the proposed resolution approving the vacation could include the following language that maintains existing easements until the lot reconfiguration is submitted that could potentially relocate the pedestrian easement to the new sewer easement.

“WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto”

2. *Why doesn't the vacated portion of Dale Avenue include all of Dale Avenue west of the western line of Walden Trail? As currently proposed, the short section of Dale Avenue that remains would be difficult and time-consuming for our crew to plow each year.* David Steingas stated that the reason for the unusual dimensions of the vacation portion of Dale Avenue is to allow the guest house to have street access.

Staff continues to support this vacation request but only if the vacated portion of Dale Avenue were to extend all the way to the westerly line of Walden Trail. The guest house would simply have to install a driveway to access Dale Avenue. Another consideration would be to expand the vacation of Dale Avenue to include a portion of Walden Trail, due to the fact that the 10' width of Walden Trail makes it very difficult to plow and maintain. Unfortunately, the vacation of Walden Trail would leave the property at 19155 Ramsey Road without street access and expanding the street vacation beyond Dale Avenue would require a new public hearing.

Attachments:

1. Proposed vacation site map
2. Recommended vacation site map
3. Walden Trail site Map
4. Proposed Resolution No. 16-20, a Resolution Vacating a Portion of Street upon Petition of a Majority of Abutting Landowners.

Recommendation:

Review the Street Vacation request. The attached Resolution No. 16-20 should only be adopted if the Council approves the location of the proposed street vacation. If the vacation is expanded to include that portion of Dale Avenue up to the westerly line of Walden Trail, the resolution will have to be revised to include a new legal description for the vacated area.



Agenda Date: 05-04-20

Agenda Item: 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	27.6 ft	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.

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.

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.

PLANNING COMMISSION ACTION TAKEN ON APRIL 21, 2020 (7-0 vote)

Motioned to recommend to City Council approval of a variance to reduce the front yard setback from 35 feet to 27.6 feet.

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, subject to the following conditions:

1. Prior to issuance of a building permit, the applicant shall record this resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
2. Prior to issuance of a building permit, the applicant shall record a stormwater maintenance agreement with Hennepin County and shall provide the City with verification of its recording.
3. The new house shall be completed as approved and as conditionally revised by the Planning Commission and City Council.
4. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.
5. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.

City Council Action: Action required by June 18, 2020. Possible motions ...

1. I move the City Council accepts the recommendation and findings of the Planning Commission and **approves** 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, subject to the conditions listed in the staff report.
2. I move the City Council **denies** 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: _____.

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

Location Map



11/20/2015 - 04/15/2016

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)



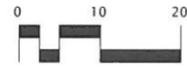
Neighbor to East on Lakeview Ave (approx. 22' setback)

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.



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%

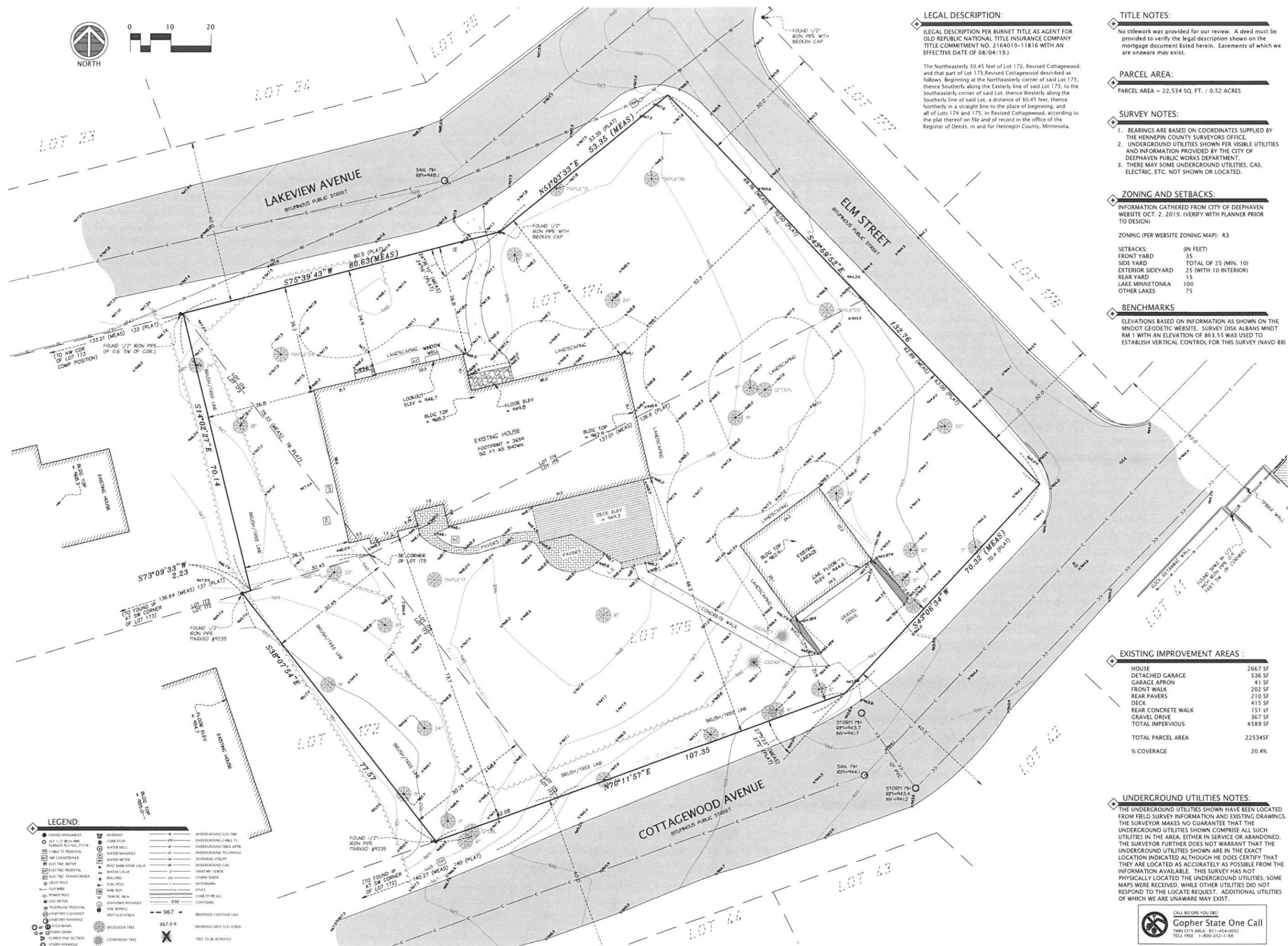
UNDERGROUND UTILITIES NOTES:

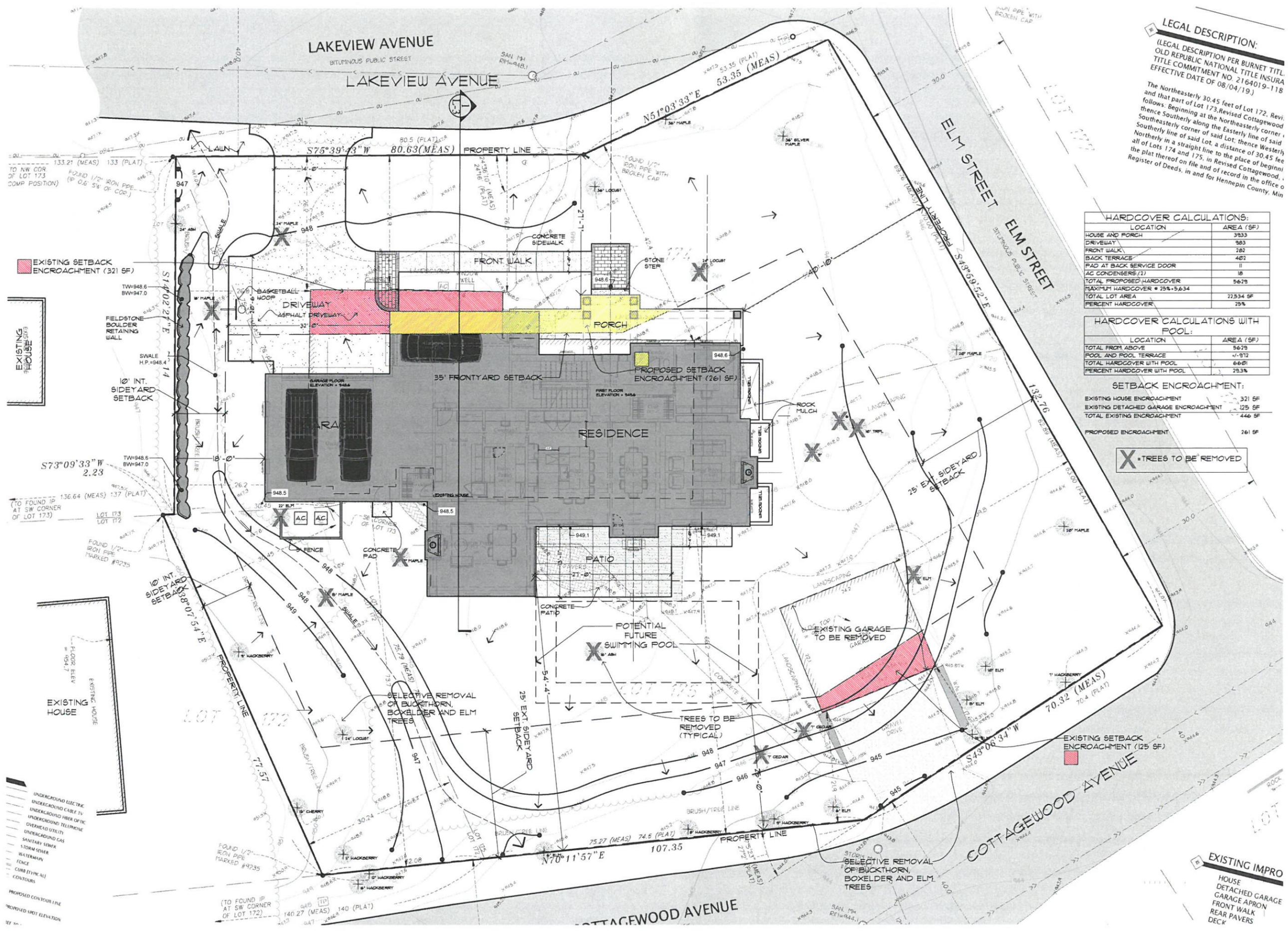
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND 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		





LEGAL DESCRIPTION:
 (LEGAL DESCRIPTION PER BURNET TITL. OLD REPUBLIC NATIONAL TITLE INSURA TITLE COMMITMENT NO. 2164019-118 EFFECTIVE DATE OF 08/04/19.)
 The Northeastly 30.45 feet of Lot 172, Revi. and that part of Lot 173, Revised Cottagewood thence Southerly along the Northeastly corner, Southeastly corner of the Easterly line of said Southerly line of said Lot, thence Westerly Northerly in a straight line to the place of beginni all of Lots 174 and 175, in Revised Cottagewood, Register of Deeds, in and for Hennepin County, Min

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

EXISTING IMPRO
 HOUSE
 DETACHED GARAGE
 GARAGE APRON
 FRONT WALK
 REAR PAVERS
 DECK

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
 19905 Lakeview Avenue
 Deephaven, MN

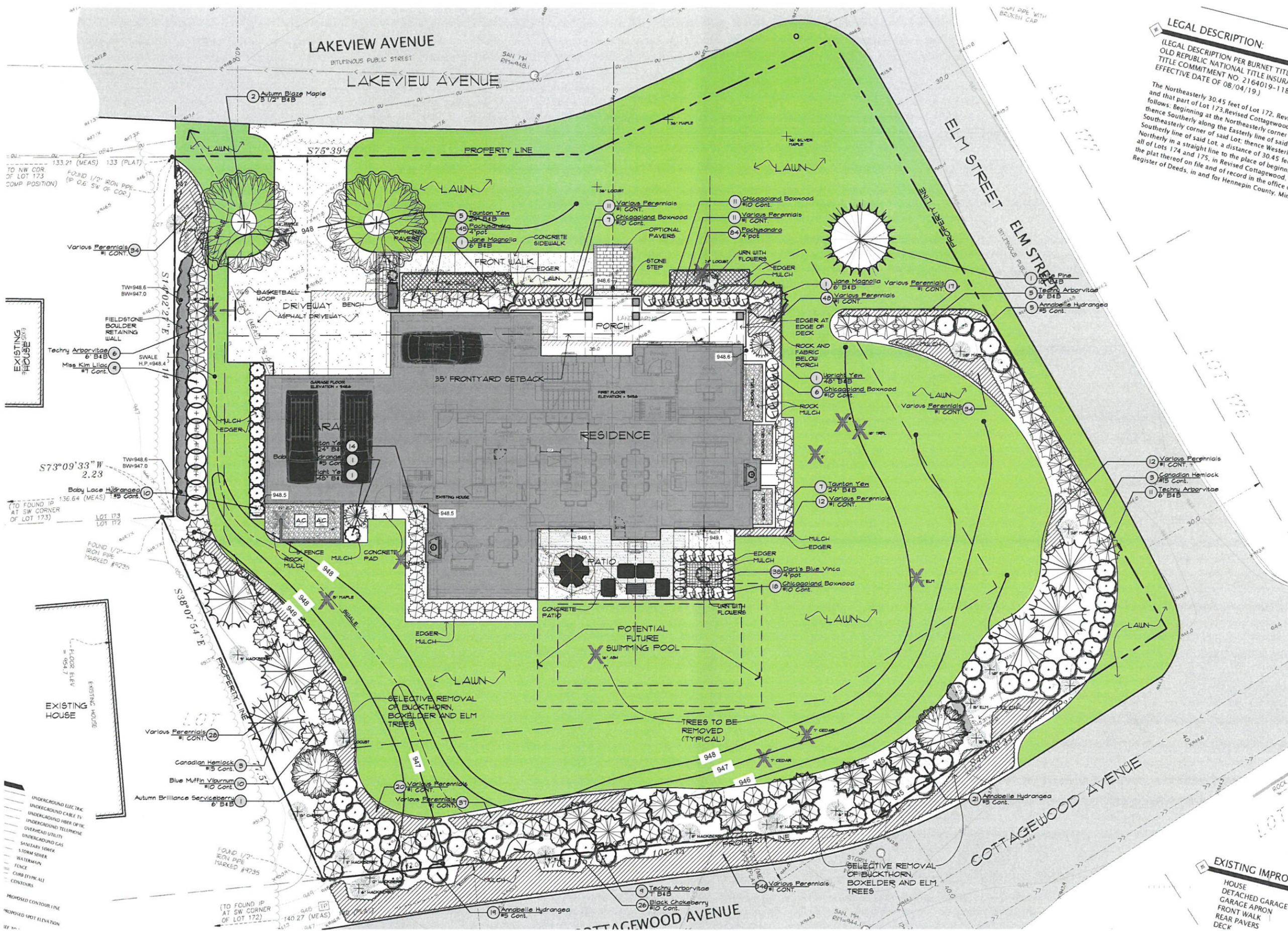
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Landscape Architect under the laws of the State of Minnesota.
 Todd Irvine

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

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

Landscape Site Plan

L-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.

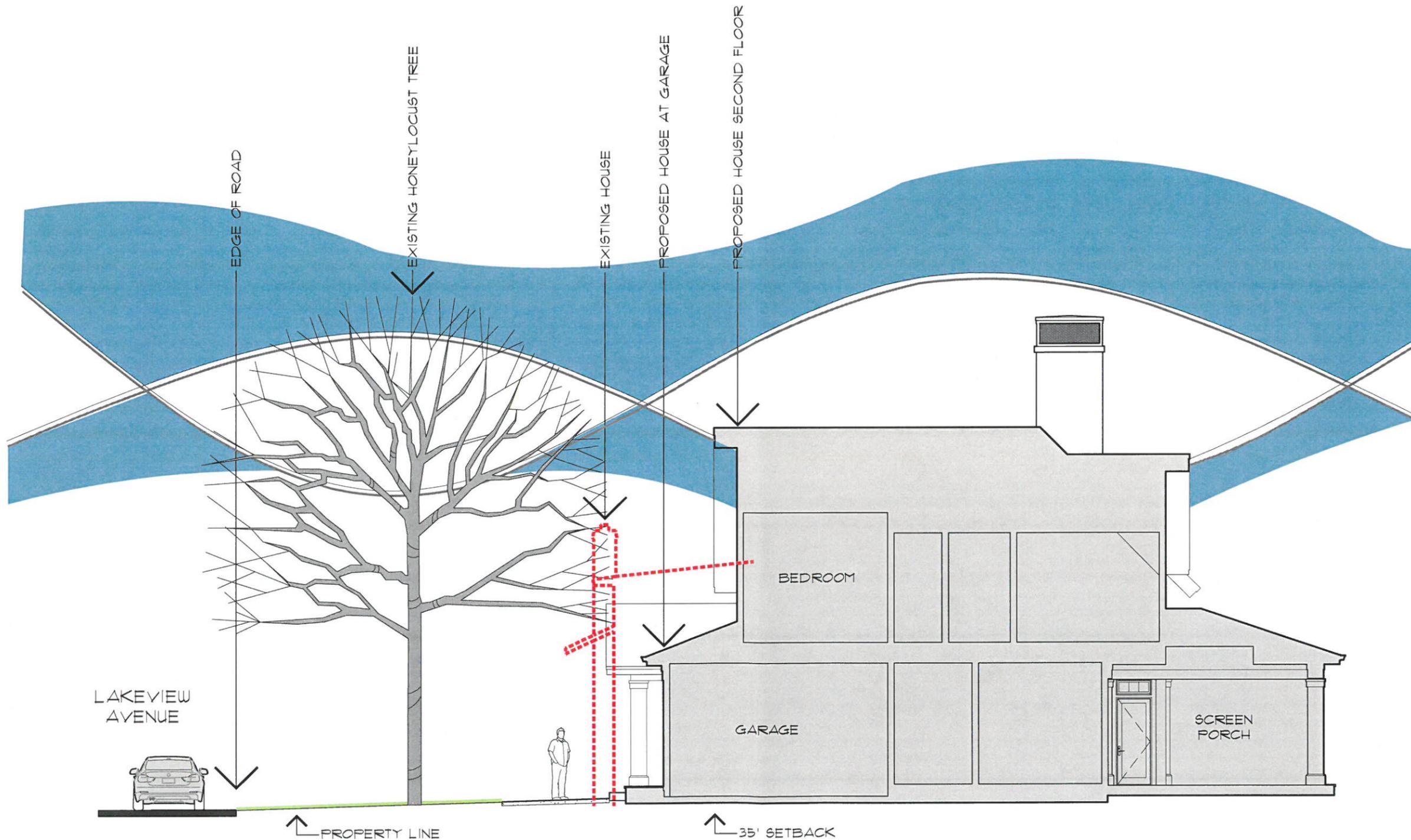
Todd Irvine

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 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 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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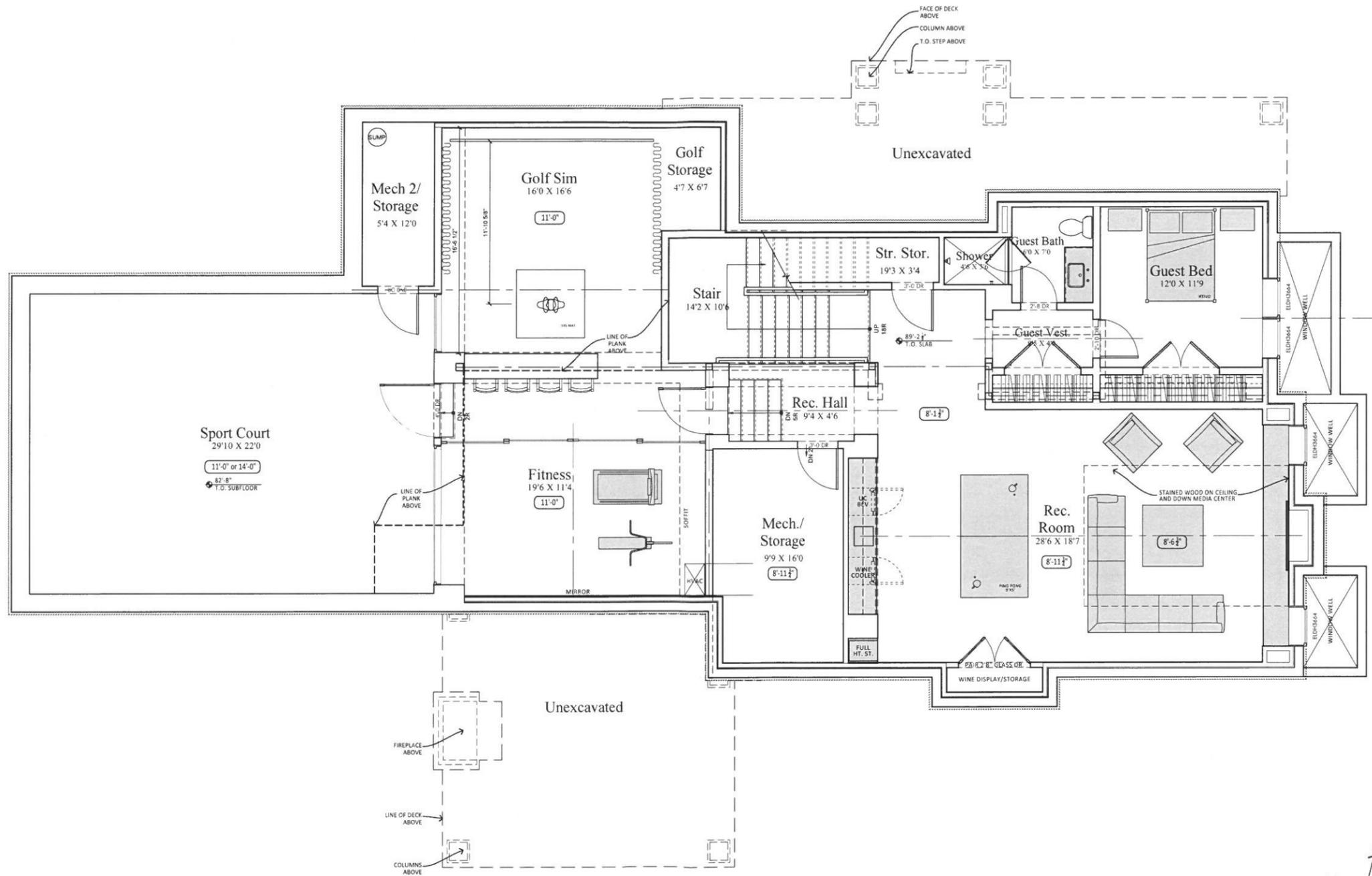
Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

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 Market 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.

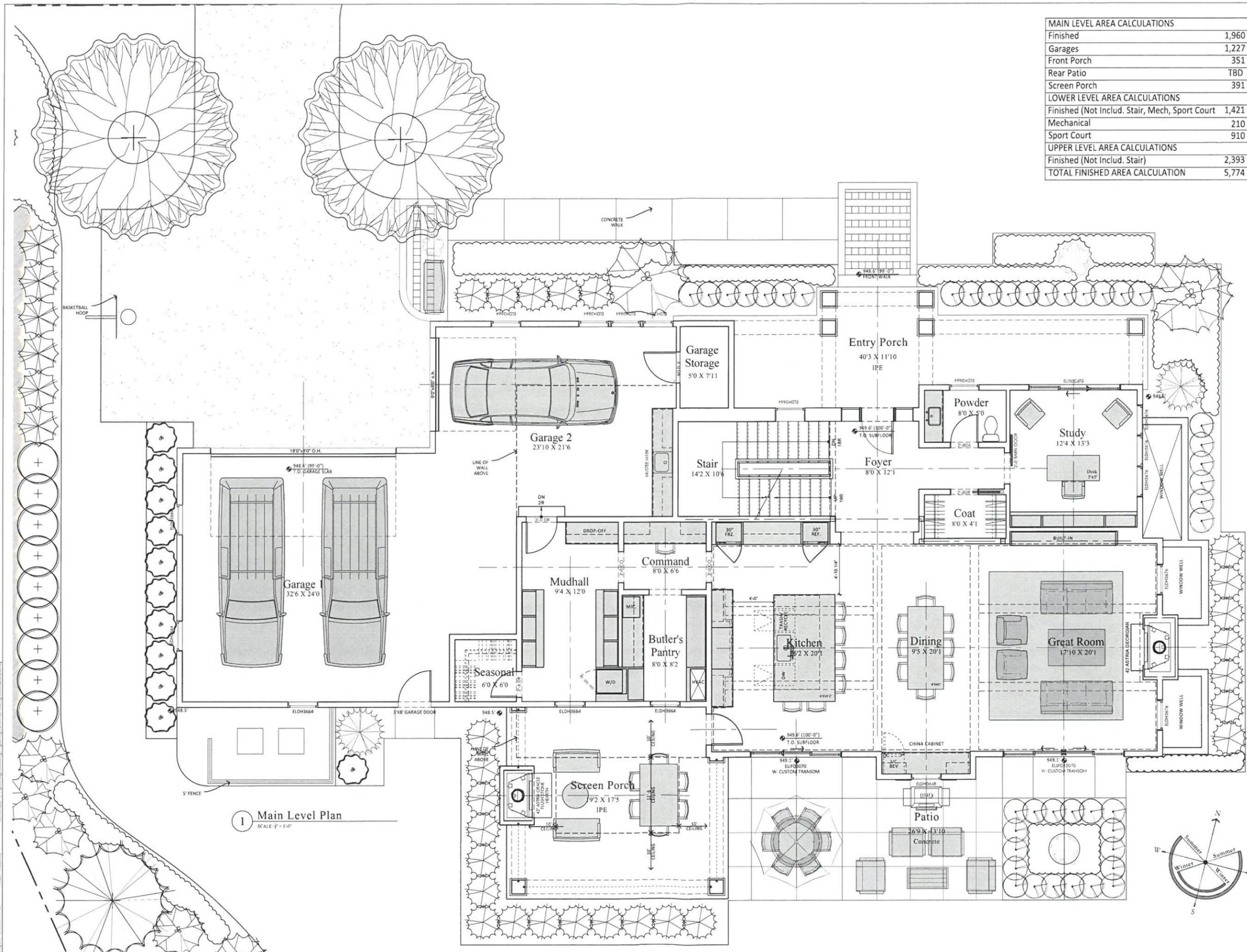
Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

Lower Level Floor Plan

Variance Issue

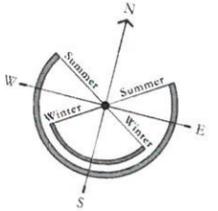
Variance Issue	2020.02.18

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 Capital Square
225 Summit Street, Suite 100
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.
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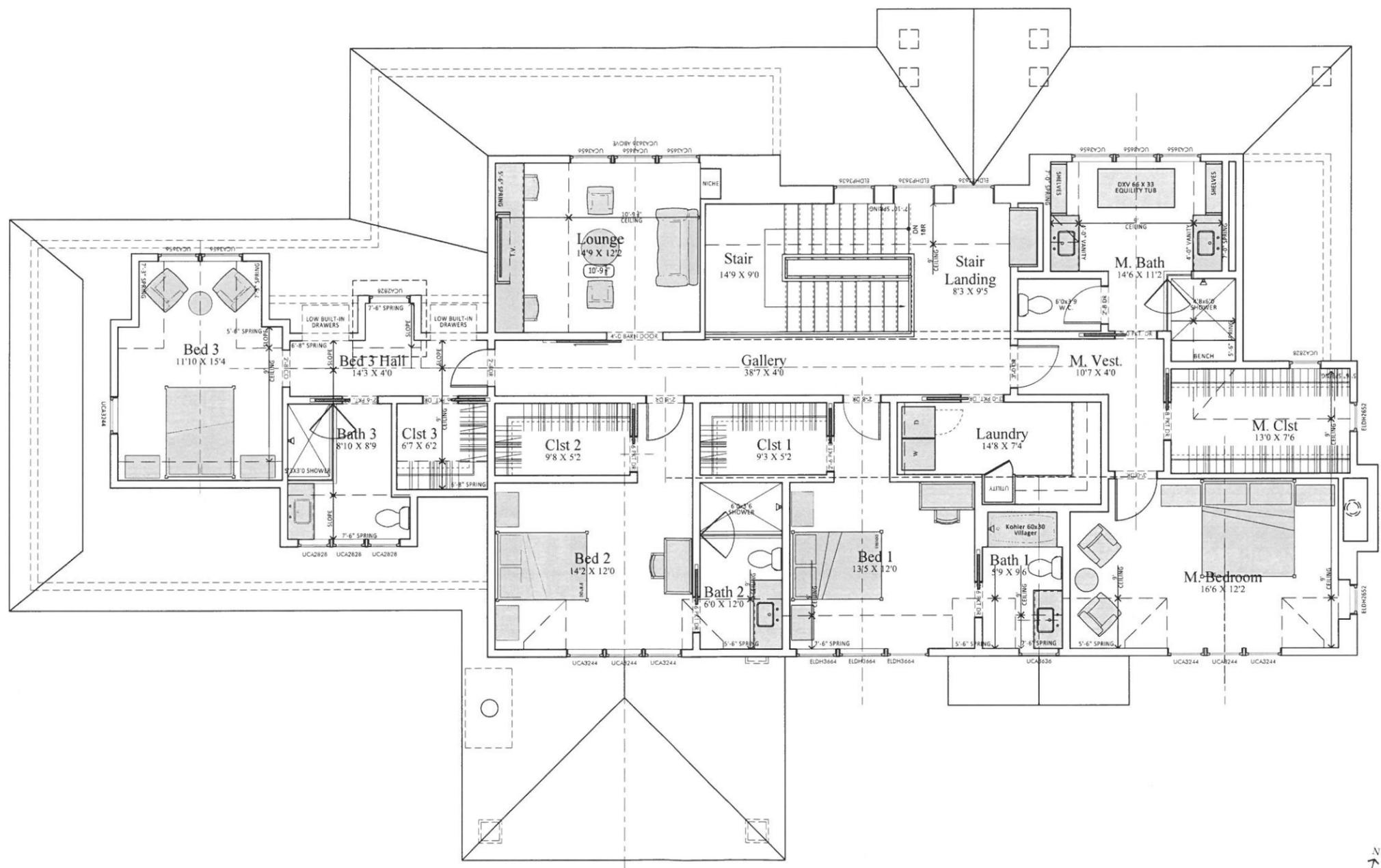
Allman Residence
19905 Lakeview Avenue, Deephaven, MN 55331

Main Level Floor Plan

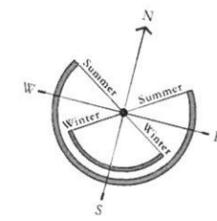
Variance Issue

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: eplot.pc6



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: 05-04-20

Agenda Item: 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%	31 feet 36 ft for walkout
Existing	0 ft	12.6 ft	13.8 ft	61.1 ft	22.1%	30.8 ft
Proposed	45 ft	7.5 ft	10.1 ft	76.2 ft	31.6%	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 7.5 feet from the east side yard property line, requesting a variance of 7.5 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 7.5 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 7.5-foot variance and an additional encroachment of 5 feet from the existing is not insignificant, staff is supportive of the request principally due to the location of the street end and the fact that the house on the other side of the street end has a similar side yard setback of six feet.

Lake Yard Setback:

The applicant is proposing a lake yard setback of 76.2 feet 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 23.8 feet from the minimum required lake yard setback.**

Although the proposed location of the new home has a front setback that is 10 feet 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 2,170 SF nor is the deck at 370 SF. The lake yard setback of 76.2 feet 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 9.5% increase in hardcover over existing conditions and a 5.6% increase over the maximum permitted hardcover percentage. Much of the increase in hardcover is owing to the driveway addition, which adds 868 s.f. or 7.5% 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.

Cottagewood Avenue Comparisons

Councilmember Carlson requested staff research five other variances along Cottagewood Avenue. The information is attached.

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.

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

1) 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.

2) 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. At 11,502 square feet, the lot is 57% of the minimum lot size in the R-3 zoning district.

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

The proposal would not alter the essential character of the locality. With a footprint of 2,170 SF, the proposed house is compatible with houses in the neighborhood. The proposed project is of a scope and scale comparable to the existing conditions on neighboring properties.

4) *Is the variance in harmony with the purpose and intent of the Comprehensive Plan and the Zoning 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.

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.

STAFF RECOMMENDATION:

Staff recommends **approval** of the variance requests of H/A Partners to encroach 7.5 feet into the minimum required east side yard setback, 23.8 feet into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 5.6% in conjunction with the construction of a new home at 19875 Cottagewood Avenue subject to the following conditions:

1. Prior to issuance of a building permit, the applicant shall record this resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
2. Prior to issuance of a building permit, the applicant shall record a stormwater maintenance agreement with Hennepin County and shall provide the City with verification of its recording.
3. The proposed new house shall be completed as approved and as conditionally revised by the Planning Commission and City Council.
4. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.
5. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.

PLANNING COMMISSION ACTION TAKEN ON APRIL 21, 2020 (4-3 vote)

The applicant's original proposal requested a side yard variance of 10.6 feet (7.5 feet now), a variance for a lake yard setback of 67.7 feet (76.2 feet now), and a variance to exceed the maximum hardcover by 8.8% (5.6% now).

After much discussion, the Planning Commission recommended the City Council approve the lake yard setback and deny of the hardcover variance request and the side yard setback variance requests based on the size of the house being proposed for the subject site.

CITY COUNCIL ACTION: Action required by June 15, 2020. Possible motions include:

1. I move the City Council accepts the recommendation and findings of staff **approve** the variance request of H/A Partners to encroach 7.5 feet into the minimum required east side yard setback, 23.8 feet into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 5.6% in conjunction with the construction of a new home at 19875 Cottagewood Avenue subject to the conditions listed in the staff report.

OR

2. I move the City Council **deny** the variance request of H/A Partners to encroach 7.5 feet into the minimum required east side yard setback, 23.8 feet into the minimum required lake yard setback, and exceed the maximum required impervious surface percentage by 5.6% in conjunction with the construction of a new home at 19875 Cottagewood Avenue. The motion is based on the following findings: _____.

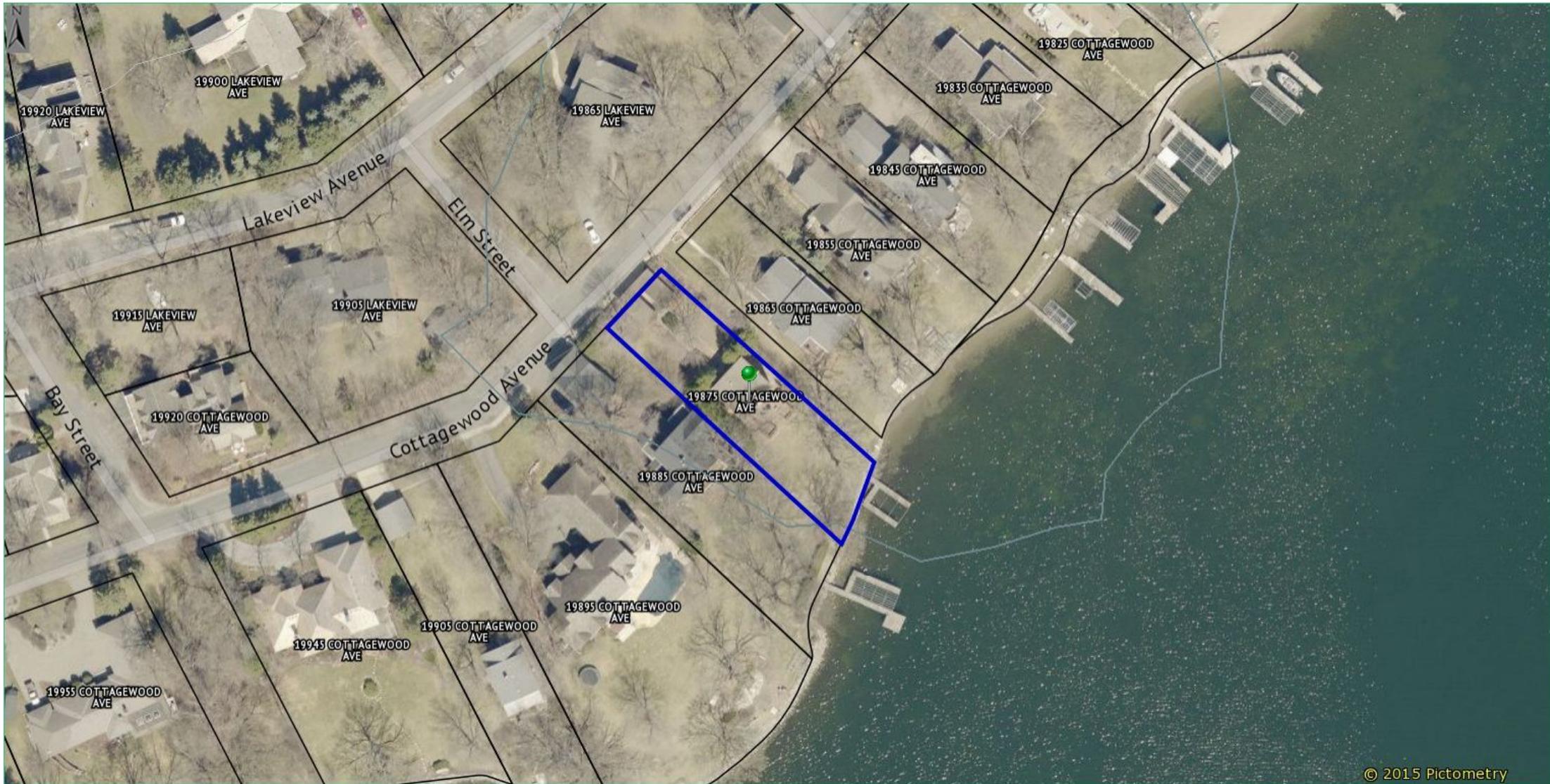
Attachments:

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

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

Location Map



© 2015 Pictometry

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: _____





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. 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.
- 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:

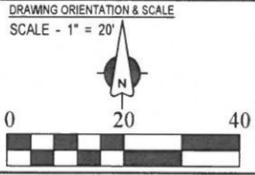
"●" Denotes iron survey marker, set, unless otherwise noted.



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	
	IRON MARKER
	FOUND MARKER
	FOUND 1/2\"/>

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.

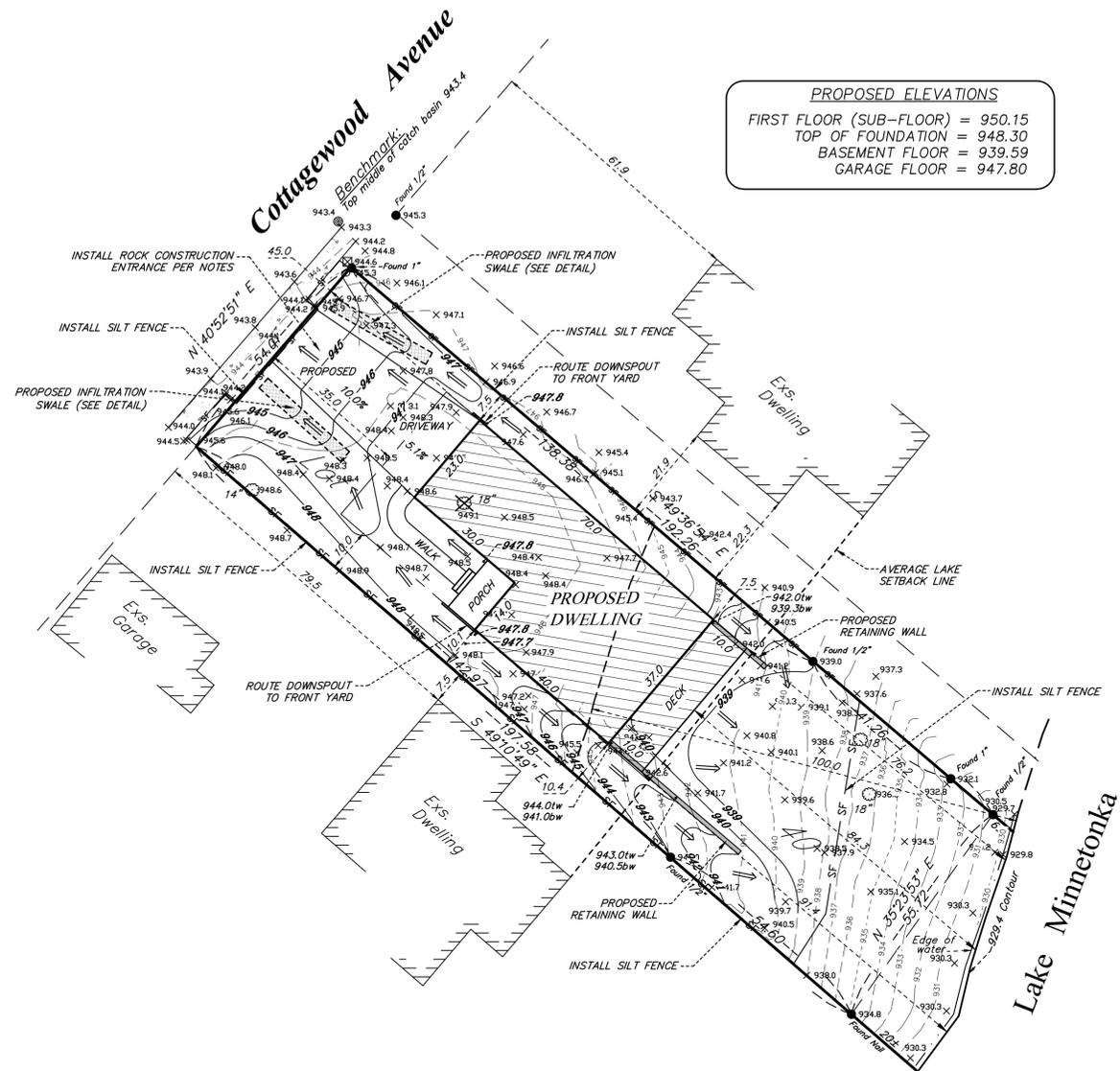
DURING CONSTRUCTION:

- 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 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.

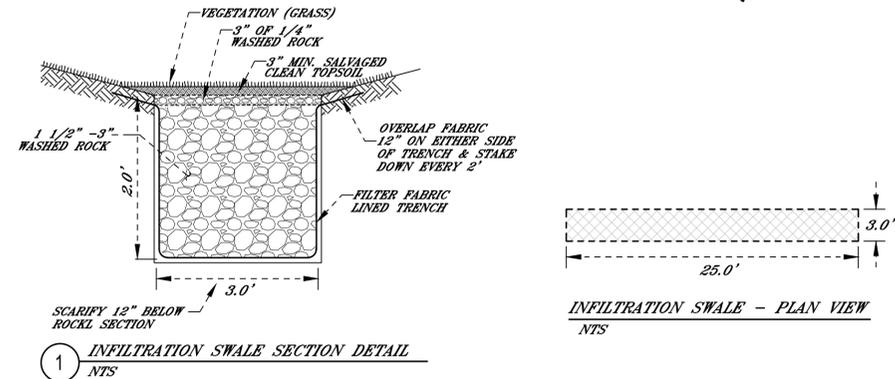
- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If 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.



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



STORMWATER MANAGEMENT REQUIREMENTS

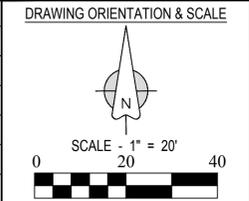
- ONSITE RETENTION REQUIREMENT : 1.33-INCH STORM EVENT OVER PROPOSED IMPERVIOUS AREA EQUAL TO AREA OVER 25% MAXIMUM HARDCOVER REQUIREMENT:
 11,502 SF (TOTAL AREA) X 0.25 = 2,876 SF (MAX HARDCOVER)
 3,641 SF (PROP. HARDCOVER) - 2,876 SF = 765 SF (OVERAGE)
 - REQUIRED STORAGE FOR 1.33-INCH STORM EVENT:
 (1.33/12) FT X 765 SF = 85 CF
 - INFILTRATION WILL PROVIDE ONSITE RETENTION OF 120 CF IN PROPOSED INFILTRATION SWALES (2).
 (2.0'X3'X50' = 300 CF X 0.4 = 120 CF)
- 120 CF X 75% (REDUCTION PER CITY CREDIT) = 90 CF

LEGEND

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

EXISTING HARDCOVER		PROPOSED HARDCOVER	
House	807 Sq. Ft.	House	2,170 Sq. Ft.
Existing Deck	544 Sq. Ft.	Front Porch/Steps	124 Sq. Ft.
Garages	518 Sq. Ft.	Deck	370 Sq. Ft.
Concrete Surfaces	586 Sq. Ft.	Driveway	868 Sq. Ft.
Pavers	86 Sq. Ft.	Front Walk	109 Sq. Ft.
TOTAL EXISTING HARDCOVER	2,541 Sq. Ft.	TOTAL PROPOSED HARDCOVER	3,641 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	31.6%

DATE	REVISION DESCRIPTION
4-29-20	REVISED HOME, HOME LOCATION & UPDATED GRADING



CLIENT NAME / JOB ADDRESS

VINE HILL PARTNERS
 19875 COTTAGEWOOD AVENUE
 DEEPHAVEN, 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.

Josida S. Rinke
 Josida 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.

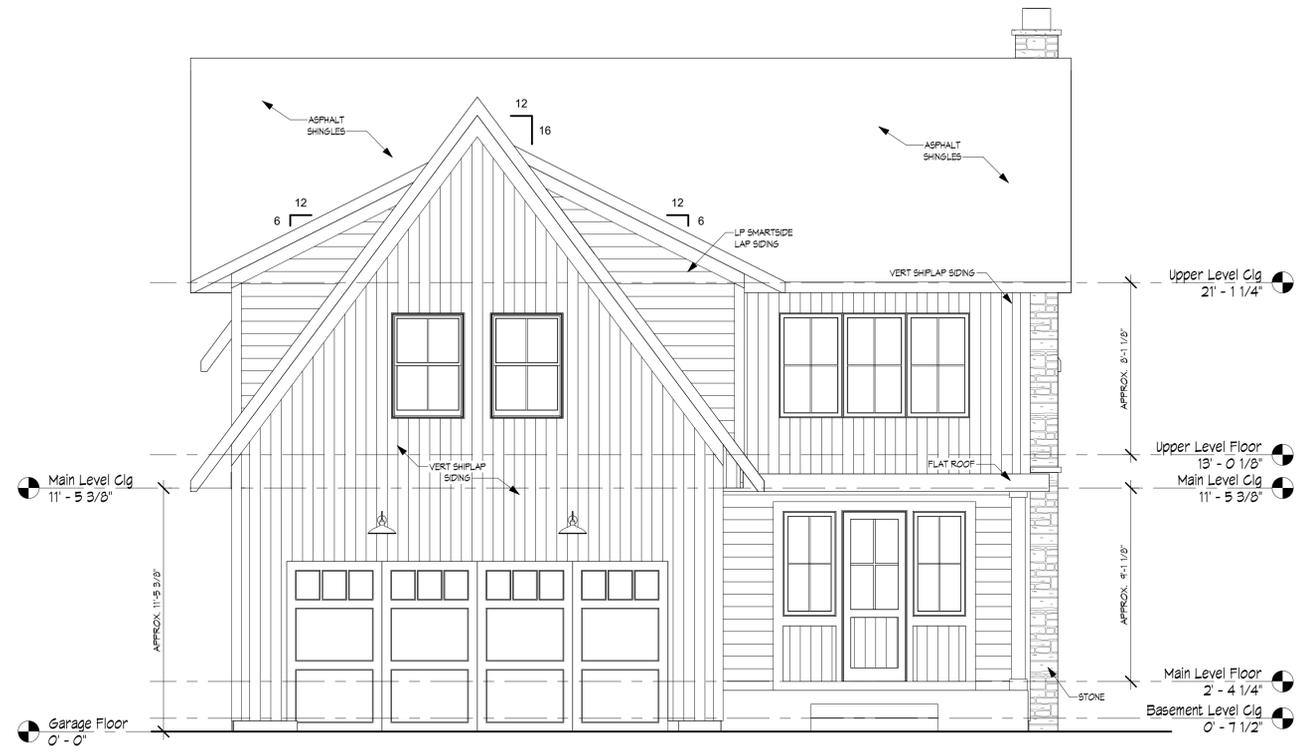
S1

SHEET 1 OF 1

PRELIMINARY
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)



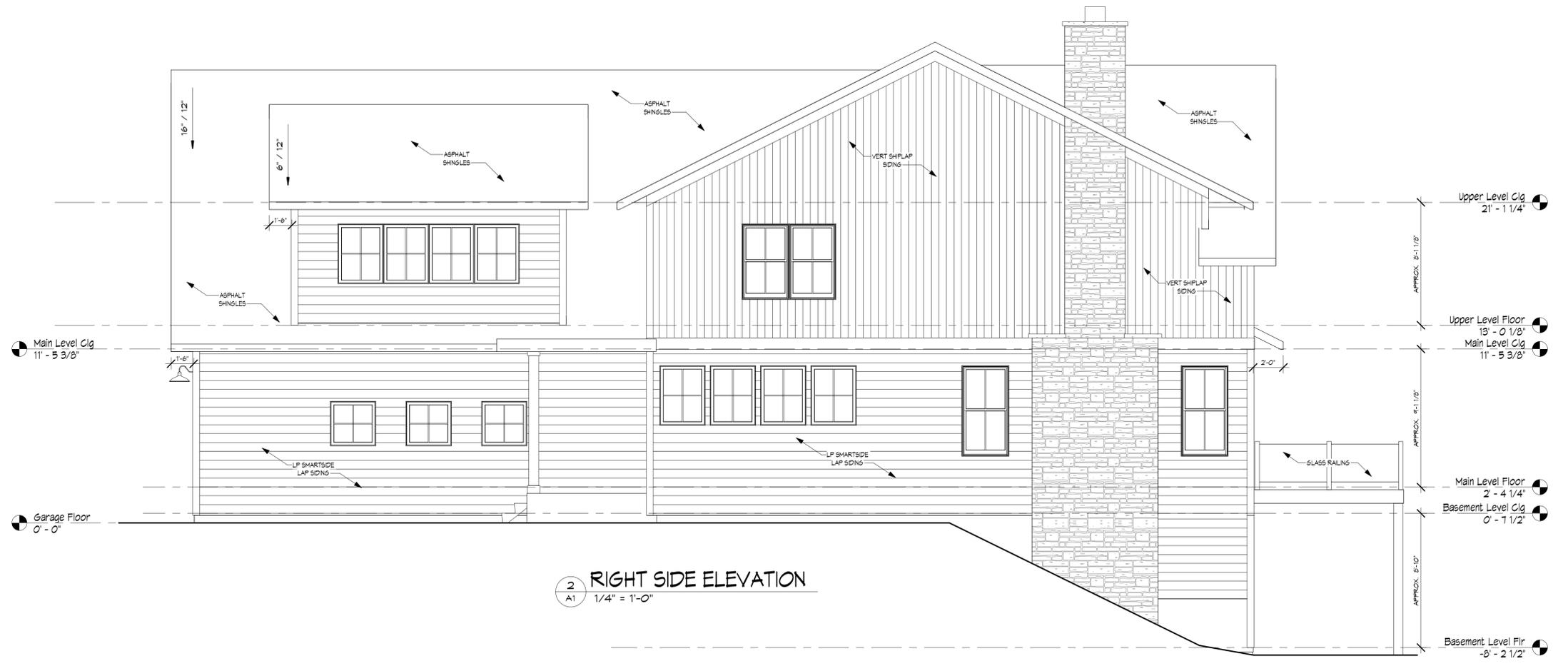
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1 FRONT ELEVATION
1/4" = 1'-0"



3 FRONT 3D VIEW
3/16" = 1'-0"



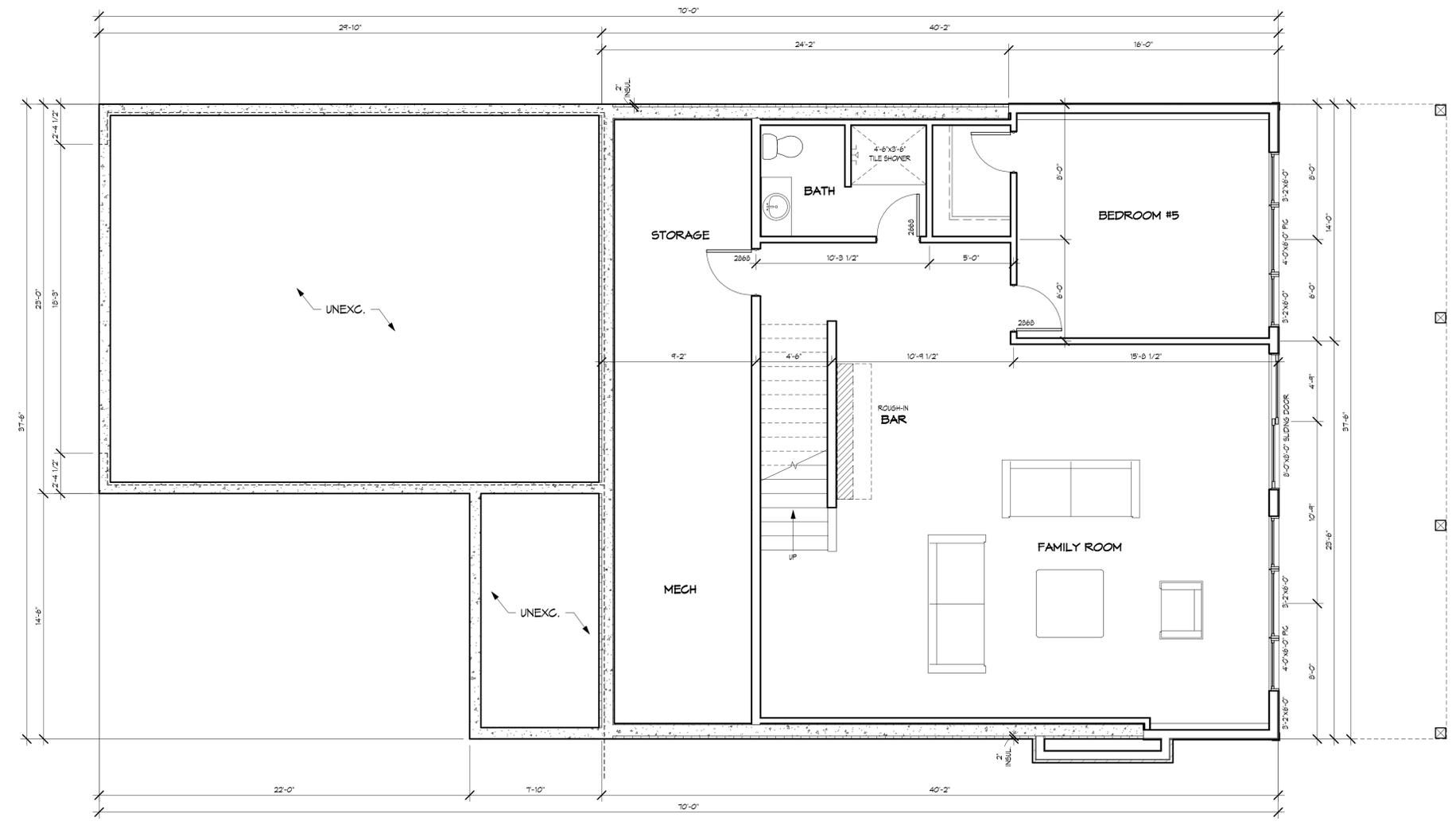
2 RIGHT SIDE ELEVATION
1/4" = 1'-0"

Residence
Cottagewood Road
Excelsior, MN

DATE: 4/24/2020
DRAWN BY: P. BERK
PROJECT #: 19-04VP
THIS DRAWING AND DESIGN LAYOUT IS
PROTECTED UNDER STATE AND FEDERAL
COPYRIGHT LAWS. NO PART OF THIS
DRAWING OR DESIGN LAYOUT IS TO BE
REPRODUCED OR USED FOR ANY
PURPOSE WITHOUT PRIOR WRITTEN
CONSENT FROM BEHR DESIGN, INC.

SHEET NO.
A1
Ext Elevations

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



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

BEHR DESIGN, INC. DOES NOT ASSUME ANY RESPONSIBILITY FOR UNUSUAL CONSTRUCTION TECHNIQUES AND/OR QUALITY OF MATERIALS USED IN THE CONSTRUCTION OF THIS PROJECT. THE CLIENT IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND SPECIFICATIONS. BEHR DESIGN, INC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGES TO THE PROPERTY OF THE CLIENT. BEHR DESIGN, INC. SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS DRAWING. BEHR DESIGN, INC. SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGES TO THE PROPERTY OF THE CLIENT. BEHR DESIGN, INC. SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS DRAWING.

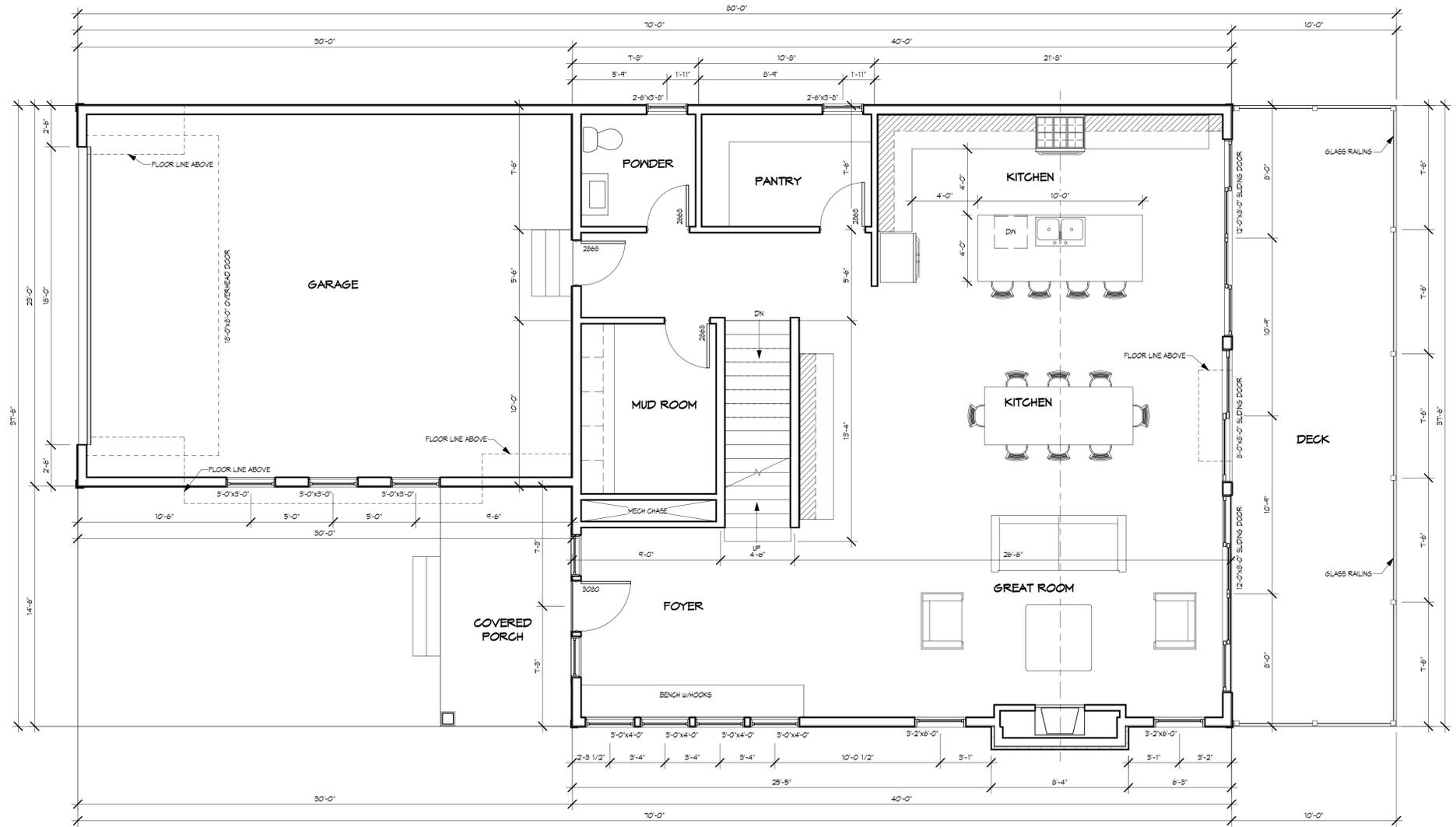
Residence
Cottagewood Road
Excelsior, MN

DATE: 4/24/2020
DRAWN BY: P. BERRY, K.
PROJECT #: 15-24VP
BEHR DESIGN, INC.
THIS DRAWING AND DESIGN LAYOUT IS
PROTECTED UNDER STATE AND FEDERAL
LAW. NO PART OF THIS DRAWING OR
LAYOUT IS TO BE REPRODUCED OR
TRANSMITTED IN ANY FORM OR BY ANY
MEANS, WITHOUT PRIOR WRITTEN
CONSENT FROM BEHR DESIGN, INC.

SHEET NO.
A3
Basement Plan

- 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
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)



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

BASEMENT LEVEL SQUARE FEET = 1117 sq ft
 MAIN LEVEL SQUARE FEET = 1500 sq ft
 UPPER LEVEL SQUARE FEET = 2128 sq ft
 TOTAL SQUARE FEET = 4745 sq ft
 GARAGE SQUARE FEET = 699 sq ft

- 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.

BEHR DESIGN, INC. DOES NOT ASSUME ANY RESPONSIBILITY FOR THE QUALITY OF MATERIALS OR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS, MATERIALS, AND SPECIFICATIONS. BEHR DESIGN, INC. IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT FROM BEHR DESIGN, INC.

Residence
 Cottagewood Road
 Excelsior, MN

DATE: 4/24/2020
 DRAWN BY: PSEB/K
 PROJECT #: 15-04VP
 BEHR DESIGN, INC.
 THE DRAWING AND DESIGN LAYOUT IS
 PROTECTED UNDER STATE AND FEDERAL
 LAWS AND IS NOT TO BE REPRODUCED OR
 COPIED IN ANY MANNER WITHOUT THE
 WRITTEN CONSENT FROM BEHR DESIGN, INC.

Address	Front Yard – 35'	Side Yard – 15'	Side Yard – 10'	Lake Yard – 100'	Hardcover 25%	Building Height
20085 Cottagewood Ave	35 feet	15 feet	10 feet	100 feet	34.2%	26 feet
19975 Cottagewood Ave	38 feet	12 feet/3 inches	10 feet/3 inches	87 feet	40.9%	17 feet
19845 Cottagewood Ave	35 feet	15 feet	9 feet	76 feet	29%	24 feet
19825 Cottagewood Ave	28 feet	15 feet	10 feet	59 feet	31.5%	36 feet
19885 Cottagewood Ave	0 feet (existing 0 feet)	30 feet	15 feet/9inches	213 feet	28.4 (existing 29%)	Garage exceeded maximum height by 1' 10"

19885 Cottage Ave – In 2010, the applicants demolished an existing non-conforming detached garage and constructed a larger detached garage.

20085 Cottagewood Ave – In 2013, the applicants demolished an existing non-conforming structure and built a new house that encroached into the side yard setbacks that were established at that time (25 feet & 15 feet). The new house meets the current side yard setbacks of 15 feet and 10 feet. The new house also needed a variance to exceed the hardcover.

19975 Cottagewood Ave – In 2006, the applicants requested a side yard variance to construct a third stall addition to the existing attached garage.

19845 Cottagewood Ave – In 2003, the applicants removed and replaced the existing garage attached to the front of the house and added a partial second story to the house. The previous impervious surface on the property was 41.6%. the applicant reduced the hardcover by 12%.

19825 Cottagewood Ave – In 2015, the applicants demolished an existing non-conforming structured to build a new house that encroached into the front yard setback, the lake yard setback and exceeded the maximum hardcover.

Pat Smith

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Thursday, April 30, 2020 12:34 PM
To: Pat Smith
Subject: RE: Cottagewood Ave

Pat,

As discussed, the previous version of the plan I reviewed was not very legible when I zoomed in. The current version provided is much more legible when zoomed in, so I can now see that proposed improvements are under 3' of land alteration, and the retaining wall is less than 4'. Therefore, I have revised my comments as follows:

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. Grading of the swales along side lot lines and directing of roof downspouts toward the infiltration trenches must be verified by the City prior to permanent restoration to confirm adequate drainage away from adjacent properties.
4. Perimeter erosion control measures shall 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. Work in public right-of-way must be coordinated with the City. Contractor must provide minimum 48 hour notice prior to any work.
6. 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.
7. Infiltration trenches are proposed to meet stormwater management requirements. The typical section and sizing of the swales are adequate to meet City requirements.
8. Construction of stormwater management facilities must be observed by a City representative to ensure systems are installed as proposed. Contractor must provide a minimum 24 hour prior notice.
9. A record drawing of stormwater management improvements installed must be submitted upon completion to confirm facility was constructed per plan.
10. The applicant must submit a Maintenance Agreement for any stormwater management facilities installed. The agreement shall 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.
11. Clear drive lanes must be maintained on Cottagewood Avenue at all times.
12. The applicant will be required to obtain a Minnehaha Creek Watershed District permit for the proposed improvements. A copy of the permit must be provided to the City prior to any work.

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.

PUBLIC HEARING NOTICE

**Tuesday,
March 17 - 7:00 p.m.
City Hall Council Chambers
20225 Cottagewood Road**

**Variance requests to
encroach into the front yard
setback, side yard setback, and
exceed the hardcover %**

You are invited

The Planning Commission invites you to a public hearing. You are given notice because you are within 350 feet of the subject property. The meeting will begin at 7:00 p.m. The hearing may not start until later in the evening, depending on other agenda items that may precede this one.

What's being proposed?

H/A Partners, property owners, are requesting the following variances for the property at **19875 Cottagewood Avenue** in conjunction with the construction of a new house:

- To request a variance from the minimum required side yard setback. Section 1302.05(3) of the city ordinance requires a 15 foot side yard setback. The proposed new home would be 5 feet from the east side property line.
- To request a variance from the minimum required lake yard setback. Section 1302.05(3) of the city ordinance requires a 100 foot lake yard setback. The proposed new home would encroach 67.7 feet into the lake yard setback.
- To request a variance from the maximum required hardcover percentage. Section 1302.05(2) of the city ordinance requires a maximum hardcover percentage of 25%. The proposed new home proposes a hardcover percentage of 33.8%, exceeding the maximum hardcover percentage by 8.8%.

What happens at the meeting?

The Planning Commission meets monthly to review zoning requests. The applicant or a representative of the applicant will present their case for the above mentioned request. The Commission will give anyone wanting to speak the opportunity to do so. The Commission requests that a spokesperson speak for a group that has a consensus opinion. While resident input is highly valued, the Commission legally cannot rely solely on resident opinions in making its decision. In addition, ordinance standards, laws, and city policies limit the Commission's decisions. Public comments should address these standards, a copy of which may be obtained online or by calling the City Planner.

The Commission's action is advisory to the City Council who will consider the request and the recommendation of the Planning Commission at their next regularly scheduled meeting. The decision by the City Council is final subject to the right of appeal, and subject to exceptions as may be provided for in City Ordinance.

How can I stay informed?

If you have questions, would like further information, or cannot attend the hearing and would like to make comments, please contact Dana Young, the Interim Zoning Coordinator at (952) 358-9939 or by email at DanaYoung@mchsi.com.

The agenda and staff report for this project are currently available for review.

RESIDENT COMMENT FORM - This form will become part of the public record and therefore may be viewed by anyone.

GENERAL COMMENTS ON REQUEST:

Setbacks and hardcover requirements exist for a reason and should be strictly enforced especially when a developer (as appears to be the case here) is buying a piece of property with a reasonable existing house on it to simply demolish the existing structure and to build a larger house and resell it. At a minimum, if a variance would be required to build beyond the foundation of the existing house, it should not be granted and the developer should be limited to the size of the current foundation. Allowing a 5-foot side setback when it should be a 15-foot side setback and allowing a substantial variance over the hardcover requirement makes no sense. The house I live in has been in my family since the day I was born in May of 1946 (my mother signed the purchase agreement while she was in the hospital after I was born) so I have a very long history with the Cottagewood and a reasonable knowledge of what has happened over the years. I can remember when the houses at 19875 and 19895 did not exist and the Workmans owned the large house at 19885 which included all three current pieces of property. The Workmans then subdivided off the property at 19895 where they build their new house and sold 19885 (including the current 19875 property) to the Fergusons. Several years later the Fergusons subdivided off the property at 19875 when they built the existing house on it and sold 19885 to the Thompsons. My recollection is that at that time there was an issue about “squeezing” the existing house onto the property at 19875 due to how close it would be to the property/houses on both sides. The issue was partially solved by the Fergusons designing a house that does not have windows on either side to mitigate the issue of side windows being close to the neighbors side windows and looking directly into the neighbors’ windows. What is currently being considered is granting variances to allow a larger house to be built where the existing house was originally “squeezed” onto the property. This makes no sense and I strongly oppose the granting of

side setback variances beyond the existing foundation and the granting of any hardcover variance.

SPECIFIC ISSUES or CONCERNS:

SEE ABOVE COMMENTS.

Name: Tom Kenyon

Address: 19835 Cottagewood Ave, Excelsior, MN 55331

Please return completed form to the attention of Dana Young @ 20225 Cottagewood Road, Deephaven MN 55331 or fax to (952) 474-1274.

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: 05-04-20

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

Summary: Andrew and Kathryn Krejci, property owners, are requesting three variances to build a patio and 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 are 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%.

At 12,396 square feet, the subject property is 62% of the minimum lot size for a property in the R-3 zoning district. For perspective, a 20,000-square-foot property in the shoreland district would be allowed 5,000 square feet of impervious area. The proposed 4,592 square feet of impervious surface on a 20,000-square-foot lot would result in an impervious surface coverage of 23%, below the maximum limit.

To offset the increased hardcover, the applicant is proposing to install an infiltration swale along the east property line capturing some of the water that would otherwise reach Lake Minnetonka. The proposed infiltration swale will contain 72 cubic feet of stormwater.

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) *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.

2) *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.

3) *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.

4) *Is the variance in harmony with the purpose and intent of the ordinance and the Comprehensive Plan?*

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. 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.

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.

PLANNING COMMISSION ACTION TAKEN ON APRIL 21, 2020 (7-0 vote)

Motioned to recommend to City Council approval of a variance to reduce the side yard setback from 15 feet to 8.7 feet, a variance to reduce the lake side setback from 100 feet to 64 feet and a variance to exceed the maximum required impervious surface coverage by 12%.

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 coverage by 12% in conjunction with the construction of a new addition and patio at 19880 Lakeview Avenue, as proposed, subject to the following conditions:

1. Prior to issuance of a building permit, the applicant shall record this resolution in the chain of title for the property with Hennepin County and shall provide the City with verification of its recording.
2. Prior to issuance of a building permit, the applicant shall record a stormwater maintenance agreement with Hennepin County and shall provide the City with verification of its recording.
3. The addition and patio shall be completed as approved and as conditionally revised by the Planning Commission and City Council.
4. All applicable permits are applied for by the applicants with all supporting documentation and issued prior to the start of construction.
5. The variance shall expire one year from the date of adoption of the resolution if not acted upon; City approval will be required for any subsequent extension.

City Council Action: Action required by June 15, 2020. Possible motions include:

- 1) I move the City Council accept the recommendation and findings of the Planning Commission and 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, subject to the conditions listed in the staff report.

OR

- 2) I move 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:

_____.

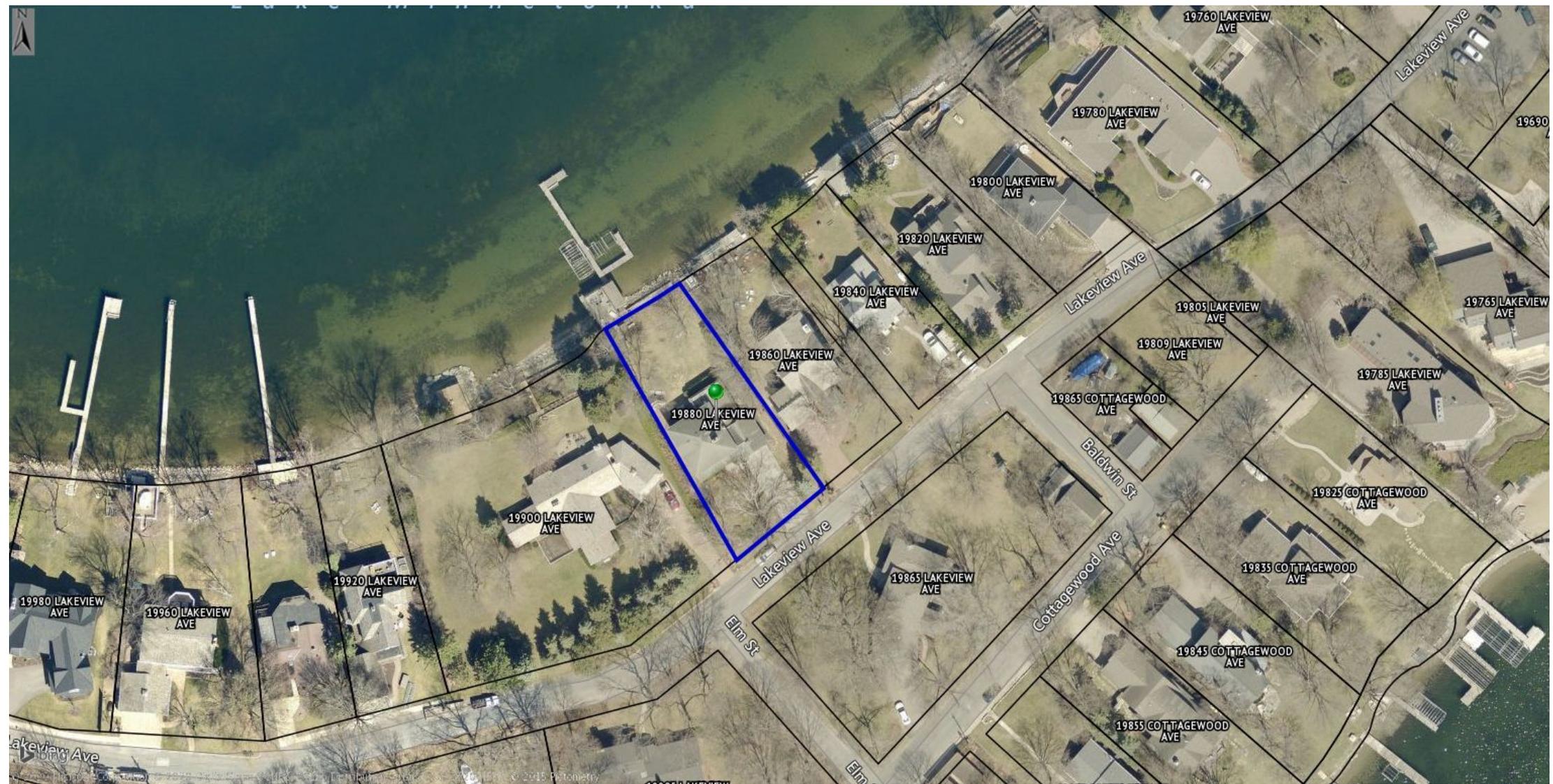
Attachments:

- 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

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.

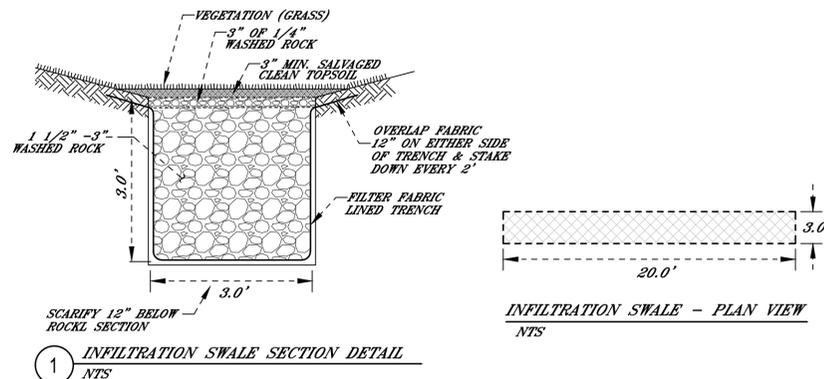
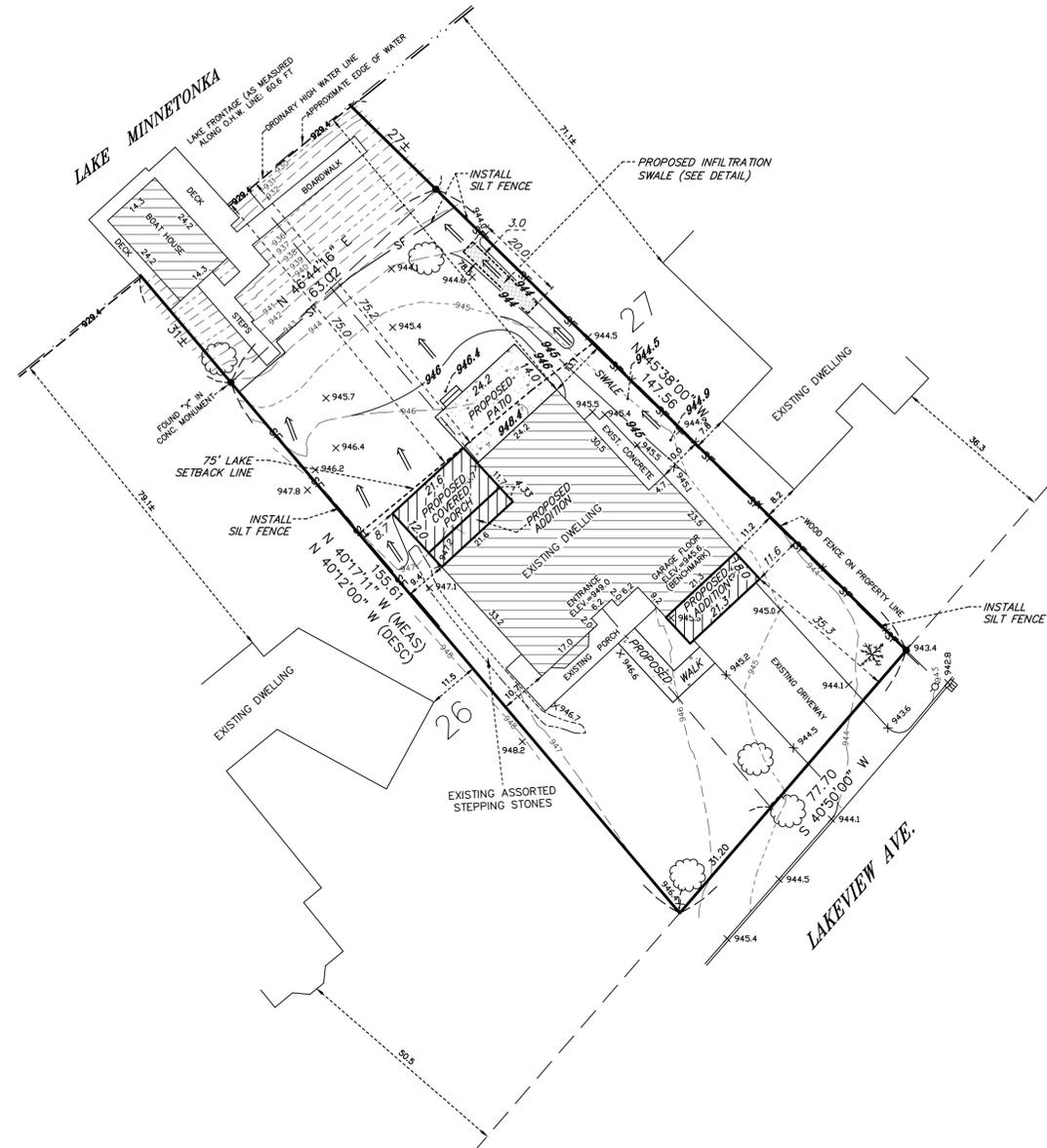
DURING CONSTRUCTION:

- 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

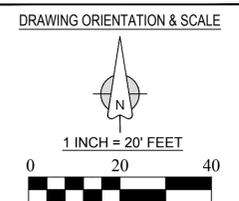
PROPOSED CONTOUR --- 945 ---

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

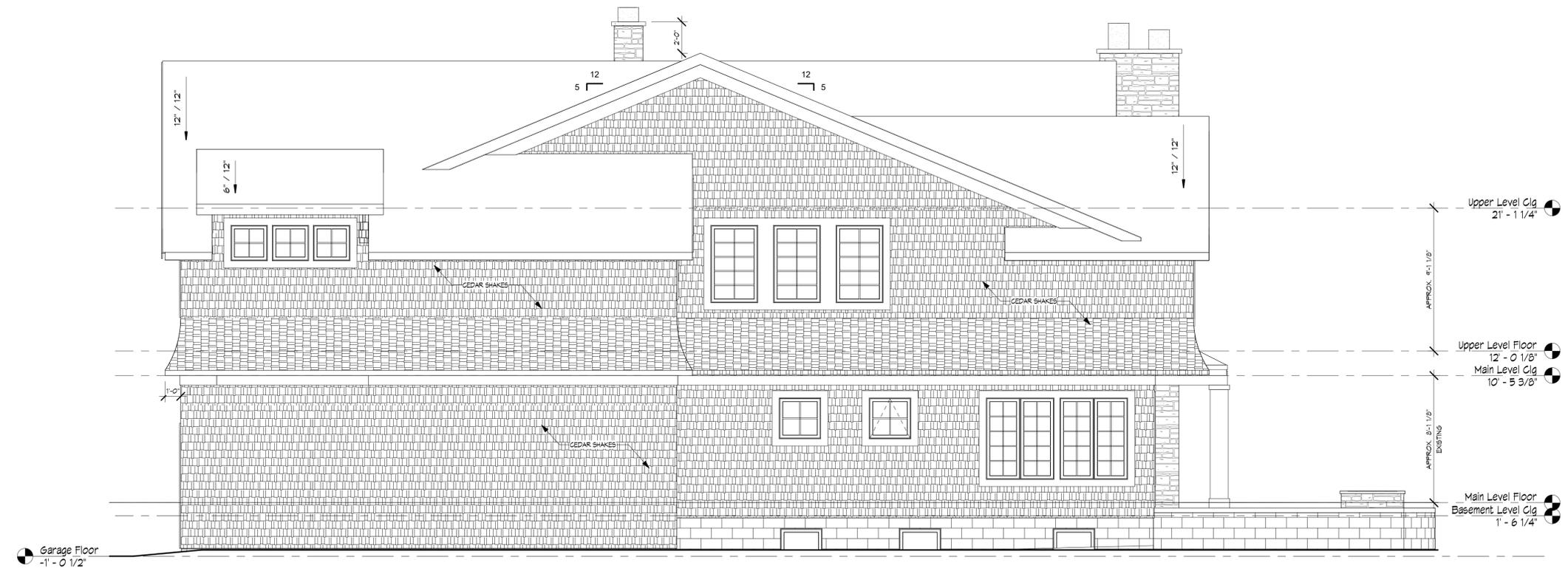


1 FRONT ELEVATION
1/4" = 1'-0"



3 FRONT 3D VIEW
A1

PRELIMINARY
NOT FOR CONSTRUCTION
(FOR BIDDING PURPOSES ONLY)



2 RIGHT SIDE ELEVATION
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 DRAFTSPERSONS ARE NOT ENGINEERS. BEHR DESIGN, INC. RECOMMENDS THAT A QUALIFIED LICENSED STRUCTURAL ENGINEER BE RETAINED TO MAKE THE STRUCTURAL INTEGRITY OF ALL BUILDINGS, BEHNS AND STRUCTURAL MEMBERS SPECIFIED ON THESE PLANS ARE FOR BID PURPOSE ONLY AND SHOULD BE SIZED BY THE MANUFACTURER'S ENGINEERING STAFF AND/OR A LICENSED ENGINEER. SIZES OF MATERIALS AND PRODUCTS SPECIFIED ON THESE PLANS REFLECT ACCEPTED INDUSTRY STANDARDS AND IN NO WAY INDICATE A SPECIFIC MANUFACTURER, UNLESS REQUESTED BY THE CLIENT. IN THE CASE OF DOORS AND WINDOWS, GENERAL SIZES ARE SPECIFIED UNLESS NOTED OTHERWISE AND IT IS ASSUMED THAT THE SUPPLIER WILL BID AND USE THE CLOSEST SIZE AVAILABLE.

THE GENERAL CONTRACTOR AND/OR HOMEOWNER SHALL ASSUME FULL RESPONSIBILITY FOR THE CHECKING AND VERIFICATION OF DIMENSIONS, DETAILS AND NOTES. HE SHALL AS CONSTRUCTION TECHNIQUES, SPECIFICATIONS, STRUCTURAL AND/OR SAFETY REQUIREMENTS AND CONFORMITY TO ALL FEDERAL, STATE AND LOCAL BUILDING CODES, LAWS AND ORDINANCES. HOMES WHICH ARE TO BE CONSTRUCTED IN AREAS THAT ARE SUBJECT TO EXTRAORDINARY DESIGN, WIND, SNOWFALL, COLD OR FLOOD ISSUES SHOULD BE ENGINEERED AND SUPERVISED BY A CONSTRUCTION PROFESSIONAL FAMILIAR WITH THE PARTICULAR CONDITIONS OF THAT REGION. THESE PLANS SHALL REMAIN THE PROPERTY OF BEHR DESIGN, INC. SHALL NOT BE COPIED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF BEHR DESIGN, INC. OR THE CLIENT FOR WHICH THEY WERE PREPARED FOR.

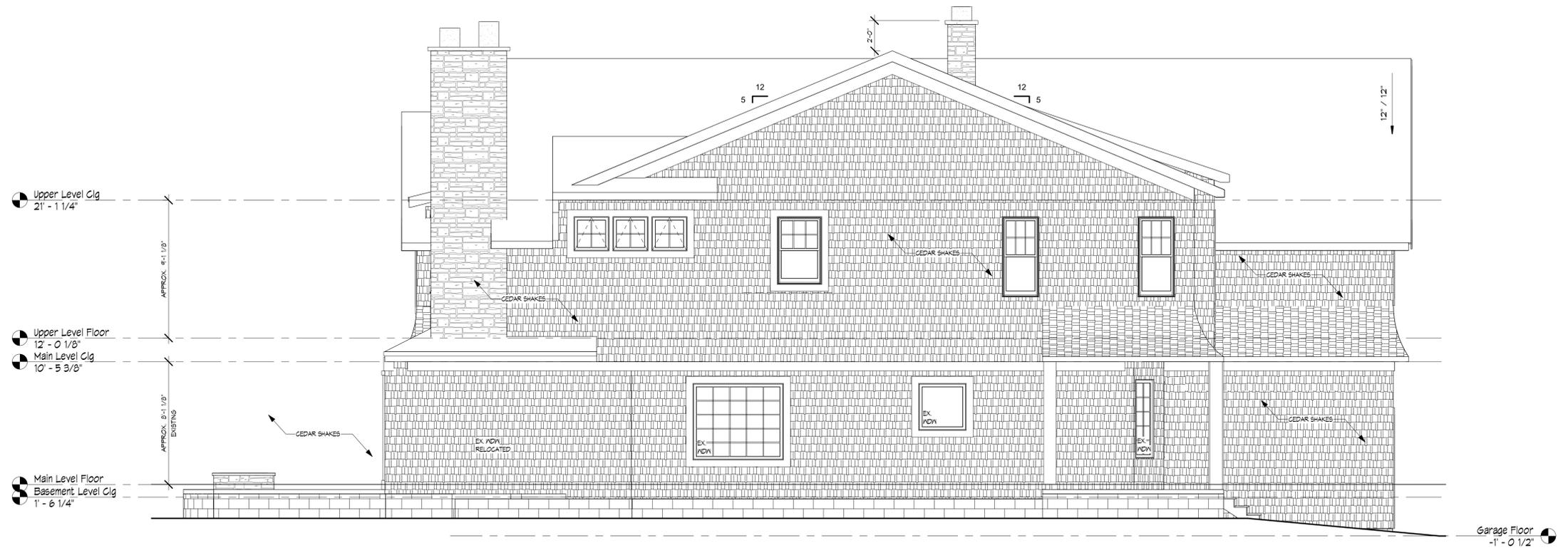


1 REAR ELEVATION
1/4" = 1'-0"



3 REAR 3D VIEW
A2

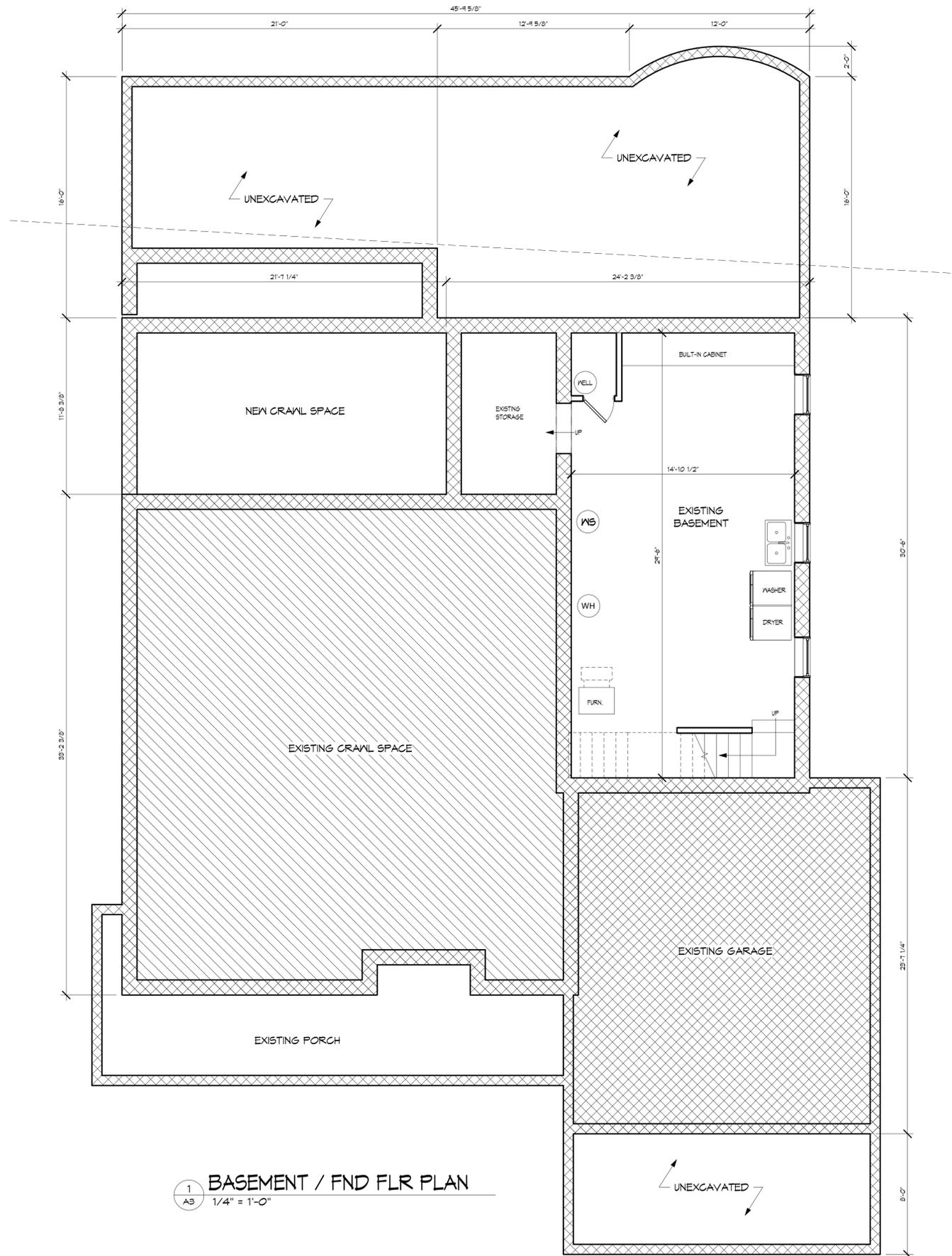
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2 LEFT SIDE ELEVATION
1/4" = 1'-0"

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

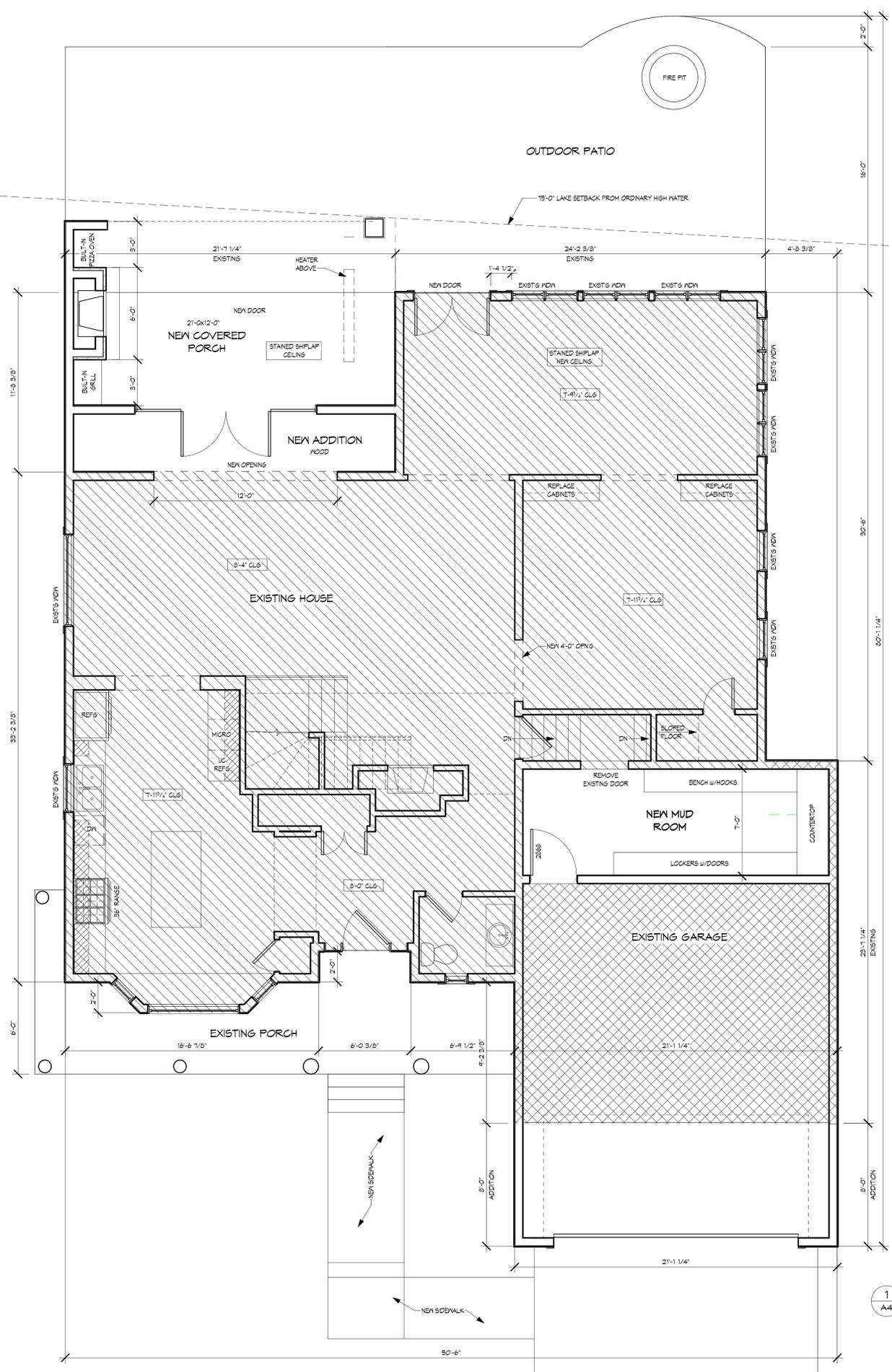
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- NOTES:
- 1.) ALL BRG. HEADERS ARE TO BE (2)-2X10 UNLESS NOTED OTHERWISE (UNO).
 - 2.) OWNER/CONTRACTOR TO VERIFY ALL WINDOW & DOOR SIZES.
 - 3.) OWNER/CONTRACTOR TO SPEC. ALL FLOORING MATERIAL.
 - 4.) OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS.
 - 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.

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

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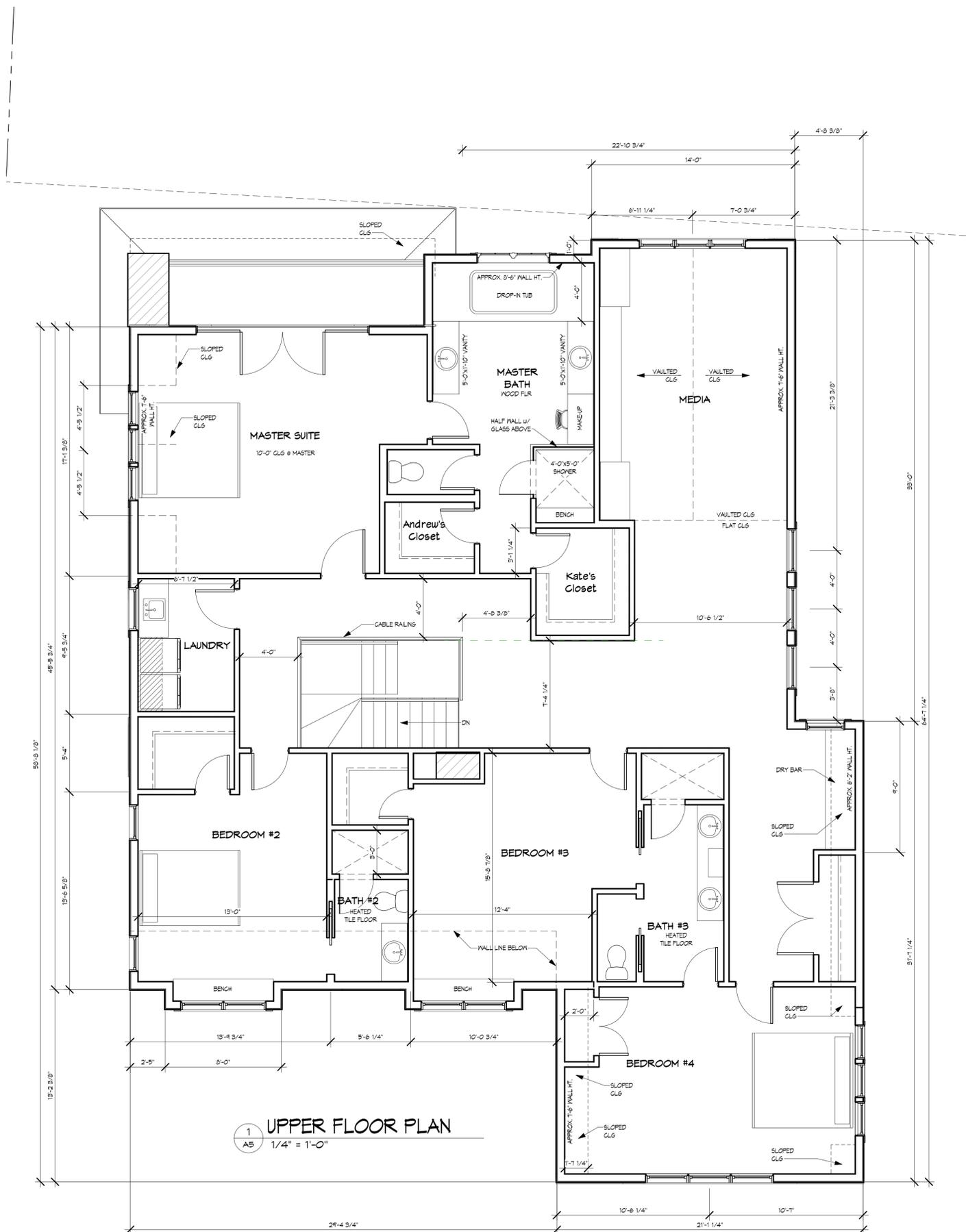


Kreici Residence
19880 lakeview Ave.
Deephaven, MN

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
SHOULD BE REPRODUCED OR USED FOR ANY
PURPOSE WITHOUT PRIOR WRITTEN
CONSENT FROM BEHR DESIGN, INC.

SHEET NO.
A4
Main Floor Plan

**PRELIMINARY
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(FOR BIDDING PURPOSES ONLY)**



1
A5 UPPER FLOOR PLAN
1/4" = 1'-0"

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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



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: Maggie Allen <maggieallen01@yahoo.com>
Sent: Friday, April 17, 2020 5:18 PM
To: pat@cityofdeephaven.org
Subject: Krejci Project 19880 Lakeview Ave

Hi Pat,

Craig and I wanted to write to let you know we have no issues with the Krejci's (our next store neighbors) house project. We support the project completely.

Thank you.
Maggie and Craig Allen
19860 Lakeview Ave

[Sent from Yahoo Mail for iPhone](#)

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

**Deeplaven City Council Agenda Item
May 4, 2020**

Agenda Item: Approve Boat Lift Addendum

Summary:

At the April 20th Council meeting, the Council discussed the possibility of adding an addendum to the Mooring Lease Agreement that would allow residents on a dock slip to install a boat lift. Two primary concerns were expressed at the meeting regarding the proposed Boat Lift Addendum. First, Councilmember McNeill suggested including a liability waiver to the addendum and was kind enough to send along the attached language for the Waiver and Release of Claims.

And second, concerns were expressed regarding Section 4 of the Boat Lift Addendum that reads as follows:

- 4. Boat lifts must be purchased and installed according to the following specifications:**
 - a. Boat lifts shall be low profile type, similar to the Hewitt 4400 and 6100 or Shoremaster LoPro 4960/6960.**
 - b. Boat lifts shall be solar powered with battery backup; no electrical back-up is allowed.**
 - c. Leaseholders must ensure that the boat lift will fit in the dock slip and will not extend past their assign mooring space.**

The Council was concerned about listing specific models and whether these models would fit in the 9 1/2 foot wide dock slips. Please see Councilmember Jewett's attached email, which provides some excellent information on boat lifts and whether they can fit into our dock slips.

Staff recommends changing the language in this section to eliminate the specific reference to Hewitt 4400 and 6100 or Shoremaster LoPro 4960/6960 and simply include those specifications that must be met in order to allow the installation of a boat lift. Section 4 has therefore been revised to read as follows:

- 4. Boat lifts must be purchased and installed according to the following specifications:**
 - a. Boat lifts shall be low profile hydraulic type, with a maximum width not to exceed 108"; solar powered with battery backup; no electrical back-up is allowed; and the boat lift cannot be attached in any way to the municipal dock.**

- d. Boat lift specifications detailing the design and size of the lift must be provided to the City for its approval prior to its purchase and installation.**
- e. Leaseholders must ensure that the boat lift will fit in the dock slip and will not extend past their assign mooring space. The City reserves the right to require the leaseholder to remove the boat lift if it is too large or wide to comfortably meet the existing dimensions of the dock slip**

This would give leaseholders more flexibility in finding different models of boat lifts, as long as the model meets the required specifications.

The Boat Lift Addendum and Liability Waiver is attached for your review.

Recommendation:

Approve Boat Lift Addendum and Liability Waiver.

Dana Young

From: Jewett, Tony [TJewett@CBBurnet.com]
Sent: Tuesday, April 28, 2020 4:49 PM
To: Dana Young; 'Paul Skrede'
Subject: Boat Lifts

Hello,

I spoke with Joe Hoeschen, who is the new owner/operator of Don Anthony's barge service (Don's son in-law). He is familiar with Dean's lift as well as the Excelsior slips (he has installed 3 lifts in the Excelsior slips). Joe indicated Excelsior has 10' wide slips and they can only allow the hydraulic lifts (Hewitt 6100 example image below) due to the space constraints. A 10' wide traditional lift with legs and crossbeams above the water will either run into the dock or the neighbor's lift in the next slip (where there is only a "dolphin" pole separating the slips). Joe believes he can maneuver a hydraulic lift like the Hewitt 4400/6100 into a 9.5' slip because there is room to set the feet under the dock. He indicated that it is pretty tricky to set in the Deephaven slips with the thick muck and he charges by the hour (he has experience with setting lifts in the MYC slips). Also, below I have included the specs for Dean's lift as well as an image. In Joe's opinion, Dean's type of lift won't fit inside of the Deephaven slips due to all of the fittings above water that would run into the dock/neighbor's space.

If we proceed with the lift ordinance, hydraulic seems to be the only workable solution. Joe also indicated that most hydraulic lifts can be custom made to a 9.5' base width. Again, he said that wasn't completely necessary to make them fit but it's an option.

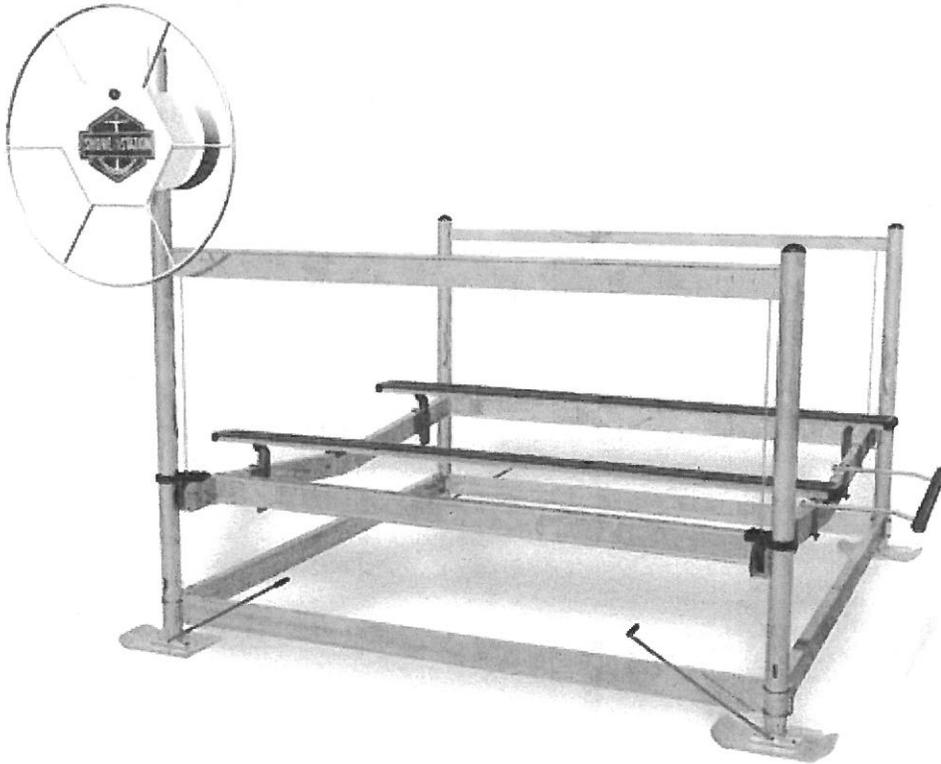
Also, as it relates to the section in the proposed ordinance prohibiting canopies, I would also prohibit above-water attachments such as "guides" or "bumpers." Those will create the same space issues that make traditional lifts too big.

Let me know if you have questions. Joe is available for his opinion as well. Thanks.



Shore Station

General	
Load Capacity:	4,000
Model:	SS-V40120MS
Item Type:	Lift - Freestanding
Assembly Required:	Yes
Frame Specs	
Inside Opening:	120
Lift Cradle Travel:	48
Cradle Style:	Aluminum V-Rack
Frame Material:	Aluminum
Fasteners:	Stainless/Brass Combo
Foot Pad Size:	12 x 16
Length Overall:	130 5/16



Tony Jewett

DeHaven Team | Coldwell Banker Burnet
 201 E Lake St, Wayzata, MN 55391
 612-963-8851 cell, 952-476-3671 office
www.dehaventeam.com

Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

BOAT LIFT ADDENDUM TO RESIDENT MOORING LEASE AGREEMENT

RESIDENTS WITH A MUNICIPAL DOCK SLIP SHALL BE GRANTED PERMISSION TO INSTALL IN THEIR SLIP SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Leaseholders have the option to purchase and install a hydraulic boat lift if they are currently leasing a municipal dock slip. No other boat lifts are allowed.**
- 2. Leaseholders must notify Deborah Hicks, Marina Operations Clerk, if they plan to purchase and install a boat lift.**
- 3. Leaseholders are responsible for all costs associated with their boat lift: purchasing, installing, maintaining, any damage to docks or other watercraft, and removal.**
- 4. Boat lifts must be purchased and installed according to the following specifications:**
 - a. Boat lifts shall be low profile hydraulic type, with a maximum width not to exceed 108": solar powered with battery backup; no electrical back-up is allowed; and the boat lift cannot be attached in any way to the municipal dock.**
 - b. Boat lift specifications detailing the design and size of the lift must be provided to the City for its approval prior to its purchase and installation.**
 - c. Leaseholders must ensure that the boat lift will fit in the dock slip and will not extend past their assign mooring space. The City reserves the right to require the leaseholder to remove the boat lift if it is too large or wide to comfortably meet the existing dimensions of the dock slip.**
- 5. Hardcover (built in) frames & canopies are not permitted at any mooring.**
- 6. Boat lifts can remain at the dock during the winter beneath the ice provided the leaseholder coordinates the winterization of the lift and reactivation of the lift in the spring once the ice is gone.**
- 7. If the leaseholder moves mooring locations, the boat lift must be moved and installed in the new mooring location as soon as the space is available.**
- 8. If the leaseholder no longer has a mooring, it is the leaseholder's responsibility to have the boat lift and hydraulic box removed.**

Resident Name (PLEASE SIGN HERE)

Date

CITY OF DEEPHAVEN

Deborah Hicks, Marina Operations Clerk

Date

**BOAT LIFT ADDENDUM TO RESIDENT MOORING
LEASE AGREEMENT**

**WAIVER AND RELEASE OF
CLAIMS**

I have read, understand and agree to follow all rules, regulations and safety procedures related to the City of Deephaven Boat Lift Addendum to Resident Mooring Lease Agreement. I understand that failure to follow any of those rules, regulations or procedures can result in revocation of my permit from the City of Deephaven (City).

I understand and acknowledge that there are risks associated with my use of a boat lift (Lift), including, but not limited to, malfunction of the equipment, adverse effects of the weather and other risks of which I am presently unaware. My use of the Lift is voluntary and based on my independent assessment and acceptance of all risks associated with its use, without reliance on representations by the City, its agents or any other person.

In exchange for being allowed to use the Lift, I hereby release, waive, relinquish and discharge all claims and legal actions that I might have for personal injury, wrongful death or property damage against the City arising from or in connection with my use of the Lift; and I agree to save, protect, defend, indemnify and hold harmless the City, its agents, employees, officers and representatives, from all claims, demands, actions or judgments that may be asserted or claimed by any person or entity arising out of or in any way connected with my use of the Lift; this release, waiver and indemnification shall apply even if the City is negligent or otherwise at fault.

I understand that the effect of my signing this document is that I assume all risk of injury, death or property damages I might suffer in connection with using the Lift that I absolve and release the City from the consequences of its negligence; and that I will save, protect, hold harmless, indemnify and defend the City against any legal actions or other claims, including those of third parties, for damages arising from my actions. I understand that I am forfeiting important legal rights and incurring important legal responsibilities, and I voluntarily execute this agreement, waiver and release of claims with full knowledge of its significance. I agree that the terms of this document bind me, my heirs, assigns, executors and administrators.

Owner/Operator Signature

Date

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: Discuss Warming House Restroom Lock Proposal

Summary:

On April 20th, the Deephaven City Council discussed a recommendation from the Park Committee requesting that the Council consider and determine the appropriate funding for securing the warming house and restrooms during those hours that Thorpe Park is closed. In addition, the Council also considered the following recommendation from the Public Safety Committee to obtain a quote on the installation of a timer on the two restroom doors set to automatically lock at 10:00 p.m. and reopen at 6:00 a.m.

A quote from USA Security, Inc. on providing two automatic locks for the Warming House restroom is attached for your review. The quote includes four steps for developing a wireless locking solution; however, Step 1 in the amount of \$4,331.25 is the locking solution that is more in line with what we are looking for.

Recommendation:

Discuss & Approve Warming House Restroom Lock Proposal.



USA Security, Inc.
 Phone: (952) 829-5919
 Fax: (952) 829-5861
 6251 Bury Drive
 Eden Prairie, MN 55346

Quote
 No.: **27646**
 Date: 3/20/2020

Prices are firm until: 6/18/2020

Prepared for:

City of Deephaven
 Deephaven, MN USA

Prepared by: Chris Daniels
 Account No.: 25878
 Phone: (952) 474-4755

Description	Quantity	Unit Price	Total
Pricing is built as logical step points.			
Pricing assumes all previous step points completed together			
Step 1			
First step provides two electronic locks on a 'set and forget' schedule.			
locks can be overridden by key			
OUTSIDE OF USA SCOPE: Electrical hookup needed for lock power supply			
Infinias Ethernet Enabled Door Controller	1	\$502.64	\$502.64
SURFACE MOUNT ID BACK BOX (SEIDC32 Reader)	1	\$21.24	\$21.24
Power Supply Charger with Multi-Output Access Power Controller 12 or 24VDC at 6 AMP, PTC Protected Outputs	1	\$382.79	\$382.79
Rechargeable battery, 7.0 Ah ,12 Volt. Includes: (1) Set of battery leads (1) Battery bracket for NCL enclosure	2	\$36.55	\$73.10
6400 US32D Von Duprin Electric Strike	2	\$463.25	\$926.50
Wire 18/2 500' Box Plenum N/S	2	\$89.99	\$179.98
Access Install (Cabling, Devising, Testing & Approval)	16	\$110.00	\$1,760.00
Access Production (Enrollment Sessions Qty, Length, PreBuild Hours)	1	\$125.00	\$125.00
MISC CONDUIT & PARTS	2	\$30.00	\$60.00
Project Management, Inventory, Planning, Documentation, Misc.	1	\$300.00	\$300.00
Step 1			\$4,331.25
Step 2			
Step 2 provides local wireless access point for schedule changes at the facility via wifi			
UNIFI Access Point, Long Range, AC	1	\$150.00	\$150.00
8 PORT , SMART MANAGED SWITCH, 1G POE Plus, 130 Watts +2-PORT 100/1000SFP	1	\$465.80	\$465.80
8U Wall Mount Rack (*TWO PART OPEN AIR NO LOCK)	1	\$121.00	\$121.00
Access Install (Cabling, Devising, Testing & Approval)	8	\$110.00	\$880.00
Access Production (Enrollment Sessions Qty, Length, PreBuild Hours)	1	\$125.00	\$125.00
Project Management, Inventory, Planning, Documentation, Misc.	1	\$175.00	\$175.00
Step 2			\$1,916.80
Step 3			
Step 3 provides card readers at each of the two doors			
Infinias Ethernet Enabled Door Controller	1	\$502.64	\$502.64
SURFACE MOUNT ID BACK BOX (SEIDC32 Reader)	1	\$21.24	\$21.24
13.56MHz Card Reader - Mini Size - Black - Bluetooth	2	\$216.75	\$433.50
Wire 18/6 500' Box Plenum Shielded	1	\$149.99	\$149.99
Access Install (Cabling, Devising, Testing & Approval)	16	\$110.00	\$1,760.00
Access Production (Enrollment Sessions Qty, Length, PreBuild Hours)	2	\$125.00	\$250.00
Project Management, Inventory, Planning, Documentation, Misc.	1	\$375.00	\$375.00
Step 3			\$3,492.37
Step 4			

Quote

No.: **27646**

Date: **3/20/2020**

Description	Quantity	Unit Price	Total
Step 4 provides off site alarm monitoring for after hours notification of premises breach			
Vista-21IP 8 Zone integrated IP Control Panel	1	\$272.00	\$272.00
Honeywell Control Panel, expand 8 zone, Vista LTE	1	\$340.00	\$340.00
Keypad Alpha/Numeric Honeywell- RF receiver built in	1	\$260.00	\$260.00
Wireless Glass Break Detector, Surface, 25ft.	2	\$122.38	\$244.76
5800MINI (Replaces 5811)	2	\$49.99	\$99.98
RECESSED 3/4" W/3/8" GAP CL LP, Brown, SPDT	2	\$9.99	\$19.98
Wire 18/4 500' Box Plenum Non-Shielded	1	\$149.99	\$149.99
MISC CONDUIT & PARTS	1	\$30.00	\$30.00
Video Production (Enrollment Sessions Qty & Length, PreBuild Hours)	2	\$125.00	\$250.00
Intrusion Install (Cabling, Deicing, Testing & Approval)	8	\$110.00	\$880.00
Project Management, Inventory, Planning, Documentation, Misc.	1	\$175.00	\$175.00
Monthly alarm monitoring service of \$32.00 / month would be required for off site monitoring			
Step 4			\$2,721.71

Your Price: \$12,462.13

Total: \$12,462.13

Accepted by: _____

Date: _____

Disclaimer

Taxes and local state/county fees are the responsibility of the customer. This quote is for estimation purposes and is not a guarantee of cost for services. Quote is based on current information from client and the project requirements. Actual cost may change once project elements are finalized or negotiated. Door hardware: This quote/proposal is based on the good faith that all doors and its mechanical hardware are in a working and properly adjusted condition. // Fire Life Safety Considerations: Unless specifically stated in this quote it is assumed that customer (client) will pull and/or request the fire permit and inspection if required for the work quoted. // High Voltage Considerations: Unless specifically stated in this quote it is assumed the customer (client) will schedule necessary high voltage work with a qualified electrician and ensure any local permitting has been addressed as/if needed. // Drywall patching or painting is not included. Trenching is not included.

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: Present Ordinance No. 08-08, Establishing Uniform Park & Ice Rink Hours

Summary:

On April 20th, the Deephaven City Council reviewed the Public Safety Commission's recommendations on to obtain a quote on the installation of a timer lock for the two Warming House restroom doors set to automatically lock at 10:00 p.m. and reopen at 6:00 a.m. AND on establishing consistent closing hours for all city beaches, parks and ice rinks at 10:00 p.m. to 6:00 a.m.

Ordinance No. 08-08 is presented that establishes uniform hours requiring parks, beaches and ice rinks to close to the public at 10:00 p.m. and open at 6:00 a.m. The ordinance would also delete "*except those who, without delay, are traveling on the established walks, paths and streets*" under Park Hours. Police Chief Johnson thought this action was difficult to enforce and felt that people shouldn't be allowed to walk on any paths or walkways after the park or beach has closed at 10:00 p.m.

In addition, the proposed ordinance does not propose any changes to Beach Hours, as beaches already close to the public between 10:00 p.m. and 6:00 a.m.

Recommendation:

Review Ordinance No. 08-08, Establishing Uniform Park & Rink Hours

ORDINANCE NO. 08-08

**AN ORDINANCE AMENDING SECTION 800 ON HOURS FOR PARKS, BEACHES,
AND PUBLIC SKATING RINKS**

The Council of the City of Deephaven does hereby ordain:

Section 1. Amendment to Park and Public Skating Rink Hours. All hours for public parks, beaches and public skating rinks shall be amended as follows.

800.01 Park Regulations.

Subd. 1. Hours. No person may be present in, or park a vehicle in, any park, playground or public beach, between 10:00 p.m. ~~12 midnight~~ and 6 a.m., ~~except those who, without delay, are traveling on the established walks, paths, and streets.~~

800.02 Beach Regulations.

Subd. 3. Beach Hours. No person may be present at any public beach for the purpose of swimming, bathing or congregating with others between the hours of 10 p.m. and 6 a.m. of the following day.

800.04 Public Skating Rink Regulations. For the protection of the public in the orderly use of public skating rinks in the City:

Subd. 4. Skating Rink Hours: City skating rinks will be closed between 10:00 p.m. ~~9:00 p.m.~~ and 6:00 a.m. ~~8:00 a.m.~~, unless a permit is obtained from the Director of Public Works.

Section 2. Effective Date. This ordinance shall be in effect on date of its publication.

Adopted by the Council of the City of Deephaven this 18th day of May, 2020.

Paul A. Skrede, Mayor

Attest: _____
Dana H. Young, City Administrator

**Deephaven City Council Agenda Item
May 4, 2020**

Agenda Item: Discuss the Issuance of Non-Resident Beach Permits

Summary:

On April 20th, the Deephaven City Council discussed a recommendation from the Park Committee requesting that the Council consider whether to sell beach parking permits to non-residents during the COVID-19 pandemic in the attempt to alleviate potential problems with over- crowding and maintaining the appropriate social distancing at the beaches.

After considerable discussion, the Council decided to table further discussion on whether to sell or limit the sale of non-resident beach permits until the May 4th Council meeting, when more information will be available on whether Governor Walz decides to extend the current Stay at Home Order. In addition, the Governor's order may also add clarifying details on the proposed opening of beaches or other similar public uses.

As a reminder, the following includes data on the number and revenues derived from non-resident beach parking permits the past two years:

- 2018 - 248 beach permits @ \$60.00 per permit = \$14,880
- 2019 - 272 beach permits @ \$60.00 per permit = \$16,320
- In 2019, the vast number of non-resident parking permits was issued to residents from Minnetonka (148), Shorewood (38), Excelsior (30), Wayzata (26) and Eden Prairie (18).

Recommendation:

Discuss the Issuance of Non-Resident Beach Permits

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Deephaven Police Department

20225 Cottagewood Road
Deephaven, MN 55331

CORY JOHNSON
Chief of Police

(952)474-7555 Office
(952)474-4564 Fax

May 4, 2020

To: Honorable Mayor Skrede
Deephaven City Council

Cc: Dana Young, City Administrator

From: Cory Johnson, Chief of Police

Re: Monthly activity report for April 2020

April 2020:

**45 Traffic Stops
75 Radio Calls**

- 17 Speeding
- 1 Driving after Suspension
- 0 Driving after Revocation
- 16 Citations
- 35 Verbal Warnings
- 2 Written Warnings
- 1 DWI
- 17 Medical Calls
- 10 Assists to other Agencies
 - (-6 SLMPD)
 - (-1 MTKA)
 - (-1 HCSO)
 - (-2 WAYZATA)

**-3 Assist to Deephaven
(-3 SLMPD)**

-0 Accidents

-3 Permits to acquire handgun

March 2020:

**114 Traffic Stops
66 Radio Calls**

- 39 Speeding
- 0 Driving after Suspension
- 2 Driving after Revocation
- 23 Citations
- 89 Verbal Warnings
- 5 Written Warnings
- 1 DWI
- 11 Medical Calls
- 10 Assists to other Agencies
 - (-3 MTKA)
 - (-6 SLMPD)
 - (-1 MINNETRISTA)

**-5 Assists to Deephaven
(-1 SLMPD)
(-2 MTKA)
(-1 HCSO)
(-1 ORONO)**

-0 Accidents

-13 Permit to acquire handgun

-11 Alarms

-6 Alarms

The following statistics are Part 1 and Part 2 crimes reported for the month of April 2020:

INCIDENT	INCIDENT DATE	INCIDENT DETAILS:
3rd Degree DWI - Arrest	2020-04-05	Officer was on routine patrol when Officer observed a white SUV parked with its light son in the paddleball lot. Officer approached the vehicle and observed the driver of the vehicle to shut off the lights as Officer approached. Officer approached the vehicle and made contact with the driver. The driver opened the door and had her keys and phone in her hand. The driver, Hailey Ann Merrill, 24 of Edina was arrested for DWI. The driver tested a.18ac and was charged with 3rd Degree DWI.
Domestic Assault- Arrest	2020-04-10	Officer was dispatched to a 911 hang-up at the listed residence. Officer arrived and observed what appeared to be a verbal domestic between a father and daughter. Officer requested assistance from SLMPD and made contact with the involved parties. Officers collected information and ultimately arrested the father for domestic assault and interfering with an emergency phone call. The suspect was transported to DPD to provide a Miranda statement before being booked into Hennepin County Jail.
Theft Report - Narcotics - Citation	2020-04-10	Officer was dispatched to a theft from auto at 19800 Minnetonka Blvd. The victim was following possible suspects WB on Minnetonka Blvd. into Excelsior. DPD and SLMPD stopped the suspect vehicle and noted an odor of Marijuana coming from the vehicle. Officers searched the vehicle for narcotics as well as stolen property. The search yielded a small amount of marijuana but no stolen property. The passengers were cited and released from the scene. Officer then collected information from the victim regarding the theft. Theft is under investigation. Several credit cards were taken from the victim's vehicle and used around the Metro area.
Traffic Stop - Citation - Drugs/Alcohol	2020-04-12	Officer conducted a traffic stop on a vehicle for an equipment violation. While officer was speaking with the driver officer smelled an odor of marijuana emanating from the vehicle. Officer asked the driver if there was any marijuana in the vehicle and the driver stated no. Officers then removed the driver and passenger from the vehicle and searched the vehicle. 2.2 grams of marijuana was located on the driver. Drug paraphernalia was located in the center console and 2 bottles of Michelob Ultra was located in the

		backpack of the driver, One pack of unopened white claw was also located behind the driver's seat. The driver was cited for underage possession of alcohol, possession of drug paraphernalia and possession of marijuana in a motor vehicle.
Mail Theft - Check Fraud	2020-04-20	An officer received a phone call in regards to theft of a box of checks from the mail and subsequent check fraud. While investigating it was learned the suspect was arrested at the bank by Eden Prairie Police Department while attempting to cash an eighth check on the victims account. Eden Prairie Police advised they would charge out the check fraud that occurred in their city.
Curfew Violation - Verbal Warning	2020-04-23	Officer happened upon two juveniles walking down Linwood Road in violation of curfew laws. Officer identified the juveniles and confirmed no other criminal activity was afoot. Officer released them with a verbal warning and instructed them to go straight home.

**Public Works Department
Report of Activities
April, 2020**

April Project List	Comments
Trimming along Street Blvds	As needed
Roadside Pickup	Weekly garbage cleanup along streets
Park Inspections	Monthly inspection start this month
Add Mulch to Trees in Parks	As needed
Mark Diseased & Hazardous Trees	Ongoing inspection of diseased & hazardous trees
Activate Sprinkler System	City Hall sprinkler system
Fill Mutt Mitt Dispensers	Filled every Monday
Gopher One Locates	Daily as needed
Paint Lifeguard Chairs	Robinson's, Sandy & Deephaven beaches
Monthly Sewer Inspections	Scheduled for completion in mid-May
Remove Snow Plow Stakes	Roads & Thorpe Park – completed in mid-April
Manhole Inspections	Scheduled in May or June
Street Patching	Hot mix patching starting in April
Install Sailboat Buoys	Completed
Install Swimming Docks, Buoys & Ropes	Scheduled in May
Thorpe Park Memorial Bench	Installed April 16th
Street Sweeping	Pearson Bros. started sweeping April 20th
Shuck Park	Removed old playground equipment for new equipment
Summerville Road	Installed new storm water pipe on April 27th
Flower Bed Preparation	Rototill & add mulch – completed April 9th
Repair Damage from Plowing in Street ROW	Completed in April

**Public Works Department
Report of Activities
May, 2020**

May Project List	Comments
Trimming along Street Blvds	As needed
Clean Catch Basins & Storm Sewers	Typically after a rainfall
Roadside Pickup	Weekly trash & garbage pickup
Park Maintenance	Mowing, weed whipping, trash pickup
Park Inspections	Monthly inspection completed May 28th
Thorpe Park – Weed & Fertilizer	Contractor applies 1st application in May
Garbage Can Pickup	Weekly on Mondays
Children’s Park Fountain Maintenance	Fill & scrub water reservoir as needed
Diseased & Hazardous Tree Program	Identify diseased & hazardous trees on public property
Weed Whipping	Weekly cleanup around guard rails in Deephaven
Roadside Trimming & Mowing	Deephaven & Greenwood – as needed
Garden Club Planting Day	Scheduled in May
Park Mowing	Began on May 1st
Lift Station Inspections	Inspections in Deephaven & Greenwood
Fill Mutt Mitt Dispensers	Filled every Monday
Gopher One Locates	Daily as needed

**ADMINISTRATOR'S REPORT
MAY 1, 2020**

Summer Hours

Since 2001, the City Council has permitted City Hall staff to switch to summer hours from Memorial Day to Labor Day to coincide with the summer hours of other lake communities. Summer hours begin June 1 – August 28 with the following City Hall hours:

Monday – Thursday:	8:00 a.m. – 5:00 p.m.
Friday:	8:00 a.m. – Noon

Street Sweeping

Street sweeping was originally scheduled to be completed on or before April 17th. Due to issues pertaining to COVID-19, street sweeping operations began on April 20th and were completed the following week.

City Cleanup Day

The annual Spring Cleanup Day will be held on Saturday, May 9th. Activities include the curbside pickup of compost material and electronic / appliance pickup. The drop-off of unwanted materials at City Hall has been rescheduled to September 26th.

Paddleboard Racks

There are currently 30 paddleboard racks located next to the sports court at Deephaven Beach that are available for Deephaven residents to rent for a \$100.00 annual fee. There were 8 residents who declined to renew their space this year, which were filled by 4 of the 11 residents who are on the waiting list. There are currently 4 vacancies on the paddleboard racks this year.

Street Striping

Twin Cities Striping will begin the striping of city streets the week of May 4th. The contractor will be sweeping the usual streets this year except for Northome Blvd, which will be resurfaced this year, and that section of Heathcote Road that was striped last year to the concern of a number of Heathcote Road residents. Also, unless directed otherwise, Minnetonka Blvd will again be restriped with 12' driving lanes.

Summerville Road Storm Water Project

Schneider Excavating completed the Summerville Road Storm Water Project the week of April 27th.

Deephaven Bikeway Feasibility Study Grant

The Bikeway Feasibility Study has been closed out and staff submitted a request to Hennepin County for reimbursement from their Bikeway Feasibility Study Grant in the amount of \$20,000 on April 16th.

President Nomination Primary Reimbursement

Legislation establishing the Presidential Nomination Primary also allows municipalities to request reimbursement for the costs of conducting the election. Unfortunately, reimbursement doesn't include reimbursement for staff hours, which is one of the more significant costs of operating an election. The request for reimbursement was sent in on April 24th and the City of Deephaven has applied for \$4,681 in reimbursable costs.