



AGENDA - DEEPHAVEN PLANNING COMMISSION

Date: Tuesday July 21, 2020

Location: Deephaven Council Chambers, 20225 Cottagewood Road

Time: 7:00 p.m.

1. APPROVAL OF MINUTES

a) June 16, 2020

2. PUBLIC HEARINGS

a) **19390 Walden Trail – Variance/Preliminary Plat/Final Plat**

b) **5180 Hooper Lake Road – Front Yard Setback Variance and Canopy Encroachment Variance**

3. DISCUSSION ITEMS

a) Construction Review Timeline

4. LIAISON REPORT

5. ADJOURN

Next Council Meeting – Monday, August 3, 2020

Next Planning Commission Meeting – Tuesday, August 18, 2020

DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, JUNE 16, 2020

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

PRESENT: Commissioners John Daly, Jeff Eaton, Doug Nagle, Cindy Hunt Webster, Josh Wilcox (by phone), and Chair John Studer

ABSENT: Bob Werneiwski

OTHERS PRESENT: Planning Director Pat Smith and City Council Liaison Kent Carlson

1. **APPROVAL OF MINUTES** **Minutes of April 21, 2020**

Motion by Chair Studer, seconded by Commissioner Eaton, to approve the minutes of April 21, 2020. Motion carried 6/0.

2. **PUBLIC HEARINGS**

a) **Amendment to the Construction Management Ordinance**

Smith presented the staff report. This issue was brought about by some damage to Easton Street by a developer of a new house. The city does not have a formal ordinance requiring developers to repair public property. The City Council wanted the Planning Commission to discuss such an ordinance.

Studer opened the public hearing. No one spoke. Studer closed the public hearing.

The Commission thought requiring small additions to abide by the construction management regulations may be cumbersome. Maybe tie the escrow amount to projects over \$100,000 in valuation.

As drafted, the City Engineer would verify the condition of the roads. The developer would pay for the City Engineer's time. Nagel prefers a fixed fee and thinks a formula-based fee isn't necessary. Wilcox likes a sliding scaled fee, and renovations and new builds should be covered.

Webster asked about interest rates. Smith stated that the City wouldn't be earning interest on the escrow fees. Daly is supportive of an escrow agreement, but doesn't agree with a load limit tax like Greenwood's. Nagel stated for a remodel a Certificate of Occupancy is not required.

DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, JUNE 16, 2020

Eaton likes the idea that staff send the letter out to neighbors so the City controls the content of the message to make sure it's consistent. Smith stated that at Excelsior staff would send out the survey and building elevations to help neighbors understand the proposed development better. Nagel agrees with Eaton. Wilcox is indifferent on distance but likes giving out more information.

Studer stated that right now construction hours are from 7 am – 9:30 pm Monday through Friday and 8 am – 8 pm on weekends and holidays. Eaton favors construction hours of 7am – 7pm. Studer agrees that deliveries should be included in the construction hours. Wilcox would like to see the City Council limit construction hours. The rest of the Planning Commission agreed.

Daly stated that developers need a parking plan approved by the Police Department. The Planning Commission did not think the city needed to state the parking regulations in the construction management ordinance.

The Planning Commission did not think that portable toilets needed to be at the rear of sites but at least 15 feet from adjacent houses was prudent.

Studer thought that requiring developers control dust when complaints arise was a good idea. Eaton thought it was a reasonable requirement. Webster agreed that something should be added.

Carlson asked if the MCWD already requires construction entrances. Smith stated he will check. Studer doesn't want to be redundant.

Studer and the Planning Commission thought staff should look at stricter language for street cleaning than "weekly".

Smith to look up Sturgis residence on Azure Street to see if they submitted an as-built survey and received their CO. Carlson stated that the recourse for building outside of what the City approved is not issuing the Certificate of Occupancy.

NEW BUSINESS

None

LIAISON REPORT

Carlson presented the Liaison Report. He said that the City Council approved three variance requests in the Cottagewood neighborhood.

DEEPHAVEN PLANNING COMMISSION MEETING MINUTES

TUESDAY, JUNE 16, 2020

ADJOURNMENT

Motion by Chair Studer to adjourn the meeting at 8;19 p.m. . Motion seconded by Commissioner Eaton. Motion carried 6/0.

Respectfully submitted,

Patrick Smith
Planning Director

DRAFT



Agenda Date: 07-21-20

Agenda Item: Public Hearing to consider the variance requests of Andrew Mahoney to replat three properties, which requires variances from the minimum road frontage standard and minimum lake frontage standard.

Summary: Andrew Mahoney, property owner, is requesting two variances to replat three residential lots in order to create a more buildable Lot 2, increasing its size from 25,614 square feet to 42,801 square feet and bringing Lot 3 into conformance with the lot size standard. All three properties are zoned R-2, single-family residential. Lots 1 and 2 are developed while Lot 3 is vacant.

The table below compares the required, existing and proposed lot standards.

	Permitted/Required	Existing	Proposed
Minimum Lot Size – Lot 1	40,000 SF	69,311 SF	55,643 SF
Minimum Lot Size – Lot 2	40,000 SF	25,614 SF	42,801 SF
Minimum Lot Size – Lot 3	40,000 SF	39,626 SF	40,000 SF

Minimum Lake Frontage – Lot 1	125 feet	156 feet	125 feet
Minimum Lake Frontage – Lot 2	125 feet	78 feet	109 feet
Minimum Lake Frontage – Lot 3	125 feet	N/A	N/A

Minimum Road Frontage – Lot 1	75 feet	158 feet	173 feet
Minimum Road Frontage – Lot 2	75 feet	30 feet	15 feet
Minimum Road Frontage – Lot 3	75 feet	220 feet	220 feet

Variance Review Criteria

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

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

Staff Comment: Yes, the applicant is enlarging Lot 2 to meet the minimum lot size for the R-2 zoning district. Although a lake frontage variance is required, the amount of lake frontage for Lot 2 is increasing to bring the lot closer to conforming with the minimum lake frontage standard.

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

Staff Comment: The request is consistent with the Comprehensive Plan's Goal of having lots 40,000 square feet or larger in the R-2 zoning district.

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

Staff Comment: Yes, the proposed plat will create a more attractive Lot 2 while not significantly diminishing the qualities of Lots 1 and 3.

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

Staff Comment: Yes. The properties were platted creating a non-conforming Lot 2 in terms of lot size and lake frontage and a non-conforming Lot 3 in terms of lot size.

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

Staff Comment: No, the proposal would not alter the essential character of the locality. The proposed plat will bring two undersized lots into conformance with R-2 zoning standards.

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 July 21, 2020. No public comments have been received.

STAFF RECOMMENDATION:

The proposed replat significantly improves the conditions for Lot 2 while keeping Lot 1 in compliance with the City's subdivision standards. Staff recommends **approval** of the preliminary and final plat and variance requests of Andrew Mahoney for a reduced lake frontage of 109 feet and reduced road frontage of 15 feet in conjunction with replatting three properties located at 19390 Walden Trail, 19270 Dale Avenue and 19235 Dale Avenue as proposed.

Planning Commission Action: Possible motions include:

I move the Planning Commission accept the recommendation and findings of staff and recommend the City Council **approve** the preliminary and final plat and variance requests of Andrew Mahoney for a reduced lake frontage of 109 feet and reduced road frontage of 15 feet in conjunction with replatting three properties located at 19390 Walden Trail, 19270 Dale Avenue and 19235 Dale Avenue as proposed.

OR

I move the Planning Commission recommend the City Council **deny** the preliminary and final plat and variance requests of Andrew Mahoney for a reduced lake frontage of 109 feet and reduced road frontage of 15 feet in conjunction with replatting three properties located at 19390 Walden Trail, 19270 Dale Avenue and 19235 Dale Avenue as proposed. The motion is based on the following findings: _____.

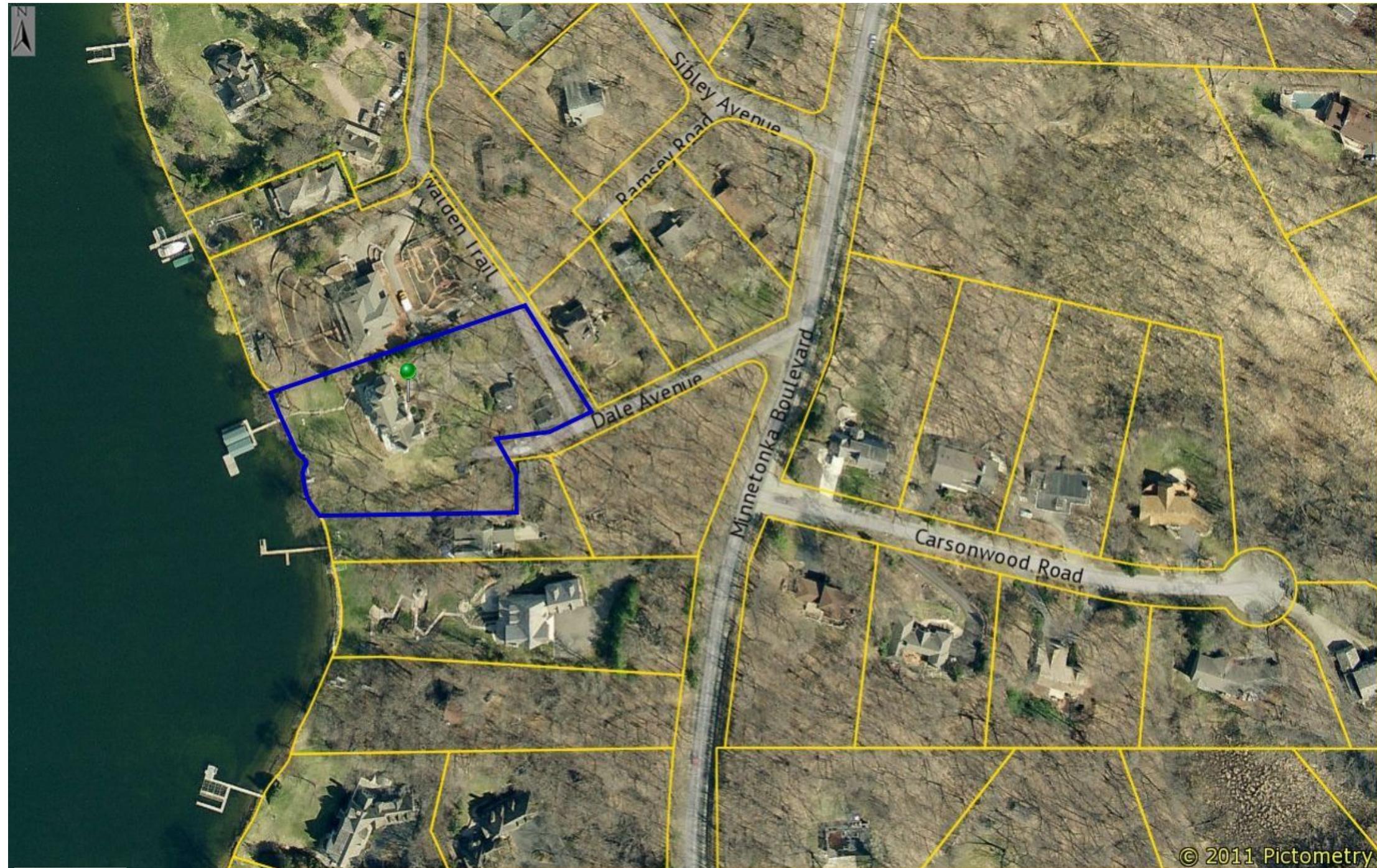
Attachments:

- 1) Applicant's Narrative
- 2) Location Map
- 3) Preliminary Plat
- 4) Final Plat
- 5) Vacation of Walking Easement Map
- 6) Vacation of Sanitary Sewer Easement Map

Key Dates:

Application complete:	June 19, 2020
Notice of Public Hearing published:	July 1, 2020
Planning Commission Public Hearing:	July 21, 2020
City Council Consideration:	August 3, 2020
60 Day Deadline:	August 19, 2020
120 Day Deadline (if necessary):	October 18, 2020

Location Map



© 2011 Pictometry

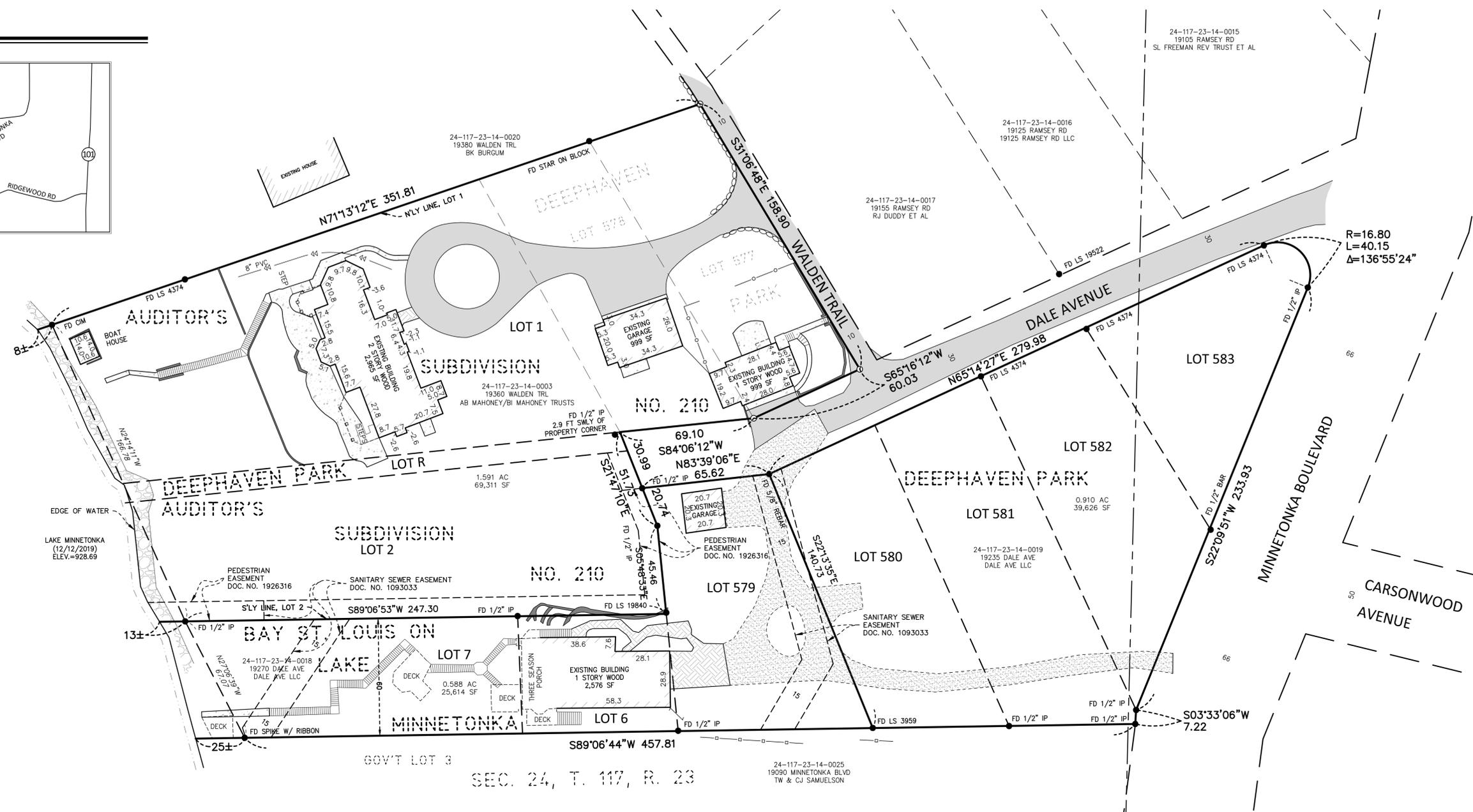
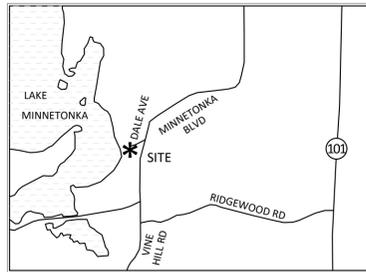
04/25/2011

Deephaven City Council,,

Andrew and Barbra Mahoney are seeking a lot realignment for improvement of a 60' lakeshore non compliant lot, increasing it to a 109' lakeshore lot.

Street frontage variance is a consequence of the city vacation of Dale Avenue.

VICINITY MAP



DESCRIPTION

Tract A:
Par 1: Lot 579, "Deephaven Park".
Par 2: That part of Lot 6 and 7, Block 16, "Bay St. Louis On Lake Minnetonka", lying between the South line of said Lots 6 and 7 and a line parallel to same and distant 60 feet measured North at right angles to said south line.
Par 3: Lots 580, 581, 582 and 583, "Deephaven Park".
(Torrens Property, Certificate of Title No. 1493631)
Tract B:
Lots 1 and 2, Auditor's Subdivision No. 210, Hennepin County, Minn.
Lot R, "Deephaven Park".
The South line of said Lot 2, Auditor's Subdivision No. 210, Hennepin County, Minn., being parallel to and distant 60 feet North, measured at right angles from the South line of Lots 6 and 7, Block 16, "Bay St. Louis On Lake Minnetonka".
(Torrens Property, Certificate of Title No. 1418677)

SURVEY NOTES

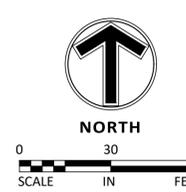
- The bearing system for this survey is based on the Hennepin County coordinate system, NAD83 (1986 Adjust).
- This survey was prepared utilizing the First American Title Insurance Company, Title Commitment No. NCS-995079-MPLS, bearing an effective date of 12/16/2019.
- The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. Utility information shown hereon, if any, is a compilation of map information and those visible utilities that were located during the survey field work. The surveyor further does not warrant that the underground utilities shown hereon, if any, are in the exact location as indicated, although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Pursuant to MS 216.D contact Gopher State One Call at (651-454-0002) prior to any excavation.
- Field work was completed on 12/12/2019.
- The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.

PROPERTY SUMMARY

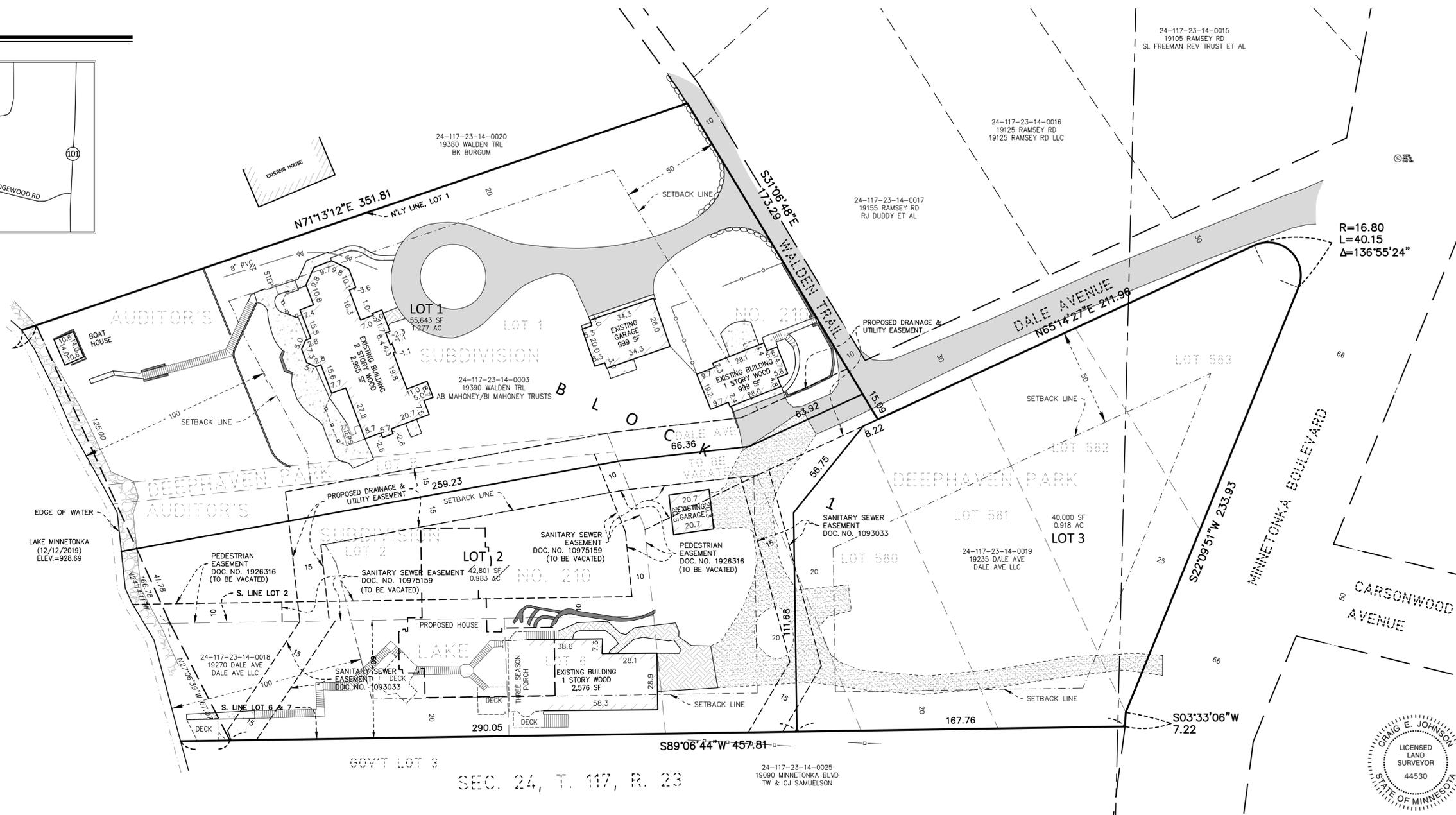
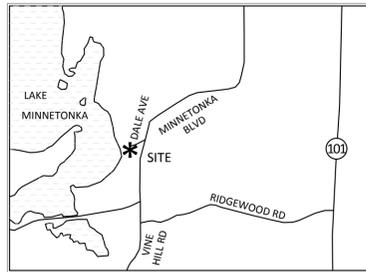
- Subject property's addresses and property identification numbers are:
19390 Walden Trail 24-117-23-14-0003
19270 Dale Avenue 24-117-23-14-0018
19235 Dale Avenue 24-117-23-14-0019
- The gross area of the subject property is 3.040 Acres or 132,437 Square Feet. Areas of individual parcels are:
19390 Walden Trail 1.568 Acres or 68,283 Square Feet
19270 Dale Avenue 0.562 Acres or 24,527 Square Feet
19235 Dale Avenue 0.910 Acres or 39,627 Square Feet
- The subject property is zoned R-2 Residential, per City of Deephaven zoning map dated 05/1998.

LEGEND

⊙ STORM MANHOLE	—+— STORM SEWER	▨ BITUMINOUS SURFACE
⊕ STORM CATCH BASIN	— — SANITARY SEWER	▩ CONCRETE SURFACE
⊙ SANITARY MANHOLE	— — WATERMAIN	▩ GRAVEL SURFACE
⊕ GATE VALVE / HYDRANT	— — UNDERGROUND ELECTRIC	▩ PAVER SURFACE
⊕ SIGN	— — UNDERGROUND TELEPHONE	— — TREE LINE
⊕ GAS METER	— — UNDERGROUND GAS	— — CONCRETE CURB
⊕ UTILITY POLE	— — OVERHEAD ELECTRICAL WIRE	— — DECIDUOUS TREE
⊕ TRANSFORMER	— — FIBER OPTIC	— — CONIFEROUS TREE
⊕ GUARD POST	— — CHAIN LINK FENCE	— — SHRUB
⊕ CLEAN OUT	— — WOOD FENCE	— — SPOT ELEVATION
⊕ FLARED END SECTION	— — WIRE FENCE	— — CONTOUR
⊕ LIGHT	— — WET LAND	— — SOIL BORING
⊕ GUY ANCHOR	— — RETAINING WALL	
⊕ GAS MANHOLE	— — BLOCK RETAINING WALL	
⊕ GAS VALVE	— — STONE RETAINING WALL	
⊕ ELECTRIC MANHOLE	— — POND / WATER LINE	
⊕ ELECTRIC METER	— — BENCH	
⊕ TELEPHONE PEDESTAL	— — HAND HOLE	
⊕ CABLE TV BOX	— — COMMUNICATIONS VAULT	
⊕ COMMUNICATIONS MANHOLE	— — BENCHMARK	
⊕ AIR CONDITIONING UNIT	— — DELINEATION POST	
⊕ FLAG POLE	— — GROUND LIGHT	
⊕ VENT	— — TRAFFIC LIGHT	
⊕ MAILBOX	— — BEEHIVE	
⊕ POST INDICATOR VALVE	— — WELL	



VICINITY MAP



DESCRIPTION

Tract A:
 Par 1: Lot 579, "Deephaven Park".
 Par 2: That part of Lot 6 and 7, Block 16, "Bay St. Louis On Lake Minnetonka", lying between the South line of said Lots 6 and 7 and a line parallel to same and distant 60 feet measured North at right angles to said south line.
 Par 3: Lots 580, 581, 582 and 583, "Deephaven Park".
 (Torrens Property, Certificate of Title No. 1493631)
 Tract B:
 Lots 1 and 2, Auditor's Subdivision No. 210, Hennepin County, Minn., Lot R, "Deephaven Park".
 The South line of said Lot 2, Auditor's Subdivision No. 210, Hennepin County, Minn., being parallel to and distant 60 feet North, measured at right angles from the South line of Lots 6 and 7, Block 16, "Bay St. Louis On Lake Minnetonka".
 (Torrens Property, Certificate of Title No. 1418677)

PROPERTY SUMMARY

- Subject property's addresses and property identification numbers are:

19390 Walden Trail	24-117-23-14-0003
19270 Dale Avenue	24-117-23-14-0018
19235 Dale Avenue	24-117-23-14-0019
- The gross area of the subject property is 3.178 Acres or 138,420 Square Feet. Areas of individual parcels are:

19390 Walden Trail	1.591 Acres or 69,311 Square Feet
19270 Dale Avenue	0.588 Acres or 25,614 Square Feet
19235 Dale Avenue	0.910 Acres or 39,626 Square Feet
Vacated Dale Avenue	0.089 Acres or 3,869 Square Feet
- The subject property is zoned R-2 Residential, per City of Deephaven zoning map dated 05/1998.

SURVEY NOTES

- The bearing system for this survey is based on the Hennepin County coordinate system, NAD83 (1986 Adjust).
- This survey was prepared utilizing the First American Title Insurance Company, Title Commitment No. NCS-995079-MPLS, bearing an effective date of 12/16/2019.
- The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. Utility information shown hereon, if any, is a compilation of map information and those visible utilities that were located during the survey field work. The surveyor further does not warrant that the underground utilities shown hereon, if any, are in the exact location as indicated, although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Pursuant to MS 216.D contact Gopher State One Call at (651-454-0002) prior to any excavation.
- Field work was completed on 12/12/2019.
- The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.

ZONING & BUILDING SETBACKS

Zone R-2 Residential (40,000 sq. ft. area)
 Building Setbacks
 Front 50 Ft.
 Side 20 Ft.
 Exterior Side 25 Ft.
 Rear 25 Ft.
 Lake 100 Ft.

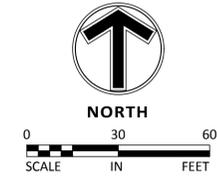
HARDCOVER CALCULATIONS

Existing Parcels:	Parcel Size	Hardcover [square feet]	Hardcover Percentage
19390 Walden Trail	69,311	13,102	18.9%
19270 Dale Avenue	25,614	5,780	22.6%
19235 Dale Avenue	39,626	0	0.0%

Proposed Parcels:	Parcel Size	Hardcover [square feet]	Hardcover Percentage
Lot 1, Block 1	55,643	13,552	24.4%
Lot 2, Block 1	42,801	6,624	15.3%
Lot 3, Block 1	40,000	0	0.0%

LEGEND

<ul style="list-style-type: none"> ⊙ STORM MANHOLE ⊕ STORM CATCH BASIN ⊙ SANITARY MANHOLE ⊗ GATE VALVE / HYDRANT ⊠ SIGN ⊠ GAS METER ⊠ UTILITY POLE ⊠ TRANSFORMER ⊠ GUARD POST ⊠ CLEAN OUT ⊠ FLARED END SECTION ⊠ GUY ANCHOR ⊠ GAS MANHOLE ⊠ GAS VALVE ⊠ ELECTRIC MANHOLE ⊠ ELECTRIC METER ⊠ TELEPHONE PEDESTAL ⊠ CABLE TV BOX ⊠ COMMUNICATIONS MANHOLE ⊠ AIR CONDITIONING UNIT ⊠ VENT ⊠ MAILBOX ⊠ POST INDICATOR VALVE 	<ul style="list-style-type: none"> — STORM SEWER — SANITARY SEWER — WATERMAIN — UNDERGROUND ELECTRIC — UT UNDERGROUND TELEPHONE — UG UNDERGROUND GAS — OE OVERHEAD ELECTRICAL WIRE — FO FIBER OPTIC — CL CHAIN LINK FENCE — WF WOOD FENCE — WIRE FENCE — WET LAND — BLOCK RETAINING WALL — STONE RETAINING WALL — POND / WATER LINE — BENCH — HAND HOLE — COMMUNICATIONS VAULT — BENCHMARK — DELINEATION POST — GROUND LIGHT — TRAFFIC LIGHT — BEEHIVE — WELL 	<ul style="list-style-type: none"> — BITUMINOUS SURFACE — CONCRETE SURFACE — PAVEMENT SURFACE — PAVEL SURFACE — TREE LINE — CONCRETE CURB — DECIDUOUS TREE — CONIFEROUS TREE — SHRUB — SPOT ELEVATION — CONTOUR — SOIL BORING
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Sambatek
 www.sambatek.com
 12800 Whitewater Drive, Suite 300
 Minnetonka, MN 55343
 763.476.6010 telephone
 763.476.8532 facsimile
 Engineering | Surveying | Planning | Environmental

Client
STEINER & KOPPELMAN
 18340 MINNETONKA BLVD,
 WAYZATA, MN 55391

Project
WALDEN MAHONEY ADDITION

Location
DEEPHAVEN, MN
 19390 Walden Trail
 19270 Dale Avenue
 19235 Dale Avenue

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

Craig E. Johnson
 Craig E. Johnson
 Registration No. 44530 Date: 06/15/2020

Summary
 Designed: Drawn: DL
 Approved: CEJ Book / Page: 1306/48
 Phase: BDRY Initial Issue: 01/02/2020

Revision History
 No. Date By Submittal / Revision
 A. 06-15-2020 Lot lines

Sheet Title
PRELIMINARY PLAT - WALDEN MAHONEY ADDITION

Sheet No. Revision
1/1 A

Project No. 22024

WALDEN MAHONEY ADDITION

R.T. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Andrew B. Mahoney and Barbara L. Mahoney, trustees of the Andrew B. Mahoney Revocable Trust, dated February 8, 2016, fee owner and Barbara L. Mahoney and Andrew B. Mahoney, trustees of the Barbara L. Mahoney Revocable Trust dated February 8, 2016 fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1 and 2, Auditor's Subdivision No. 210, Hennepin County, Minn.

Lot R, "Deephaven Park".

The South line of said Lot 2, Auditor's Subdivision No. 210, Hennepin County, Minn., being parallel to and distant 60 feet North, measured at right angles from the South line of Lots 6 and 7, Block 16, "Bay St. Louis On Lake Minnetonka".

Vacated Dale Avenue as described in Document No. _____.

KNOW ALL PERSONS BY THESE PRESENTS: That Dale Avenue, LLC, a Minnesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lot 579, "Deephaven Park".

That part of Lot 6 and 7, Block 16, "Bay St. Louis On Lake Minnetonka", lying between the South line of said Lots 6 and 7 and a line parallel to same and distant 60 feet measured North at right angles to said south line.

Lots 580, 581, 582 and 583, "Deephaven Park"

Vacated Dale Avenue as described in Document No. _____.

Have caused the same to be surveyed and platted as WALDEN MAHONEY ADDITION and do hereby donate and dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Andrew B. Mahoney and Barbara L. Mahoney, trustees of the Andrew B. Mahoney Revocable Trust, dated February 8, 2016, have hereunto set their hands this _____ day of _____, 20____.

Andrew B. Mahoney, Trustee of the
Andrew B. Mahoney Revocable Trust,
dated February 8, 2016

Barbara L. Mahoney, Trustee of the
Andrew B. Mahoney Revocable Trust,
dated February 8, 2016

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Andrew B. Mahoney and Barbara L. Mahoney, trustees of the Andrew B. Mahoney Revocable Trust, dated February 8, 2016.

Signature Notary Printed Name

Notary Public, _____ County, Minnesota
My Commission Expires _____

In witness whereof said Barbara L. Mahoney and Andrew B. Mahoney, trustees of the Barbara L. Mahoney Revocable Trust, dated February 8, 2016, have hereunto set their hands this _____ day of _____, 20____.

Barbara L. Mahoney, Trustee of the
Barbara L. Mahoney Revocable Trust,
dated February 8, 2016

Andrew B. Mahoney, Trustee of the
Barbara L. Mahoney Revocable Trust,
dated February 8, 2016

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Barbara L. Mahoney and Andrew B. Mahoney, trustees of the Barbara L. Mahoney Revocable Trust, dated February 8, 2016.

Signature Notary Printed Name

Notary Public, _____ County, Minnesota
My Commission Expires _____

In witness whereof said Dale Avenue, LLC, a Minnesota limited liability company has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

SIGNED: DALE AVENUE, LLC

By: _____, as Manager
Andrew B. Mahoney

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by Andrew B. Mahoney, Manager of Dale Avenue, LLC, a Minnesota limited liability company on behalf of the company.

Signature Notary Printed Name

Notary Public, _____ County, Minnesota
My Commission Expires _____

I Craig E. Johnson do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Craig E. Johnson, Licensed Land Surveyor,
Minnesota License No. 44530

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 20____ by Craig E. Johnson.

Signature Notary Printed Name

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF DEEHPHAVEN, MINNESOTA

This plat of WALDEN MAHONEY ADDITION was approved and accepted by the City Council of the City of Deephaven, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Deephaven, Minnesota

By: _____ Mayor By: _____ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

Mark V. Chapin, County Auditor

By _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor

By _____

EXAMINER OF TITLES, Hennepin County, Minnesota

Pursuant to Minn. Stat. Sec. 508.62, I certify that this plat is approved for filing for lands described herein owned by the dedicators and included in Certificate of Title No. _____ upon the prior filing of Certificate of Trust and Affidavit of Trustee marked _____.
Dated this _____ day of _____, 20____.

Susan T. Ledray, Examiner of Titles

By _____ Deputy Examiner

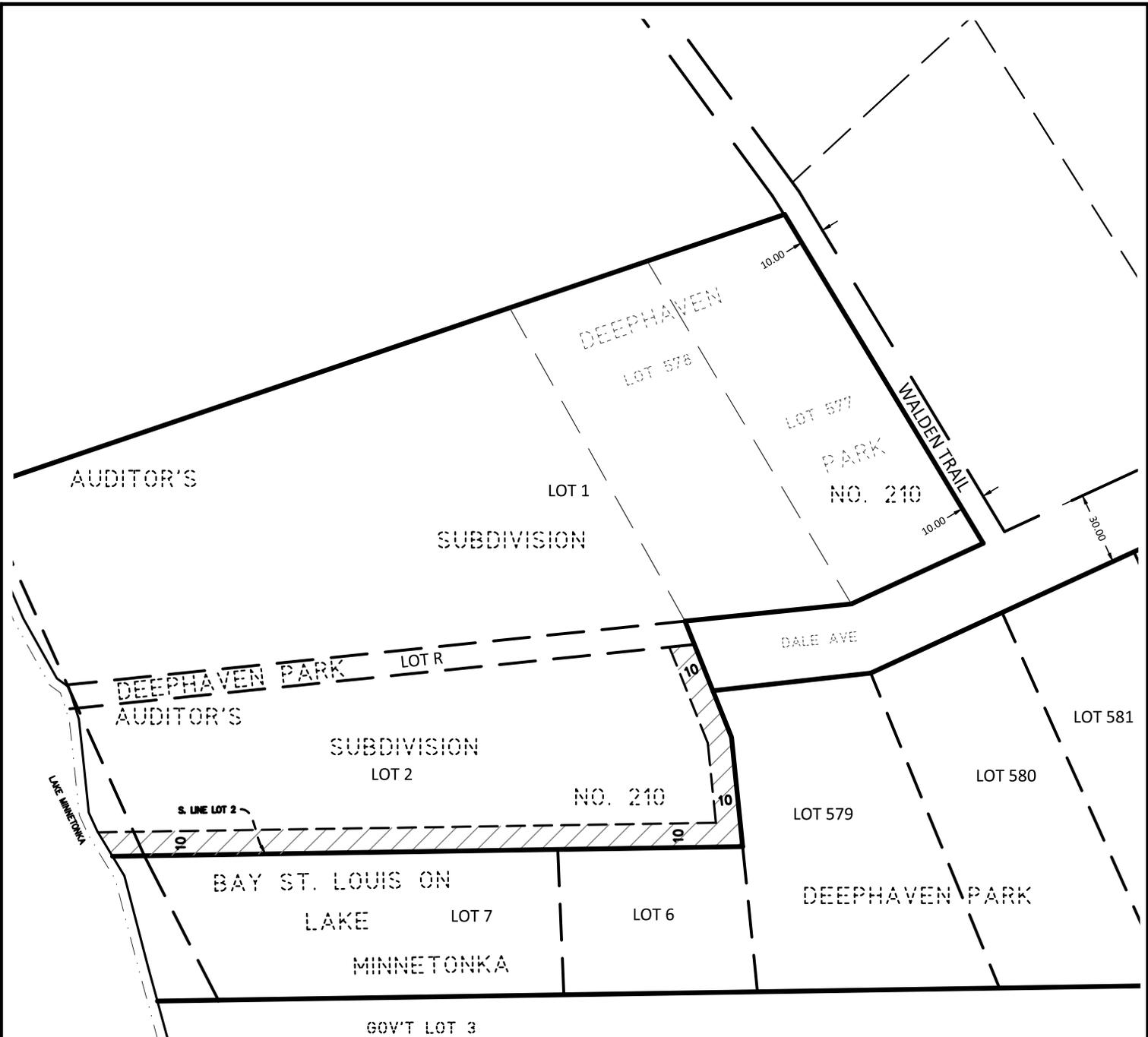
REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of WALDEN MAHONEY ADDITION was filed in this office this _____ day of _____, 20____ at _____ o'clock ____ m.

Martin McCormick, Registrar of Titles

By _____ Deputy

Jun 15, 2020 - 3:21pm - User:lcaptstrant.L:\PROJECTS\22024\CAD\Survey\Exhibits\22024-PED-EASE-VAC-EXHBT.dwg

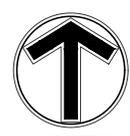


GOV'T LOT 3
SEC. 24, T. 117, R. 23

== EASEMENT VACATION DESCRIPTION ==

The 10 foot wide pedestrian easement that lies over, under and across Lot 2, Auditor's Subdivision Number 210, Hennepin County, Minnesota, as described in document number 1926316.

Contains 3,393 Sq. Ft. or 0.078 Acres.



NORTH

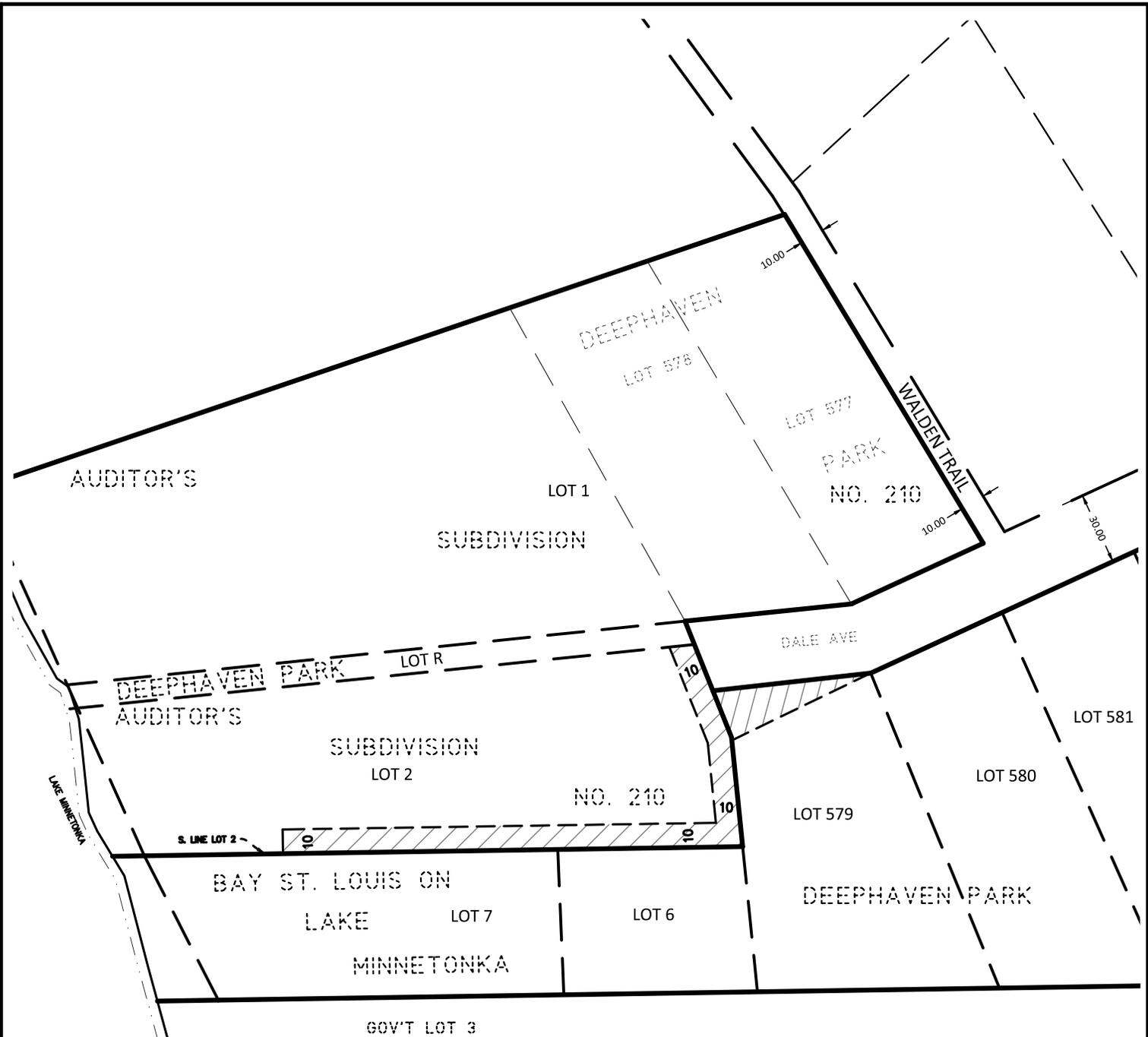


STEINER & KOPPELMAN
DALE AVENUE
DEEPHAVEN, MN
PEDESTRIAN EASEMENT VACATION

Designed: -
Drawn: LCC
Approved: CEJ
Issued: 06/15/2020
Rev.:
Date:

Exhibit Number
1/1
Project No. 22024

Jun 15, 2020 - 3:24pm - User: lcapistrant - L:\PROJECTS\22024\CAD\Survey\Exhibits\22024-SAN-EASE-VAC-EXHBT.dwg



SEC. 24, T. 117, R. 23

== EASEMENT VACATION DESCRIPTION ==

The 10 foot wide sanitary sewer easement that lies over, under and across Lot 2, Auditor's Subdivision Number 210, Hennepin County, Minnesota, as described in document number 10975159.
 Contains 2,659 Sq. Ft. or 0.061 Acres.

AND

The sanitary sewer easement that lies over, under and across Lot 579, Deephaven Park, Hennepin County, Minnesota, as described in document number 10975159.
 Contains 695 Sq. Ft. or 0.016 Acres.



NORTH



STEINER & KOPPELMAN
 DALE AVENUE
 DEEPHAVEN, MN
 SANITARY EASEMENT VACATION

Designed: -
 Drawn: LCC
 Approved: CEJ
 Issued: 06/15/2020
 Rev.:
 Date:

Exhibit Number
1/1
 Project No. 22024



Agenda Date: 07-21-20

Agenda Item: Public Hearing to consider the variance requests of Tim Alt to encroach into the front yard setback and exceed the overhead canopy encroachment in conjunction with the construction of an addition to the existing home at 5180 Hooper Lake Road.

Summary: Tim Alt, property owner, is requesting two variances to build an addition onto his existing home. The property is 44,308 square feet in area and zoned R-2, Single Family Residential.

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

	Permitted/Required	Existing	Proposed
Front Yard Setback	50 feet	29.7 feet	29.7 feet
North Side Yard Setback	20 feet	25.1 feet	25.1 feet
South Side Yard Setback	25 feet	34.1 feet	34.1 feet
Building Coverage (max.)	6,000 SF	2,601 SF	2,601 SF
Building Height (max.)	36 feet	26 feet	26 feet
Eave Encroachment (max.)	3 feet	1 foot	4 feet 10 inches

Front Yard Setback

The house and detached garage were constructed in 1964, prior to the City adopting the zoning ordinance and setback requirements. The detached garage was built 29.7 feet from the front property line (please see attached survey from 1961 showing proposed building locations). In 2000, an entry was constructed that attached the house to the garage. The site plan depicted a 50-foot setback from Hooper Lake Road, which would have conformed to the front yard setback requirement. However, the current survey shows a small portion of the 2000 addition encroaching into the 50-foot front yard setback (please see Existing Site Plan (Partial)).

The applicant is proposing to enlarge their entry to capture the existing outdoor stoop area, maintaining the existing footprint on the property and reorient the front door to the east, rather than south (please see attached narrative). This proposed addition would extend the non-conforming wall. The applicant is **seeking a variance of one-foot from the minimum required front yard setback.**

Eave Encroachment

Section 1310.02 permits roof overhangs up to a distance of three feet into the required setback. The applicant is proposing a roof overhang of four feet/10 inches over the proposed expanded front entry. **The applicant is seeking a variance of two feet from the maximum encroachment for a roof overhang.**

Variance Review Criteria

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

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

Staff Comment: The applicant is seeking to vary from the stated setback standards of the ordinance to improve create a more functional front entry to an existing non-conforming house constructed in 1964, per Hennepin County tax records. The proposed changes are minor and remain in harmony with the purpose and intent of the ordinance.

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

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

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

Staff Comment: A slightly enlarged entrance is a reasonable use of this property.

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

Staff Comment: Yes. The existing house was constructed in 1964 and the front yard setback is nonconforming. In addition the house was constructed with the front door not facing the Hooper Lake Road.

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

Staff Comment: No, the proposal would not alter the essential character of the locality. The proposed project is very limited in scope, especially considering the lot is 44,308 square feet in size.

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 July 21, 2020. No public comments have been received.

STAFF RECOMMENDATION:

Staff recommends **approval** of the variance requests of Tim Alt to encroach one foot into the minimum required front yard setback and exceed the permitted eave encroachment by 2 feet in conjunction with enlarging the entry to the house located at 5180 Hooper Lake Road, as proposed.

Planning Commission Action: Possible motions include:

- 1) I move the Planning Commission accept the recommendation and findings of staff and recommend the City Council **approve** the variance requests of Tim Alt to encroach one foot into the minimum required front yard setback and exceed the permitted eave encroachment by 2 feet in conjunction with enlarging the entry to the house located at 5180 Hooper Lake Road, as proposed.

OR

- 2) I move the Planning Commission recommend the City Council **deny** the variance requests of Tim Alt to encroach one foot into the minimum required front yard setback and exceed the permitted eave encroachment by 2 feet in conjunction with enlarging the entry to the house located at 5180 Hooper Lake Road, as proposed. The motion is based on the following findings: _____.

Attachments:

- 1) Applicant's Narrative
- 2) Location Map
- 3) Existing Photo
- 4) 1961 Survey and 2000 Site Plan
- 5) Existing Survey
- 6) Site Plan showing existing non-conforming setback
- 7) Proposed Site Plan
- 8) Existing and Proposed Floor Plan
- 9) Elevations
- 10) Engineering Comments

Key Dates:

Application complete:	June 15, 2020
Notice of Public Hearing published:	July 2, 2020
Planning Commission Public Hearing:	July 21, 2020
City Council Consideration:	August 3, 2020
60 Day Deadline:	August 15, 2020
120 Day Deadline (if necessary):	October 14, 2020

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

Property ID #: 2511723420023

Property Legal Description:

The Part of Lot 16, VINE HILL HEIGHTS, MINNETONKA, lying south of the north 53.75 feet thereof, Hennepin County, Minnesota.

Description of Proposal:

Variance application for setback encroachment into the 50' Front Yard for the existing and proposed entry wall location and overhead canopy encroachment greater than the allowed 3' non-encroachment.

Existing Conditions:

The existing wall and canopy column of the entry to the house encroach into the 50' front yard setback: 6" on the north end of the wall and 10" at the column on the south end. This encroachment was recently discovered after a new survey of the existing conditions of the property was commissioned.

The reason for this encroachment is due to the original house and garage placement being constructed closer and skewed to the street. The original 1961 survey of the site for the original house construction shows a 30' setback for the detached garage and approximately 60' setback for the house (not dimensioned).

An entry addition was proposed and built in 2000, with a 50' setback for the east wall of the addition, based on the original survey. See drawings of the original 1961 survey and 2000 site plan proposal for the addition included here.

The new survey locates the SE corner of the existing garage 29.7' from the east property line. Also, the NE corner of the existing entry wall is 49.5' from the east property line. The column at the SE corner of the entry canopy is located 49'- 2" from the east property line (not dimensioned on the survey). Therefore, the existing entry to the house encroaches into the 50' setback between 6" – 10" as built today.

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

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Proposal/Variance Request:

The property owners are seeking to remodel their home and would like to enlarge the interior space of their entry to capture the existing outdoor stoop area, maintaining the existing footprint on the property and reorient the front door and arrival stoop to the east, rather than south. The proposed remodeling work at the entry will extend the existing entry wall to the corner where the canopy column is today. Therefore, the encroachment into the 50' setback will remain as it is today, 6" on the NE corner and 10" on the SE corner. Please see the existing and proposed floor plans for the entry to the house.

The proposed entry canopy will cantilever 4' from the east wall of the entry, creating a 4'-6" – 4'-10" encroachment into the front yard setback. The Deephaven Ordinance 1310.02 Non-Encroachments allows:

- a. Roof overhangs will be permitted up to a distance of 3 feet measured on a horizontal line.

Therefore, the roof canopy overhang will extend beyond the allowed 3' distance by 1'-6" – 1'-10". This establishes a second variance request.

The new entry stoop will be on grade, not requiring a structural foundation due to the addition on a new landscape timber retaining wall extending from the south edge of the house to raise the existing grade 2' to create a level entry approach to the house.

Reasons to Approve Request:

The Variance does not alter the zoning of the property. The practical difficulty is due to the existing built location of the house that was not intentionally created by the owner. The house is currently encroaching within the Front Yard setback for the east entry wall and canopy column.

Granting the Variance will not alter the essential character of the property or locality and will be an unnoticeable difference to the neighborhood and site.

The Variance will not negatively impact the adjacent properties and quality of the neighborhood.

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

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Narrative

1. What are the practical difficulties that would prohibit reasonable development without a Variance?

Any construction will require a variance due to the non-conforming location of the existing garage being 29.7' from the property line.

The existing condition of the entry/mudroom of the house location is between 49'-6" – 49'-2" from the property line, encroaching into the 50' Front Yard setback, that was not intentional or known to the Owner until a new survey recorded the encroachment.

To avoid the variance, the Owner would need to tear down the east wall and foundation structure of the existing entry and would need to relocate the attached entry to the garage to another location because there would not be enough width to maintain the existing garage entry door location.

To relocate the garage entry to the west, the owner would need to tear down the north wall and floor of the existing entry, relocate the electrical services meter and fuse box on the interior of the house as well as a window on the east wall of the main house.

Ultimately, the entire entry would need to be demolished rather than added on to reconfigure the spaces and connection to the existing garage, at great expense to the Owner.

2. What are the conditions on the property that create practical difficulties that are not on similar sized lots in the same area or zoning district?

The original house and garage was built closer to the street than the original survey documented.

Any construction will require a variance due to the non-conforming location of the existing garage being 29.7' from the property line.

Also, the zoning setbacks have been changed over time to create a deeper front yard setback from 30' to 50' front yard. The location of the original detached garage placed 29.7' from the east property line creates a non-conforming condition relative to the current 50' setback.

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

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Other neighboring residences vary in their placement relative to the front yards and street on the west side of Hooper Lake Road and also encroach on the setbacks. Residences at 5060 and 5140 Hooper Lake Road are located within the current 50' Front Yard setback. All other residences on Hooper Lake Road appear to have been built further than 50' from the street.

3. How does the Deephaven Zoning Code deprive your property of reasonable use enjoyed by other properties in the vicinity and in the same zone as your property?

The Deephaven Zoning Code and R2 zone currently defines any construction will require a variance due to the non-conforming location of the existing garage being 29.7' from the property line.

The alteration of the Front Yard setback from 30' – 50' over time by the Deephaven Zoning Code has created a non-conforming condition for the property due to the placement of the original detached garage in 1961.

The variation in location of residences on Hooper Lake Road relative to the front yard setback creates a series of properties as non-conforming, while many house locations do conform to the current 50' setback.

While the Zoning Code does not deprive the property of reasonable use, the existing placement of the house as built requires a variance for any property improvements. This condition is unique to the property and is unavoidable.

4. How is the requested variance the minimum necessary to provide your property reasonable use?

Any construction will require a variance due to the non-conforming location of the existing garage being 29.7' from the property line.

The requested variance acknowledges an existing encroachment or 6" – 10" within the setback. The proposed variance will maintain this same encroachment of the footprint of the remodeled house as an imperceptible difference when built.

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

Page 5

The canopy overhang encroachment will not be visible from any adjacent neighbors and will be 1'-6" – 1'-10" further encroachment beyond the 3' allowed.

What other alternatives have you considered that do not require a variance?

Any construction will require a variance due to the non-conforming location of the existing garage being 29.7' from the property line.

The only alternative to maintaining the entry/mudroom connection to the garage and maintaining the 50' setback will require demolition of the existing entry to relocate the east wall of the entry and force a relocation of the door into the garage on the west side of the garage.

To not have the canopy roof overhang at the entry or to reduce it to 2' is not reasonable or functional and not a viable alternative.

Why are these alternatives not acceptable?

The Variance is not avoidable given the location of the existing garage.

To alter the existing entry to be conforming would mean its demolition of a previously approved and built addition in 2000. As well, electrical services into the house would need to be relocated as well as an existing window location (to remain) would need to be removed. This is not a reasonable alternative and would create significant additional cost to the Owner to comply.

To not have an entry canopy or to reduce it to 2' (so that it maintains a 3' allowable non-encroachment), is not functional and will expose visitors to the elements in inclement weather. This is not acceptable to the Owners.

5. How is the variance not the result of deliberate actions of the applicant or property owner?

The Variance is required due to the location of the existing garage as a non-conforming property.

The existing entry was constructed in 2000 with the intention of maintaining the 50' front yard setback, per the original survey and proposed site plan of 2000. The encroachment of the east wall location was not intentional and is not sought to be altered by the Owner.

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

Page 6

The entry canopy encroachment extension is reflected by the existing entry wall location.

6. How does the variance, if granted, not alter the essential character of the locality (neighborhood)?

The Variance approval will maintain the existing setback encroachments, will maintain the entry location and reduce it's height. Maintaining these elements will not alter the essential character of the neighborhood and will likely be unknown to the neighbors.

As well, the entry wall and canopy encroachments are not visible from the neighboring houses.

7. How will granting of the Variance not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which your property is located? (i.e. air, light and traffic)?

Granting the variance will not be detrimental to the public welfare or impact the properties in the vicinity or zone because it will maintain the footprint of the existing house and reduce the height of the entry addition after completion. Therefore, air, light and views will be enhanced as a result. The approval of the variance will be an unnoticeable change from the existing condition of the property and neighborhood.

No traffic will be impacted due to the maintaining of the property use as a single family residence within the R2 zone.

8. How is the Variance consistent with the Deephaven Comprehensive Plan?

The Variance request does not alter the Deephaven Comprehensive Plan in any way. The land use, zoning (remaining as R2) and housing elements (remaining as single-family residence) supports the current and long-term intent of the Comprehensive Plan.

Variance Application for 5180 Hooper Lake Road

Applicant: Timothy and Patricia Alt, Owners

Page 7

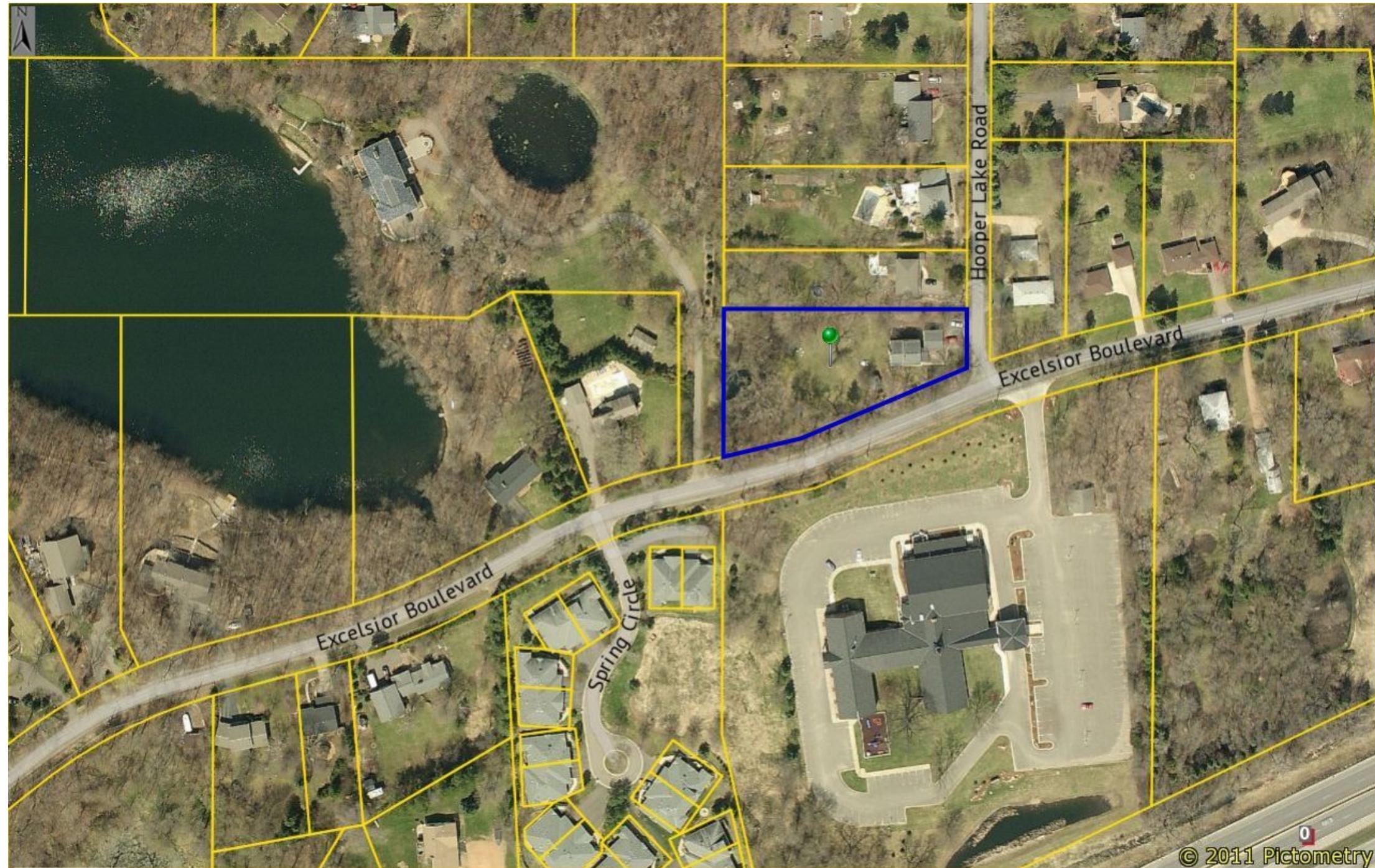
The Planning Framework, Land Use/Housing Element, Public Facilities and Implementation aspects of the Comprehensive Plan goals and policies are sponsored and maintained by the variance proposal.

9. How is the Variance consistent with the intent and purpose of the provisions being varied?

The Variance maintains the intent of the setback of the Zoning Code due to maintaining the existing location of walls that previously were unknown to encroach into the setback. The Owner is not seeking a further encroachment into the setback as a function of the mass, footprint and location of the existing and proposed entry of the residence.

The overhang encroachment variance is sought to allow for a functional canopy over the new entry door location as the Zoning Code allows for non-encroachments for roof overhangs.

Location Map - 5180 Hooper Lake Road



04/24/2011

© 2011 Pictometry

WILLIAM D. SCHOELL
REGISTERED CIVIL ENGINEER

MINN. NO. 2263
SO. DAK. 755
WIS. NO. E-6176
FLORIDA NO. 6271
NO. DAK. 623

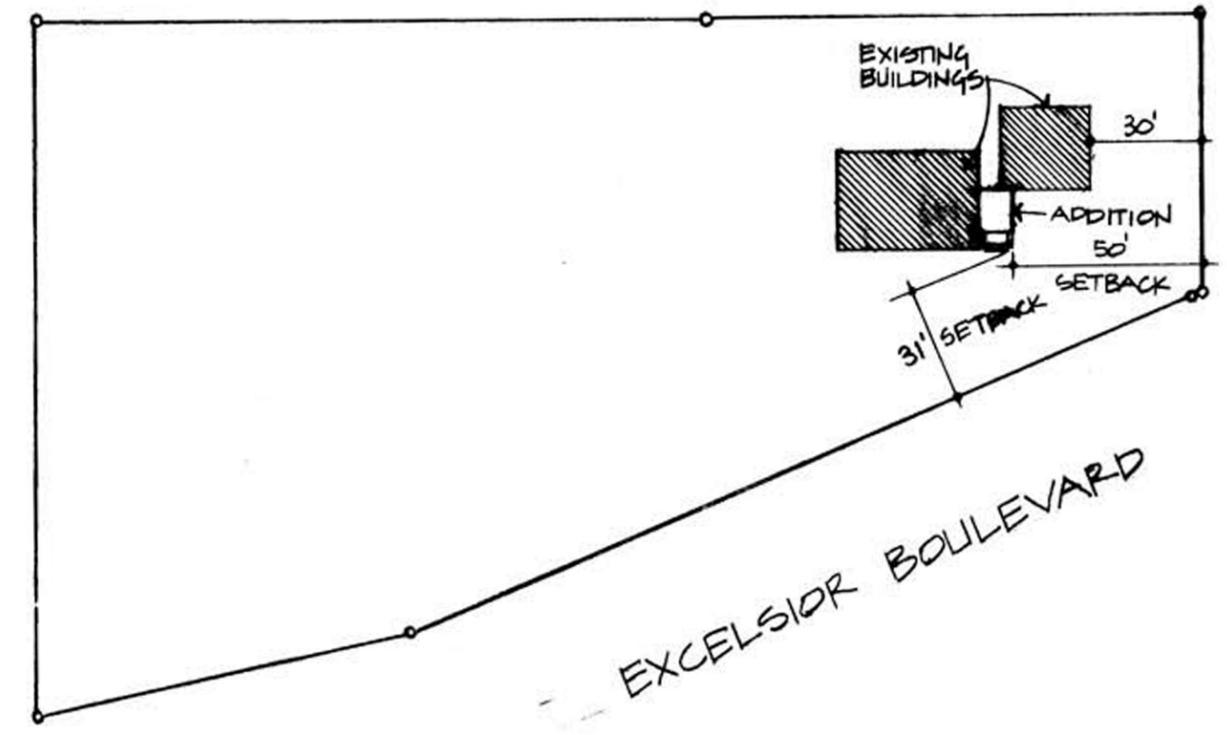
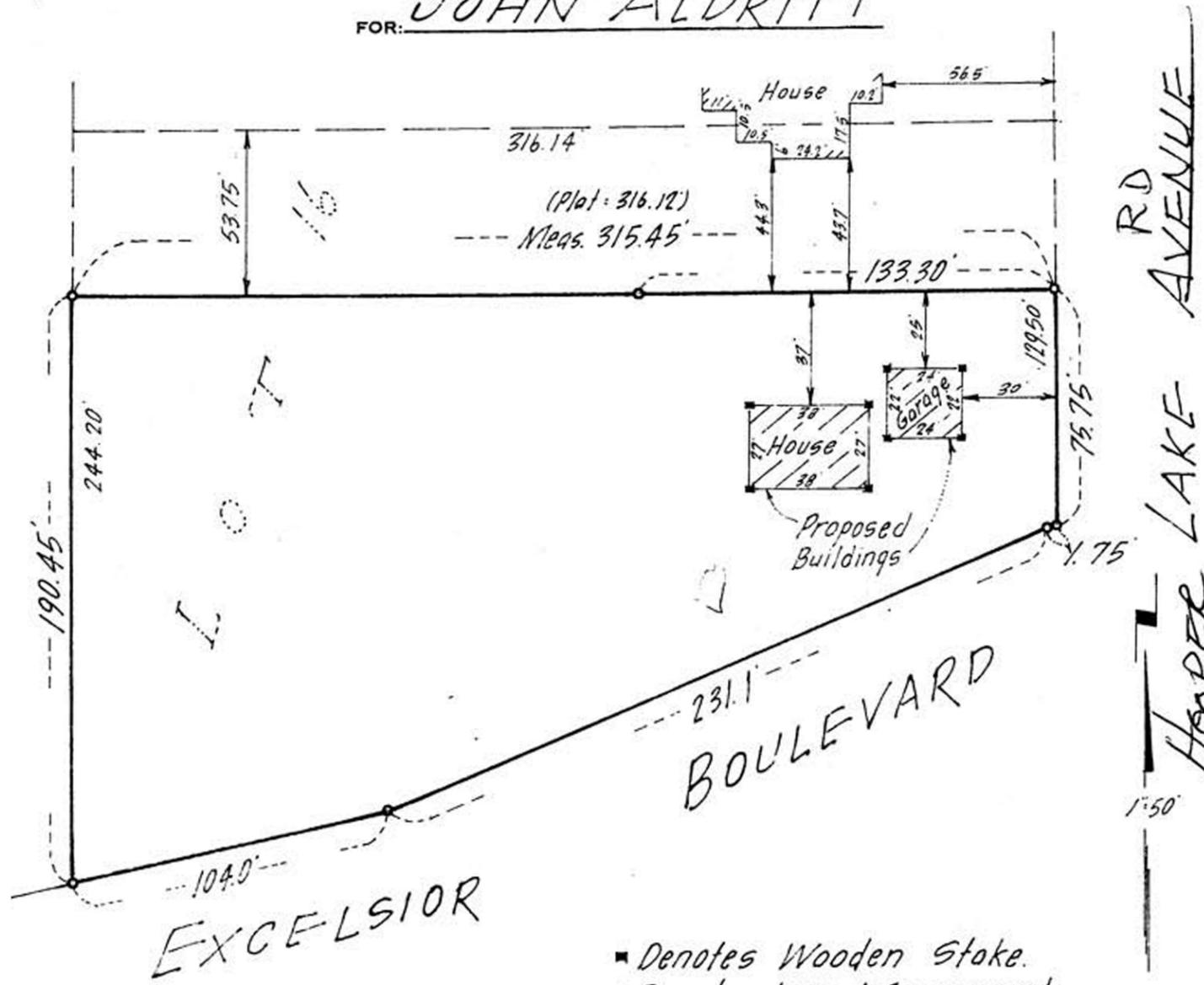
SCHOELL and MADSON

ENGINEERS AND SURVEYORS
2629 LOUISIANA AVENUE
MINNEAPOLIS 26, MINN.
WEST 9-0444

CARLISLE MADSON
REGISTERED LAND SURVEYOR

MINN. NO. 4374
SO. DAK. 781
WIS. NO. S-674
IOWA NO. 3705
NO. DAK. 1108

CERTIFICATE OF SURVEY FOR: JOHN ALDRITT



SITE PLAN FROM 2000 ADDITION

WE HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE BOUNDARIES OF:

The South 22 feet of Lot 17 and the North 53.75 feet of Lot 16, Vine Hill Heights, Minnetonka

AND OF THE LOCATION OF ALL BUILDINGS, IF ANY, THEREON, AND ALL VISIBLE ENCROACHMENTS, IF ANY, FROM OR ON SAID LAND.
AS SURVEYED BY US THIS 9th DAY OF June, 19 61

It also shows the location of the stakes as set for proposed buildings.

Carlisle Madson
LAND SURVEYOR, MINN. REG. NO. 4374

ALT HOUSE
PRIOR SURVEYS

JUNE 16, 2020

ARCO 977 2-60

ALTUS
ARCHITECTURE + DESIGN

LEGAL DESCRIPTION:

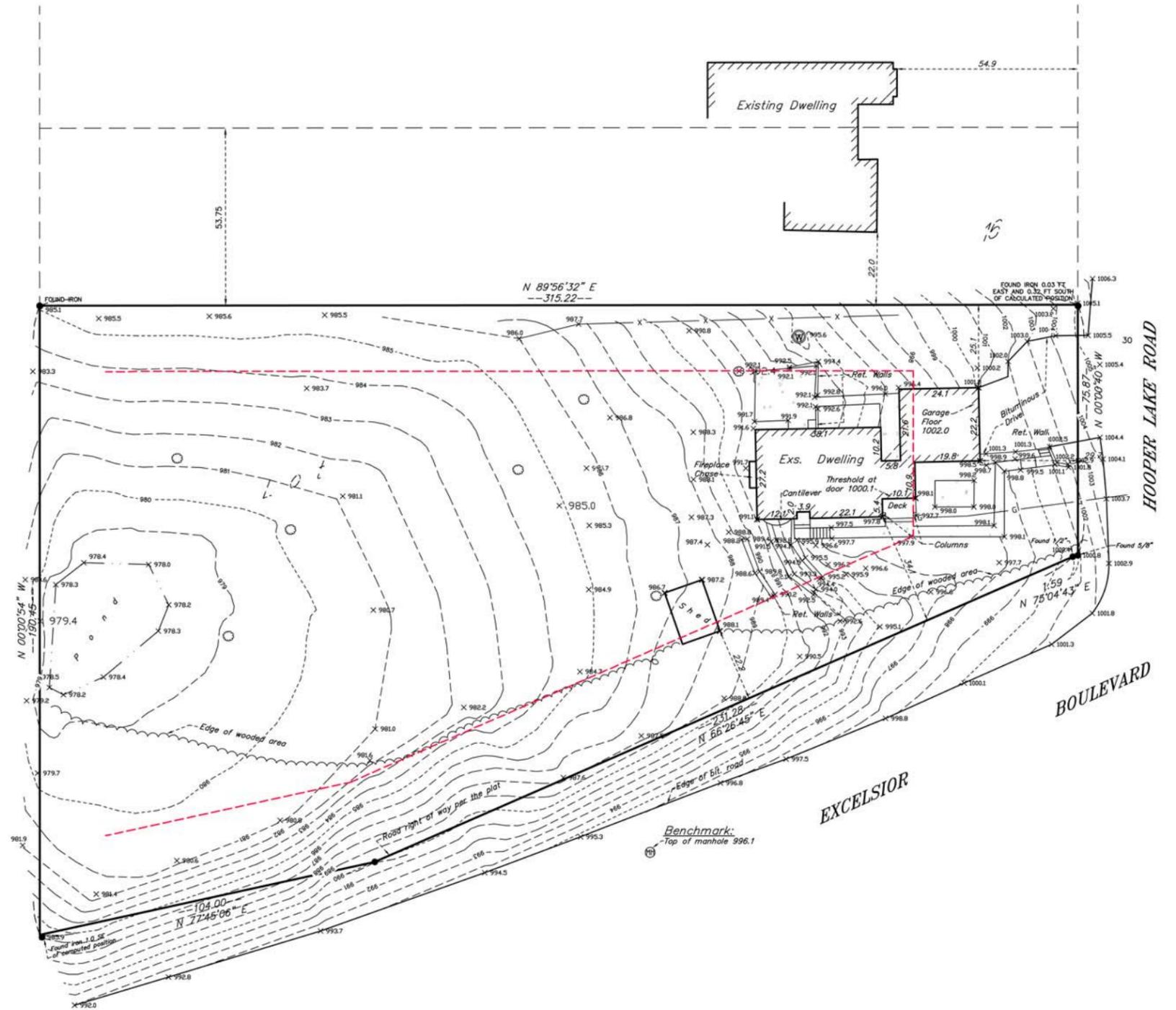
That part of Lot 16, VINE HILL HEIGHTS, MINNETONKA, lying South of the North 53.75 feet thereof, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. 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.
5. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
7. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

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



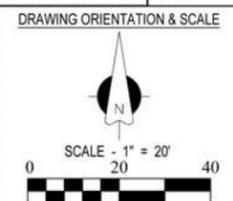
LEGEND

- = CATCH BASIN
- = GAS METER
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

EXISTING HARDCOVER

House	1,676 Sq. Ft.
Existing Deck	68 Sq. Ft.
Bituminous Driveway	872 Sq. Ft.
Shed	198 Sq. Ft.
Concrete Surfaces	925 Sq. Ft.
Ret. Walls	177 Sq. Ft.
TOTAL EXISTING HARDCOVER	3,916 Sq. Ft.
AREA OF LOT	44,308 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	8.8%

DATE	REVISION DESCRIPTION
5/28/20	ADD INFORMATION FROM CLIENT TO SURVEY



CLIENT NAME / JOB ADDRESS

TIM ALT
5180 HOOPER LAKE ROAD
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, 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
Thomas M. Bloom
42379
LICENSE NO.
MAY 12, 2020
DATE

DATE SURVEYED: MAY 12, 2020

DATE DRAFTED: MAY 12, 2020

SHEET TITLE
EXISTING CONDITIONS SURVEY

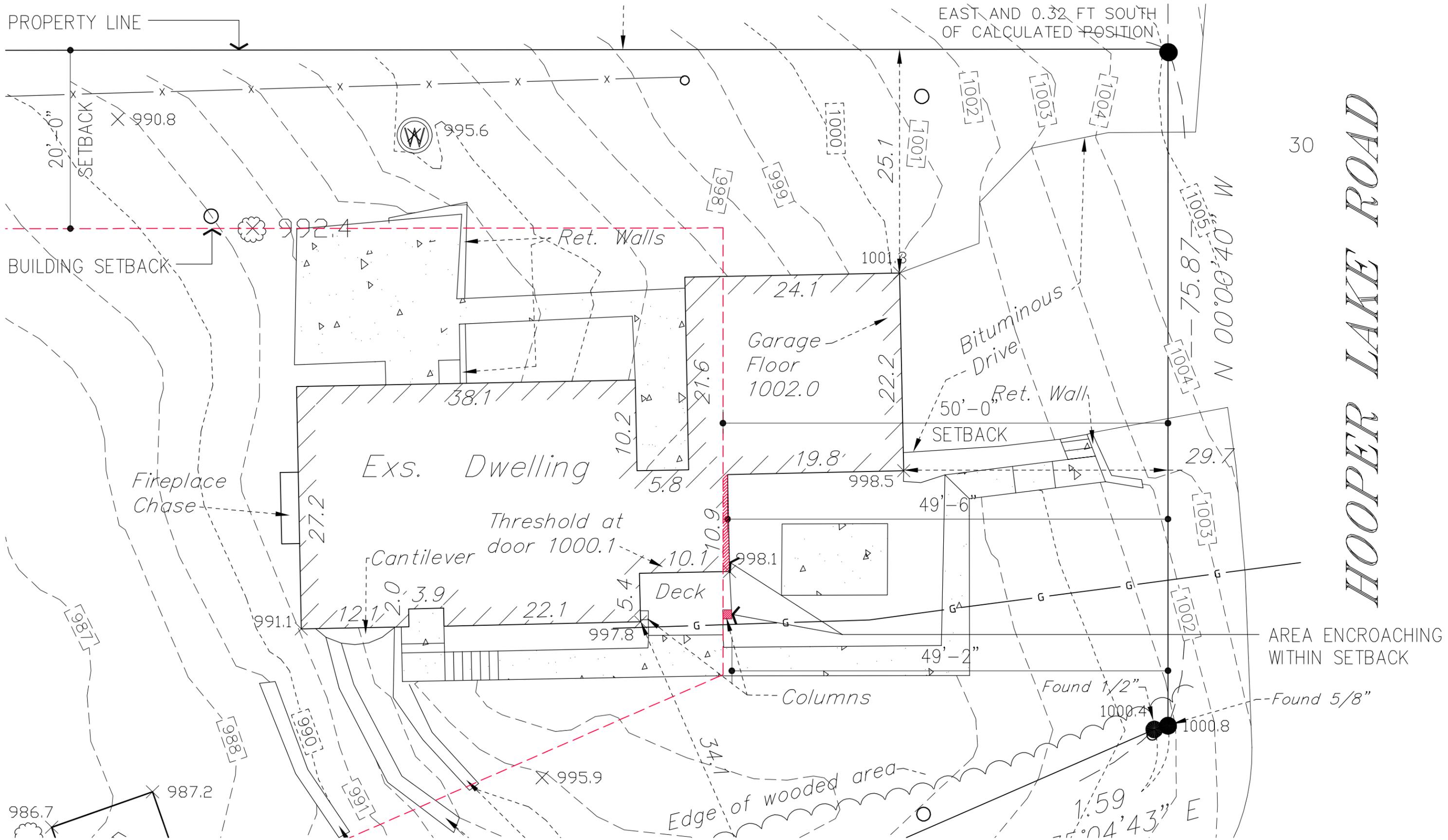
DRAWING NUMBER
200507 TB

SHEET SIZE 22 X 34

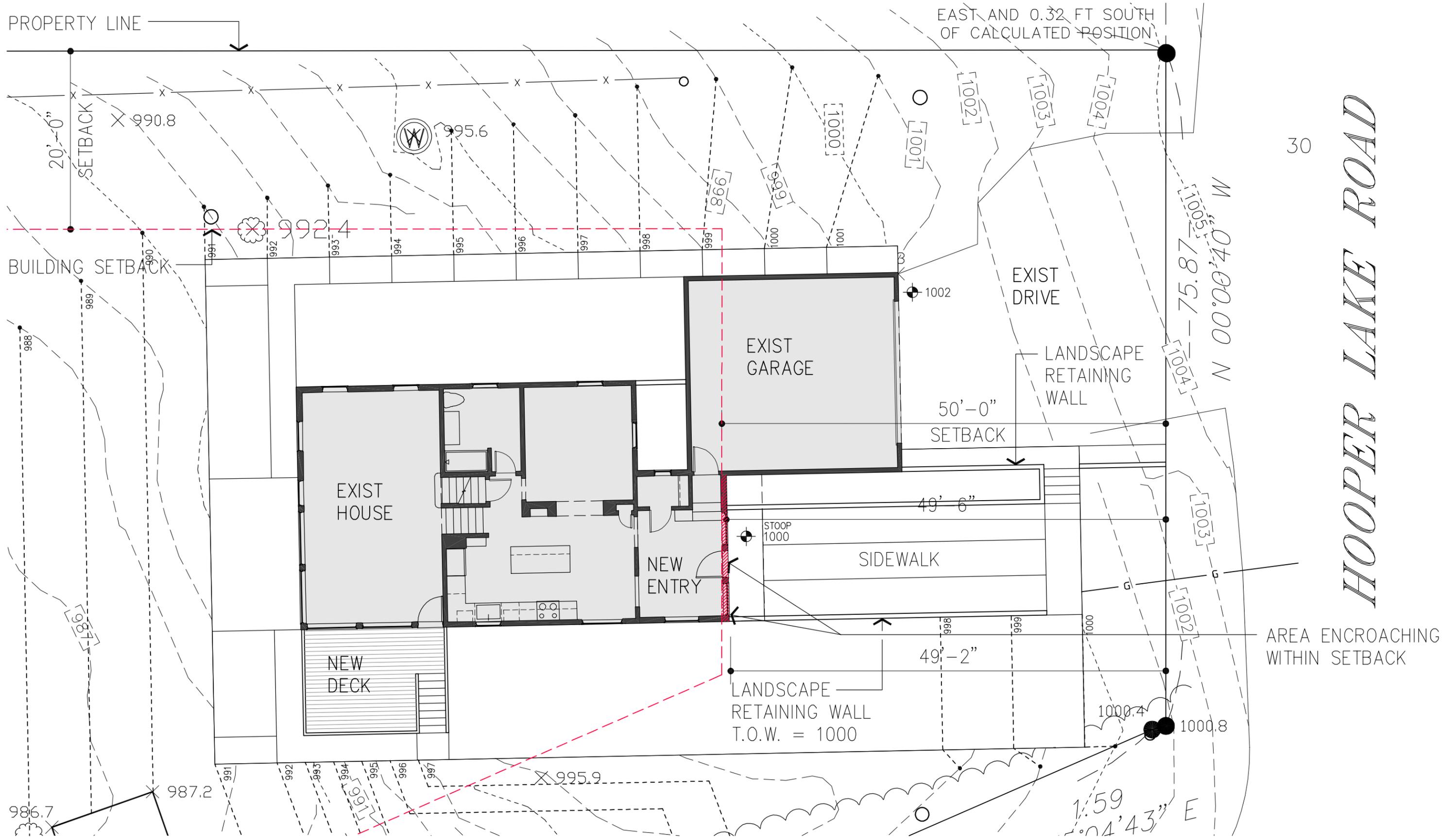
SHEET NO.

S1

SHEET 1 OF 1

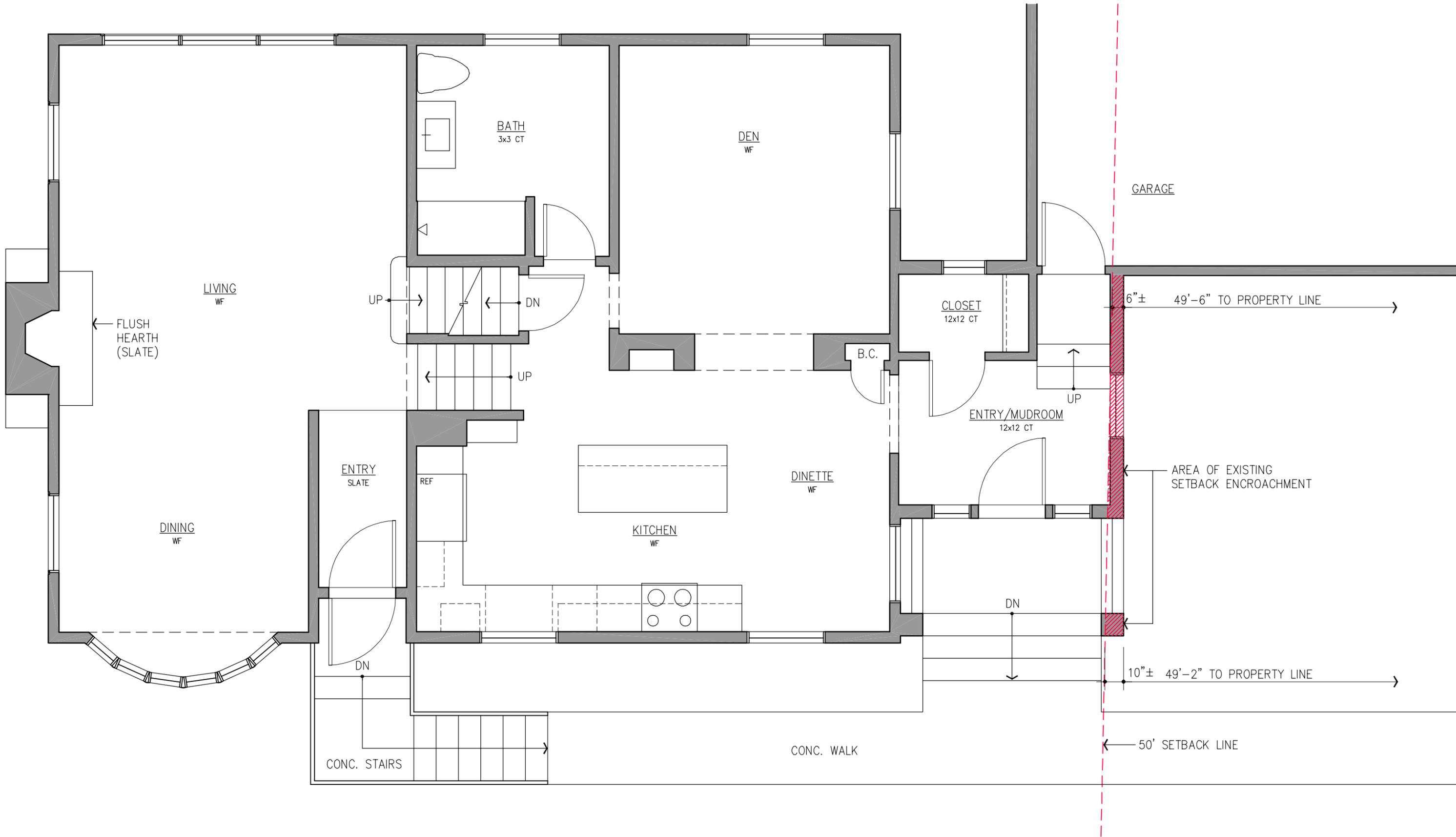


ALT HOUSE
 EXISTING SITE PLAN (PARTIAL)
 1" = 10'
 JUNE 16, 2020



ALT HOUSE
 PROPOSED SITE PLAN
 1" = 10'
 JUNE 16, 2020

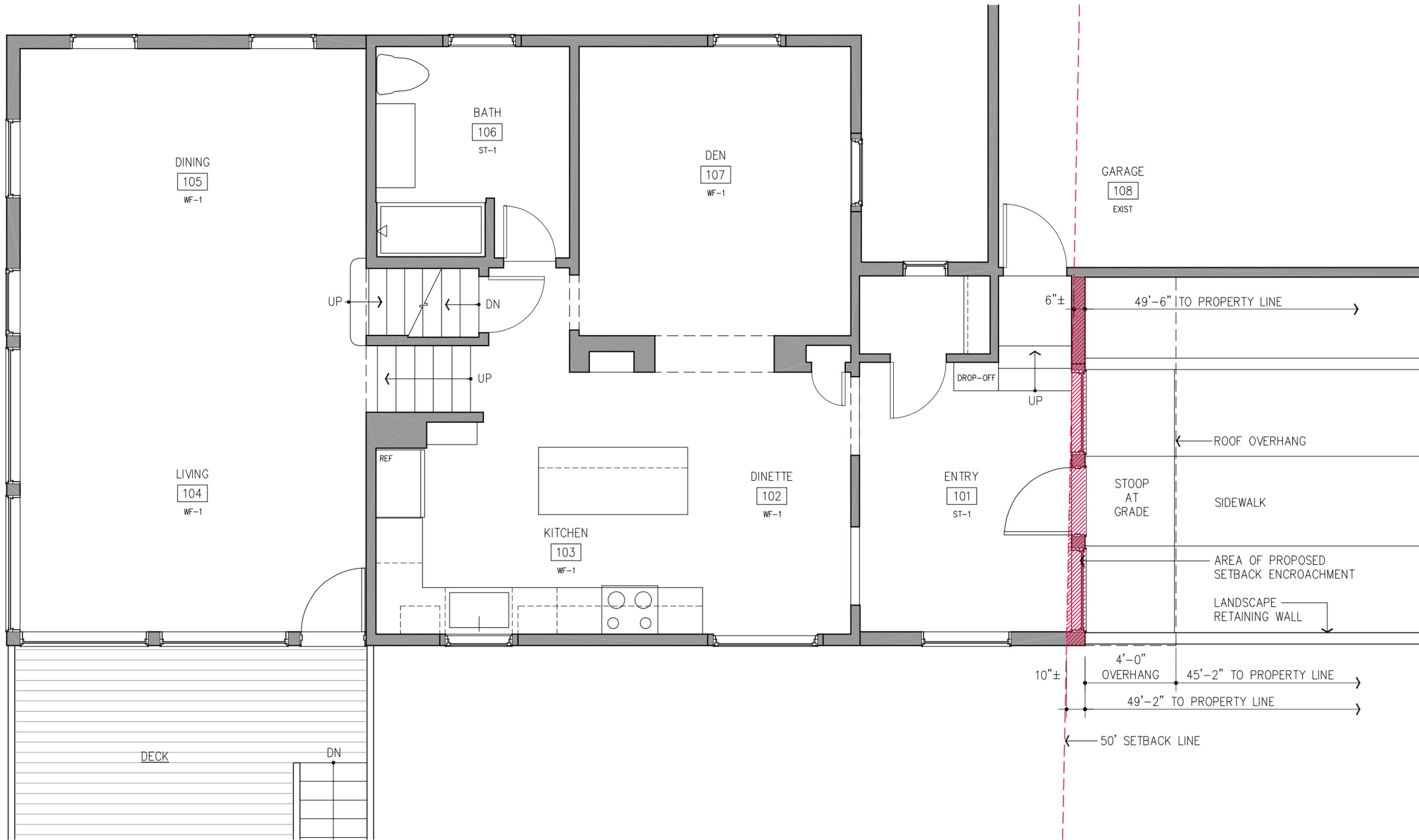
ALTUS
 ARCHITECTURE + DESIGN



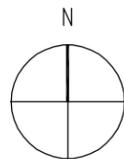
ALT HOUSE
 EXISTING MAIN LEVEL PLAN
 1/4" = 1'-0"
 JUNE 16, 2020



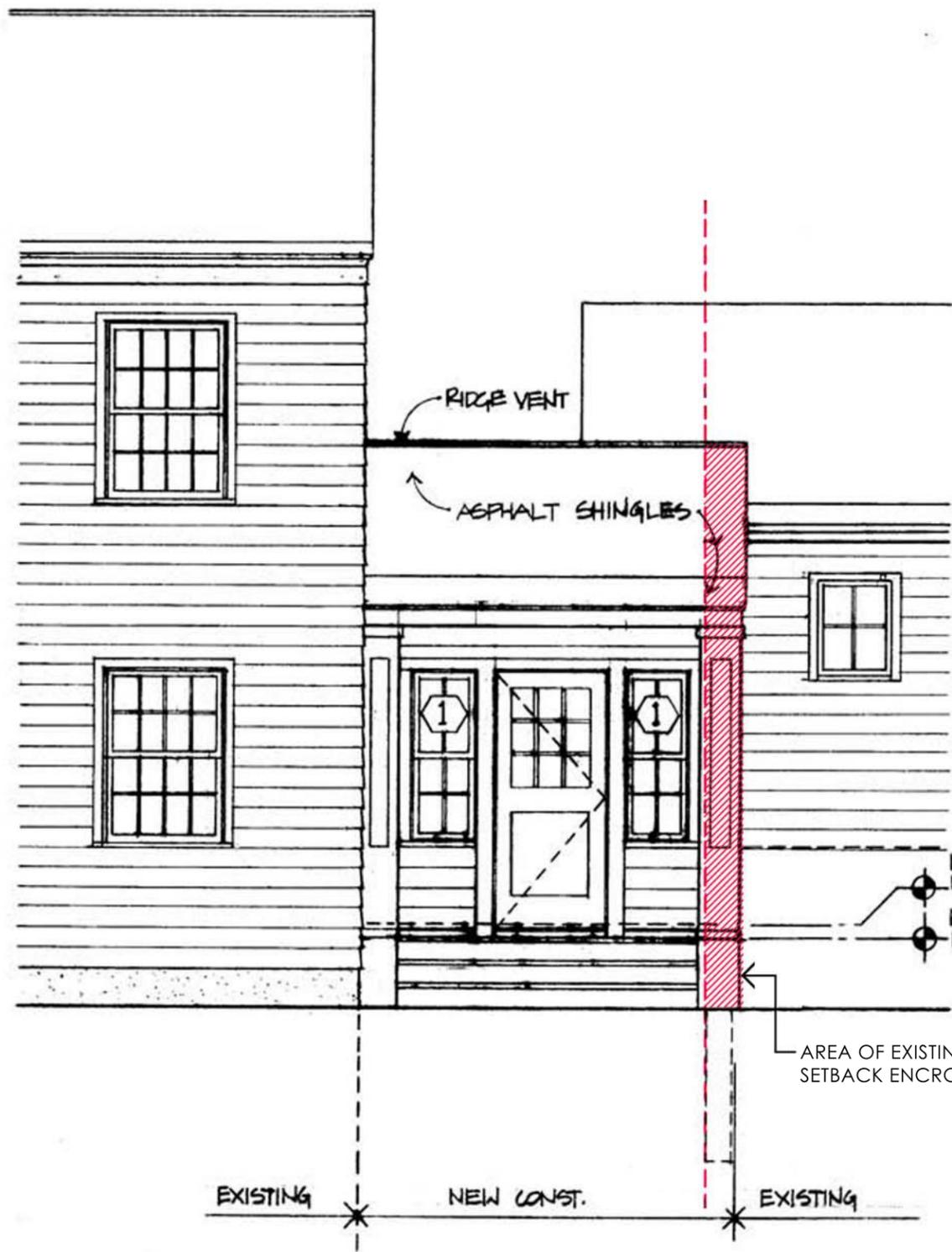
ALTUS
 ARCHITECTURE + DESIGN



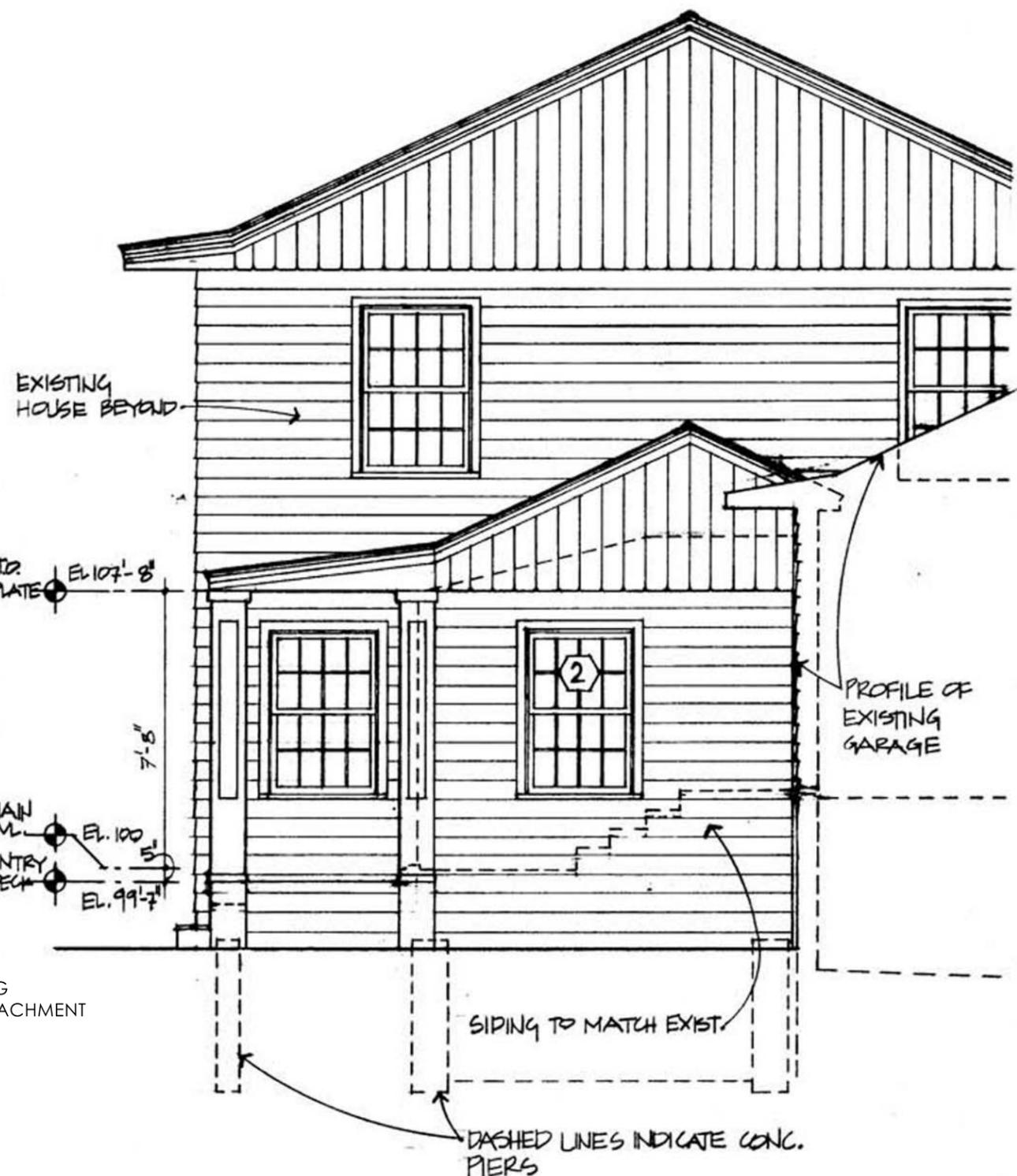
ALT HOUSE
 PROPOSED MAIN LEVEL PLAN
 1/4" = 1'-0"
 JUNE 16, 2020



ALTUS
 ARCHITECTURE + DESIGN



PARTIAL SOUTH ELEVATION / EXISTING HOUSE



PARTIAL EAST ELEVATION / EXISTING HOUSE

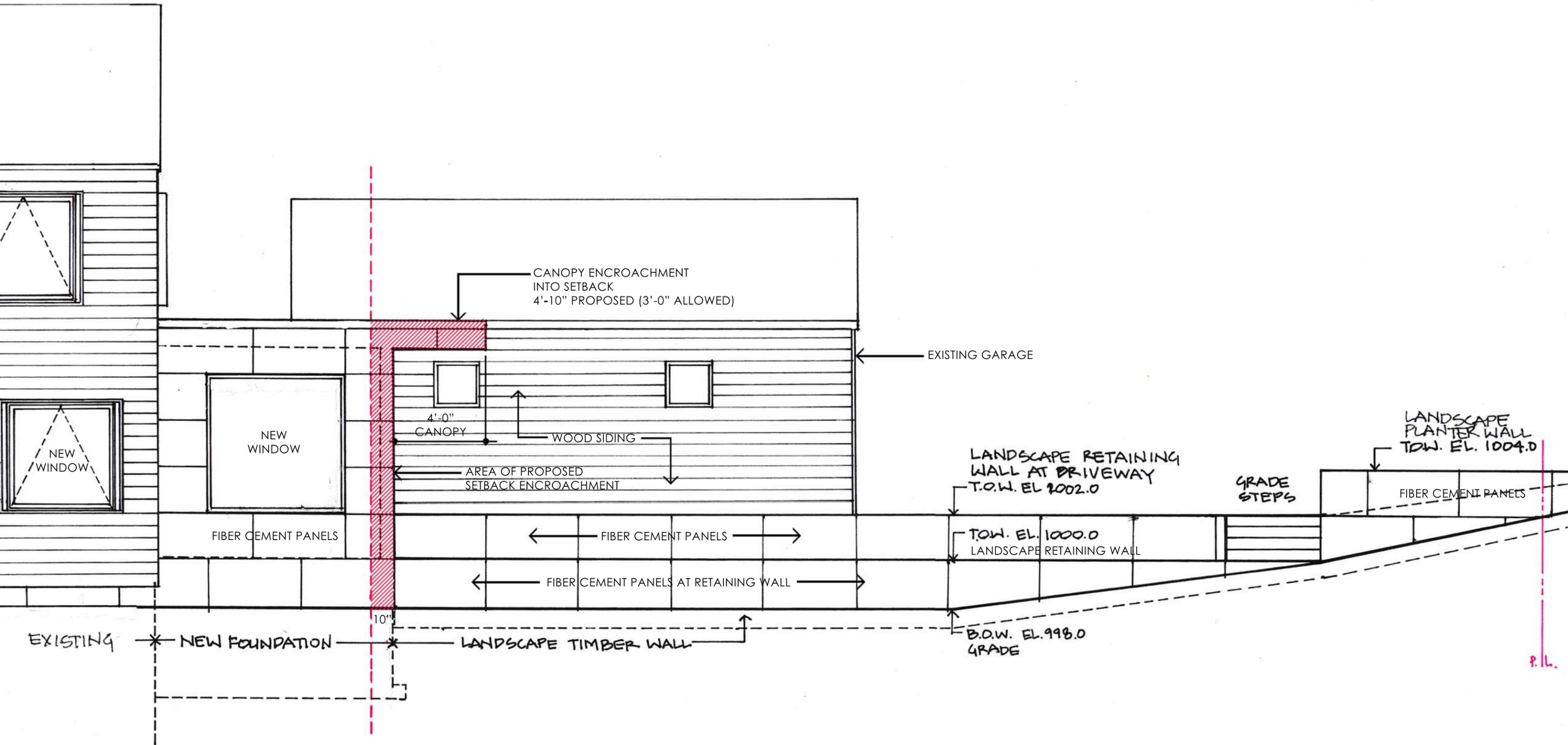
ALT HOUSE
 EXISTING ELEVATIONS
 1/4" = 1'-0"
 JUNE 16, 2020

ALTUS
 ARCHITECTURE + DESIGN



ALT HOUSE
 PROPOSED EAST ELEVATION
 1/4" = 1'-0"
 JUNE 16, 2020

ALTUS
 ARCHITECTURE + DESIGN



ALT HOUSE
 PROPOSED PARTIAL SOUTH ELEVATION
 1/4" = 1'-0"
 JUNE 16, 2020

ALTUS
 ARCHITECTURE + DESIGN

Pat Smith

From: Bob Bean <Robert.Bean@bolton-menk.com>
Sent: Friday, June 26, 2020 8:47 AM
To: Pat Smith
Subject: RE: small addition at 5180 Hooper Lake

Pat,

I have completed review of the information provided. I do not have any engineering issues with proposed improvements. However, a Drainage and Erosion Control Plan will need to be submitted for review and approval, and the applicant may need a Riley Purgatory Bluff Creek Watershed District Permit. 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

From: Pat Smith <pat@cityofdeephaven.org>
Sent: Wednesday, June 17, 2020 9:46 AM
To: Bob Bean <Robert.Bean@bolton-menk.com>
Subject: small addition at 5180 Hooper Lake

Hey Bob,

I had my first face to face meeting with the Deephaven Planning Commission last night. We talked about the construction management ordinance. They got sidetracked a bit and complained about getting the city engineer report on variances right before the meeting, or the applicant not getting the engineer report until the last second so they couldn't make any changes to plans before the Planning Commission meeting. This reminded me how important it is to get plans for all variance requests to you ASAP so you can review them and require the applicant make any changes before you even write up your conditions of approval, which should be part of the Planning Commission packet.

This is a variance request. He's just adding a small addition.
Could you review the survey and let me know if the owner needs to make any changes?

Thanks and let me know if you have any questions.

Pat

Patrick Smith, AICP

Planning Director
Deephaven • Greenwood • Woodland

memo



To: Planning Commission

From: Patrick Smith

Date: July 21, 2020

Re: 18970 Azure Road and Construction Management

On June 16, 2020, the Planning Commission discussed the construction of the house located at 18970 Azure Road.

Staff researched the address file and noted the pertinent highlights below.

- February 16, 2016 – as-built survey completed.
- February 24, 2016 - City of Minnetonka approves final inspection of the new house.
- Sept 25, 2017 – staff identified that the grading plan created stormwater issues for the neighboring property to the west and directed the developer to mitigate the additional runoff created from the new house.
- October 17, 2017 – John Boyer, builder of 18970 Azure Road, is proposing to raise the berm 3"-12" along the West property line of 18970 Azure Road and excavating approximately 6" into the West side yard to capture 2500 to 3000 gallons of rain water. This volume is approximately twice the water increase caused by the added hardcover from a 2" one-hour rain event. They would also install a drywell into the gravel soils below that will allow the captured water to percolate into the soil. City engineer reviewed and approved they plans.
- November 2, 2017 – Kaela Brennan, attorney for Tim Thompson, sends letter stating that the proposed grading plan does not adequately address the stormwater drainage issue.
- November 9, 2017 – City staff sends Kaela Brennan a letter stating Mr. Boyer plans to move ahead with construction of the mitigation system and that the proposed system meets or exceeds any current city code requirements for stormwater.
- July, 2020, Deephaven's City Engineer inspects the site and determines that the stormwater system is functioning as planned.
- July 13, 2020, City issues Certificate of Occupancy.

With the City of Minnetonka issuing the final inspection and Deephaven City staff issuing the Certificate of Occupancy, it is reasonable to expect some communication errors. Developers and contractors are the real impetus to ensuring a Certificate of Survey is issued as they are very good about asking for Certificate of Occupancies for their clients after a house is constructed.

With the City Council now requiring a \$5,000 escrow that the City holds until the development is completed is another method of ensuring the Certificate of Occupancy is issued in a timely manner.

There are a number of steps in the construction process. Staff developed the attached draft checklist to ensure steps are not missed. The checklist may need to be changed based on Council discussion and direction of the process.