

# WAYZATA PLANNING COMMISSION

## Meeting Agenda



Pursuant to Minnesota Statute Sec. 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at: [www.wayzata.org/wctv](http://www.wayzata.org/wctv). Members of the public may submit comments or questions about items on the agenda in advance by emailing [PublicComment@wayzata.org](mailto:PublicComment@wayzata.org), calling City staff at 952-404-5313, or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment). To speak during the Public Hearing portions of the meeting, you may call 1 312 626 6799, enter Zoom Meeting ID 961 7133 1425, and press \*9 to speak. You will be placed on hold and muted until you have been recognized and invited to speak.

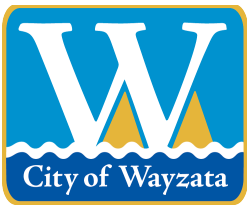
Monday, July 6, 2020  
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
  - a. Approval of June 15, 2020 Meeting Minutes
  - b. Approval of Report and Recommendation for a Preliminary and Final Plat at 15610 Holdridge Road East
5. **Old Business Items**
6. **Public Hearing Items**
  - a. Consider Development Application for an Impervious Surface Variance at 128 Broadway Avenue North
  - b. Consider Development Application for an Impervious Surface and a Rear Setback Variance at 225 Manitoba Avenue South
  - c. Consider Development Application for a Lakeshore Setback Variance at 578 Harrington Road
7. **Other Items**
  - a. Review of Development Activities
  - b. Planning Commissioner Report for the June 16, 2020 City Council Meeting
  - c. Planning Commissioner Liaison for the July 7, 2020 City Council Meeting
8. **Adjournment**

Upcoming Meetings:







## City of Wayzata Planning Commission Agenda Report

|                                                         |                         |
|---------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                       | <b>AGENDA ITEM:</b> 4.a |
| <b>TITLE:</b> Approval of June 15, 2020 Meeting Minutes |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner      |                         |
| <b>REVIEWED BY:</b> Eric Zweber                         |                         |
| <b>60 DAY DEADLINE:</b> N/A                             |                         |

**BACKGROUND:**

N/A

**ACTION REQUESTED:**

Staff recommends approval of the draft minutes for the June 15, 2020 Planning Commission meeting.

**ATTACHMENTS:**

1. June 15, 2020 Draft PC Minutes

**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
June 15, 2020**

**AGENDA ITEM 1. Call to Order**

Chair Plantan called the meeting to order at 6:30 p.m.

Chair Plantan read the following prepared statement:

Pursuant to Minnesota Statute Sec 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. Members of the Commission, City staff, and others that are a part of the meeting will be participating by video or audio connections where we can all hear each other and see the presentations being made. We have a public forum and public hearing this evening on the agenda. If you'd like to speak during these portions of the meeting you may call 1-(312) 626-6799, enter the Zoom meeting ID 96754306785, and press \*9 to speak. Callers will be placed on hold and muted until the appropriate time of the meeting is reached. At that time, each caller will be recognized in turn, and invited to speak. Public comments continue to be welcomed and encouraged and we ask if possible, that comments of future agenda items be submitted in advance by emailing [PublicComment@wayzata.org](mailto:PublicComment@wayzata.org). Please include "public comments" in the subject line, your name and address, and the agenda item that you are speaking to. Comments can also be submitted by calling City staff or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at [www.wayzata.org/wctv](http://www.wayzata.org/wctv).

**AGENDA ITEM 2. Roll Call**

Chair Plantan asked Interim Community Development Director Zweber to take roll call.

Present at roll call were Commissioners: Plantan, Douglas, Parkhill, and Bashioum. Interim Community Development Director Eric Zweber, Assistant Planner Nick Kieser, and City Attorney David Schelzel were also present. Commissioner Flannigan joined the meeting later at 6:46 p.m. and Iverson joined at 6:48 p.m.

**AGENDA ITEM 3. Approval of Agenda**

Chair Plantan asked for a motion to approve the agenda for the meeting.

Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to approve the June 15, 2020 agenda as presented.

Interim Community Development Director Zweber completed a roll call vote on the motion. The motion carried unanimously.

**AGENDA ITEM 4. Consent Agenda**

1  
2 **a.) Approval of the May 18, 2020 Planning Commission Meeting Minutes**  
3

4 Chair Plantan read the items on the consent agenda and asked if any Commissioner wished to pull  
5 an item for further discussion.  
6

7 Hearing no such request, Chair Plantan asked for a motion to approve the Consent Agenda as  
8 presented.  
9

10 Commissioner Parkhill made a motion, seconded by Commissioner Douglas, to approve the  
11 Consent Agenda as presented.  
12

13 Interim Community Development Director Zweber completed a roll call vote on the motion. The  
14 motion carried unanimously.  
15

16 **AGENDA ITEM 5. Public Hearing Items**  
17

18 **a) Development Application for a Preliminary and Final Plat at 15610 Holdridge**  
19 **Road**  
20

21 Assistant Planner, Nick Kieser, stated that the applicants, Anna Ovsyannikova and Yengeni  
22 Ogranovich, have submitted a development application for a two-lot subdivision at 15610  
23 Holdridge Road. He explained that this property is zoned R2, Medium Density, Single Family and  
24 noted its proximity to the boundary between Wayzata and Minnetonka. He stated that the land use  
25 designation is Low Density Residential. He noted that a similar application was submitted in 2016  
26 and, at the time, the Planning Commission recommended denial on a 4-3 vote based on findings  
27 of the negative impact on the natural areas of the site and the proposed smaller lot sizes compared  
28 to other lots in the neighborhood. He explained that the City Council denied that application on a  
29 5-0 vote.  
30

31 Mr. Kieser stated that in the current application, the applicant has made the eastern lot larger and  
32 reviewed the proposed new lot subdivision. He noted that the house renderings submitted with the  
33 application are not construction plans and do not depict what would actually be built if this is  
34 approved; just what a house could look like on the site. He noted that they are proposing a  
35 landscaped berm to help with the visual impact for the property to the east, as well as help with  
36 drainage and erosion. He reviewed the location of the wetland buffer on the property. He noted  
37 that the average slope on the site is 18% so if approved, the applicant will need to address drainage  
38 to ensure that it goes to the rear of the lot and not the neighboring properties. He stated that there  
39 will also need to be erosion control measures taken if approved. He reviewed the tree inventory  
40 and the tree survey for the proposed subdivision and noted that tree #49 on the survey has been  
41 designated as a heritage tree. He noted that the proposed lot size was part of the discussion with  
42 the application that was submitted in 2016. He reviewed the lot areas of the nearby homes and  
43 compared them to the proposed smaller lot sizes for 15610 Holdridge Road. He stated that there  
44 have been approximately eight written public comments on the application submitted prior to the  
45 meeting that do not support this application. He stated that only five of the comments were  
46 received in time to distribute them with the meeting packet. He noted that the questions for the

1 Planning Commission to consider in reviewing the application include whether the subdivision is  
2 consistent with the 2040 Comprehensive Plan; whether the creation of a new lot will adversely  
3 impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas; and,  
4 are the lot sizes similar to the lots in the surrounding neighborhood.

5  
6 Chair Plantan asked if the Commission had any questions for Staff.

7  
8 Commissioner Flannigan joined the meeting.

9  
10 Commissioner Douglas asked if the final style of home will come back to the Commission for  
11 review and approval.

12  
13 Assistant Planner Kieser stated that while not a code requirement, there have been similar  
14 conditions made like that for other subdivisions and have been based on whether there is a need  
15 for it to be compatible with the neighborhood.

16  
17 Commissioner Bashioum asked about the study commissioned by the residents for the previous  
18 application. She stated that it appeared that the findings were that because of the slope of the lot,  
19 it would not be feasible to put another house in this location. She asked if this conflicted with  
20 what the City Engineer found regarding the site.

21  
22 Assistant Planner Kieser stated that the City's engineering staff did find that they could build on  
23 this site, even though it wouldn't be usual to build on this type of slope.

24  
25 Commissioner Iverson joined the meeting.

26  
27 Commissioner Bashioum confirmed with Assistant Planner Kieser that staff felt it would be  
28 possible to build on this site, but it would depend on where the home is sited.

29  
30 City Attorney David Schelzel noted for the record that Commissioners Flannigan and Iverson had  
31 joined the meeting.

32  
33 Commissioner Flannigan apologized for being late and asked for a brief overview of how the  
34 current application is different than the application that was reviewed in 2016.

35  
36 Assistant Planner Kieser explained that the most significant difference is that the eastern lot is  
37 slightly larger.

38  
39 There being no further questions for staff, Chair Plantan invited the applicant to speak about the  
40 application, and to state their name and address for the record.

41  
42 Yengeny Ogranovich, 15610 Holdridge Road, gave a presentation and overview of their request  
43 for a subdivision and how they feel it will compliment the character and feel of the neighborhood.  
44 He noted that although concerns have been raised about building on this slope, the home to their  
45 east is built on this same exact slope, so it can be done successfully. He noted that they are working  
46 with and relying on professionals for all areas of this proposed subdivision. He gave a brief

1 overview of comparable subdivisions that have been approved in the City since their original  
2 application. He noted that they would like to build a 2 story home with a walk out basement. He  
3 stated that they believe their plans comply with the City standards for a subdivision and will not  
4 require any variances. He stated that they moved to the City in 2014 and began improvements and  
5 clean up on the property right away and feel that they have improved the curb appeal of the  
6 property. He briefly addressed some of the public comments made regarding this subdivision. He  
7 noted that they have also gotten positive feedback from some of the neighbors that are just not  
8 comfortable putting their opinions on the record.

9  
10 Commissioner Iverson asked about the grade of the backyard for the proposed new home.

11  
12 Assistant Planner Kieser stated that the slope in the area of the proposed building is around 20%.

13  
14 Commissioner Iverson asked how big the backyard area is before it would start to drop down.

15  
16 Assistant Planner Kieser stated that on the plans that were submitted, it looks like it is about 10  
17 feet before there is a 2 foot drop.

18  
19 Commissioner Iverson stated that the plans appear to show that it continues to descend tier by tier  
20 by about 5-10%.

21  
22 Assistant Planner Kieser noted that it would be difficult to say exactly, but it should be something  
23 near that range. He reiterated that the overall slope averages around 18%.

24  
25 Commissioner Parkhill stated that he got the impression that the driveway will be a bigger issue  
26 than the backyard. He stated that he went to the site and stood on the road to look at the property  
27 it appears very steep on the portion of the property near the road. He expressed concern about  
28 creating a driveway that will be able to be traversed in the winter months.

29  
30 Mr. Ogranovich said he believes that this is one of the areas where there will be dirt brought in to  
31 decrease the slope so the driveway is not too steep. He noted that the driveway is also supposed  
32 to go in at an angle to help it not be quite so steep. He stated that he feels there are many things  
33 that can be done to make it usable during the winter months such as putting it radiant heat under  
34 the concrete so there is no ice build up.

35  
36 Commissioner Parkhill asked if he was planning to put in radiant heating under the driveway. He  
37 stated that he just did not get the impression that there is enough land to make a long gradually  
38 sloped driveway.

39  
40 Mr. Ogranovich reviewed the proposed driveway renderings and explained how the driveway is  
41 designed to be used.

42  
43 Assistant Planner Kieser stated that if the subdivision was approved, the City would review this  
44 issue in greater detail.

1 Interim Community Development Director Zweber stated that the City Code standard is a  
2 maximum of a 10% slope. He noted that there will need to be two engineered retaining walls in  
3 order to construct the driveway as submitted. He stated that the plans they have submitted show  
4 that they can meet the City Code requirements.

5  
6 Commissioner Douglas asked if the applicant could comment on the planned berm relative to the  
7 house.

8  
9 Mr. Ogranovich stated that the length is longer than the actual house and the height is something  
10 that they will be working on closely when they are in the building process. He stated that if there  
11 is a recommendation from the City, they will look at following that recommendation.

12  
13 Commissioner Douglas asked if they were planning any plantings along the top of the berm to  
14 provide more screening.

15  
16 Mr. Ogranovich stated that if including plantings will provide more privacy to their neighbors,  
17 they are willing to do it.

18  
19 Commissioner Bashioum asked if the applicant had made an effort to meet with the neighbors  
20 regarding the subdivision. She noted that it is seldom that the City hears from eight neighbors that  
21 they are opposed to the plans.

22  
23 Mr. Ogranovich stated that they mailed letters to multiple neighbors and have also personally  
24 spoken with many of them. He reiterated that there are some neighbors that support the  
25 subdivision.

26  
27 There being no further questions from the Commission for the applicant, Chair Plantan opened the  
28 public hearing on the application at 7:27 pm.

29  
30 Interim Community Development Director Zweber stated there were no people that have called  
31 into the meeting that have asked to speak at the public hearing. He noted that he had also checked  
32 the public comment e-mail address and there were no additional public comments left there other  
33 than the ones Assistant Planner Kieser had already forwarded to the Commission.

34  
35 There being no one wishing to comment on the application, Chair Plantan closed the public hearing  
36 at 7:28 pm.

37  
38 Chair Plantan asked for the Commission to share their questions and feedback on the application.

39  
40 Commissioner Parkhill stated that it bothers him that there is so much objection to the subdivision.  
41 He stated that congestion and a narrow roadway is not something that should stop this from moving  
42 forward but admitted that he is still a bit on the fence.

43  
44 Commissioner Flannigan stated that he continues to be opposed to this subdivision. He referenced  
45 past subdivisions on Peavey Lane and Gardner Street that have altered the character of their  
46 neighborhoods. He stated that he stands by what he said back in 2016 that there is a reason that

1 this lot is set up the way it is and that the house has been placed where it has been placed. He  
 2 stated that he does not think there has been any compelling changes made in the current application  
 3 that would change his viewpoint from 2016. He stated that he does not think there should be two  
 4 separate houses on two separate lots in this location.

5  
 6 Commissioner Iverson stated that she was also on the Planning Commission in 2016, and does not  
 7 feel that the proposed lot sizes are in harmony with the character of the neighborhood. She stated  
 8 that she feels the topography of the lot is an issue and agrees with Commissioner Flannigan that  
 9 there is a reason that things are set up the way they are. She stated that the opinion she held in  
 10 2016 remains the same, and she would recommend denial of the request.

11  
 12 Commissioner Douglas stated that she drove by the property today and took lots of pictures and  
 13 has many concerns. She stated that although she felt better after hearing the applicant talk about  
 14 using an experienced builder, she still feels this will just make the lots too small and will interrupt  
 15 the flow of the beautiful trees along that street. She stated that she cannot support the subdivision.

16  
 17 Commissioner Bashioum stated that she would echo the thoughts of the other Commissioners and  
 18 is a strong proponent of keeping neighborhoods intact and not adversely affecting their character.

19  
 20 Chair Plantan stated that she agrees with the opinions already expressed by the other  
 21 Commissioners and noted that just because something meets some of the requirements of the City  
 22 doesn't always mean that it should be approved. She stated that this subdivision doesn't feel right,  
 23 and the topography of the land supports the current home location.

24  
 25 There being no further discussion, Chair Plantan asked for a motion on the application.

26  
 27 Commissioner Flannigan made a motion, seconded by Commissioner Parkhill, to direct staff to  
 28 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
 29 reflecting recommending denial for a Development Application for a Preliminary and Final Plat  
 30 at 15610 Holdridge Road for review and adoption at the next Planning Commission meeting as  
 31 part of the Consent Agenda.

32  
 33 Interim Community Development Director Zweber completed a roll call vote on the motion. The  
 34 motion carried unanimously.

35  
 36 Commissioner Flannigan left the meeting at 7:39 p.m.

### 37 38 **AGENDA ITEM 6. Other Items:**

#### 39 40 **a) Review of Development Activities**

41  
 42 Assistant Planner, Nick Kieser stated that for the next Planning Commission meeting there are two  
 43 development applications tentatively scheduled for discussion: an impervious surface variance at  
 44 128 Broadway Avenue North; and, an impervious surface and setback variance for an accessory  
 45 structure at 225 Manitoba Avenue South.

1 Interim Community Development Director Zweber explained that the City Council has asked the  
2 Emergency Management Team to evaluate the possibility of holding in person meetings while  
3 observing the social distancing guidelines. He stated that they are working out the details but  
4 wanted to give the Commission a heads up that the City is looking to work towards meeting again  
5 in person.

6  
7 Commissioner Bashioum asked if there would be a way for one of the Commissioners to join the  
8 meeting via Zoom if they were unable to meet in person.

9  
10 Interim Community Development Director Zweber stated that they are exploring that option and  
11 asked City Attorney Schelzel to weigh in on this issue.

12  
13 City Attorney Schelzel stated that this is a legally permitted way to conduct a meeting as long as  
14 all the technical requirements and capabilities remain in place, similar to how they are working  
15 now where the entire group is meeting remotely.

16  
17 Commissioner Douglas stated that she is willing to work around what is the easiest for City staff,  
18 but she will not be able to attend in person meetings at this time.

19  
20 **b) Planning Commissioner Report for the May 19, 2020 City Council Meeting**

21  
22 Commissioner Douglas gave an overview of the May 19, 2020 City Council meeting and  
23 workshop. She noted that one of the agenda items was to discuss the budget and relief for  
24 businesses due to the Panoway project but noted that because of COVID-19 all the businesses were  
25 closed, so the Council delayed that discussion. She noted that at the regular Council meeting there  
26 was a public forum to honor LaDonna Hoy who is the founder of Interfaith Outreach. She  
27 reviewed the Consent Agenda items that were approved at the meeting. She noted that the City  
28 received a clean opinion as part of the 2019 audit. She reviewed the other items from the May 19,  
29 2020 agenda.

30  
31 **c) Planning Commissioner Report for the June 2, 2020 City Council Meeting**

32  
33 Chair Plantan noted that Commissioner Flannigan was due to give a report on the June 2, 2020  
34 City Council meeting, but he has left the Planning Commission meeting. She asked if anyone else  
35 had attended or watched the meeting.

36  
37 Interim Community Development Director Zweber gave a brief overview of the June 2, 2020 City  
38 Council meeting.

39  
40 Commissioner Bashioum asked if the width of the patio area at Gianni's was temporary because  
41 there is only about 2 feet of sidewalk that can be used.

42  
43 Interim Community Development Director Zweber stated that calling what is there today is  
44 "temporary" would be accurate.



1 Assistant Planner Kieser stated that there will be 5 feet of sidewalk between the road and where  
2 the outdoor patio will be.

3  
4 Commissioner Iverson asked if the City should require a minimum of 6 feet to match the social  
5 distancing requirement. She asked if there would be any kind of roping system or bollards installed  
6 around the tables.

7  
8 Assistant Planner Kieser noted that the plans he is looking at are for further down the road outside  
9 of the COVID-19 situation. He noted that the regulation for outdoor café sidewalks are 5 feet in  
10 width.

11  
12 Commissioner Bashioum stated that she feels this is an issue and this basically becomes a  
13 pedestrian roadblock because people will have to go through the area single file.

14  
15 Commissioner Iverson stated that she agrees with Commissioner Bashioum's opinion and asked  
16 the City Council to take a look at creating a minimum of a 6-foot width. She stated that she feels  
17 uncomfortable walking around the people that are eating and thinks this needs further discussion.  
18 She suggested that one table may need to be removed in order to accommodate a greater distance  
19 for separation.

20  
21 Interim Community Development Director Zweber stated that he will pass along those concerns  
22 to the Council.

23  
24 Commissioner Douglas asked when the public will be able to make comments regarding the bike  
25 trail along Ferndale. She stated that she is adamantly opposed to this because it is a gateway into  
26 Wayzata and is one of the prettiest streets, especially in the fall, because it is lined with maple  
27 trees. She stated that she is hopeful that they will not have to remove trees in this area and  
28 encouraged the public to comment when the comment period opens.

29  
30 Interim Community Development Director Zweber stated that he will speak with Public Works  
31 Director Kelly and find out when they will be opening for public comment.

### 32 33 **d) Planning Commissioner Liaison for the June 16, 2020 City Council Meeting**

34  
35 It was noted that Commissioner Iverson will serve as the liaison for the June 16, 2020 City Council  
36 meeting.

### 37 38 **AGENDA ITEM 7. Adjournment.**

39  
40 There being no further business on the agenda, Chair Plantan asked for a motion to adjourn.

41  
42 Commissioner Bashioum made a motion, seconded by Commissioner Douglas, to adjourn the  
43 Planning Commission meeting.

44  
45 Interim Community Development Director Zweber completed a roll call vote on the motion. The  
46 motion carried unanimously.

1

2 The Planning Commission meeting was adjourned at 8:00 p.m.

3

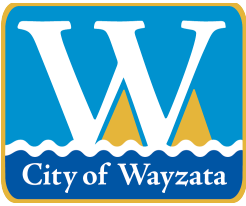
4 Respectfully submitted,

5 Kayla Atkins Rokosz

6 *TimeSaver Off Site Secretarial, Inc.*

7

8



## City of Wayzata Planning Commission Agenda Report

|                                                                                                                   |                         |
|-------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                                                                                 | <b>AGENDA ITEM:</b> 4.b |
| <b>TITLE:</b> Approval of Report and Recommendation for a Preliminary and Final Plat at 15610 Holdridge Road East |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                                                |                         |
| <b>REVIEWED BY:</b> Eric Zweber                                                                                   |                         |
| <b>60 DAY DEADLINE:</b> July 12, 2020                                                                             |                         |

### **BACKGROUND:**

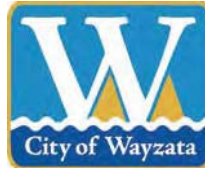
The property owners, Anna Ovsyannikova and Yengeny Ogranovich, have submitted a development application to subdivide the property at 15610 Holdridge Rd E into two single-family residential lots. The existing house would remain and one new home would be constructed on the new lot. The proposal requires preliminary and final plat review.

### **ACTION REQUESTED:**

After considering the items outlined in this report, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

### **ATTACHMENTS:**

1. Planning Commission Report and Recommendation



## WAYZATA PLANNING COMMISSION

July 6, 2020

### REPORT AND RECOMMENDATION OF DENIAL OF PRELIMINARY AND FINAL PLAT SUBDIVISION AT 15610 HOLDRIDGE RD E DRAFT

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#### SUMMARY OF RECOMMENDATION

**Denial** of Combined Preliminary and Final Plat for Subdivision

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#### REPORT AND RECOMMENDATION

##### **Section 1. BACKGROUND**

- 1.1 Project. Anna Ovsyannikova and Yengeny Ogranovich (collectively, the “Applicant”) have submitted a development application (the “Application”) to subdivide their property at 15610 Holdridge Rd E into two single-family residential lots. The existing house would remain and one new home would be constructed on the new lot.
- 1.2 Application Requests. The Application requests approval of a Preliminary and Final Plat that would subdivide the existing property into two lots as depicted in Attachment A hereto (the “Subdivision” and “Preliminary and Final Plats”).
- 1.3 Property. The address, property identification number and owner of the parcel comprising the subject property (the “Property”) are:

| Address              | PID               | Owner                                       |
|----------------------|-------------------|---------------------------------------------|
| 15610 Holdridge Rd E | 04-117-22-33-0043 | Anna Ovsyannikova and<br>Yengeny Ogranovich |

- 1.4 Land Use Designations. The Property is zoned and guided as follows:

|         |                                                       |
|---------|-------------------------------------------------------|
| Zoning: | R-2/Medium Density Single Family Residential District |
|---------|-------------------------------------------------------|

|            |                           |
|------------|---------------------------|
| Comp Plan: | Low Density Single Family |
|------------|---------------------------|

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on June 5, 2020. A copy of the notice was mailed to all property owners located with 350 feet of the Property on June 3, 2020. The public hearing was held at the June 15, 2020 Planning Commission meeting.

## **Section 2. STANDARDS**

### **2.2 Subdivision / Preliminary and Final Plat.**

- A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Part X, Chapters 1001 through 1009 of the City Code. The City may agree to review the preliminary and final plat simultaneously. Chapter 1003.03.A.
- B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1005.02:
  - 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
  - 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
  - 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
  - 4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
  - 5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
  - 6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

### **Section 3. FINDINGS OF FACT**

Based on the Application materials, additional materials submitted by the Applicant, staff reports and documents, public comment and information presented at the public hearing, and the standards of the Wayzata Subdivision Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

#### **3.1 The adverse effects of the proposed Subdivision include:**

- A. The building pad and associated grading that results from the Subdivision would have negative impacts on sensitive areas of the Property and surrounding neighborhood, including adjacent wetlands, trees and vegetation. The building pad location would remove trees and vegetation from the steep slope and will increase the amount of runoff to the adjacent wetland.

2. The building pad that results from the Subdivision would result in significant alteration of natural topography, and require significant filing, grading, retaining walls, and fencing to deal with the step grade in the area of the proposed building pad and driveway.
3. Existing stands of significant trees will be lost if the Subdivision is approved. One heritage tree will be removed with this Subdivision. These trees are located on a steep slope which are more important to decrease erosion and stormwater runoff.
4. The design of the lot, the building pad, and the site layout reflected in the Preliminary and Final Plat does not respond to and nor is it reflective of the surrounding lots and neighborhood character, which are significantly larger, wooded lots.
5. The lot sizes resulting from the Subdivision are dissimilar from adjacent lots and lots found in the surrounding neighborhood, which average 54,656 sq. ft. within the 350 feet of the Property. The new lots would have an area of 19,537 sq. ft. and 24,260 sq. ft.

#### **Section 4. RECOMMENDATION**

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the Application for the proposed Subdivision of the Property.

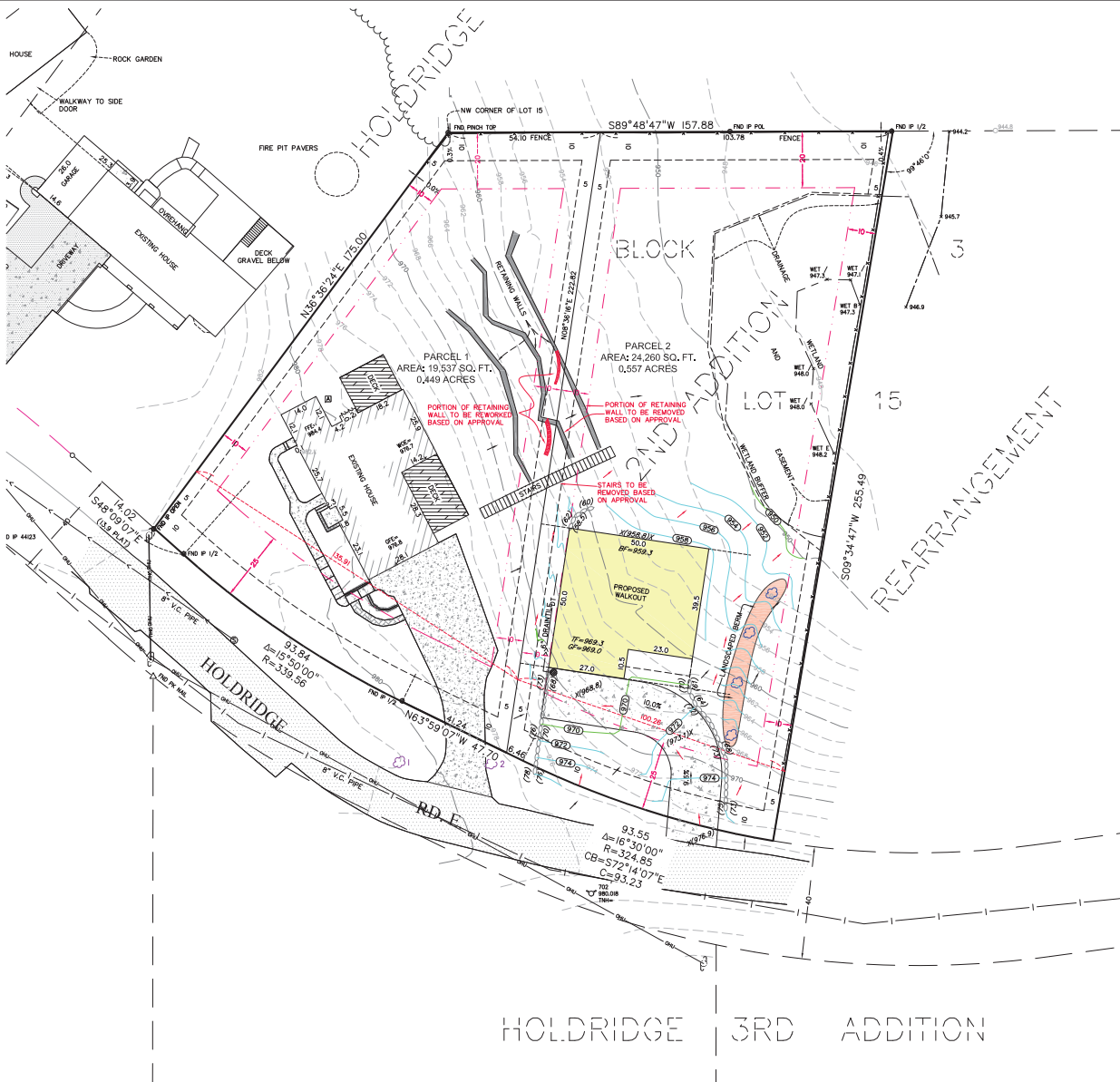
Adopted by the Wayzata Planning Commission this 7<sup>th</sup> day of July 2020.

\_\_\_\_\_  
Chris Plantan  
Chair, Planning Commission

Voting For Approval Recommendation: \_\_\_\_\_  
Voting Against Approval Recommendation: \_\_\_\_\_  
Abstaining: \_\_\_\_\_  
Absent: \_\_\_\_\_

Attachment A: Legal Description and Preliminary and Final Plats





**DESCRIPTION OF PROPERTY SURVEYED**  
That part of Lot 15, Block 3, Holdridge Second Addition Rearrangement, being W of the following described line: Commencing at the Northwest corner of said lot, thence East along the North line of said lot a distance of 157.88 feet to the point of beginning of said line; thence deflecting right 99 degrees 46 minutes to the South line of said lot, and there ending.

**Site Address:** 15610 Holdridge Road East, Wayzata, Minnesota, 55391

**Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0328E, effective date of September 2, 2004.

**Parcel Area Information:** Gross Area: 43,795 s.f. ~ 1.005 acres

**Benchmark:** Elevations are based on MNDOT Geodetic Station Name: ROGIER MN053 ~ Elevation=993.979 feet (NAVD83).

**Zoning Information:** The current Zoning for the subject property is R-2 (Medium Density Single Family Residential District) per the City of Wayzata zoning map dated 06-26-2015. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of 05-21-2016 and are as follows:

**Principal Structure Setbacks:** - Front: 25 feet; Side: 10 feet; Rear: 20 feet  
Height: 2 1/2 stories and 30 feet  
Impervious surface: 30 percent of lot area  
Lot Coverage: 20 percent of lot area

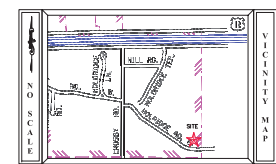
**Accessory Structure Setbacks:** - Front: 30 feet; Side: 5 feet; Rear: 5 feet  
Height: 20 feet

**Minimum Lot Standards:** Lot Width - 100 feet  
Lot Depth - 100 feet  
Lot Area - 15,000 s.f.

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

**Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-6002.

| Parcel 1 Info   |                       | Parcel 2 Info   |                       |
|-----------------|-----------------------|-----------------|-----------------------|
| Lot Area        | = 19,837 Sq Ft        | Lot Area        | = 24,260 Sq Ft        |
| Basic Area      | = 2,722 Sq Ft         | Basic Area      | = 2,722 Sq Ft         |
| Lot Coverage    | = 10.0%               | Lot Coverage    | = 9.2%                |
| Concrete Area   | = 1,929 Sq Ft         | Concrete Area   | = 1,441 Sq Ft         |
| Driveway Area   | = 390 Sq Ft           | Driveway Area   | = 370 Sq Ft           |
| Impervious Area | = 4,389 Sq Ft = 23.5% | Impervious Area | = 3,701 Sq Ft = 15.5% |
| Dirt Volumes    |                       |                 |                       |
| Backyard Fill   | = 75 Cu Yd            |                 |                       |
| Driveway Cut    | = 118 Cu Yd           |                 |                       |
| Driveway Fill   | = 17 Cu Yd            |                 |                       |
| Net Fill        | = 14 Cu Yd            |                 |                       |



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1989 ac.)

SCALE IN FEET

| SURVEY LEGEND         |                       |
|-----------------------|-----------------------|
| CAST IRON MONUMENT    | BITUMINOUS            |
| CATCH BASIN           | BUILDING SETBACK LINE |
| FLARED END SECTION    | CABLE TV              |
| GATE VALVE            | ELECTRIC MANHOLE      |
| GUY WIRE              | ELECTRIC METER        |
| HYDRANT               | GAS VALVE             |
| SURVEY MONUMENT SET   | GAS METER             |
| SURVEY MONUMENT FOUND | CONTOUR EXISTING      |
| SURVEY CONTROL POINT  | CONTOUR PROPOSED      |
| LIGHT POLE            | GUARD RAIL            |
| POWER POLE            | HAND HOLE             |
| SANITARY MANHOLE      | FENCE                 |
| SANITARY CLEANOUT     | TREE CONIFEROUS       |
| SIGN                  | TREE DECIDUOUS        |
| GROUND ELEVATION      | PROPOSED 4" TREE      |
| STORM DRAIN           | TELEPHONE MANHOLE     |
| STORM MANHOLE         | TELEPHONE PEDESTAL    |
| EXISTING DRAINAGE     | UTILITY MANHOLE       |
|                       | UTILITY PEDESTAL      |
|                       | WELL                  |
|                       | PROPOSED DRAINAGE     |
|                       | WATERMAIN             |

| FIELD CREW | NO. | BY  | DATE       | REVISION                 |
|------------|-----|-----|------------|--------------------------|
| CL AT      | 1   | EMW | 10/02/16   | UPDATED WETLAND PER CITY |
| DRAWN      | 2   | EMW | 11/21/2016 | DIRT VOLUMES             |
| CHK        | 3   | EMW | 12/14/2016 | THREE SWALE BEHM         |
| CHECKED    | 4   | EMW | 4/8/2020   | REVISED LOT LINE         |
| DSP        | 5   | EMW | 4/14/2020  | SMALL HOUSE REVISION     |
| DATE       |     |     |            |                          |
| 03/21/2016 |     |     |            |                          |

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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.  
Dated this 8th day of April, 2020.  
*Janet Averbek*  
Janet J. Averbek, PLS  
Minnesota License No. 53642  
javerbek@sathre.com

**SATHRE-BERGOUST, INC.**  
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

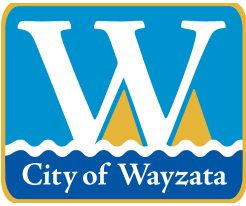
|                              |
|------------------------------|
| TWP: 117 - RGE: 22 - SEC: 04 |
| Project City: Wayzata        |
| Hennepin County              |

**PRELIMINARY PLAN & GRADING PLAN**  
PREPARED FOR:  
**ANNA OVSYANNIKOVA**

FILE NO.: 68445-001

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## City of Wayzata Planning Commission Agenda Report

|                                                                                                                |                         |
|----------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                                                                              | <b>AGENDA ITEM:</b> 6.a |
| <b>TITLE:</b> Consider Development Application for an Impervious Surface Variance at 128 Broadway Avenue North |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                                             |                         |
| <b>REVIEWED BY:</b> Eric Zweber                                                                                |                         |
| <b>60 DAY DEADLINE:</b> July 26, 2020                                                                          |                         |

### **BACKGROUND:**

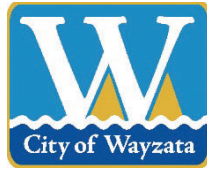
The applicant has submitted an application for an impervious surface variance for a single-family residence at 128 Broadway Ave N from the property owner Chamberlain Capital LLC. This variance request is to construct a new detached garage in the rear of the property and to reconfigure the driveway to the garage.

### **ACTION REQUESTED:**

After considering the items outlined in this report, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

### **ATTACHMENTS:**

1. Staff Report, Narrative, Plans, and Public Comment



**Staff Report  
July 6, 2020**

**Addresses of Request:** 128 Broadway Ave N  
**Applicant** Paul Cameron  
**Prepared by:** Nick Kieser, Assistant City Planner  
**“60 Day” Deadline:** July 26, 2020

## **Development Application**

### Introduction

The property owner, Chamberlain Capital LLC, is proposing to construct a new detached garage with a connecting driveway to the rear of the property. This project will require an impervious surface variance.

### Background

In 2017, this property was approved for an impervious surface variance to allow 38% impervious surface to demolish and build a new house with a detached garage. That plan that was with this application was never built and the property was sold to a different owner.

The second owner decided not to build the approved plan, but instead has built an addition to the existing house and build a detached garage in the rear of the property. This plan did not require any development applications as it was below the 35% impervious surface maximum. This addition plan was built, but the detached garage and driveway extension was never built with this project and the property was then sold to a different owner.

The current owner has now submitted a development application to construct a new driveway and detached garage on the property. This new request requires a development application for an impervious surface variance.

### Property Information

The property identification number and owner of the property are as follows:

| Address            | PID               | Owner                   |
|--------------------|-------------------|-------------------------|
| 128 Broadway Ave N | 06-117-22-13-0065 | Chamberlain Capital LLC |

The current zoning and comprehensive plan land use designation for the property are as follows:

|                        |                                                 |
|------------------------|-------------------------------------------------|
| Current zoning:        | R-3A/Single and Two Family Residential District |
| Comp plan designation: | Low Density Single Family                       |
| Total site area:       | 8,281 square feet (0.19 acres)                  |

### Project Location

The property is located on Broadway Ave N between Wayzata Blvd and Park St E.

### *Map 1: Project Location*



### Application Requests

As part of the submitted development application, the applicant is requesting approval of the following item:

- A. Impervious Surface Variance: The R-3A zoning district establishes a maximum impervious surface coverage of 35%. The applicant is proposing to construct a new detached garage in the rear of the property which will create an impervious surface amount of 49.6%.

### Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

| Direction | Adjacent Use       | Zoning                                          | Comp Plan Land Use Designation |
|-----------|--------------------|-------------------------------------------------|--------------------------------|
| North     | Single-family home | R-3A/Single and Two Family Residential District | Low Density Single Family      |

|       |                     |                                                 |                           |
|-------|---------------------|-------------------------------------------------|---------------------------|
| East  | Single-family homes | R-3A/Single and Two Family Residential District | Low Density Single Family |
| South | Single-family home  | R-3A/Single and Two Family Residential District | Low Density Single Family |
| West  | Broadway Ave N      | N/A                                             | N/A                       |

### Public Hearing Notice

The public hearing notice was published in the *Sun Sailor* on June 26, 2020. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on June 24, 2020.

### **Analysis of Application**

#### Proposed Plan

The proposed project includes constructing a new 576 sq. ft. two-car detached garage in the rear of the existing home. This project will also include a new paved driveway connecting the driveway to Broadway Ave with a paved car turnaround in front of the garage. The impervious surface additions also include an A/C pad and walkway.

#### Impervious Surface Coverage

The lot is 8,276 square feet in size. The 35% maximum impervious surface coverage requirement allows for up to 2,897 square feet of hardsurface on the lot. The following table outlines the proposed hardcover for the project:

| Impervious Surface         | Area (sq. ft.) | Total Percentage |
|----------------------------|----------------|------------------|
| House area                 | 1,457          | 17.6%            |
| Carport                    | 290            | 3.5%             |
| Porch Areas                | 149            | 1.8%             |
| Proposed Garage            | 576            | 7.0%             |
| Proposed New Driveway Area | 1,565          | 18.9%            |
| Proposed Misc.             | 69             | 0.8%             |
| <b>Total</b>               | <b>4,106</b>   | <b>49.6%</b>     |

#### Stormwater Management

The applicant is proposing to construct a 200 sq. ft. rain garden on the south east corner of the lot to capture and treat the stormwater runoff associated with the additional impervious surface. The rain garden will capture the runoff from the detached garage, rear driveway portion, and the new house addition coverage. This rain garden will mitigate approximately 15.94% of the impervious surface on the site. If this mitigation is used, the



impervious surface that is not mitigated by a stormwater management technique is approximately 33.68%.

The zoning ordinance does not require stormwater treatment for a new single-family home. The applicant is proposing the rain garden as part of the requested impervious surface.

#### Practical Difficulty Stated by Applicant

The applicant has stated that the proposed plan is the only practical way to construct a two-car garage on the site. The practical difficulties stated by the applicant are the same as the findings found in the 2017 impervious surface variance of 3% over the 35% allowed. The applicant stated that the additional impervious surface is mainly for the new driveway which is a fully paved, 10 foot wide, driveway instead of the paved strips with the last variance request. This request also includes a car turnaround area in front of the garage so the owner can turnaround in the driveway instead of backing out onto Broadway Ave.

The existing home and narrow lot make placing a garage in the front or side yard infeasible. A majority of the neighborhood has detached garages in the rear yard which is shown by a map attached in the packet. The existing lot has less width and lot area than what the R-3A zoning district has as minimum requirements.

|           | R-3A Zoning Requirement | Actual Measurement |
|-----------|-------------------------|--------------------|
| Lot Area  | 9,000 sq. ft.           | 8,276 sq. ft.      |
| Lot Width | 60 ft.                  | 50.48 ft.          |
| Lot Depth | 100 ft.                 | 165 ft.            |

#### **Primary Questions to Consider**

- Is this variance request in harmony with the general intentions and purpose of this Ordinance? Is this variance request consistent with the Comprehensive Plan?
- Is there a practical difficulty with this variance request?
- Is the proposed plan a reasonable use of this property?

#### **Action Steps**

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

#### **Attachments**

- Narrative
- Previous Project Plans
- Proposed Survey
- Renderings
- Previous PC Minutes

### **Applicable Code Provisions for Review**

Variance Standards: Section 905.01.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:**
  - (i) in harmony with the general purposes and intent of this Ordinance; and**
  - (ii) consistent with the Comprehensive Plan.**
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. “Practical difficulties,” as used in connection with the granting of a variance, means that:**
  - (i) the property owner’s proposal for the property is reasonable but not permitted by this Ordinance;**
  - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
  - (iii) the variance, if granted, will not alter the essential character of the locality.**
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.**



# Variance Request

## 128 Broadway Ave N

Chamberlain Capital LLC ("Chamberlain") requests to amend and resubmit the coverage application originally submitted and approved in 2017. The practical difficulty basis is the same. However, the original submitted driveway and garage design was significantly deficient and substandard for the neighborhood.

Chamberlain requests to amend the driveway and garage design to permit the construction of what is the neighborhood standard two-car garage with service door located near the backyard property line with the ability for drivers to turnaround in order to drive forward to exit the property in a safe manner.

Consistent with the original application, Chamberlain will install a rain garden with a capacity that will significantly exceed what is necessary to mitigate the additional stormwater impact of requested coverage variance amount.

### **Background**

The property has been under construction off and on since 2017 by multiple owners and contractors. It has not met the requirements for a certificate of occupancy for 3 years.

An impervious surface coverage variance application was submitted by the first owners JSJ-Wayzata LLC in the spring of 2017 based on the design of the home to-be-built. The application requested an increase from 35% to 38% ( See Exhibit C – 2017 COVERAGE VARIANCE APPROVAL). The application was approved by the Planning Commission and then the City Council of Wayzata in May 2017. The application included a significantly larger sized two-car garage with a single car tire track driveway to a turnaround apron with mitigating rain garden design.

The property was sold to 128 Broadway Ave LLC in Jan 2018. A new "remodel" plan was developed which was significantly different than the first owners plan. This plan was submitted and approved for building permit in May 2018 ( See Exhibit D – 2018 PERMIT PLAN)

The second owner stopped construction activity in December 2018 due to financing difficulties. The house remained as an unfinished dormant construction site much to the frustration of the neighbors and City of Wayzata. No garage or driveway was ever constructed.

### **Chamberlain Ownership ( 3<sup>rd</sup> owner)**

On October 1, 2019 Chamberlain acquired the property. At the time of purchase, the home was enclosed and protected from the elements but was not insulated. The exterior was 95% sided but lacked masonry work and painting. No garage or driveway exists.

Since October, Chamberlain has discovered and corrected numerous deficiencies including but not limited to faulty plumbing installation requiring basement floor jack hammering, window replacements, structural framing repairs, etc. Chamberlain has however progressed with

insulation, drywall, tile work, wood floor installation and exterior stonework. The home is nearing completion with cabinet and trim installation, interior painting, carpet remaining. Remaining exterior work includes exterior painting, garage construction, driveway installation with full yard landscaping installation.

### **Practical Difficulty**

The practical difficulty documented in the original 2017 variance application and validated by the Planning Commission and City Council remains unchanged and still exists. The narrow lot size makes it impractical to construct a two-car garage close enough to the existing front yard paved driveway to avoid exceeding the zones 35% impervious hardcover coverage limit.

### **Design Solution Amendment**

Most of the neighboring homes have detached two-car garages toward the back of the lot back with solid surface driveways (see Exhibit A – Neighborhood Satellite). Each driveway provides some sort of turn-around to allow homeowners to enter the busy street of Broadway facing forward. No driveways have tire-track designs. The two homes to the south and one home to the north of the property both have double garages with a hammerhead for turning around.

Chamberlain requests to amend the originally designed solution for the driveway & garage location approved with the 2017 variance. The original driveway strip design does not work. Also, the garage size & location is not consistent with the neighborhood. Therefore, Chamberlain respectfully requests approval for the following four (4) design modifications.

1. Change 24" paved tire track strip design to full 10 ft wide driveway with garage turnaround apron.

The 24" paved tire track strip design requires owners, guests and service trucks to keep their vehicle tires on the strips. According to the original application survey each driver must further navigate three change of directions while maintaining the tires on the strips. Passenger vehicle wheel tracks are typically 60" to 64" wide. Truck and service vans are 65" to 68". Therefore, experienced and younger inexperienced drivers with vehicle wheel widths between 60" and 68" will be driven on this track design driveway. There is an extremely high probability unsightly ruts will develop on both sides of the 24" strips regularly. This will also undoubtedly occur if the homeowner hires a service to plow snow. The strips move vertically and independently of each other due to settling and annual frost heaving. The different heights on each side will cause the snowplow blade to angle and gouge the adjacent grade. Both eventualities will require constant maintenance if done by a diligent homeowner.

2. Change garage dimensions to 24 x 24 ft or 576 sq ft.

The original 2017 variance approved a 30 x 22 ft or 660 sq ft garage with a vehicle entrance wall length of 30 ft. The 2018 garage building permitted a 16 x 24 ft or 384 sq ft garage with a vehicle entrance wall length of 16 ft.

The original variance approved a two-car garage solution with a 30 ft wide vehicle entrance. The full 30 ft is not required. Chamberlain requests to amend the front entrance length needs to be a minimum length of 24 ft in order to support a two-car 16 ft std overhead door and a 3 ft service door.

3. Place garage location near rear lot line facing the home.

Nearly all homes on the block and in the neighborhood have detached two car garages on or near their rear property lines facing their respective homes. The consistent garage placement also positively impacts sight lines across rear yards by eliminating one set of neighbors looking at a large flat back wall and the other side neighbors looking into a potentially open garage that is unkept.

4. Add garage apron to enable drivers to turnaround and drive forward to the street.

The 2017 variance application garage solution supported the turnaround function. For some unknown reason the 2018 permitted garage does not support a turnaround capability. Instead it requires the driver to back up a single car perfectly straight from inside the garage on the 24" strips out to the street with no turnaround capability. A challenging task with or without back-up enable cameras.

### **Mitigation Actions**

Consistent and as required by the 2017 variance approval. Chamberlain will capture and retain storm water from the garage roof, pavement in the rear yard and direct it to a 200 sq ft rain garden in the rear yard. The rain garden is designed at a depth of 1.1 ft to capture 1,319 sq ft of surface runoff or 219.83 cubic ft water for each 2 inch rain fall event. The rain garden design effectively reduces the uncaptured impervious surfaces to 2,787 sq ft or a 33.68% coverage ratio. This ratio is less than the ordinance requirement of 35% and the previously approved variance of 38% ( See Exhibit B – Calculations)

The attached survey Exhibit E 2020 PLAN- represents the modifications Chamberlain is requesting.

### **Coverage Calculations Summary**

Lot size: 8,275.01

Zone Coverage 35%

2017 Approved Variance 38%

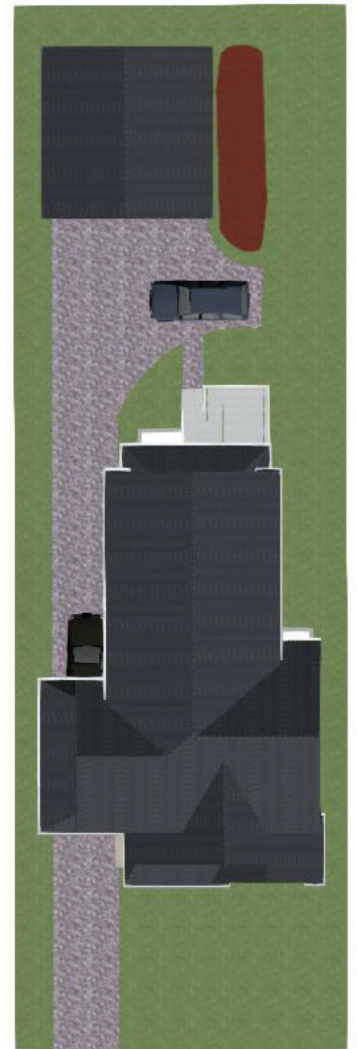
The home as constructed by the second owner has impervious coverage of 22.9%.

|                       | Current State | Current Coverage | Future Proposed | Future Coverage | Rain Garden Mitigation | Mitigated Coverage | Residual Coverage | Coverage Ratio as Adj |
|-----------------------|---------------|------------------|-----------------|-----------------|------------------------|--------------------|-------------------|-----------------------|
| Home                  | 1,896         | 22.9%            | 1,896           | 22.9%           |                        |                    | 1896              | 22.9%                 |
| Garage                | 0             | n/a              | 576             | 7.0%            | (576)                  | (6.96%)            | 0                 | 0%                    |
| Driveway w/turnaround | 0             | n/a              | 1,565           | 18.9%           | (743)                  | (9.89%)            | 822               | 9.9%                  |
| Walkway and AC Pad    | 0             | n/a              | 69              | 8.3%            | 0                      | 0                  | 69                | 8.3%                  |
| Totals                | 1,896         | 22.9%            | 4,106           | 49.6%           | (2,099.74)             | (25.37%)           | 2787              | 33.7%                 |

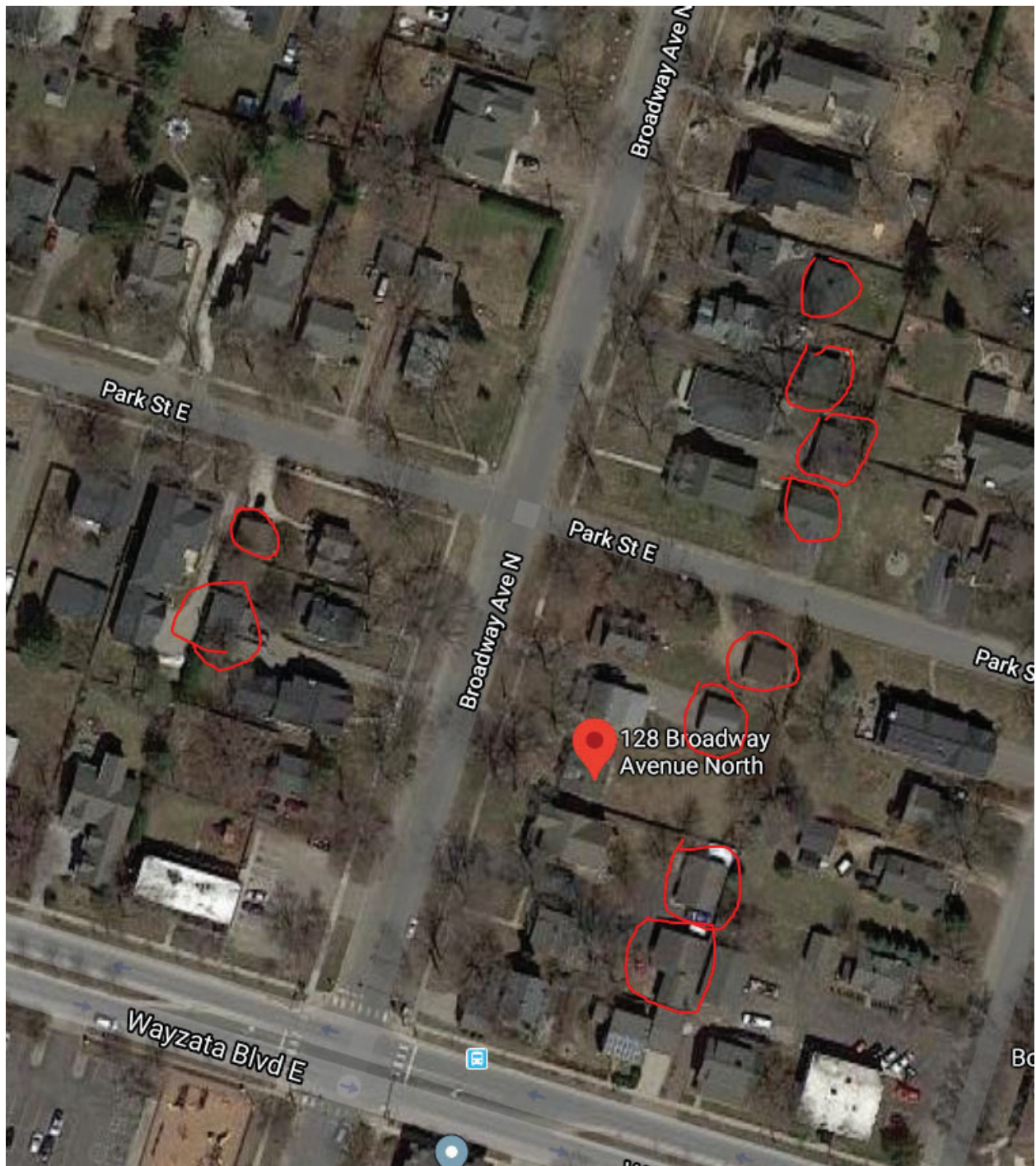
For more detail See Exhibit B - Calculations

## Summary

- Original home proposed as the basis of the 2017 variance was never built
- The home as-built has impervious coverage of 22.9%.
- The narrow lot requires the placement of the two-car garage toward the rear of the lot.
- The garage size is reasonable is consistent with all other garages in the neighborhood.
- Driveway extension to rear yard & turnaround drives the need for variance.
- Proposed driveway extension, length and turn-around ability is consistent with neighborhood.
- Mitigation rain garden will reduce the effective coverage ratio to 33.7%







## Exhibit B - CALCULATIONS

Lot Size for 128 Broadway Avenue North 8,275.01 Sq ft

| Existing Coverage            |             | Coverage |
|------------------------------|-------------|----------|
| Exsiting Home                | 1,457 Sq ft |          |
| Existing Carport             | 290         |          |
| Existing Front Covered Porch | 103         |          |
| Existing Rear Covered Porch  | 46          |          |
| Existing Coverage            | 1,896 Sq ft | 22.9%    |
| Garage & Driveway Proposed   |             |          |
| Proposed two-car Garage      | 576         | 6.96%    |
| Driveway to Rear Yard        | 1,565       | 18.91%   |
| AC & Walkway                 | 69          | 0.83%    |
|                              | 2,210 Sq ft |          |
| Total Coverage Calc          | 4,106 Sq ft | 49.62%   |

| Mitigation plan                                        |                |        |
|--------------------------------------------------------|----------------|--------|
| Garage Gutters to Rain Garden                          | 576.00 Sq ft   |        |
| Driveway - Back Wall of House to Garage to Rain Garden |                |        |
| Rear Addition Roof to Rain Garden                      | 743.00         |        |
|                                                        | 1,319.00 Sq ft | 15.94% |
| Un-mitigated Coverage Total                            | 2,787.00 Sq ft | 33.68% |

| Rain Garden Capacity Plan   |                  |
|-----------------------------|------------------|
| Mitigated Area              | (1,319.00) Sq ft |
| Rain Event Retention Goal   | 2 Inches         |
| Required Retention Capacity | (219.83) Cu ft   |
| Rain Garden Area            | 200.00 Sq ft     |
| Required Depth              | (1.10) Ft        |

**RESOLUTION NO. 16-2017**

**RESOLUTION APPROVING VARIANCE FOR IMPERVIOUS SURFACE COVERAGE  
AT 128 BROADWAY AVE N**

**WHEREAS**, Scott Cooper and Jeff Jaglo on behalf of JSJ-Wayzata, LLC (the “Applicant”) have submitted a development application (the “Application”) for an impervious surface variance (the “Impervious Surface Variance”) for a new single family home and detached garage (the “Project”) on the property at 128 Broadway Ave N, (the “Property”);

**WHEREAS**, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on April 3 and April 17, 2017 and adopted a Report and Recommendation to the City Council to approve the Application, a copy of which is attached to this Resolution as Attachment A (“Planning Commission Report and Recommendation of Approval”); and

**WHEREAS**, the City Council concurs with the findings and recommendation of the Planning Commission Report and Recommendation of Approval;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of Wayzata, Minnesota as follows:

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearings, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the Planning Commission Report and Recommendation of Approval of the Application, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby finds, confirms and memorializes that the Application meets the applicable requirements of Wayzata’s Zoning Ordinance.

B. Based on the foregoing, the Impervious Surface Variance requested in the Application, and as defined in the record, is hereby **APPROVED**, subject to satisfaction and continuing compliance with all of the following:

1. The Applicant must incorporate a stormwater maintenance system into the Project that has been reviewed and approved by the City Engineer.
2. The Applicant must secure all necessary building and other permits for construction of, and comply with all laws and regulations applicable to, the Project.

3. All expenses of the City of Wayzata related to the review and processing of the Application, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 2<sup>nd</sup> day of May, 2017.

\_\_\_\_\_  
Mayor Ken Willcox

ATTEST:

\_\_\_\_\_  
City Manager Jeffrey Dahl

**ACTION ON THIS RESOLUTION:**

Motion for adoption: Tyacke

Seconded by: Koch

Voted in favor of: Koch, McCarthy, Plechash, Tyacke, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on May 2, 2017.

\_\_\_\_\_  
Becky Malone, Deputy City Clerk  
SEAL

Attachment A

Planning Commission Report and Recommendation of Approval, dated April 17, 2017



EXHIBIT C - 2017 Coverage Variance Approval

DESCRIPTION OF PROPERTY SURVEYED  
Lot 3, Block 17, WAYZATA REVISED, according to the recorded plat thereof, Hennepin County, Minnesota.

1. **Site Address:** 128 Broadway Avenue North, Wayzata, Minnesota 55391
2. **Flood Zone Information:** This property appears to be in Zone X (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these areas per Flood Insurance Rate Map, Community Plan No. 2705X0007E, effective date of September 2nd, 2004.
3. **Parcel Area Information:** Gross Area: 8,264 S.F. - 0.190 acres
4. **Benchmark:** Elevations are based on Top Nod of Hydrant on southwest corner of Broadway Ave. and Gardner Street which has an elevation of 984.62 feet (NAVD83).
5. **Zoning Information:** The current Zoning for the subject property is R-2A (Single and Two Family Residential District) per the City of Wayzata's zoning map dated April 26, 2015. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata based on their web site on the date of August 27th, 2016 and are as follows:

**Principal Structure Setbacks** - Front: 20 feet (Broadway Avenue)  
Side: 10 feet  
Rear: 20 feet  
Height: 32 feet  
Building Coverage: 30 percent of lot area  
Hardcover: 35 percent of lot area

**Accessory Structure Setbacks** - Front: 20 feet  
Side: 5 feet  
Rear: 5 feet

Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.

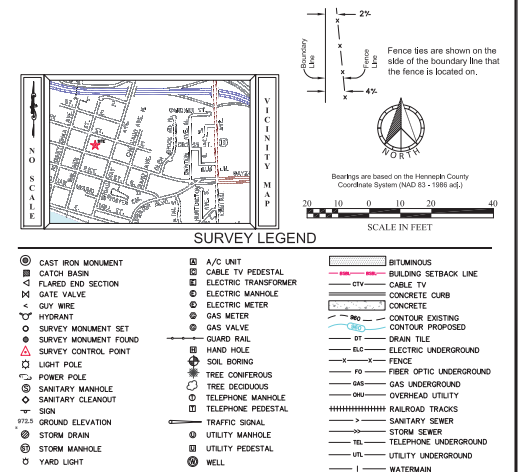
6. **Utilities:** We have shown the location of utilities on the survey of property by observed evidence only. There may be underground utilities encompassing the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-434-4000.
7. **\*\*Verify sanitary service invert prior to any concrete work.\*\***

| Existing Hardcover  |              | Proposed Hardcover  |              |
|---------------------|--------------|---------------------|--------------|
| Lot Area            | = 8,264 S.F. | Lot Area            | = 8,264 S.F. |
| House Area          | = 965 S.F.   | House Area          | = 1,266 S.F. |
| Driveway Area       | = 396 S.F.   | Garage Area         | = 660 S.F.   |
| Screened Patio Area | = 207 S.F.   | Porch Area          | = 258 S.F.   |
| Sidewalk Area       | = 43 S.F.    | Driveway Area       | = 1,072 S.F. |
| Total Area          | = 1,622 S.F. | Total Area          | = 3,252 S.F. |
| Building Coverage   | = 14.2%      | Building Coverage   | = 22.50%     |
| Impervious Coverage | = 19.7%      | Impervious Coverage | = 38.03%     |

| Proposed Elevations         |         |
|-----------------------------|---------|
| Garage Floor Elevation      | = 987.7 |
| Top of Foundation Elevation | = 988.0 |
| Basement Floor Elevation    | = 988.0 |
| Lowest Opening Elevation    | = 983.2 |

PROPOSED ELEVATIONS AND GRADES (DEPEND ON FIELD INFORMATION) AND MAY CHANGE



EXISTING CONDITIONS

PROPOSED CONDITIONS

| FIELD CREW  | NO. | BY  | DATE       | REVISION                         |
|-------------|-----|-----|------------|----------------------------------|
| SR DM AT CL | 1   | EMW | 11/23/2016 | ADDED PROPOSED CONDITIONS        |
| DRAWN       | 2   | EMW | 12/5/2016  | REVISED HOUSE, UPDATED HARDCOVER |
| CHECKED     | 3   | EMW | 3/1/2017   | NEW HOUSE                        |
| DATE        |     |     |            |                                  |
| 08-11-15    |     |     |            |                                  |

USE INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGOQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SATHRE-BERGOQUIST, INC.'S AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGOQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGOQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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.  
Dated this 29th day of August, 2016.  
**"D" PLACEMENT SKETCH ONLY FOR BUILDERS REFERENCE 3-6-17**  
David B. Penberon, PLS  
penberon@sathre.com  
Minnesota License No. 40144

**SATHRE-BERGOQUIST, INC.**  
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000  
WWW.SATHRE.COM

|                       |
|-----------------------|
| TWP:117-RGE:22-SEC:08 |
| Project City: Wayzata |
| Hennepin County       |

CERTIFICATE OF SURVEY

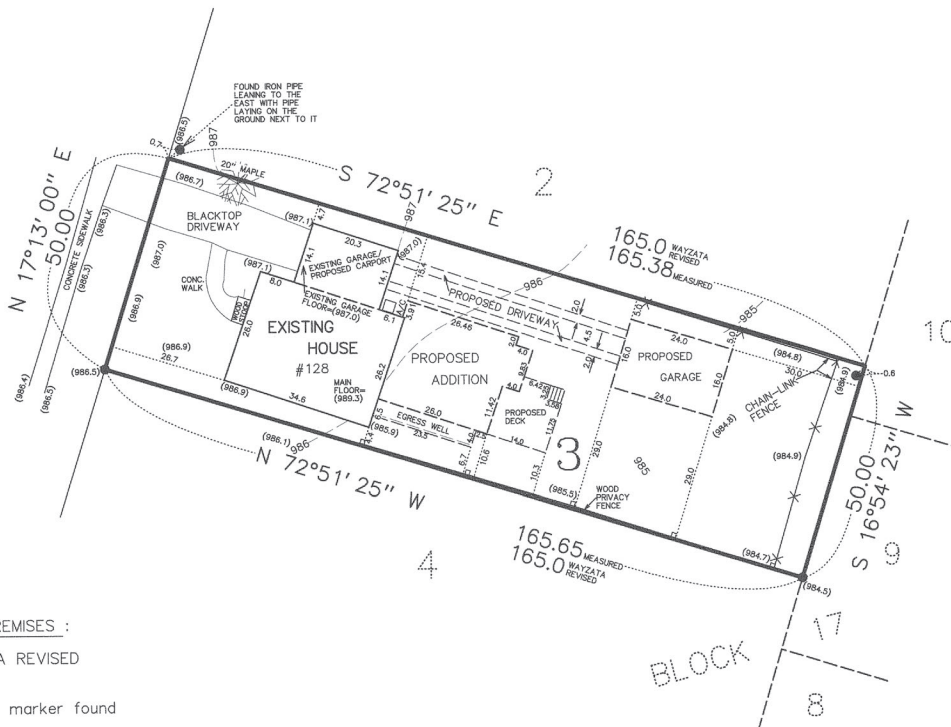
PREPARED FOR:  
J BRUNELLO DESIGN

|          |           |
|----------|-----------|
| FILE NO. | 40995-009 |
| 1        | 1         |

18-045

# CERTIFICATE OF SURVEY FOR **TOM DEWITZ** OF LOT 3, BLOCK 17, WAYZATA REVISED HENNEPIN COUNTY, MINNESOTA

BROADWAY AVE.



**LEGAL DESCRIPTION OF PREMISES :**

Lot 3, Block 17, WAYZATA REVISED

● : denotes iron marker found

(908.3) : denotes existing spot elevation, mean sea level datum

---917---: denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, the location of an existing house, major trees, spot elevations, topography and all visible "hardcover", and the proposed location of a proposed addition, deck and garage thereon. It does not purport to show any other improvements or encroachments.

NOTE: Accuracy of hardcover location, and extent of additional hardcover is limited by ice and snow cover.

**HARDCOVER CALCULATIONS :**

Lot area = 8276 Sq. ft.

House = 1187 sf  
 Driveway = 380 sf  
 Walk = 64 sf  
 A/C pad = 6 sf  
 Rear stoop = 22 sf

Total = 1659 Sq. ft.

$1659 / 8276 \times 100 = 20.05\%$

Proposed addition = +646 sf  
 Proposed garage = +384 sf  
 Proposed egress well = +14 sf  
 Proposed driveway = +215 sf  
 Removed rear stoop = -22sf

Net gain = +1257 sf

$1237 + 1659 = 2896 \text{ sf}$

$2896 / 8276 \times 100 = 34.99\%$

18045A3.SGJ

| DATE    | DESCRIPTION                          |
|---------|--------------------------------------|
| 3-13-18 | HARDCOVER CALCULATIONS REVISED       |
| 3-27-18 | PROPOSED CHANGES REVISED             |
| 4-24-18 | REVISED PROPOSED GARAGE AND DRIVEWAY |
| 5-3-18  | REVISED PROPOSED DRIVEWAY            |
|         |                                      |
|         |                                      |
|         |                                      |



**GRONBERG & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS

445 NORTH WILLOW DRIVE, LONG LAKE, MN. 55356  
 952-473-4141

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 Land Surveyor under the laws of the State of Minnesota.

*Mark S. Gronberg*  
 Mark S. Gronberg Minnesota License Number 12755

SCALE  
 1"=20'  
 DATE  
 2-15-18  
 JOB NO.  
 18-045A

18-045A

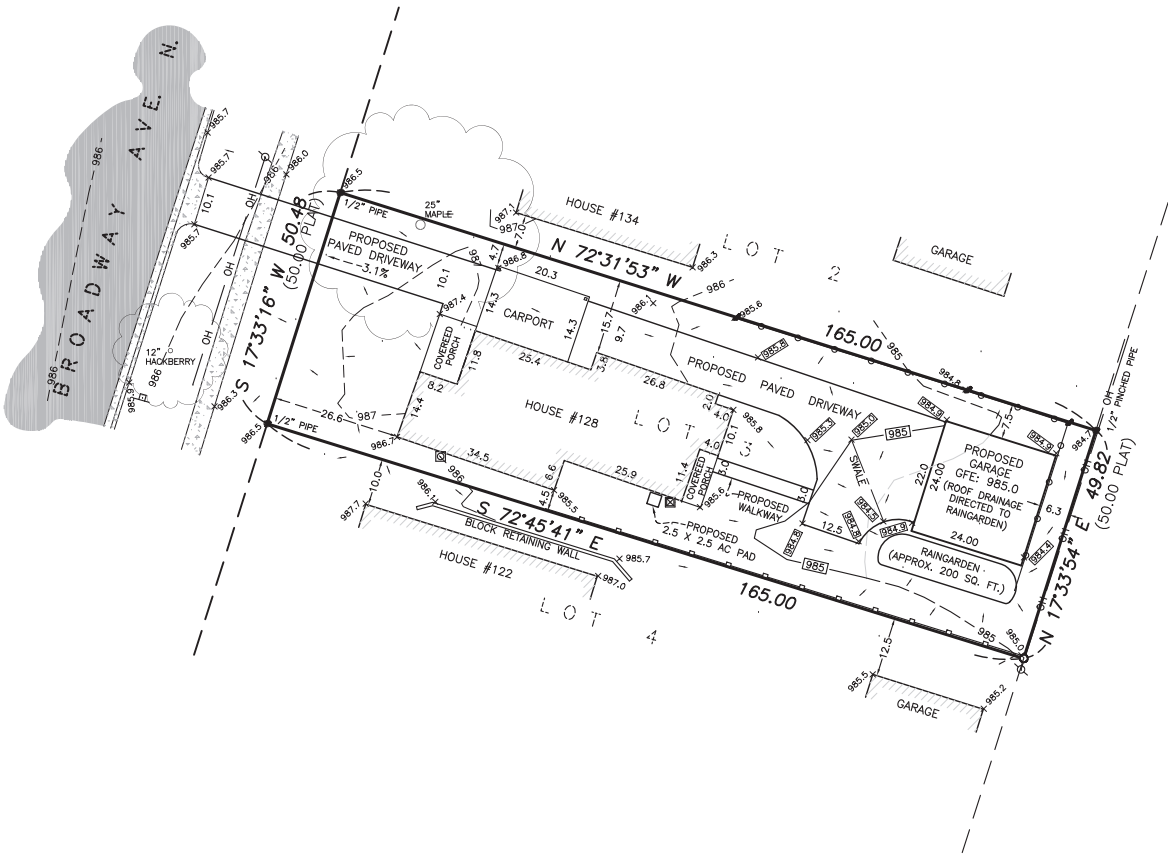
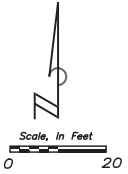
LEGAL DESCRIPTION:

LOT 3, BLOCK 17, WAYZATA REVISED, HENNEPIN COUNTY, MINNESOTA

PREPARED FOR:

PAUL CAMERON  
11578 CHAMBERLAIN COURT  
EDEN PRAIRIE, MN 55344

CERTIFICATE OF SURVEY  
SHOWING PROPOSED CONSTRUCTION AND GRADING



LEGEND:

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- ⋈ POWER POLE
- ⊞ SIGN
- ⊞ ELECTRIC METER
- ⊞ GAS METER

DECIDUOUS TREE (SIZE IN INCHES)

- OH OVERHEAD UTILITY LINE
- WOOD FENCE
- CHAINLINK FENCE

CONCRETE SURFACE

BITUMINOUS SURFACE

- EXISTING CONTOUR LINE (TO REMAIN)
- EXISTING CONTOUR LINE (TO BE CHANGED)
- PROPOSED CONTOUR LINE
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION

NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- ADDRESS OF THE SUBJECT PROPERTY: 128 BROADWAY AVENUE NORTH, WAYZATA, MN 55391  
P.I.D.:06-117-22-13-0065
- PARCEL AREA: 8,275 SQ. FT.
- BEARING BASIS IS ASSUMED.
- DATE OF FIELDWORK: 3-13-2020

HARDCOVER CALCULATIONS:

EXISTING HOUSE: 1,457 SQ. FT.  
EXISTING CARPORT: 290 SQ. FT.  
FRONT COVERED PORCH: 103 SQ. FT.  
REAR COVERED PORCH: 46 SQ. FT.  
TOTAL EXISTING: 1,896 SQ. FT. OR 22.9%

PROPOSED GARAGE: 576 SQ. FT.  
PROPOSED DRIVEWAYS: 1,565 SQ. FT.  
PROPOSED AC PAD: 6 SQ. FT.  
PROPOSED WALKWAY: 63 SQ. FT.  
TOTAL PROPOSED: 4,106 SQ. FT. OR 49.6%

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.

SIGNED : *Travis W. Van Neste*  
Travis W. Van Neste, Minnesota Professional Surveyor #44109  
Michigan Professional Surveyor #46695

|                     |                   |  |
|---------------------|-------------------|--|
| JOB # 2020011       | ISSUED: 4-28-2020 |  |
| DRAWN BY: TWN       | REV: 5-12-2020    |  |
| SCALE: 1" = 20 FEET |                   |  |

**VAN NESTE SURVEYING**  
PROFESSIONAL SURVEYING SERVICES  
85 WILDHURST ROAD EXCELSIOR, MN 55331  
PHONE (952) 686-3055  
WWW.VANNESTESURVEYING.COM



**WAYZATA PLANNING COMMISSION  
MEETING MINUTES  
APRIL 3, 2017**

**AGENDA ITEM 1. Call to Order and Roll Call**

Chair Iverson called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Iverson, Murray, Flannigan and Buchanan. Absent: None. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

**AGENDA ITEM 2. Approval of Agenda**

Commissioner Young made a motion, Seconded by Commissioner Murray, to approve the April 3, 2017 meeting agenda as presented. The motion carried unanimously.

**AGENDA ITEM 3. Approval of Minutes**

**a.) February 27, 2017**

Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez, to approve the February 27, 2017 meeting minutes as presented. The motion carried unanimously.

**AGENDA ITEM 4. Public Hearing Items:**

**a.) Impervious Surface Variance – 128 Broadway Ave N**

Director of Planning and Building Thomson stated the property owners, Scott Cooper and Jeff Jaglo, are proposing to demolish the existing home on the property at 128 Broadway Avenue N, and construct a new single-family home with detached garage. As part of the submitted development application, the applicants are requesting approval of an impervious surface variance. The R-3A zoning district establishes a maximum impervious surface coverage of 35%. The applicant is proposing to construct a new single-family home, detached garage, and driveway, which would include 38.0% of impervious surface coverage on the lot, which requires a variance. The proposed house and detached garage meet all of the zoning district requirements for setbacks and lot coverage. However, the size of the driveway results in an impervious surface coverage that exceeds the maximum 35% in the R-3A District. The applicant is proposing to construct a small rain garden on the south east corner of the lot to capture and treat the stormwater runoff associated with the additional impervious surface. The zoning ordinance does not require stormwater treatment for a new single-family home, but the applicant is proposing the rain garden as part of the requested impervious surface. Mr. Thomson stated the

1 public hearing notices did go out late and the 10-day notification requirement may not have been  
2 met. He recommended the Commission continue the public hearing to the next Planning  
3 Commission meeting to allow for additional notification time and public comment.

4  
5 Commissioner Gonzalez asked how high the house would be.

6  
7 Mr. Thomson stated the applicant previously submitted a building permit application to the City,  
8 which included a new single-family home with an attached garage on the front of the house. The  
9 house met all of the R-3A zoning requirements, including the building height and impervious  
10 surface maximum. The applicant has revised the plans to include a detached garage in order to  
11 be consistent with the other single-family homes on surrounding lots. Mr. Thomson stated that  
12 the applicant is not requesting a height variance. The applicant included schematic design plans  
13 with the development application. The applicant would be required to submit detailed  
14 construction plans with the building permit application to ensure the house meets the maximum  
15 height requirement.

16  
17 Mr. Thomson stated the potential practical difficulties for the impervious surface variance are the  
18 lot is less than 9,000 square feet in size, and the lot is only 50-feet wide. Mr. Thomson stated that  
19 the lot size and lot width are less than the minimum zoning district requirements.

20  
21 Commissioner Gonzalez asked what type of material would be used for the deck.

22  
23 Mr. Thomson stated decks are not counted as hard surface as long as the surface below the deck  
24 is pervious. The deck would likely be made from typical decking material such as wood or  
25 composite materials.

26  
27 Applicant's representative, Mr. Jeff Jaglo, 16890 80<sup>th</sup> Place N, Maple Grove, stated they  
28 originally had had professional plans produced and submitted to the City but the plan they  
29 developed did not meet the characteristic of the neighborhood. They had stopped the building  
30 permit review and decided to come up with a plan that would better fit the character, look, and  
31 charm of the neighborhood.

32  
33 Commissioner Flannigan asked if the applicant preferred the garage to be positioned closer to the  
34 house, or if the applicant would prefer to move it further back on the property.

35  
36 Mr. Jaglo stated they would prefer to have the garage attached but with the setback requirements  
37 from the side lot line, this would not work with a side loading garage. Therefore, they positioned  
38 it to be closer to the home. Mr. Jaglo stated that if the garage were further back there would be  
39 an increase in the impervious surface coverage.

40  
41 Commissioner Gonzalez asked what the height of the home would be and what type of materials  
42 would be used.

43  
44 Mr. Jaglo stated the height would be 31-feet. They would be using composite decking material.  
45 He explained that as a developer they target homes that would typically not be remodeled, and



1 they redevelop sites to closely match what is being replaced in terms of style or era of  
2 construction.

3  
4 Chair Iverson asked if it would be possible to shrink the footprint of the house to meet the 35%  
5 impervious surface coverage.

6  
7 Mr. Jaglo stated that they could not reduce the house footprint because the home they are  
8 proposing does not have any inefficient use of space. The home is 26x46 and 4100 total square  
9 feet with 2600 square feet being the main floor. The other homes they have built along  
10 Broadway are 4400-4600 square feet. They have reviewed the design and in order to make the  
11 stairs work and traffic flow, they have compressed it as much as possible. This particular plan is  
12 smaller than the one they had previously submitted for approval.

13  
14 Commissioner Gruber asked if the applicant had looked at the use of pervious pavers.

15  
16 Mr. Jaglo stated they had but there is not a provision in the City Code that allows for the use of  
17 pervious pavers for impervious surface credit.

18  
19 Mr. Thomson stated in standard zoning districts, the City does not give credit toward the hard  
20 surface coverage for the use of pervious pavers. In certain circumstances, they are allowed as  
21 storm water management in the Shoreland Overlay district. The applicant is proposing a rain  
22 garden to offset the increase in the impervious surface.

23  
24 Commissioner Gruber suggested the City review the use of pervious pavers and allowing for  
25 impervious surface credit as part of the City's Code review.

26  
27 Mr. Thomson stated the City adopts the Minnehaha Watershed District stormwater management  
28 rules, and the watershed district is in the process of updating their rules. One of the topics they  
29 are looking at is pervious pavers standards and regulations. If the watershed district updates their  
30 rules, the City would consider the proposed changes at part of adopting the updated stormwater  
31 management requirements.

32  
33 Mr. Jaglo stated they are including some pervious pavers in their plan but these are not credited  
34 toward the impervious surface coverage amount.

35  
36 Commissioner Gonzalez asked what Mr. Jaglo would suggest for maintenance of the pavers so  
37 that the compaction would not create an impervious paver situation.

38  
39 Ms. Jaglo stated he would not be able to speak to that as it was not his area of expertise, but he  
40 would think that the seasonal movement of the pavers would be what keeps them from  
41 compacting. He stated he would prefer to do a concrete drive with the rain garden. He explained  
42 all of the runoff from the house and garage would be directed to the rain garden and this surface  
43 area was more than the additional 250 square feet of impervious surface they were proposing to  
44 add as part of the variance application.

45  
46 Commissioner Gonzalez asked if there would be any trees removed from the site.

1  
2 Mr. Jaglo stated there was one significant tree on the property, and it was shared with the  
3 neighboring property, and this would not be removed. They would do everything they could to  
4 ensure that this tree is not impacted.

5  
6 Chair Iverson opened the public hearing at 7:38 p.m.  
7

8 Ms. Sandy Harvey, 134 Broadway Avenue N, Wayzata stated they are thrilled to see that there is  
9 going to be some development on the property. She had seen the first plans that were submitted  
10 with the building permit application, and she had concerns about the mass and what this would  
11 do to the daylight her home receives. She would be happy to see the home as it is currently  
12 proposed and laid out because it does match the neighborhood better, and it cuts up the mass of  
13 the first proposal. She stated the 3% overage in impervious surface would be a good  
14 compromise to ensure a better design for the neighborhood.  
15

16 Mr. Scott Frost, 122 Broadway Avenue N, Wayzata, stated he would agree with Ms. Harvey.  
17 This particular design would fit into the neighborhood and they are doing everything they can to  
18 mitigate the water and move it to the backside of the property. He stated he would like to see  
19 additional trees and landscaping on the backside of the property.  
20

21 Chair Iverson closed the public hearing at 7:42 p.m.  
22

23 Chair Iverson asked what the impervious surface would increase to if someone decided in the  
24 future to change the design of the driveway from a "tire track" driveway to a paved driveway.  
25

26 Mr. Thomson stated in order to redo the driveway, the homeowner would not have to apply for a  
27 permit from the City, but they would still have to comply with the impervious surface  
28 requirements.  
29

30 Mr. Jaglo stated if the full driveway were paved it would be approximately an additional 4-feet  
31 by 70-feet, or 280 square feet.  
32

33 Commissioner Gonzalez asked whether the variance would be attached to the land and be a part  
34 of the property records.  
35

36 City Attorney Schelzel stated the variance would run with the property and if the variance  
37 contains a condition that the driveway could not be altered, then that condition would come out  
38 in any title work on the property.  
39

40 Mr. Thomson stated the City would not treat this particular property any different than other  
41 properties in the City that have an impervious surface variance.  
42

43 Chair Iverson stated it would be difficult to enforce the impervious surface requirement if the  
44 applicant is not required to have a permit to do their driveway.  
45

1 Commissioner Flannigan stated the sidewalk from the driveway to the front door was not  
2 included in the proposed hardcover calculation. He suggested this be included in the calculation  
3 when it is finalized.

4  
5 Mr. Thomson stated there is no sidewalk in the proposed plans and the sidewalk along the street  
6 is located in the right-of-way, and is not included in the impervious surface calculations for the  
7 lot.

8  
9 Commissioner Gonzalez stated the character of the neighborhood and the lot size would drive the  
10 practical difficulties for this variance request. She would recommend approval of the variance  
11 request. She would like to add a condition that when the final plans are brought forward there is  
12 a storm water management plan approved by the City Engineer.

13  
14 Commissioner Buchanan stated the request was reasonable and he would recommend approval.

15  
16 Commissioner Gruber stated she would also recommend approval of the variance request. The  
17 design fits with the character of the neighborhood, and the neighbors are in support of the  
18 application.

19  
20 Chair Iverson stated this variance request of 3% may not be much, but this does add up  
21 throughout the community. She stated the plans could be altered to reduce the impervious  
22 surface to meet the 35% requirement.

23  
24 Chair Iverson stated that the public hearing for the development application would be continued  
25 to the next Planning Commission meeting on April 17<sup>th</sup>.

26  
27 Commissioner Gonzalez made a motion, Seconded by Commissioner Young, to direct staff to  
28 prepare a draft Planning Commission Report and Recommendation with appropriate findings  
29 recommending approval of the impervious surface variance at 128 Broadway Avenue N, subject  
30 to a condition that a storm water management plan be submitted for review and approval by the  
31 City Engineer. The motion carried 6 ayes and 1 nay (Iverson)

32  
33  
34 **AGENDA ITEM 5. Old Business Items:**

35  
36 **a.) None**

37  
38  
39 **AGENDA ITEM 6. Other Items:**

40  
41 **a.) Review of Development Activities**

42  
43 Mr. Thomson stated there would be a joint meeting with the Planning Commission, City Council  
44 and Housing Redevelopment Authority on Tuesday, April 11. He stated at the next Council  
45 meeting, the City Council would be considering a first reading of an amendment to the City



June 28, 2020

Re: Variance request for 128 Broadway Ave. N

Dear Commissioners,

Wow! I was stunned reading the scope of what is now the 2nd variance request for this property. Our city study of residential neighborhoods and the ensuing ordinances to guide them never imagined having a lot coverage of this magnitude. The city worked to design reasonable uses of properties and the revised ordinances reflected that and mirrored other urban communities.

I am the homeowner to the north of this property under review. To express to you that this "project" has been a nightmare on many levels would be an understatement. Through it all we have been very "measured" in our requests for city help where possible.

I spoke at the planning hearing for variance #1 and conveyed I felt a 3% impervious surface increase was "reasonable" and would be amenable to its' approval.

The 2nd owner/builder discarded the approved variance request and design. (I believe the commissioners should have a copy of that survey for proposed variance #1. I know it would be helpful as you undertake your study of this 2nd request.) The builder then purposefully enlarged the additions on the existing home. He knew full well there was now only the ability to build a one car garage. He had even ordered the trusses and had them on site for months to build exactly that.

Owner number three purchased this property knowing it has "undesirable" design flaws.

As per the parameters of a variance, in all reality there is no hardship.

There is currently a garage (on the survey & plan) that was approved by the city and a driveway leading to that proposed garage. There is also a carport to shelter a vehicle. A two car garage is not a "neighborhood standard" but more a societal desire. There are numerous homes throughout Wayzata that have incorporated paved tire driveways, with grass, in their build-outs. They certainly appear to be working.

Everyday backing down a driveway occurs throughout Wayzata without the addition of a turnaround. I watch my neighbors across the street do it with regularity and it works just fine. Even the newest house on the block backs down their drive. Though I have a back up space available I certainly have the skill set to back down my driveway as does my company when they park in my driveway. Again, where is the hardship?

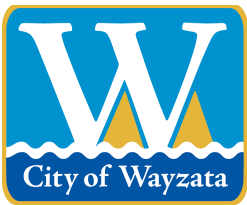
The proposed rain garden is not a solution to such a massive overreach of our city ordinance.

Much to my dismay I will be unable to join the virtual planning meeting on that date. I would welcome any question you might have for me before your meeting.

Please know it is my request that this variance before you be denied as proposed.

Sincerely,

Sandy Harvey  
134 Broadway Ave. N



## City of Wayzata Planning Commission Agenda Report

|                                                                                                                                   |                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                                                                                                 | <b>AGENDA ITEM:</b> 6.b |
| <b>TITLE:</b> Consider Development Application for an Impervious Surface and a Rear Setback Variance at 225 Manitoba Avenue South |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                                                                |                         |
| <b>REVIEWED BY:</b> Eric Zweber                                                                                                   |                         |
| <b>60 DAY DEADLINE:</b> August 14, 2020                                                                                           |                         |

### **BACKGROUND:**

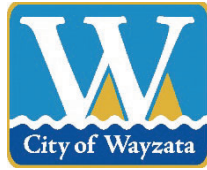
An application has been submitted for an impervious surface variance and rear accessory structure setback variance for a new single-family residence at 225 Manitoba Ave S. The new proposed single-family home is proposed to have detached garage in the rear of the property which will require the rear setback variance.

### **ACTION REQUESTED:**

After considering the items outlined in this report, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

### **ATTACHMENTS:**

1. Staff Report, Narrative and Plans



**Staff Report  
July 6, 2020**

**Addresses of Request:** 225 Manitoba Ave S  
**Applicant** Alissa Luepke Pier (Architect)  
**Owner** David & Sara Frey  
**Prepared by:** Nick Kieser, Assistant City Planner  
**“60 Day” Deadline:** August 14, 2020

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## **Development Application**

### Introduction

The property owners, Sara and David Frey, and applicant, Alissa Pier, have submitted a development application for an impervious surface variance and an accessory structure rear yard setback variance. This project is to demolish and construct a new single-family residence with a rear yard detached garage.

### Property Information

The property identification number and owner of the property are as follows:

| Address            | PID               | Owner          |
|--------------------|-------------------|----------------|
| 225 Manitoba Ave S | 06-117-22-24-0011 | Michael J Frey |

The current zoning and comprehensive plan land use designation for the property are as follows:

|                        |                                                 |
|------------------------|-------------------------------------------------|
| Current zoning:        | R-3A/Single and Two Family Residential District |
| Comp plan designation: | Central Core Residential                        |
| Total site area:       | 8,072 square feet (0.18 acres)                  |
| Overlay District:      | Shoreland Overlay District                      |

### Project Location

The property is located on Manitoba Ave S between Indian Mound E and Rice St E.

Map 1: Project Location



### Application Requests

As part of the submitted development application, the applicant is requesting approval of the following item:

- A. Impervious Surface Variance: The Shoreland Overlay District establishes a maximum of 25% impervious surface coverage. The R-3A zoning district establishes a maximum impervious surface coverage of 35%. The applicant is proposing to construct a new single-family residence and a new detached garage in the rear of the property which will create an impervious surface amount of 49.7%.
- B. Accessory Structure Rear Yard Setback Variance: The R-3A zoning district requires a 5-foot rear yard setback for accessory structures. The detached garage is proposed to be located 1'6" from the rear property line.

### Adjacent Land Uses.

The following table outlines the uses, zoning, and Comprehensive Plan land use designations for adjacent properties:

| Direction | Adjacent Use       | Zoning                                          | Comp Plan Land Use Designation |
|-----------|--------------------|-------------------------------------------------|--------------------------------|
| North     | Single-family home | R-3A/Single and Two Family Residential District | Central Core Residential       |
| East      | N/A                | N/A                                             | N/A                            |
| South     | Single-family home | R-3A/Single and Two Family Residential District | Central Core Residential       |

|      |                |                                                   |                          |
|------|----------------|---------------------------------------------------|--------------------------|
| West | Vacant/Triplex | R-5/Average Density Multiple Residential District | Central Core Residential |
|------|----------------|---------------------------------------------------|--------------------------|

The two-family residence on the property to the south (231 Manitoba Ave S) also uses the driveway on this subject property to access their garage.

#### Public Hearing Notice

The public hearing notice was published in the *Sun Sailor* on June 26, 2020. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on June 24, 2020.

### **Analysis of Application**

#### Proposed Plan

The proposed project includes constructing a new 1,635 sq. ft. single-family home with a 750 sq. ft., two-car, detached garage located in the rear of the property.

#### Impervious Surface Coverage

The lot is 8,072 square feet in size. The 35% maximum impervious surface coverage requirement allows for up to 2,825.2 square feet of hardsurface on the lot. The project can go up to 35% impervious surface if the stormwater runoff is mitigated for the amount of impervious surface over 25%. The following table outlines the proposed hardcover for the project:

| Impervious Surface (all proposed) | Area w/ Permeable Pavers (sq. ft.) | Percentage w/ Permeable Pavers | Total Area (sq. ft.) | Total Percentage |
|-----------------------------------|------------------------------------|--------------------------------|----------------------|------------------|
| House area                        | 1,635                              | 20.3%                          | 1,635                | 20.3%            |
| Detached Garage                   | 750                                | 9.3%                           | 750                  | 9.3%             |
| Driveway Area                     | 549                                | 6.8%                           | 1098                 | 13.6%            |
| Misc.                             | 207                                | 2.6%                           | 342                  | 4.2%             |
| <b>Total</b>                      | <b>3,141</b>                       | <b>38.9%</b>                   | <b>3,825</b>         | <b>47.4%</b>     |

#### Stormwater Management

The proposed plans utilize a permeable paver system that will be used for the driveway and the walkways. The plans show how the permeable pavers would mitigate the stormwater runoff at a 50% rate which is the average impervious surface mitigation given for a permeable paver system. A rain garden is proposed in the front of the home. The rain garden will be 15' x 8' (120 sq. ft) and will be further designed with a landscape architect if the project is approved. The applicant is also researching the potential to put in an additional underground stormwater management technique underneath the proposed house that will mitigate approximately an additional 28% of impervious surface on the site. The City Engineers would review all the proposed stormwater management

techniques during the building permit phase to ensure proper construction and maintenance.

#### Impervious Surface Variance Practical Difficulty Stated by Applicant

The applicant has stated that the first practical difficulty for this lot is that the lot size is less than the 9,000 sq. ft. minimum lot area for the R-3A zoning district. This limits the amount of impervious surface more since the impervious surface is calculated as a percentage of the total lot area. The dimensions and lot area of the site is listed below.

|           | R-3A Zoning Requirement | Actual Measurement |
|-----------|-------------------------|--------------------|
| Lot Area  | 9,000 sq. ft.           | 8,072 sq. ft.      |
| Lot Width | 60 ft.                  | 54.61 ft.          |
| Lot Depth | 100 ft.                 | 147.15 ft.         |

Secondly, this lot has a legal driveway easement that encompasses the southern 4.5 feet of the lot for a length of 110 feet. This driveway easement is to allow shared use of the driveway with the property to the south. The applicant has stated a practical difficulty with this easement because the configuration of the house and driveway would have changed how the new house would have been built to help conform to the impervious surface requirements.

Thirdly, the applicant has noted that the quality methods used to build the house added to the overall impervious surface area. A thicker foundation was needed to build the house with real stucco and brick compared to the use of lower quality materials. The owners have also put aside an area in the house for a future elevator which will allow the owners to age in place in this house. These measures have added approximately 139 sq. ft. of additional impervious surface.

Lastly, the applicant has noted that the proposed detached garage is located closer to the rear property line so that the property to the south has continued full access to their garage that faces north. This configuration can be seen best on the proposed site plan attached. The proposed detached garage is located in a manner that would be the least obstructive to the neighboring property, and in a similar location as the existing detached garage, to allow the cars to be able to pull in and back out of the southern garage.

#### Detached Garage Rear Yard Setback

The proposed house has a 750 sq. ft., two-car detached garage in the rear of the property. The proposed location of the detached garage is within the 5-foot rear yard setback for accessory structures. The proposed setback would be 18 inches from the rear lot line. There is an existing ~440 sq. ft. detached garage that is within the 5-foot rear and side yard setbacks. The new garage will conform to the side yard setback and will encroach seven inches less into the rear yard setback requirement. The shared driveway and driveway easement is how the owner accesses the existing garage and how they will access the proposed garage.

#### Rear Yard Setback Variance Practical Difficulty Stated by Applicant



The main practical difficulty stated was also noted for the impervious surface variance. The detached garage is located in the rear setback requirement so the property to the south continues to have full access to their garage that faces north. Moving the proposed detached garage outside the rear setback requirement creates additional vehicle movement difficulty for the property to the south. The owners to the south use the area outside the existing detached garage to turnaround and pull into their garage. The survey shows that the western stall of the southern garage would be most affected if the garage was put outside the rear setback requirement. For context, the existing detached garage was built in the 1920's.

### **Primary Questions to Consider**

- Are the variance requests in harmony with the general intentions and purpose of this Ordinance? Are the variance requests consistent with the Comprehensive Plan?
- Is there a practical difficulty with these variance requests?
- Is the proposed plan a reasonable use of this property?

### **Action Steps**

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

### **Attachments**

- Narrative
- Previous Project Plans
- Proposed Survey
- Renderings

## **Applicable Code Provisions for Review**

Variance Standards: Section 905.01.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:**
  - (i) in harmony with the general purposes and intent of this Ordinance; and**
  - (ii) consistent with the Comprehensive Plan.**
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. **“Practical difficulties,” as used in connection with the granting of a variance, means that:**
  - (i) the property owner’s proposal for the property is reasonable but not permitted by this Ordinance;**
  - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
  - (iii) the variance, if granted, will not alter the essential character of the locality.**
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.**

# **225 Manitoba Avenue S.**



**Development Application**  
**06/29/2020**

**Development Application:**

Location: 225 Manitoba Avenue S.

Existing Zoning: R3A

Lot Area: 8,072 square feet

Project Name: David and Sara Frey Residence

Applicant: Alissa D.Luepke Pier, AIA (Project Architect, on behalf of the owners)

Request: To construct a single-family home in scale and character with the neighborhood

**Requested Development Applications:**

**Variance** – To reduce the minimum required rear yard setback from 5 feet to 18 inches for a detached garage.

**Variance** – To increase the allowable impervious surface coverage from 35% (2,825 square feet) to 47.4% (38.9% with permeable pavers - 3,141 square feet).

**Site Description and Present Use:**

The subject property is located in a R3A district, and currently is occupied by a single-family home and detached garage that was constructed in 1927. The property has a lot area of 8,072 square feet and fronts Manitoba Avenue South with no alley access and an existing shared driveway. The lot is approximately 147 feet deep and 54 feet wide, with a driveway easement of 4.5 feet by 110 feet occupying the southern lot line, starting at the eastern-most corner. The site has a high elevation of approximately 967', and a low elevation of approximately 961' (the grade diminishes in the direction of SW to NE corners of the lot).

**Surrounding Properties and Neighborhood:**

The surrounding neighborhood was originally constructed as 2-consecutive blocks of single-family housing in the 1920's and 1930's. Many of the neighboring structures appear to have undergone alterations and additions in subsequent years, resulting in a mix of 1.5 story, 2 story, and 2.5 story structures (low-density occupancy.) There are approximately 13 houses of similar scale located on or facing Manitoba for the 2-block duration of the street. The land use designation for the block the parcel is located on is half "Central Core Residential" and half "Central Business District." These designations for the portion of the block that the actual parcel is located on changed with the adoption of the 2040 plan from "Single Family Low Density Residential" to "Central Core Residential." This change in designation is noted as having primarily resulted in the traditionally smaller platted lot sizes in certain areas of the city.

The transition to larger structures and more intense uses begins just a few houses away from the parcel in question. Three parcels to the south (toward Lake Street) at 307 Manitoba, a residential structure has a commercial use and an 8-stall parking lot accessed by a double-loaded corridor of impervious surface

adjacent to Manitoba Avenue South to the immediate front of the structure. The parcels immediately adjacent to the south increase in height and lot coverage, accordingly, as they enter the Central Business District.

Lake Street, a Municipal Roadway classified as a “Major Collector”, is located to the south, at the end of the block that the parcel is located on.

### **Project Description:**

The applicant is proposing to construct a new single-family home with detached garage to house their young family, fit the scale and historic character of the neighborhood, and be of an appropriate size that allows them to remain in the house long into retirement.

In working with their architect, emphasis was placed on designing a house that would blend into the 1920's/1930's character of the neighborhood in style and scale, while still accommodating their growing family. They have opted to invest in quality, durable materials to best reflect this character and their desire to commit to quality construction, as they see this as the home they will live in for many decades to come.

The tables below summarize the numerical portion of the variances that are being requested.

| <b><u>Rear Yard Setback Variance</u></b> | Zoning | Required Setback | Is Garage Compliant? | Rear Yard Setback | Garage in Setback |
|------------------------------------------|--------|------------------|----------------------|-------------------|-------------------|
| Existing Site Layout                     | R3A    | 5'               | No                   | 11"               | 4'-1"             |
| Proposed Site Layout                     | R3A    | 5'               | No                   | 18"               | 3'-6"             |

| <b><u>Impervious Surface Variance</u></b> | Zoning | Lot Size | Impervious Surface Coverage |          |
|-------------------------------------------|--------|----------|-----------------------------|----------|
|                                           |        |          | 35%                         | 38%      |
| Minimum Lot Size                          | R3A    | 9,000 sf | 3,150 sf                    | 3,420 sf |
| Existing Lot at 225 Manitoba              | R3A    | 8,072 sf | 2,825 sf                    | 3,141 sf |

The applicant is requesting a variance to reduce the minimum required rear yard setback from 5 feet to 18 inches for a detached garage, and a variance to increase the allowable impervious surface coverage from 35% (2,825 square feet) to 38.9% (3,141 square feet) when accounting for the use of permeable pavers. Each of these, as well as the required findings, are addressed below. We respectfully request that you grant both variances, in light of the established practical difficulties and legally required findings identified below.

### **Analysis:**

**Variance: To reduce the minimum required rear yard setback from 5 feet to 18 inches for a detached garage.**

The applicant would like to locate the detached garage 18" from the rear (west) property line. This is a variance from the required minimum of 5'. Note: We are proposing to comply fully with the required 5' setback from the side-yard (south). (See Exhibit labeled "Proposed Site Plan") The reason for the rear-yard setback variance request is two-fold:

- 1.) The property currently has an existing detached garage that is already located in the required 5' rear-yard setback. This is an existing condition that has likely been established since the house was constructed in 1927. At its closest point, the existing detached garage is approximately 11" from the western property line. We are proposing to move it further into compliance by proposing 18". This is an improvement of a currently grandfathered condition to bring it closer to being in compliance with the required setback.
- 2.) The reason why we are not proposing to locate the rear wall of the garage the required distance from the rear property line is because pushing the garage further eastward (to comply with the rear yard setback) would prevent our neighbor to the south from being able to access his western-most garage stall, which faces north and relies upon that space to turn into and out of the garage. Locating the garage at the required 5' setback from the rear property line would lead to ongoing damage to the garage, as it would be an obstruction to vehicular movement in and out of the neighbor's existing garages. This is an existing condition, which is not created by the homeowner.

*The Variance is "In harmony with the general purposes and intent" of the Ordinance.*

The proposed project is in harmony with the spirit and intent of the Ordinance. Granting this variance will still be in keeping with the intent of preventing development that is out of scale, character, and use of the neighborhood. It actually is an improvement over the existing condition currently present on the site, by bringing the detached garage more into compliance with the setback than it currently is. Granting this variance allows for the garage to stay detached and keep the character of the house in greater harmony with its neighborhood history.

*The Variance is "consistent with the Comprehensive Plan."*

Chapter 3 – Land Use recognizes the value that Wayzata citizens give to "the sense of place within the community", emphasizing the visual sense of building materials and design, the "increased sense of walkability throughout". The design of this project reflects those values by keeping the garage detached and to the rear of the lot, utilizing the existing (shared) curb cut, rather than proposing a second, additional curb cut for a



possible street-facing two-car garage that would require a more substantial conflict of pedestrians and automobiles.

The proposed project is compliant with the definition of Central Core Residential, including the smaller lot size and the emphasis on single family homes. Again, locating the garage toward the rear of the lot puts more emphasis on the pedestrian scale of the neighborhood and keeps the focus off of automobile-scaled doors which can otherwise dominate the streetscape.

*Practical difficulties exist in complying with the ordinance.*

*“The property owner’s proposal for the property is reasonable but not permitted by this Ordinance.”* The applicant is proposing a modest single-family home with a detached garage that is consistent with the character and scale of the surrounding neighborhood. The proposal to allow the construction of a new detached garage in the rear yard setback is consistent with what currently exists on the site, which is a detached garage that is closer to the rear property line than what is being proposed by the applicant. As it is a new reconstruction of what currently exists, it is reasonable to conclude that it is entirely in keeping with the scale and character of the neighborhood.

*“The plight of the landowner is due to circumstances unique to the property, and not created by the landowner.”* There are circumstances that are unique to this parcel which have a direct impact on the need for a variance. These circumstances were not created by the landowner. The existing detached garage has likely been at its current location (11” from the rear property line) for over 90 years. This is not a condition that was created by the landowner. (See Exhibit labeled “Existing Survey”) In addition, the location of the garage of the neighbor to the south is an existing condition which was also not created by the landowner at 225 Manitoba. Strict adherence to the setback would create the possibility for undue hardship on the neighbor to the south by rendering their attached garage spaces largely un-usable. These are circumstances that are unique to this parcel that were not created by the applicant.

*“The variance, if granted, will not alter the essential character of the locality.”* If granted, the resulting project will be consistent with neighborhood character and not result in the alteration thereof. As this is located to the rear of the lot, with no alley access, it is not a condition that is very visible from the public realm. That being said, the proposed design is for a detached garage, which is entirely consistent with the design intent for the house, which was specifically designed in a style and scale that is in keeping with the neighborhood’s 1920’s/1930’s character. In addition, given the presence of the existing detached garage, and its current location 11” from the rear yard setback, it is echoing an existing, grandfathered condition, only moving it to be farther from the rear lot line, thereby bringing the existing condition further into compliance with the letter of the Ordinance.



**Variance: To increase the allowable impervious surface coverage from 35% (2,825 square feet) to 47.4% (38.9% with permeable pavers - 3,141 square feet).**

The applicant would like to increase the allowable impervious surface coverage for their R3A residential lot from 35% to 38.9%. There are a few factors to consider in regard to this variance:

- 1.) According to 955.07, a R3A lot is allowed 35% impervious surface coverage. To exceed 35%, a variance is required.
- 2.) The property is currently zoned R3A, which has a minimum lot size of 9,000 square feet. This lot (classified as “Central Core Residential” in the 2040 Comprehensive Plan) is undersized, at only 8,072 square feet. (89% of the minimum lot size, still buildable, as it is greater than the allowable 80%, but sizeable enough to impact the project and create a need for a variance.)
- 3.) The impervious surface coverage percentage allowed of 35% on a typical R3A lot would equate to an allowable square footage of 3,150 square feet of impervious surface coverage. With the use of permeable pavers, this project is below the 35% which would be allowed on a typical R3A lot.

*The Variance is “In harmony with the general purposes and intent” of the Ordinance.*

The proposed project is in harmony with the spirit and intent of the Ordinance. Granting this variance will still be in keeping with the intent, which is to ensure that stormwater management strategies are being employed on site, given the site’s location in the Shoreland Overlay District. A number of stormwater management techniques are being proposed, including permeable pavers for the entirety of hardscape on the site, and creation of a raingarden to capture stormwater run-off to the front of the lot. The landowner and builder are also currently exploring feasibility options related to the use of a modular, underground stormwater retention system to capture approximately 28%+ of the stormwater runoff that will be generated by the roof of the house. (See Exhibit labeled “Stormwater Retention Roof Diagram” as well as the Exhibit labeled “Stormwater Retention System Example”) The landowners intend to do their best to mitigate the impact of stormwater on lakes and other bodies of water.

*The Variance is “consistent with the Comprehensive Plan.”*

One of the primary goals of the City’s Comprehensive Plan is to “preserve and enhance Wayzata’s lakeside small town character.” 909.2 and 919.03 of the Wayzata Zoning Code specify this to include:

- Attention to the scale, walkability, land use patterns, street and boulevard character of the City.
- Reinforcing and enhancing the residential neighborhoods.

- Maintaining and enhancing the diversity of housing options and addressing the need and opportunities for life cycle housing.
- Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety and welfare.

The project, as proposed, also supports the following Goals and Policies of the Comprehensive Plan:

- Maintain and enhance the character, diversity and livability of all residential neighborhoods.
- Improve housing condition and maintenance.
- Ensure high standards of planning and design.
- Promote a sense of community and encourage mobility of all types.
- Examine the placement of parking within developments so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.

The proposed project is compliant with the definition of Central Core Residential, including the smaller lot size and the emphasis on single family homes. Locating the garage toward the rear of the lot puts more emphasis on the pedestrian scale of the neighborhood and keeps the focus off of automobile-scaled doors which can otherwise dominate the streetscape, as well as supports the desire to place parking areas behind the principal structure so as to encourage a more desirable streetscape environment in the public realm.

It is relevant to point out that the project's commitment to quality building materials is impacting our impervious surface coverage percentage by 108 square feet. The use of real stucco and real brick (as opposed to cement board paneling and a faux brick veneer) on the principal structure (the house) is impacting our impervious surface coverage by 85 square feet, as it requires a thicker foundation wall to allow for a brick ledge. (See Exhibit labeled "Brick Ledge Impacts on Impervious Surface Calculations") This same brick detail can be found around the egress window wells, and this accounts for an additional 23 square feet of impervious surface coverage, as the commitment to a high standard of architectural and aesthetic design called for compatible, quality building materials for that purpose, as opposed to simply installing a corrugated window well.

In addition, the owner's desire to provide housing that is in walkable proximity to Lake street businesses while also addressing the need for life cycle housing, a substantial commitment to their desire to live in the house for many decades to come, has resulted in an additional 31 square feet that impacted the floor plan for the house, and had to be accommodated for on each level of the house to allow for the future installation of an elevator to allow for the owners to be a part of their Wayzata community for decades to

come. This forward-thinking commitment concurrently impacts our impervious surface coverage by an additional 31 square feet. (See Exhibit labeled “Future Elevator Impact on Square Footage / Impervious Surface Calculation”)

*Practical difficulties exist in complying with the ordinance.*

*“The property owner’s proposal for the property is reasonable but not permitted by this Ordinance.”* The applicant is proposing a modest single-family home for their young family to reside in. If their lot has been the required minimum for a typical R3A lot of 9,000 square feet, they would not be in need of a variance, as 35% of 9,000 square feet is 3,150 square feet, and they have a total impervious surface coverage of 3,141 square feet. If their lot was given the same consideration of a “minimum sized lot” of the same zoning classification (R3A), they would not need a variance, as they would be below the required 35%. The smaller lot size (not created by the applicant) therefore is a practical difficulty. (This data is illustrated in the “Impervious Surface Variance” Table provided in the beginning of this document.)

The applicant is also proposing to use permeable paving for all hardscaping on the project to meet the intent of the Ordinance in a reasonable manner.

*“The plight of the landowner is due to circumstances unique to the property, and not created by the landowner.”* There are circumstances that are unique to this parcel which have a direct impact on the need for a variance. These circumstances were not created by the landowner. The parcel in question has a legally mandated driveway easement occupying the southern 4.5 feet of the lot for 110 feet along the southern edge, starting at the south-east corner of the property, to allow for the neighbor to the south to access their garages. This equates to 495 square feet of impervious surface that is legally required to be provided as a condition unique to this property. (See Exhibit labeled “Driveway Easement”)

This legal easement had a direct impact on the design of the project, as it limited the design possibilities. Beyond the need to reserve 495 square feet of impervious space for shared driveway usage, additional driveway space was needed to push the garage farther back. The design team briefly explored moving the garage closer to the principal structure (house) in order to shorten the driveway, but determined it would not be feasible, as it would render the southern neighbor’s access to any and all of their garages nearly impossible due to the placement and location of said structures. (See Exhibit labeled “Garage Location Concept to Reduce Impervious Surface Coverage”) The necessity of locating the garage as far to the west as possible (as requested in the previous variance) was born of necessity and goodwill due to design decisions made by a neighboring property, and is a circumstance not created by the applicant. Locating it as close to the house as possible to reduce the amount of hardscape and impervious coverage would block access to all garage stalls of the neighbor to the south. This is a situation unique to the property and a condition not created by the applicant.

Furthermore, it limited the options of the applicant in the design of the garage and house, as placement of the garage in any other location of the property would not have been feasible, given the requirement for a 4'-6" easement along the south side of the property for 110', given the impact it would have on prospective curb cut width's impact on the pedestrian realm (this would adversely impact the walkability of the neighborhood and goes against the goals of the Comprehensive Plan), and maneuvering space for vehicles prevented the garage access from being located in any direction other than east. This is due to existing adjacent site conditions, is a situation unique to the property, and which were not created by the applicant.

*"The variance, if granted, will not alter the essential character of the locality."* If granted, the resulting project will be consistent with neighborhood character and not result in the alteration thereof. Every effort was made to design a house that was architecturally and aesthetically in character and scale with the neighborhood and of high-quality materials and construction.

Lastly, in anticipation of any inquiries as to why the owners do not opt to reduce the square footage of the house and garage, please consider the Comprehensive Plan guidance related to the diversity of housing, walkability, and availability of life cycle housing. The owners are proposing to construct a house that will accommodate their young, and growing, family. The owners currently have three young children, with a fourth on its way. One primary driver for the square footage of the garage was the ability to store two vehicles as well as bicycles for children. While designing a house that will be of high quality, I would encourage the esteemed Commissioners to look at the second floor plan. (See Exhibit labeled "Future Elevator Impact on Square Footage / Impervious Surface Calculation") You will note that the second floor level of the house contains modest bedrooms for the owners and their children. The only superfluous square footage in this floor plan is the closet area (highlighted in yellow) which was intentionally planned to be constructed so as to allow for future elevator installation as the owners age in place. Providing quality housing for young, growing families that can also easily transition to life-cycle housing as the owners age-in-place is fulfilling a need for a diversity of housing types in this Central Core Residential area, and supports the goals of the Comprehensive Plan.

**The accompanying documents include:**

- Exhibit labeled “Proposed Site Plan”
- Exhibit labeled “Existing Survey”
- Exhibit labeled “Stormwater Retention Roof Diagram”
- Exhibit labeled “Stormwater Retention System Example”
- Exhibit labeled “Brick Ledge Impacts on Impervious Surface Calculations”
- Exhibit labeled “Future Elevator Impact on Square Footage / Impervious Surface Calculation”
- Exhibit labeled “Driveway Easement”
- Exhibit labeled “Garage Location Concept to Reduce Impervious Surface Coverage”
- Floor Plans for the house and garage
- Exterior Elevations of the house and garage
- A color rendering of the project.

# Proposed Site Plan

| BUILDING COVERAGE                |                                       |
|----------------------------------|---------------------------------------|
| TOTAL LOT AREA =                 | 8,072 SF                              |
| TOTAL BUILDING COVERAGE ALLOWED  | 8,072 X 30 = 2,422 SF                 |
| TOTAL BUILDING COVERAGE PROPOSED | HOUSE = 1,641 SF.<br>GARAGE = 150 SF. |
| TOTAL HOUSE AND GARAGE PROPOSED  | 2,391 SF (98%)                        |
| IMPERVIOUS COVERAGE              |                                       |
| TOTAL IMPERVIOUS =               | 8,072 X 35 = 2,825 SF ALLOWED         |
| HOUSE =                          | 1,635 SF                              |
| FRONT TERRACE =                  | 130 SF                                |
| FRONT TERRACE WALLS =            | 30 SF                                 |
| WINDOW WELL WALLS =              | 23 SF                                 |
| CHIMNEY =                        | 6 SF                                  |
| GARAGE =                         | 150 SF                                |
| GARAGE WINDOW WELL =             | 7 SF                                  |
| FRONT WALK =                     | 11 SF                                 |
| DRIVEWAY (298 SF @ 50% =         | 149 SF                                |
| TOTAL PROPOSED =                 | 3,141 SF (38.5%)                      |

DESIGNED BY:  
**Design, Inc.**  
1045 WASHBURN AVENUE NORTH  
MINNEAPOLIS, MN 55411  
612-598-9928 ADLPierDes@aol.com

GENERAL CONTRACTOR  
TRESTLE HOMES, LLC  
275 MARKET STREET, SUITE 531  
MINNEAPOLIS, MN 55405  
PHONE: 612-182-1111  
EMAIL: PETER@TRESTLEHOMES.COM



DATE: 04/16/2020

ISSUED FOR: VARIANCE APPLICATION

NEW HOME PLANS FOR: 225 MANITOBA AVENUE S  
WAYZATA, MN

STATE OF MINNESOTA  
PROFESSIONAL LAND SURVEYOR  
18407  
MARK D. KEMPER

CERTIFY HERE OR REI UNDER I AM A SURVEY OF MIN  
MARK

SHEET 51 OF 51

LOT 6 AREA = 8,072 SQ. FT.



CERTIFY HERE OR REI UNDER I AM A SURVEY OF MIN

MARK

PROPOSED SITE PLAN  
1/8" = 1'-0"

FLOODPLAIN NOTE:  
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X"  
(AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 27053C-0307 F, DATED NOVEMBER 4, 2016, HENNEPIN COUNTY, MINNESOTA

VA AVENUE SOUTH  
IEPIN COUNTY, MN

DATE OF SURVEY

ITION  
79  
yzata Lake  
Innesota.  
y easement  
of the Easterly  
dition to Wayzata  
So.,

2W

LOT 1  
MAURERS' ADDITION

LOT 2  
MAURERS' ADDITION

VA AVENUE SOUTH  
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KEMPER & ASSOCIATES INC.  
PROFESSIONAL LAND SURVEYORS

721 OLD HIGHWAY 8 N.W.  
NEW BRIGHTON, MINNESOTA 55112  
651-631-0351  
FAX 651-631-8805  
email: kemperpro@ns.net  
www.kempersurveys.com



VICINITY MAP  
(NO SCALE)

**AREA SUMMARY**  
LOT 6 = 8,072  
HOUSE FOOTPRINT = 1,108 SQ. FT.  
GARAGE = 441 SQ. FT.  
CONCRETE WALKS & STEPS = 445 SQ. FT.  
BRICK = 46 SQ. FT.  
ENCLOSED PORCH = 286 SQ. FT.  
TOTAL IMPERVIOUS SURFACE  
COVERAGE = 2,326 SQ. FT.  
(28.8% LOT AREA)

**LEGAL DESCRIPTION**  
DOC. NO. 7578279  
Lot 6, Maurer's Addition to Wayzata Lake  
Minnetonka, Hennepin County Minnesota.  
Together with a with a driveway easement  
over the Northerly 4 1/2 feet of the Easterly  
110 feet of Lot 5, Maurer's Addition to Wayzata  
Lake Minnetonka, Manitoba Ave. So.,  
Hennepin County, Minnesota.



GARAGE AT 225 MANITOBA AVENUE SOUTH  
CITY OF WAYZATA, HENNEPIN COUNTY, MN

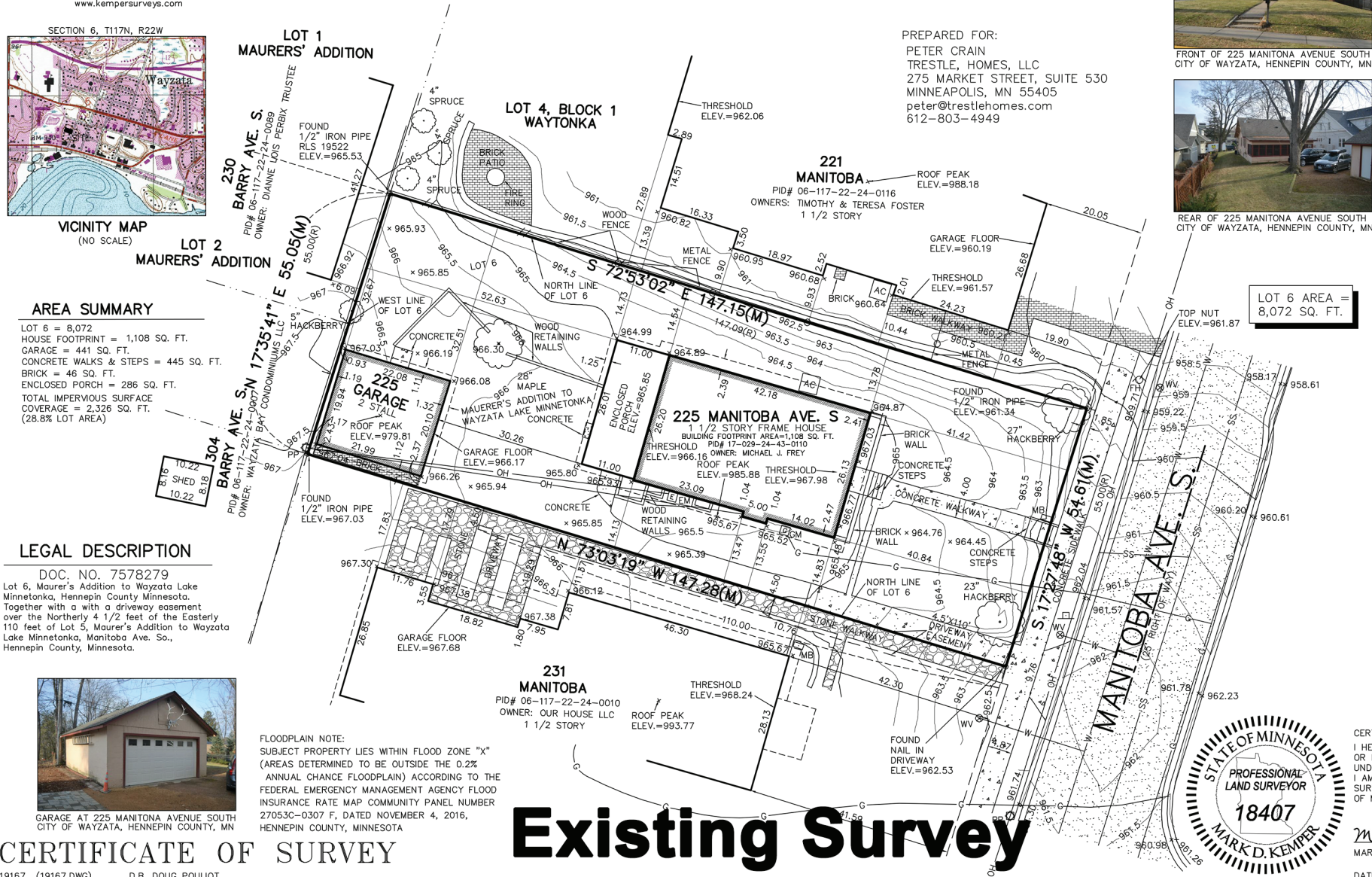
CERTIFICATE OF SURVEY

19167 (19167.DWG) D.B. DOUG POULIOT

225 MANITOBA AVENUE SOUTH

CITY OF WAYZATA, HENNEPIN COUNTY, MINNESOTA  
(EXISTING CONDITIONS - DECEMBER 2019)

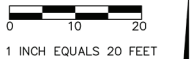
PREPARED FOR:  
PETER CRAIN  
TRESTLE, HOMES, LLC  
275 MARKET STREET, SUITE 530  
MINNEAPOLIS, MN 55405  
peter@trestlehomes.com  
612-803-4949



FRONT OF 225 MANITOBA AVENUE SOUTH  
CITY OF WAYZATA, HENNEPIN COUNTY, MN



REAR OF 225 MANITOBA AVENUE SOUTH  
CITY OF WAYZATA, HENNEPIN COUNTY, MN



1 INCH EQUALS 20 FEET

BASIS FOR BEARINGS:  
HENNEPIN COUNTY  
COORDINATE SYSTEM  
(NAD 83, 1996)

BASIS FOR ELEVATION:  
MNDOT MONUMENT  
"2713 A"  
ELEV.=967.278 (NAVD 88)

(VIA REAL TIME GPS  
MEASUREMENTS UTILIZING  
MINNESOTA DEPARTMENT  
OF TRANSPORTATION  
VRS NETWORK)

CONTOUR INTERVAL = 1/2 FOOT

LEGEND

- 965— EXISTING CONTOUR LINE
- x 965.48 EXISTING SPOT ELEVATION
- EM [ ] ELECTRIC METER
- GM [ ] GAS METER
- PP [ ] POWER POLE
- FH [ ] FIRE HYDRANT
- [ AC ] AIR CONDITIONER
- MB [ ] MAIL BOX
- [ ] SIGN
- //— WOOD FENCE
- O— CHAIN LINK FENCE
- OH— OVERHEAD UTILITY LINES
- SS— SANITARY SEWER
- W— WATER MAIN/SERVICE
- G— GAS MAIN/SERVICE
- WV [ ] WATER VALVE
- (M) DENOTES DIMENSION  
MEASURED DURING THE  
COURSE OF THIS SURVEY
- (R) DENOTES RECORD  
DIMENSION AS PER PLAT
- DENOTES SET SURVEY  
MONUMENT MARKED  
"KEMPER 18407"

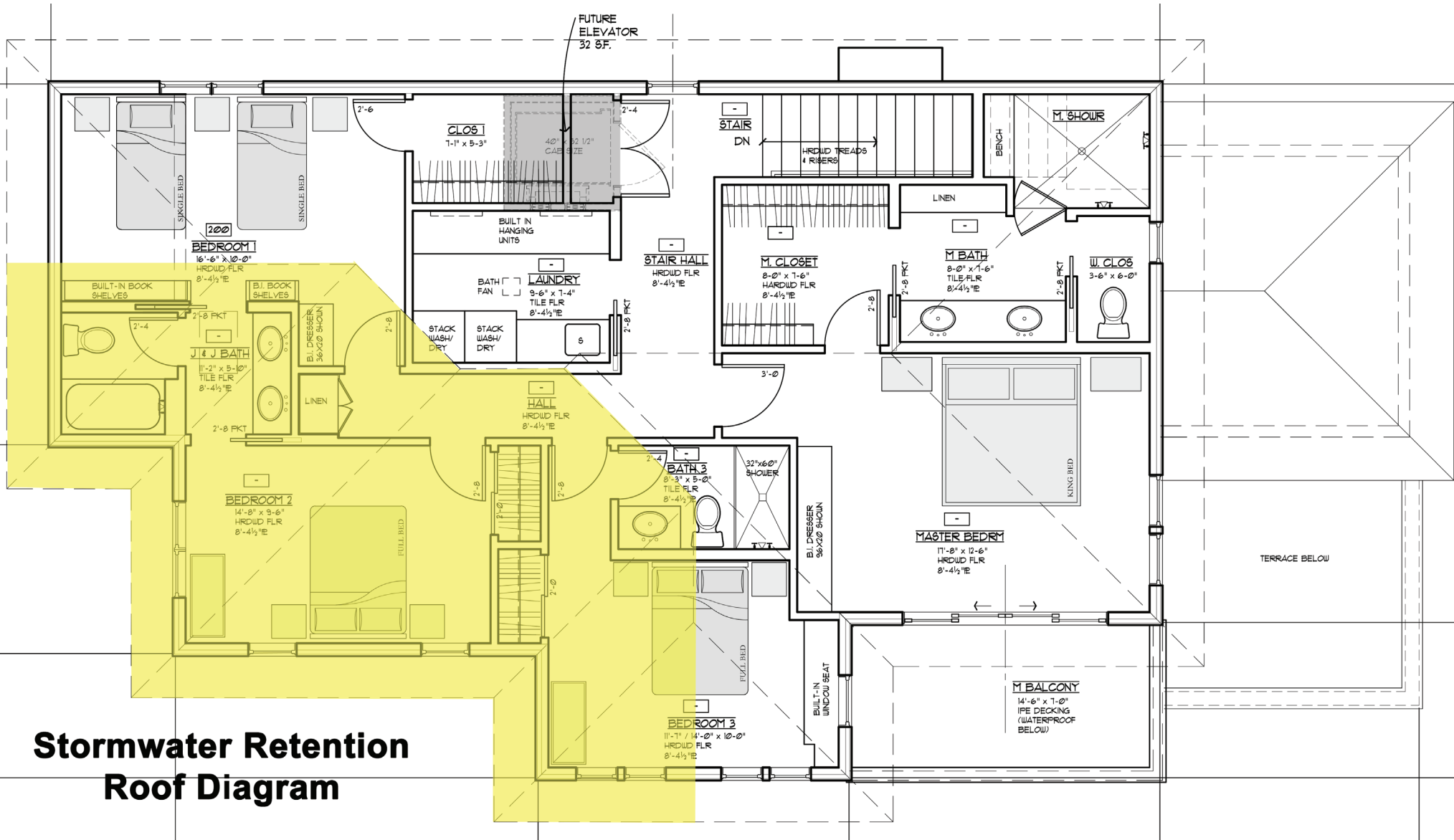


CERTIFICATION  
I HEREBY CERTIFY THAT THIS SURVEY, PLAN,  
OR REPORT WAS PREPARED BY ME OR  
UNDER MY DIRECT SUPERVISION AND THAT  
I AM A DULY LICENSED PROFESSIONAL LAND  
SURVEYOR UNDER THE LAWS OF THE STATE  
OF MINNESOTA.

Mark D. Kemper  
MARK D. KEMPER, PLS 18407  
DATED THIS 13TH DAY OF DECEMBER, 2019

Existing Survey





# Graf EcoBloc Light Modular Water Storage System



Call 800-654-9283 for freight quote, input:

Currently in stock

Quantity  Order

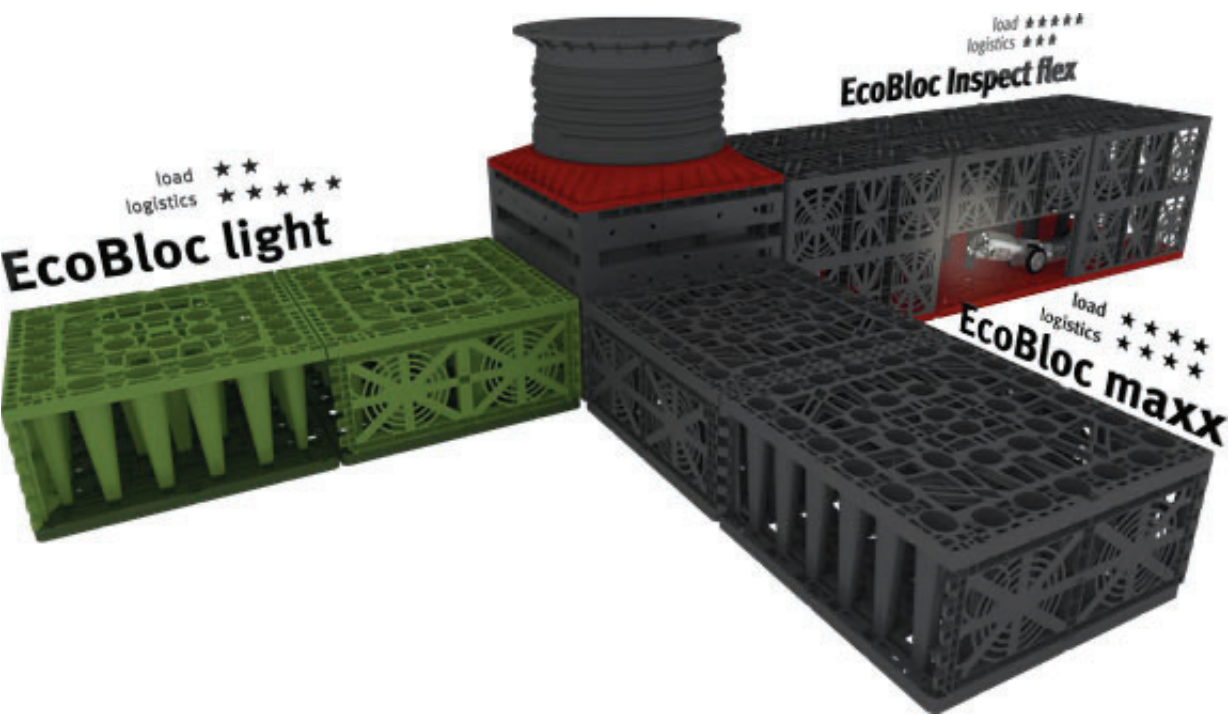
Graf EcoBloc Light modular water storage systems feature unlimited storage capacity, flexible design options, ease of inspection and integrated filtration shafts. EcoBloc is today's leading solution for rainwater storage, stormwater detention and hybrid retention/detention installations. \$61.90 price is for a single starter unit with Primary Module and Baseplate holding 66.0 US gallons. **Please call 800-654-9283** for additional configuration and freight pricing.

|           |         |
|-----------|---------|
| Our Price | \$61.90 |
| SKU       | 40230A  |

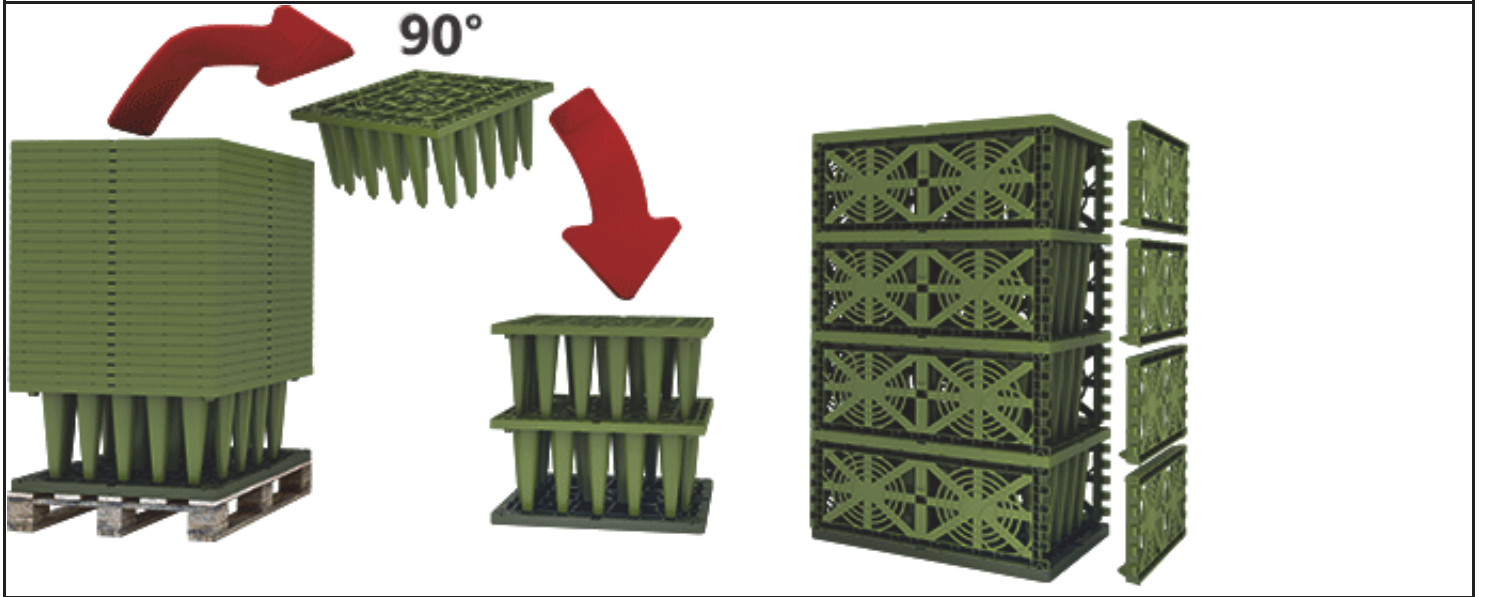
*Manufactured using first-generation food-grade recycled materials to ensure consistent and long-term*

*structural integrity, the Graf EcoBloc system is the strongest and easiest to install modular rainwater retention and detention system in the world.*

| EcoBloc Rainwater and Stormwater Management Family                                                                                                                                                                                                                                                                                                        |                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <div><div>EcoBloc Inspect Modular Storage System</div><div>Industry-leading strength (up to 60-ton, certified AASHTO HS20 and HS25 loading) with only minimum 2'-7.5" of fill cover. Unique channel design allows inspection and cleaning of the chamber. Often installed on the bottom layer of a modular system with Maxx or Light modules.</div></div> |   |
| <div><div>EcoBloc Maxx Modular Storage System</div><div>Truck-bearing strength (40-ton, HS20 loading) with only minimum 2'-7.5" of fill cover. Often installed in parking lots, under driveways and recreation areas along with a Vario shaft for filtration and pump access.</div></div>                                                                 |   |
| <div><div>EcoBloc Light Modular Storage System</div><div>Standard minimum earth covering of just 10" and up to 12-ton vehicle-bearing strength with only minimum 31.5" of fill cover. Often installed in grass and turf areas and recreation areas along with a Vario shaft for filtration and pump access.</div></div>                                   |   |
| <div><div>Vario Flex Filter Shaft System</div><div>Revolutionary design for access, filtration, cleaning and pump installation. Fits anywhere in the Ecobloc modular tank system to allow inlet filtration, inspection access/cleaning, and also makes a great pump well.</div></div>                                                                     |  |



## EcoBloc Light Assembly



### Features:

**Universal use:** For rainwater/stormwater infiltration, retention or rainwater harvesting

**Twice the storage volume per truck:** To save space during transport, two EcoBloc Light modules are stacked one inside the other. This halves transport costs and CO2 emissions.

**Easy to install:** GRAF EcoBloc Light modules are easy to transport and install. The modular system structure requires few accessories.

**Easy to inspect:** The compatible 'EcoBloc Inspect' inspection channel allows the entire infiltration system to be effectively monitored. The ability of the EcoBloc Inspect system allow access by inspection cameras that are commonly found on the market. This has been confirmed by several independent testing authorities.

**Can be cleaned by high pressure jetting:** GRAF EcoBloc Inspect system can be easily cleaned by high pressure jetting.

**Highly flexible design options:** Each primary module (layer) of the EcoBloc Light stack has a volume of 59.4 gallons in an area of 31.5" X 31.5" and a height of 13.8". An additional 6.6 gallons is provided by each baseplate module. The system size and load-bearing can be adjusted individually to suit requirements of traffic and of non-traffic area.

**Does not require a geogrid layer to attain loading specifications.**

**Truck-bearing:** The GRAF EcoBloc Light has a truck-bearing capacity of 12 tons with a just 31.5" of earth covering.

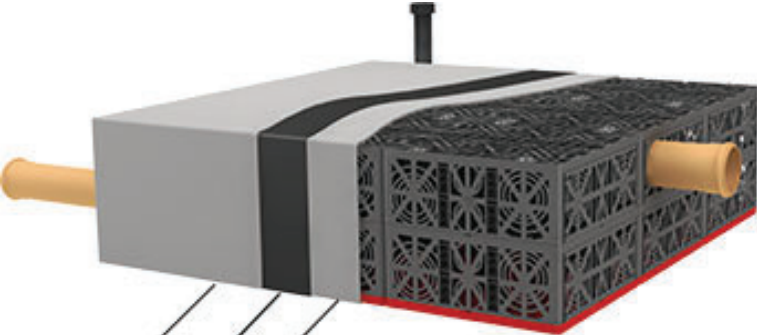
**Installation depth of up to 13 feet:** Even under heavy loads, the GRAF EcoBloc Light system can be installed at a depth of up to 13 feet. This means that up to 9 layers are possible.

**Inlet and outlet connections up to 8".** Large infiltration volumes require large pipe cross-sections. This isn't a problem for GRAF EcoBloc Light: it has 4", 6" and 8" connections on all sides. The 4" connections are positioned eccentrically on the sides to accommodate use as an inlet (slightly low) or as an overflow (high) or any other user-desired configuration.



Designed for decades of use: A durable product design ensures sustainability.  
Built to offer double safety, the GRAF EcoBloc Inspect is designed for a service life of over 50 years.  
High infiltration rate: The GRAF EcoBloc Light system is designed to have high rate of infiltration and barrier-free inspection.  
Fully integrated with the new Graf Vario 800 Infiltration Shaft System  
The Vario 800 flex shaft system can be directly installed in an infiltration or detention system with EcoBloc Inspect flex. The connection surfaces of the inspection channels in the Vario 800 flex shaft system are matched to the EcoBloc Inspect flex system



| EcoBloc rainwater storage tank                                                                                               | EcoBloc stormwater detention system                                                                           |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|  <p>Geotextile-inner<br/>Sealing liner</p> |  <p>Geotextile fabric</p> |

## Geotextile-outer

Integrated filtration and inspection shafts can be placed anywhere in the system



Looking for an easy way to compare tank configurations?

## EcoBloc can now be modeled in HydroCAD:



EcoBloc components can be easily modeled with the HydroCAD Stormwater Modeling System, allowing simplified calculation of the storage and infiltration behavior. The HydroCAD Chamber Wizard also performs automated modular system layout and simplifies the process of designing a modular rainwater catchment system, while meeting specific storage and footprint requirements. [Click here for details.](https://www.rainharvest.com/shop/printbrochure.html?product=https://...rainharvest.com/graf-ecobloc-light-modular-water-storage-system.asp)

## Ecobloc Light System components



| Part number   | Image                                                                              | Description                                                 |
|---------------|------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>402300</u> |   | <u>Primary module</u> - 59.4 gallons, 31.5" X 31.5" X 13.8" |
| <u>402301</u> |   | <u>Baseplate</u> - 6.6 gallons, 31.5" X 31.5" X 1.6"        |
| <u>402303</u> |   | <u>End plates</u> (set of 2)                                |
| <u>402015</u> |   | <u>EcoBloc connectors</u> (bag of 10)                       |
| <u>402030</u> |   | <u>Adapter plate, 12"</u>                                   |
| <u>402031</u> |   | <u>Adapter plate, 16"</u>                                   |
| <u>402032</u> |   | <u>Adapter plate, 20"</u>                                   |
| <u>369017</u> |   | <u>Vent pipe with shield, 4"</u>                            |
| <u>231002</u> |  | <u>Geotextile fabric; roll width 16 ft.</u>                 |

### Installation Depth and Loading Variables

|                                                             | EcoBloc Light                          | EcoBloc Light with EcoBloc Inspect     |
|-------------------------------------------------------------|----------------------------------------|----------------------------------------|
| Green area                                                  | 9.84" min. - 68.9" max.<br>{13.1 feet} | 9.84" min. - 49.2" max.<br>{13.1 feet} |
| Vehicle                                                     | 19.7" min. - 68.9" max.<br>{13.1 feet} | 9.84" min. - 49.2" max.<br>{13.1 feet} |
| 12-ton Vehicle                                              | 31.5" min. - 68.9" max.<br>{13.1 feet} | 31.5" min. - 49.2" max.<br>{13.1 feet} |
| <b>min. - max. earth covering {max. installation depth}</b> |                                        |                                        |

### Technical data for EcoBloc Light Primary Module

|              |                 |
|--------------|-----------------|
| Weight       | 15.4 lbs        |
| Gross volume | 59.4 US gallons |

|                     |                 |
|---------------------|-----------------|
| Net volume          | 57.9 US Gallons |
| Storage coefficient | 97%             |

| Technical data for EcoBloc Light Baseplate |                |
|--------------------------------------------|----------------|
| Weight                                     | 8.8 lbs.       |
| Gross volume                               | 6.6 US gallons |
| Net volume                                 | 5.2 US gallons |
| Storage coefficient                        | 95%            |

Save on Freight Costs with EcoBloc:

Save up to 80% of freight costs with EcoBloc light



## Typical Site Layout (Stormwater Detention System):



## Ease of Assembly:







## Flexible Site Design:



## Downloads:



**[Graf EcoBloc Light Cut Sheet \(Starter set\)](#)**



**[Graf EcoBloc Light Cut Sheet \(Primary Module\)](#)**



**[Graf EcoBloc Light Cut Sheet \(Baseplate\)](#)**



**[Graf EcoBloc Light Cut Sheet \(End Plate\)](#)**



**[Download Ecobloc System Brochure](#)**



**[Download Graf EcoBloc Light Installation Instructions](#)**



**[Download Graf EcoBloc Inspect Maintenance Instructions](#)**



[Download Graf EcoBloc Inspect maintenance instructions](#)

## Related products you may find useful:

### Graf EcoBloc Connectors - 10 Pack

[View](#)



Graf EcoBloc connectors are used with Primary modules, Baseplates and End Plates to assemble a modular rainwater retention and detention system. 10 connectors per pack.

[click to see more](#)

### Graf EcoBloc Vent Pipe with Shield

[View](#)



The Graf EcoBloc Vent Pipe provides a shielded opening for air to enter and exit as water flows through the system. Size: 21.5" long with a 4" connection

[click to see more](#)

### Graf EcoBloc Geotextile Fabric - per foot

[View](#)

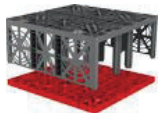


Graf EcoBloc geotextile fabric is wrapped around the EcoBloc system to prevent soil from entering the system, provide a filtration layer for infiltration systems and protect the membrane when used as a rainwater tank. Sold by the foot from a 16 foot roll.

[click to see more](#)

### Graf EcoBloc Inspect Modular Water Storage System

[View](#)



The Graf EcoBloc Inspect modular water storage system features unlimited storage capacity, open channels for inspection cameras and cleaning, flexible design options, ease of inspection and optional integrated filtration shafts. EcoBloc is today's leading solution for rainwater storage

[click to see more](#)

...ing solution for rainwater storage, stormwater detention and hybrid retention/detention installations. \$67.90 price is for a single starter unit with Inspect Primary Module and Baseplate holding 60.8 US gallons. **Please call 800-654-9283** for additional configuration and freight pricing.

---

### Graf Vario 800 Flex Shaft System

[View](#)



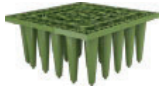
The Graf Vario 800 Flex Shaft System can be employed as an inlet shaft, detention shaft, inspection shaft or pump shaft for the Graf EcoBloc modular water storage system.

[click to see more](#)

---

### Graf EcoBloc Light Primary Module - 59.4 Gallons

[View](#)



Graf EcoBloc Light Primary Modules are used with Baseplates, End Plates and Connectors to assemble a modular rainwater retention and detention system.

[click to see more](#)

---

Add Items with selected

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#### Graf EcoBloc Connectors - 10 Pack

[View](#)



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[View](#)

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[click to see more](#)





water flows through the system. Size: 21.5" long with a 4" connection

---

## Graf EcoBloc Geotextile Fabric - per foot

[View](#)



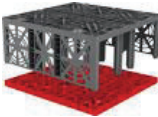
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[click to see more](#)

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[View](#)



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[click to see more](#)

---

## Graf Vario 800 Flex Shaft System

[View](#)

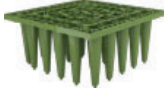


The Graf Vario 800 Flex Shaft System can be employed as an inlet shaft, detention shaft, inspection shaft or pump shaft for the Graf EcoBloc modular water storage system.

[click to see more](#)

---

## Graf EcoBloc Light Primary Module - 59.4 Gallons

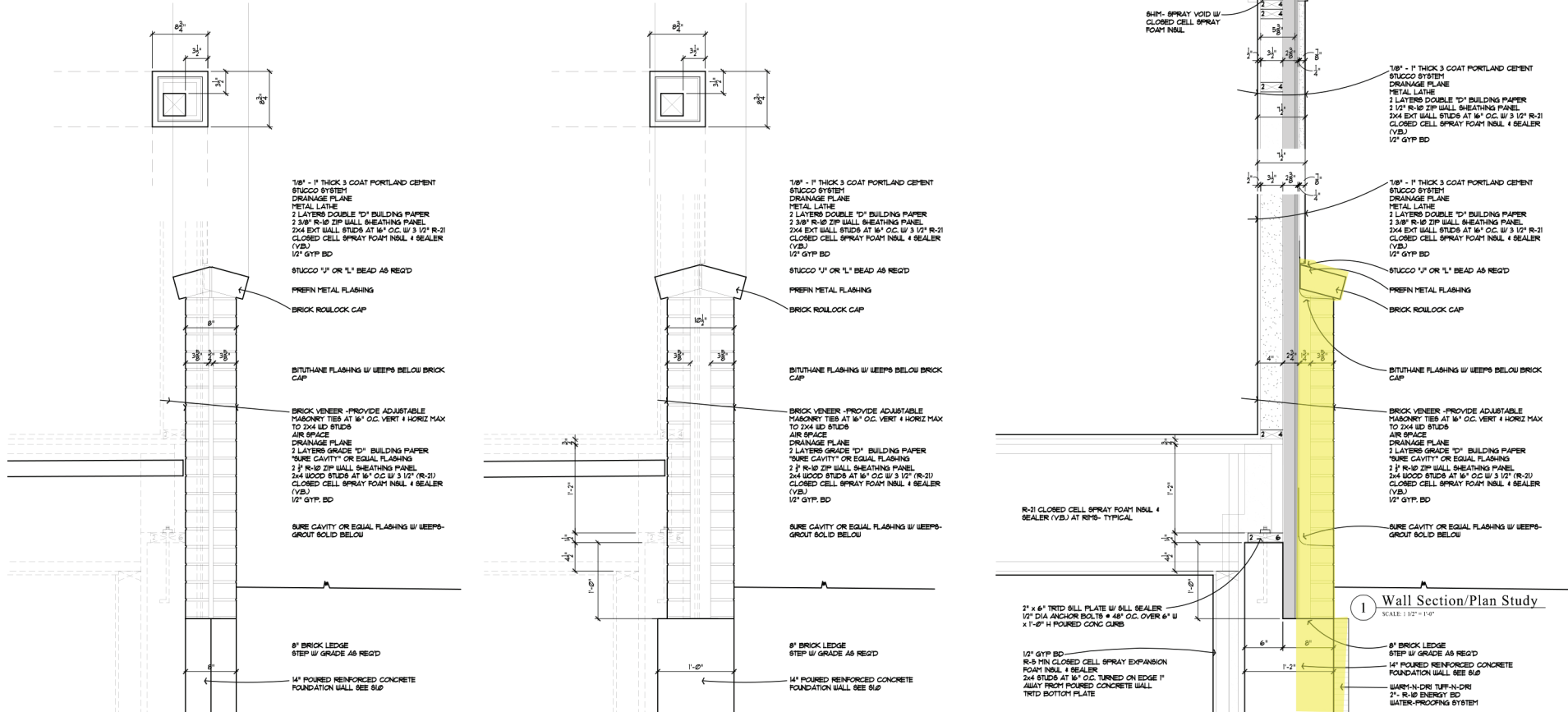
[View](#)

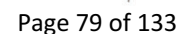
Graf EcoBloc Light Primary Modules are used with Baseplates, End Plates and Connectors to assemble a modular rainwater retention and detention system.

---

[\*\*click to see more\*\*](#)

# Brick Ledge Impact on Impervious Surface Calculations







# Driveway Easement

| BUILDING COVERAGE                 |                                       |
|-----------------------------------|---------------------------------------|
| TOTAL LOT AREA *                  | 8,072 SF                              |
| TOTAL BUILDING COVERAGE ALLOWED   | 8,072 X 30 = 2,422 SF                 |
| TOTAL BUILDING COVERAGE PROPOSED  | HOUSE = 1,641 SF.<br>GARAGE = 150 SF. |
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| WINDOW WELL WALLS                 | 23 SF                                 |
| CHIMNEY                           | 6 SF                                  |
| GARAGE                            | 150 SF                                |
| GARAGE WINDOW WELL                | 17 SF                                 |
| FRONT WALK                        | 11 SF                                 |
| DRIVEWAY                          | 549 SF                                |
| TOTAL PROPOSED *                  | 3,141 SF (38.5%)                      |

DESIGNED BY:  
**Design, Inc.**  
1045 WASHBURN AVENUE NORTH  
MINNEAPOLIS, MN 55411  
612-598-9928 ADLPierDesign.com

GENERAL CONTRACTOR:  
TRESTLE HOMES, LLC  
215 MARKET STREET, SUITE 531  
MINNEAPOLIS, MN 55405  
PHONE: 612-782-1111  
EMAIL: PETER@TRESTLEHOMES.COM

DATE: 04/16/2020  
ISSUED FOR: VARIANCE APPLICATION

NEW HOME PLANS FOR:  
MANITOBA RESIDENCE  
225 MANITOBA AVENUE S  
WAYZATA, MN

SHEET 51 OF 52

CERTIFY  
I AM HERE  
OR UNDER  
I AM A SURVEY  
OF MINN

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LOT 6 AREA =  
8,072 SQ. FT.



PROPOSED SITE PLAN  
1/8" = 1'-0"

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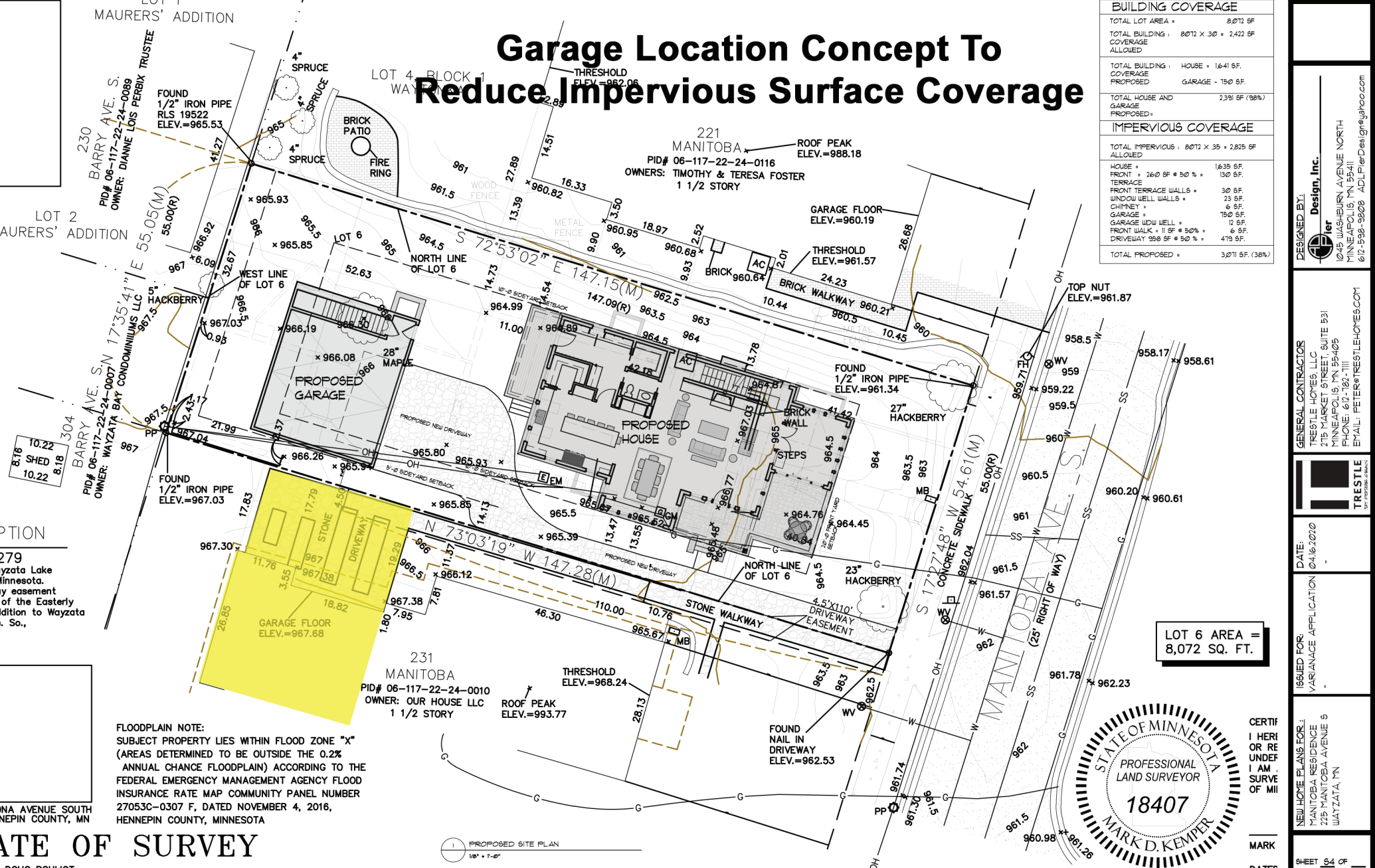
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| BUILDING COVERAGE       |                       |
|-------------------------|-----------------------|
| TOTAL LOT AREA *        | 8,072 SF              |
| TOTAL BUILDING COVERAGE | 8,072 X 30 = 2,422 SF |
| ALLOWED                 |                       |
| TOTAL BUILDING COVERAGE | HOUSE = 1,641 SF      |
| PROPOSED                | GARAGE = 1,500 SF     |
| TOTAL HOUSE AND GARAGE  | 2,381 SF (98%)        |
| PROPOSED                |                       |
| IMPERVIOUS COVERAGE     |                       |
| TOTAL IMPERVIOUS :      | 8,072 X 35 = 2,825 SF |
| ALLOWED                 |                       |
| HOUSE :                 | 1,635 SF              |
| FRONT :                 | 260 SF                |
| TERRACE :               | 30 SF                 |
| FRONT TERRACE WALLS :   | 23 SF                 |
| WINDOW WELL WALLS :     | 6 SF                  |
| CHIMNEY :               | 12 SF                 |
| GARAGE :                | 1,500 SF              |
| GARAGE WINDOW WELL :    | 6 SF                  |
| FRONT WALK :            | 419 SF                |
| DRIVEWAY :              |                       |
| TOTAL PROPOSED :        | 3,071 SF (38%)        |

FLOODPLAIN NOTE:  
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X"  
(AREAS DETERMINED TO BE OUTSIDE THE 0.2%  
ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD  
INSURANCE RATE MAP COMMUNITY PANEL NUMBER  
27053C-0307 F, DATED NOVEMBER 4, 2016,  
HENNEPIN COUNTY, MINNESOTA

STATE OF MINNESOTA  
DOUG POULIOT

DESIGNED BY:  
**Design, Inc.**  
1045 WASHBURN AVENUE NORTH  
MINNEAPOLIS, MN 55411  
612-598-9000 ADL@designinc.com

GENERAL CONTRACTOR:  
TRESTLE HOMES, LLC  
275 MARKET STREET, SUITE 531  
MINNEAPOLIS, MN 55405  
PHONE: 612-782-1111  
EMAIL: PETER@TRESTLEHOMES.COM

DATE:  
04.16.2020

ISSUED FOR:  
VARIANCE APPLICATION

NEW HOME PLANS FOR:  
MANITOBA RESIDENCE  
225 MANITOBA AVENUE S  
WAYZATA, MN

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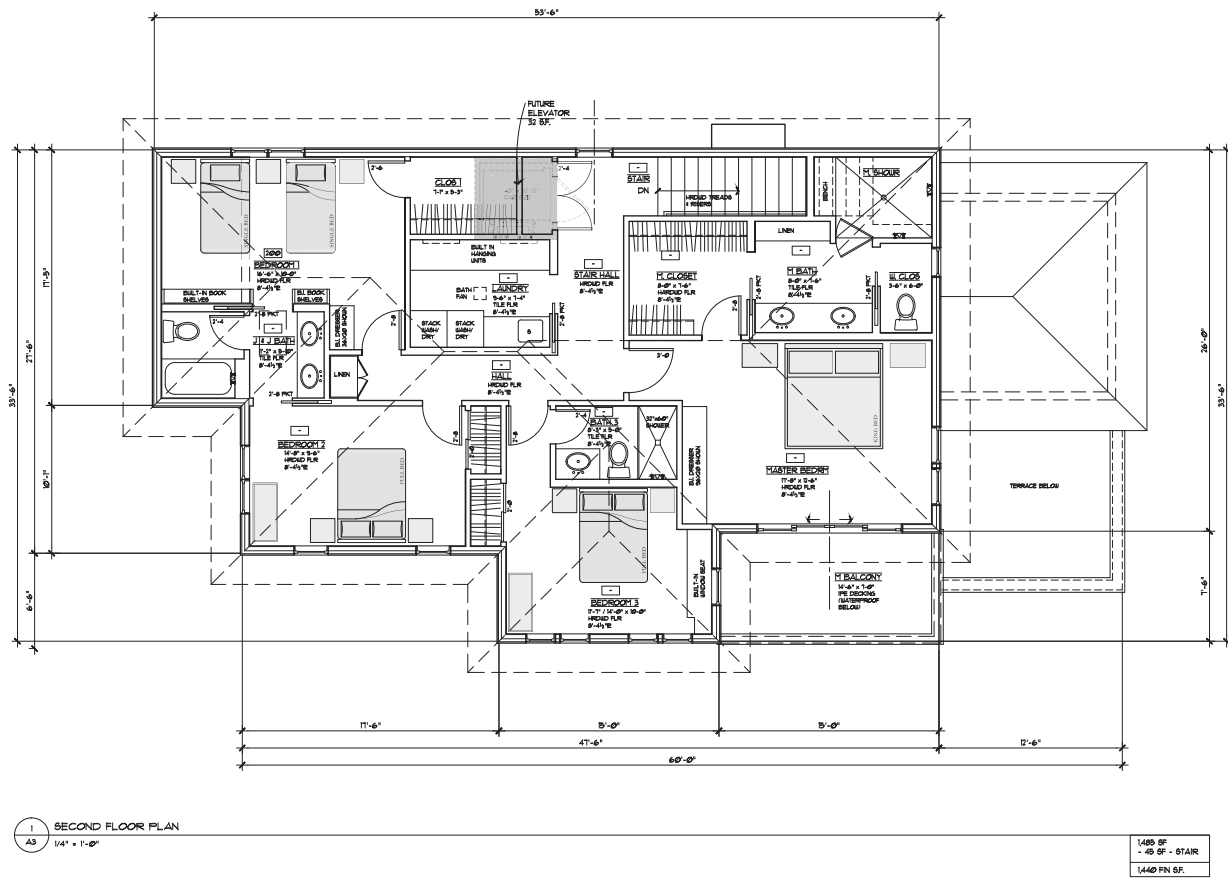
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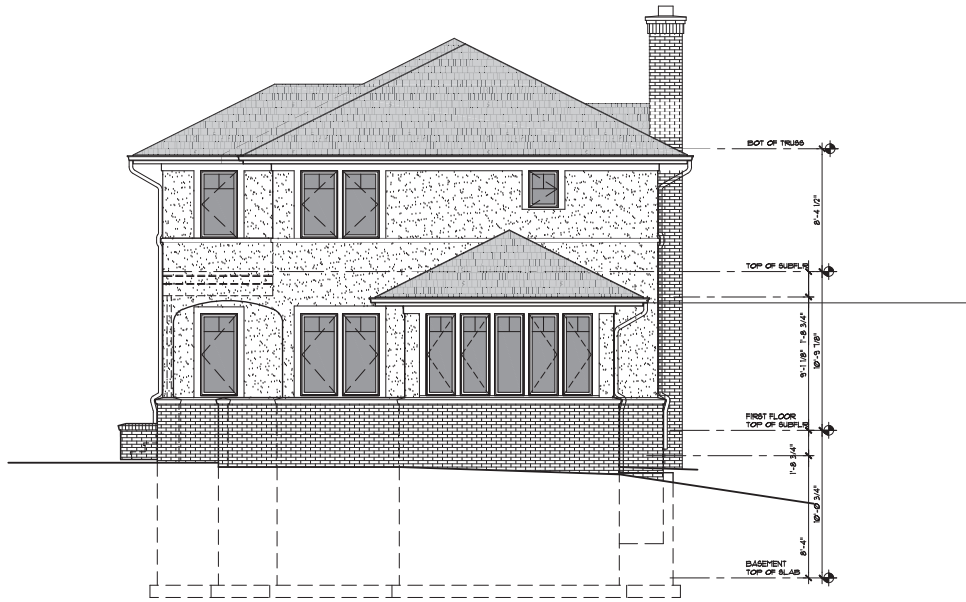
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| <b>DESIGNED BY:</b><br><br><b>Design, Inc.</b><br>1045 WASHBURN AVENUE NORTH<br>MINNEAPOLIS, MN 55411<br>612-598-3908 ADPDesign@yahoo.com | <b>GENERAL CONTRACTOR</b><br>TRESTLE HOMES, LLC<br>215 MARKET STREET, SUITE 531<br>MINNEAPOLIS, MN 55405<br>PHONE: 612-182-1111<br>EMAIL: FETTER@TRESTLEHOMES.COM | <b>DATE:</b><br>04.16.2020  | <b>ISSUED FOR:</b><br>VARIANCE APPLICATION | <b>NEW HOME PLANS FOR:</b><br>MANITOBA RESIDENCE<br>225 MANITOBA AVENUE S<br>WAYZATA, MN |
|                                                                                                                                           | <b>DRAWN BY:</b><br>TOM LINDEMEIER<br>PHONE: 612-598-4316<br>EMAIL: lindemeier@gmail.com                                                                          | <b>SHEET</b> A3 <b>OF</b> 1 |                                            |                                                                                          |



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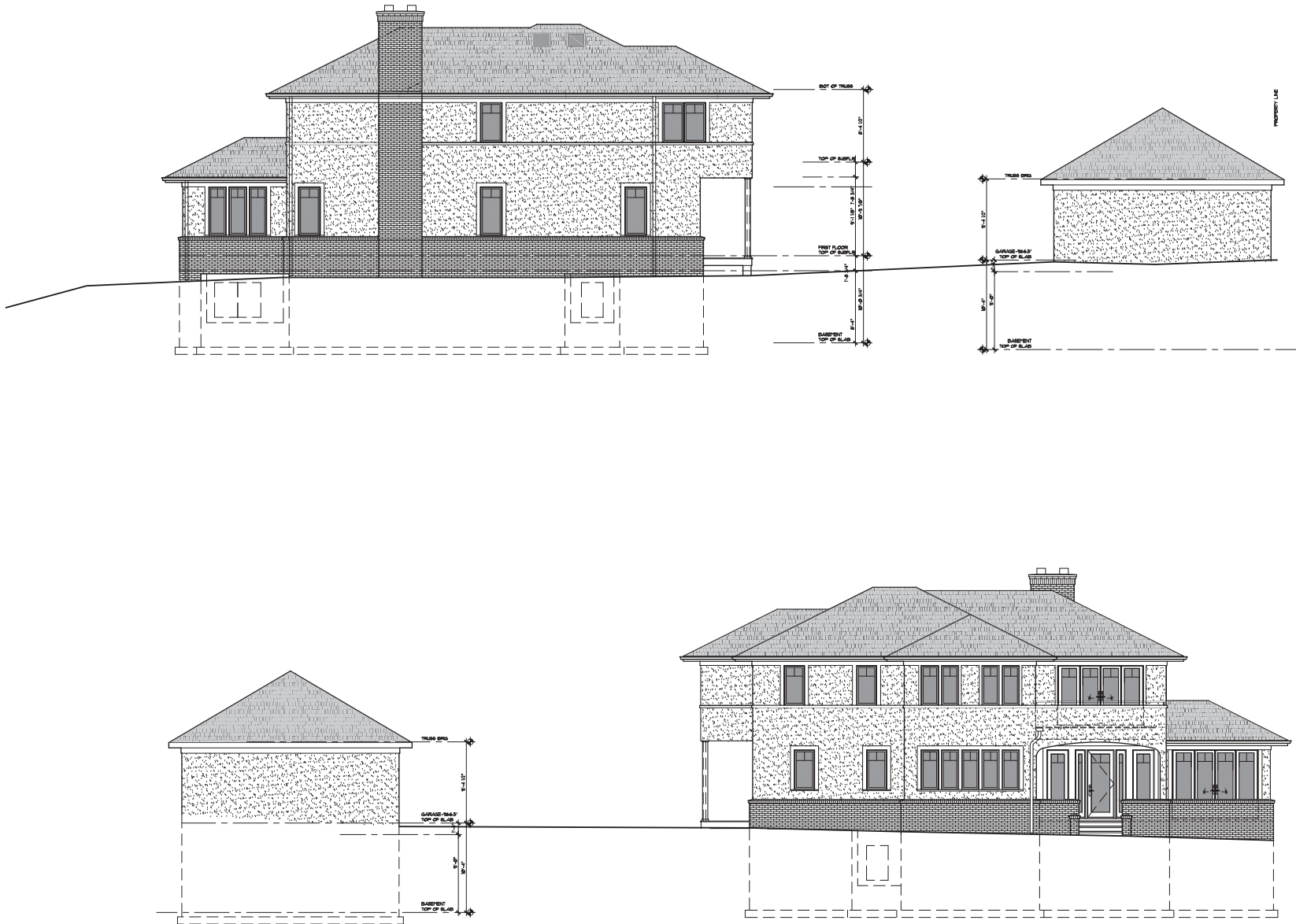


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VARIANCE APPLICATION

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SHEET 1 OF 1



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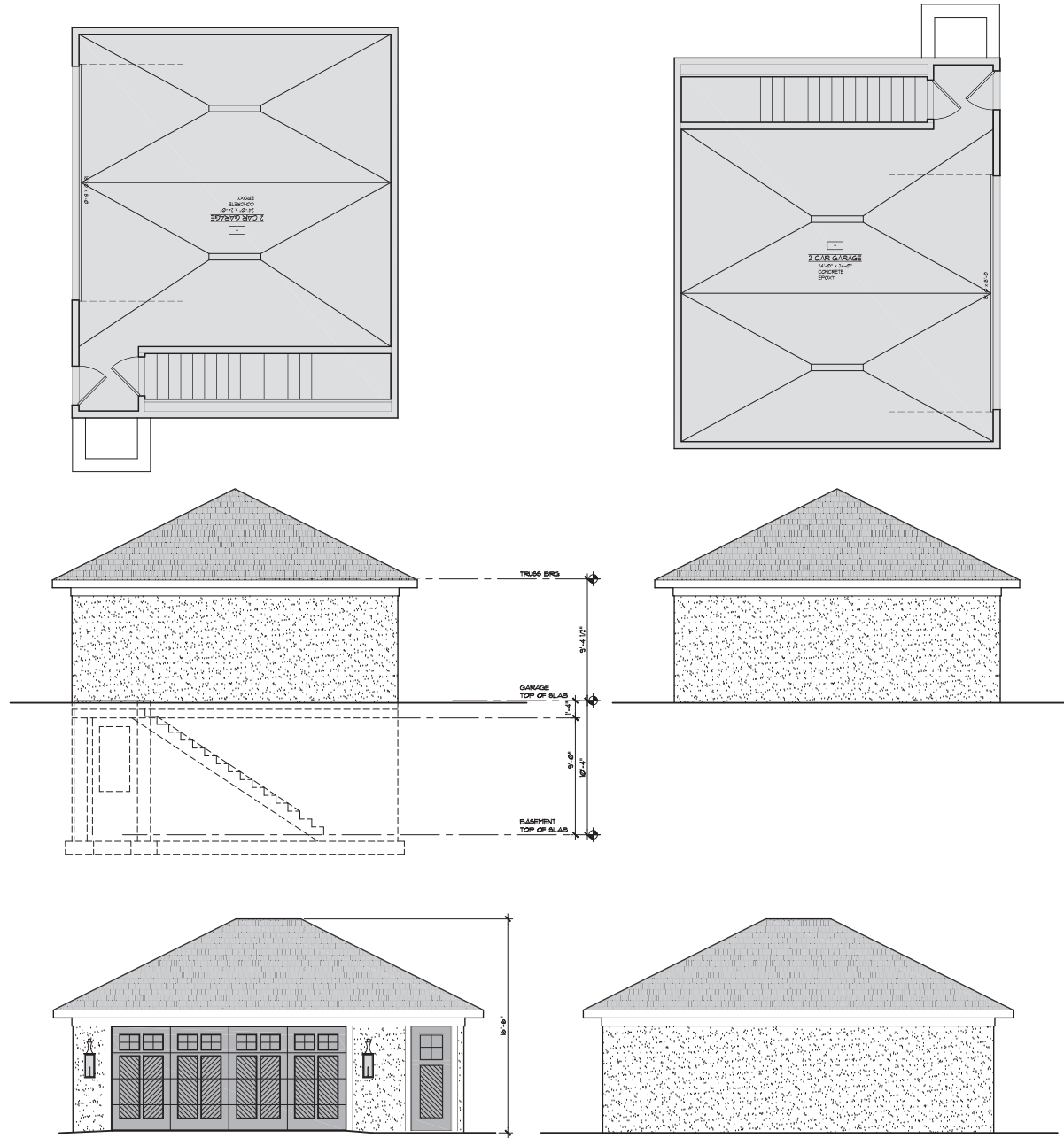


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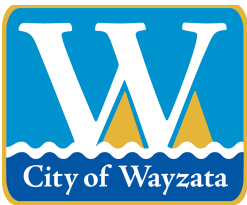
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WAYZATA, MN

SHEET 1 OF 1







## City of Wayzata Planning Commission Agenda Report

|                                                                                                        |                         |
|--------------------------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                                                                      | <b>AGENDA ITEM:</b> 6.c |
| <b>TITLE:</b> Consider Development Application for a Lakeshore Setback Variance at 578 Harrington Road |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                                     |                         |
| <b>REVIEWED BY:</b> Eric Zweber                                                                        |                         |
| <b>60 DAY DEADLINE:</b> August 22, 2020                                                                |                         |

### **BACKGROUND:**

An application has been submitted for approval of a lakeshore setback variance to construct a new single-family residence at 578 Harrington Road.

### **ACTION REQUESTED:**

After considering the items outlined in this report, the Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the application for review and adoption at the next Planning Commission meeting.

### **ATTACHMENTS:**

1. Staff Report, Narrative, Plans, and Elevations



**Staff Report  
Wayzata Planning Commission  
July 6, 2020**

**Project Name:** 578 Harrington Road “Lookout Point”  
**Requests:** Variance for Shoreland Setback  
**Applicant:** Murphy & Co. Design  
**Property Owner:** Lookout Point, LLC  
**Prepared by:** Nick Kieser, Assistant Planner  
**“60 Day” Deadline:** August 22, 2020

---

**Development Application**

Introduction

The applicant, Murphy & Co. Design, and property owner, Lookout Point LLC, have submitted a development application requesting approval of a variance from the shoreland setback (§ 991.09 D. 2.), for the redevelopment and construction of a new house at 578 Harrington Road.

Background

This property was granted a lakeshore setback variance, impervious surface variance, and a Conditional Use Permit (CUP) for additional chimney height in early 2020 for a similar new home project. Through the building permit process, a preexisting deed was discovered that has a no-build area in the northern part of the lot where the approved home would be located. From that discovery, a new home is proposed with this application that encroaches further into the lakeshore setback. An impervious surface variance will not be needed with this request since it is below 20%. The approved CUP for additional chimney height still applies to this home since it is a similar house but will not need a separate approval since the same use applies.

Property Information

The property identification number and owner of the property are as follows:

| Address             | PID               | Owner             |
|---------------------|-------------------|-------------------|
| 578 Harrington Road | 12-117-23-13-0010 | Lookout Point LLC |

The current zoning and comprehensive plan land use designation for the property are as follows:

|                                 | 578 Harrington Road                              |
|---------------------------------|--------------------------------------------------|
| Current Zoning:                 | R-1A / Low Density Single Family Estate District |
| Comprehensive Plan Designation: | Estate Single Family District                    |
| Overlay Districts:              | S / Shoreland Overlay District                   |

#### Project Location

The property is located at the end of Harrington Road that is also the point between Wayzata Bay and Browns Bay.

#### *Map 1: Project Location*



Source: Hennepin County

#### Application Requests

As part of the submitted development application, the applicant is requesting approval of the following item:

- A. Shoreland Setback Variance: The applicant has applied to construct a new house that is in a similar location as the existing house. City Code § 991.09 D. states that a principal structures setback from the lakeshore shall be the greater of:
  - a) Seventy-five feet;

- b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
- c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or
- d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

The greatest of these setbacks would be b) a line drawn between the two adjacent homes (~150-160 feet). Since this property is situated on a point that extends into the lake, a line drawn between the two homes makes the buildable area with this requirement close to nothing.

The next greatest of these setbacks is c) the average setback of the two adjacent homes. The approximate setbacks of the two adjacent houses are 105' (559 Harrington Road) and 70' (570 Harrington Road). The average of these two setbacks would make a requirement of 87.5'. The proposed house has a lakeshore setback of 52'2".

The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

#### Public Hearing Notice

Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on June 26, 2020. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on June 24, 2020.

#### **Background Information**

From the City records, the existing house was built in 1975 along with the guest house and was later remodeled and expanded in 1988. The principal house is a two-story single-family home. The existing guesthouse is a one-story residential unit that was renovated in 2005. This lot is a legal non-conforming lot as it is below the 80,000 sq. ft. minimum for the R-1A District. The applicant can build and request approvals for this lot.

578 Harrington also provides driveway access to the two adjacent parcels. The property to the east has a driveway access that goes directly across the length of the property. The adjacent property to the northwest has a small portion of their driveway access also on 578 Harrington. The proposed site plan would keep both of these access routes.

The site also has a legal non-conforming overlook structure that would be kept in the proposed redevelopment. The structure is located on the southwest property line near the lakeshore. The applicant and owner are allowed to maintain the structure, but cannot expand or modify the overlook.

#### **Description of Proposed Home and Site**

The lot is 77,397 square feet in size. Under this proposal, the existing two-story, 5,494 square-foot principal house would be demolished and the driveway, autocourts, gravel, landscaping, and pool would be removed as well. A new, three-story, 5,562 square foot house would be constructed along with a new pool, autocourt, driveways and terraces. The driveways and access areas would have a new configuration to service 570 Harrington and 559 Harrington.

### **Analysis of Application**

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

#### Setback

The proposed location of the home meets the minimum setback requirements for the R-1A Zoning District.

The lakeshore setback is required to be the greatest of three different setback measurements. For this property, which is on a property that extends on a point into the lake, the greatest setback would be a line drawn between the two closest riparian principal structures which would require a setback of approximately 150-160 feet. The applicant is requesting a variance to allow a lakeshore setback of 52'2" from the southwest property line.

The criteria for a variance from the Shoreland requirements (City Code Section 991.20), which are included in this staff report, are different than the criteria for a variance from the rest of the Zoning Ordinance (City Code Section 905.01.C.).

#### Shoreland Setback Variance Practical Difficulty Stated by Applicant

The applicant states that the practical difficulty is due to the existing easement that requires access to 570 Harrington Road in the form of a shared driveway through the north end of the lot. Through the building permit phase, the owner and applicant found that the preexisting deed created a no-build area in the north end of the lot that was created by a previous owner and the owner of 570 Harrington Road. This no-build area is shown on a map that is attached to this packet.

#### Tree Preservation

This project stays below the allowable 25% amount of significant trees that can be removed with a new home construction. The project removes two heritage trees which requires 136 inches of tree replacement. 152 tree inches are planned to be planted on the site to mitigate the heritage tree replacement requirement.

### **Primary Questions to Consider**

- Is there a practical difficulty with this variance request?
- Does this use and variance request preserve the natural forms of this area?
- Will this variance request alter the essential locality of the locality?

### **Action Steps**

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application, for review and adoption at the next Planning Commission meeting.

### **Attachments**

Survey  
Narrative  
Site Plans  
Elevations  
Railing Examples  
Stormwater Management Plans



## Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. While several criteria appear to be met, **staff has highlighted in bold** the criteria that may require additional discussion with the Planning Commission.

### Shoreland Overlay District Variances (§ 991.20)

Variances may be granted by the City Council in accordance with Chapter 905 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
- E. **Shall constitute a hardship as defined in Chapter 905 of this Ordinance. Note: This section of Code was not updated to change the “hardship” criteria to the new “practical difficulty” criteria:**
  - “Practical difficulties,” as used in connection with the granting of a variance, means that:**
    - a) The property owner's proposal for the property is reasonable but not permitted by this Ordinance;**
    - b) The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and**
    - c) The variance, if granted, will not alter the essential character of the locality.**
- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this Section.

Date: June 5, 2020  
Project: Lookout Point  
Project Address: 578 Harrington Road, Wayzata MN  
Re: City of Wayzata Land Use Development Application  
Supplemental Legal Description

## PARCEL LEGAL DESCRIPTION

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### *Parcel Identification*

1211723130010

### *Legal Description {Per Certificate Number 1434224}*

Par 1: Lot 4, Auditor's Subdivision No. 99, Hennepin County, Minn.

Lot 3, Auditor's Subdivision No. 99, Hennepin County, Minnesota excepting therefrom that part of said Lot 3 described as follows: Beginning at a point in the Northeasterly line of said Lot 3 distant 70.75 feet Southeasterly from the most Northerly corner of said Lot 3: thence Southwesterly parallel to the Northwesterly line of said Lot 3 a distance of 58.7 feet; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 242.65 feet Southeasterly from the Southwesterly corner thereof; then Southeasterly along the Southwesterly line of said Lot 3 to the Southeast corner thereof: thence Northeasterly along the shore of Lake Minnetonka to the Northeast corner of said Lot 3; thence Northwesterly along the Northeasterly line of said Lot 3 to the point of beginning, according to the plate thereof on file or of record in the office of the Register of Deeds in and for said County.

Together with a non-exclusive easement for road and utility purposes over other land for the benefit of above land (Harrington Road)

Subject to an easement for subterranean water pipes through and across said Lots 3 and 4, Auditor's Subdivision #99 reserved by that certain deed of record in Book 505 of Deeds, page 374 in the office of the Register of Deeds in and for Hennepin County, Minnesota;

Subject to an easement in favor of that part of Lot 3, Auditor's Subdivision #99 described in the above exception, said easement being for a right of way for driveway purposes over a trip of land 14 feet in width extending in a general Southerly, Easterly and Northeasterly direction in Lots 3 and 4, Auditors Subdivision #99 from the Northwesterly line of said Lot 3 to the Westerly line of the premises contained in the hereinabove described exception to the said Lot 3, the center line of said 14 foot strip being described as follows: Beginning at a point in the Northwesterly line of said Lot 3 distant 8.2 feet Northeasterly from the most Westerly corner of said Lot; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 14.55 feet from said most Westerly corner of said Lot; thence Easterly on a curve, convex to the Southwest with a radius of 71.97 feet a distance of 90.8 feet to a point in the Southwesterly line of said Lot 3 distant 100.05 feet Southeasterly from the most Westerly corner of said Lot; thence Northeasterly on a continuation of the last described curved line a distance of 9.2 feet; thence Northeasterly on a tangential curve to the left with a radius of 223.17 feet a distance of 40 feet; thence Northerly on a tangential curve to the left with a radius of 57.0 feet a distance of 35.5 feet to a point in the Westerly line of the premises contained in the hereinabove described exception to said Lot 3 which point is 76 feet Southerly from the most Westerly corner of said premises contained in the exception hereinabove described as shown in Book 1691 of Deeds, page 224.

Date: June 15, 2020  
Project: Lookout Point  
Project Address: 578 Harrington Road, Wayzata MN  
Re: City of Wayzata Land Use Development Application

## LOOKOUT POINT

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### *Project Summary*

The proposed project is for a new single-family home on an existing conforming lot on Lake Minnetonka. An existing split-level structure, built in 1975, will be removed from the site. The existing site has several non-conforming features, including the placement of the principal structure into the 30'-0" top of bluff setback and the 75'-0" lakeshore setback from the OHWL condition on the southwesterly side of the lot, an existing hardcover / impervious surface coverage of 27.6% which exceeds both the R-1A and the Shoreland Overlay maximums allowed, an existing pool which sits within the 30'-0" top of bluff setback, a motor court which extends into the 30'-0" top of bluff setback, and a cantilevered structure which sits within the bluff and projects beyond the OHWL below on the southwesterly side of the lot. An easement (see attached document) dating to 1946 exists on the property for a driveway access with specific geographic path to the neighboring property, located at 570 Harrington Road. An existing covenant (see attached document) dating to 1998 also exists on the property restricting any new building on the eastern portion of the property adjacent to 570 Harrington Road.

The goals of the homeowner and project team were to create a new principal structure in a traditional American colonial style, fitting the existing topography as dictated by the bluff on the southwest side of the lot, minimizing grading changes and preserving existing foliage, conforming to the driveway easement on the northeast side of the lot and the no-build restriction on the eastern side of the lot, and improving upon the existing and non-conforming impervious surface coverage. The homeowner and project team were also careful to ensure that the proposed principal structure would fit at and within the setback line of the existing structure.

The proposed design and site plan meet the intent of the ordinances, as the site demonstrates numerous existing practical challenges and the project team and client are improving upon the nonconforming existing conditions of the property.

### *Requested Variances and Conditional Use Permits*

**Variance 1:** Request for a variance to the Shoreland Overlay minimum setback requirement as related to average setback of the two adjacent principal structures.

17C

6973886

OFFICE OF COUNTY RECORDER  
HENNEPIN COUNTY, MINNESOTA

CERTIFIED FILED AND OR  
RECORDED ON

98 SEP 24 AM 10: 25

AS DOCUMENTED  
*Michael H. Hennepin* ACT'G. CO. REC.  
BY *[Signature]* DEPUTY

6973886

24SEP98 10:26 B6973886 SCD \$4.50  
24SEP98 10:26 B6973886 DDC \$15.00

|                     |
|---------------------|
| Box No.: <u>672</u> |
| Company: _____      |

**DECLARATION OF COVENANTS AND RESTRICTIONS**

This Declaration of Covenants and Restrictions is executed this 27<sup>th</sup> day of August 1998, by Richard Neslund and Mabeth Neslund, husband and wife (the "Neslunds"), residing in Hennepin County, Minnesota, and Waring Jones and Lucy R. Jones, formerly known as Lucy R. McCarthy, husband and wife (the "Jones"), residing in Hennepin County, Minnesota.

WHEREAS, the parties own tracts of land adjoining each other located in the City of Wayzata, and situated in Hennepin County, Minnesota. The parties wish to enter into this Declaration pertaining to such tracts of land.

NOW THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration, and the mutual covenants herein contained, the parties agree as follows:

1. The Neslunds are the sole owners in fee simple absolute of the following described real property located in Hennepin County, Minnesota:

Lot 4, Auditor's Sub Division number ninety nine (99), Hennepin County, Minnesota and

Lot 3, Auditor's Sub Division number ninety nine (99) Hennepin County, Minnesota excepting therefrom that part of said Lot 3 described as follows:

This Indenture, Made this 1st day of October, 1948, between Sumner T. McKnight and Helen S. McKnight, husband and wife, of the County of Hennepin and State of Minnesota, parties of the first part, and John S. Gage and Ann B. Gage of the County of Hennepin and State of Minnesota, parties of the second part,

Witnesseth, That the said parties of the first part, in consideration of the sum of Thirty Thousand and no/100 (\$30,000.00) Dollars, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Sell, and Convey unto the said parties of the second part as joint tenants and not as tenants in common, their assigns, the survivor of said parties, and the heirs and assigns to the survivor, Forever, all the tract or parcel of land lying and being in the County of Hennepin and State of Minnesota, described as follows, to-wit:

All that part of Lot Three (3), Auditor's Subdivision Number Ninety-nine (99) described as follows:

Beginning at a point in the Northeasterly (NEly) line of said Lot Three (3) distant 70.75 feet Southeasterly (SEly) from the most Northerly (Nly) corner of said Lot Three (3); thence Southwesterly (SWly) parallel to the Northwesterly (NWly) line of said Lot Three (3) a distance of 58.7 feet; thence Southerly (Sly) to a point in the Southwesterly (SWly) line of said Lot Three (3) distant 242.65 feet Southeasterly (SEly) from the Southwesterly (SWly) corner thereof; thence Southeasterly (SEly) along the Southwesterly (SWly) line of said Lot Three (3) to the Southeast (SE) corner thereof; thence Northeasterly (NEly) along the shore of Lake Minnetonka to the Northeast (NE) corner of said Lot Three (3); thence Northwesterly (NWly) along the Northeasterly (NEly) line of said Lot Three (3) to the point of beginning, according to the plat thereof on file and of record in the Office of the Register of Deeds in and for the County of Hennepin, State of Minnesota. **Together with an easement for right of way for driveway purposes over a strip of land 14 feet in width** extending in a general Southerly (Sly), Easterly (Ely) and Northeasterly (NEly) direction in Lots Three (3) and Four (4), Auditor's Subdivision Number Ninety-nine (99) from the Northwesterly line of Lot Three (3) to the Westerly (Wly) line of the premises herein above described, the center line of said 14 foot strip being described as follows: Beginning at a point in the Northwesterly (NWly) line of said Lot Three (3) distant 8.2 feet Northeasterly (NEly) from the most Westerly (Wly) corner of said Lot; thence Southerly (Sly) to a point in the Southwesterly (SWly) line of said Lot Three (3) distant 14.55 feet from said most Westerly (Wly) corner of said Lot; thence Easterly (Ely) on a curve, convex to the Southwest (SW) with a radius of 71.97 feet a distance of 90.8 feet to a point in the Southwesterly (SWly) line of said Lot Three (3) distant 100.05 feet Southeasterly (SEly) from the most Westerly (Wly) corner of said Lot Three (3); thence Northeasterly on a continuation of the last described curved line a distance of 9.2 feet; thence Northeasterly (NEly) on a tangential curve to the left with a radius of 223.17 feet a distance of 40 feet; thence Northerly (Nly) on a tangential curve to the left with a radius of 57.0 feet a distance of 35.5 feet to a point in the Westerly (Wly) line of the premises first above described, which point is 78 feet Southerly (Sly) from the most Westerly (Wly) corner of said first above described tract of land;

# HARRINGTON ROAD

Together with a right of way over that portion of Lot Thirteen (13), Auditor's Subdivision Number Ninety-nine (99), described in that certain deed of record in Book 781 of Deeds, page 529, in the office of the Register of Deeds in and for Hennepin County, Minnesota; and

Together with a right of way over those portions of Lot Thirteen (13), Auditor's Subdivision Number Ninety-nine (99) which were formerly a part of the private streets as shown on the Plat of Point Lookout and over which a right of way was reserved by that certain deed of record in Book 730 of Deeds, page 283, in the office of the Register of Deeds in and for Hennepin County, Minnesota;

Subject to that certain easement for subterranean water pipes through and across Lot Three (3), Auditor's Subdivision Number Ninety-nine (99), reserved by that certain deed of record in Book 505 of Deeds, page 353, in the office of the Register of Deeds in and for Hennepin County, Minnesota; and

Subject also to the following reservation: Grantors and their heirs shall have the option to purchase the premises conveyed by this deed at any time within thirty (30) days after the grantees or their heirs shall notify grantors or their heirs in writing of their intention to sell or otherwise voluntarily convey said premises, at the same price the grantees herein have paid, as hereinbefore stated as the consideration for this deed, viz. Thirty Thousand Dollars (\$30,000.00) in cash. In the event grantors or their heirs shall fail to exercise said option, grantees may sell or otherwise voluntarily convey said premises free of this option at any time within one hundred eighty (180) days after giving notice to grantors or their heirs of said desire to sell or otherwise convey said premises.

To Have And To Hold The Same, Together with all the hereditaments and appurtenances hereunto belonging or in anywise appertaining, to the said parties of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, Forever, the said parties of the second part taking as joint tenants and not as tenants in common.

And the said Sumner T. McKnight and Helen S. McKnight, husband and wife, parties of the first part, for themselves, their heirs, executors and administrators do covenant with the said parties of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, that they are well seized in fee of the lands and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances, except as aforesaid, and the lien of all unpaid special assessments and interest thereon.

And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said parties of the second part, their assigns, the survivor of said parties, and the heirs and assigns of the survivor, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances hereinbefore mentioned, the said parties of the first part will Warrant and Defend.

In Testimony Whereof, The said parties of the first part have hereunto set their hands the day and year first above written.

In Presence of:

|                  |                        |                    |
|------------------|------------------------|--------------------|
| S. J. Toman      | (Thirty-Three Dollars) | Sumner T. McKnight |
|                  | (in Int. Rev. Doc. )   | Sumner T. McKnight |
| Francys E. Shull | (Stamps Canceled )     | Helen S. McKnight  |
|                  |                        | Helen S. McKnight  |

State Of Minnesota )  
 ) ss.  
 County Of Hennepin )

On this 1st day of October, 1948, before me, a notary public, within and for said County,



personally appeared Sumner T. McKnight and Helen S. McKnight, husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Francys E. Shull      Francys E. Shull,  
Notary Public, Hennepin County, Minn.  
My Commission Expires Dec. 2, 1949.  
(Notarial Seal)

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Doc. No. 2401692 Filed October 11, 1946, at 11:20 o'clock A. M.

This Indenture, Made this 23rd day of September, in the year of our Lord one thousand nine hundred and forty-six (1946), between The Farmers And Mechanics Savings Bank Of Minneapolis, a corporation existing and doing business under the General Laws of the State of Minnesota, and whose principal place of business is at Minneapolis Hennepin County, Minnesota, party of the first part, and Molly Goodman, of the County of Hennepin, and State of Minnesota, party of the second part,

Witnesseth, That the said party of the first part, in consideration of the sum of One Dollar And Other Valuable Consideration to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, Remise, Release and Convey unto the said party of the second part, her heirs and assigns forever, all that tract or parcel of land lying and being in the County of Hennepin and State of Minnesota, described as follows, to-wit:

Lot Seven (7) and the North Half (N $\frac{1}{2}$ ) of Lot Eight (8), Block Twenty-nine (29), Oak Park Addition to Minneapolis, according to the duly recorded plat thereof;

To Have And To Hold The Same, Together with all the hereditaments and appurtenances thereunto belonging or in any wise appertaining, to the said party of the second part, her heirs and assigns, Forever; and the said The Farmers And Mechanics Savings Bank Of Minneapolis, party of the first part, does covenant with the said party of the second part, her heirs and assigns, that it has not made, done, executed or suffered any act or thing whatsoever, whereby the above described premises or any part thereof now or at any time hereafter shall or may be imperiled, charged or incumbered in any manner whatsoever; and the title to the above granted premises against all persons lawfully claiming the same from, through or under it the said party of the first part will Forever Warrant And Defend.

In Testimony Whereof, The Farmers And Mechanics Savings Bank Of Minneapolis has caused these presents to be executed in its corporate name by its Vice-President and its Assistant Treasurer and its corporate seal to be hereunto affixed the day and year first above written.

Signed, Sealed and Delivered )  
in Presence of )

H. R. Sundt )

L. M. Lenz )

(Three Dollars & )  
(Eighty-Five Cents )  
(in Int. Rev. Doc. )  
(Stamps Canceled )

The Farmers And Mechanics Savings Bank  
Of Minneapolis,

By G. G. Cowie  
Its Vice-President.

R. L. Davidson  
Its Asst-Treasurer.  
(Corporate Seal)

State Of Minnesota, )  
County Of Hennepin } ss.

On this 24th day of September, A. D. 1946, before me, the undersigned, a Notary Public, within and for said County and State, appeared G. G. Cowie and R. L. Davidson, to me personally known to be, and who, being by me duly sworn, did severally say, that they are the Vice-President and Assistant-Treasurer, respectively, of The Farmers and Mechanics Savings Bank of Minneapolis, the corporation that is described in and that executed the within instrument; that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Trustees; and the said G. G. Cowie and R. L. Davidson, acknowledged said instrument to be the free act and deed of said corporation.

H. R. Sundt      H. R. Sundt  
Notary Public, Hennepin County, Minn.  
My Commission Expires May 15, 1948.  
(Notarial Seal)

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Doc. No. 2401699 Filed October 11, 1946, at 11:40 o'clock A. M.

This Indenture, Made this 19th day of September, 1946, between General Mills, Inc., a corporation under the laws of the State of Delaware, party of the first part, and ABC Corrugated Box Company, a corporation under the laws of the State of Minnesota, party of the second part,

Witnesseth, That the said party of the first part, in consideration of the sum of One Dollar and other good and valuable considerations, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being in the County of Hennepin and State of Minnesota, described as follows, to-wit:

That part of Auditor's Subdivision No. 4, Hennepin County, Minnesota, described as follows: Commencing at a point in the West line of said Auditor's Subdivision No. 4, as originally platted which is 609.61 feet South of the most Northerly corner of said Auditor's Subdivision No. 4, thence South along said West line a distance of 359.99 feet, thence East at right angles 315.25 feet, thence North at right angles a distance of 295.64 feet, thence Northwesterly on a curve to the left whose radius is 256.4 feet a distance of 65.25 feet to an iron stake located on said curve 56.6 feet Southeasterly of the point where said curve intersects the Southwesterly boundary line of the Great Northern Railway Company's main right of way described in the deed recorded in Book 19 of Deeds on page 51 in the office of the Register of Deeds of said Hennepin County, thence West 306.07 feet to the point of beginning, together with an easement for right of way over a strip of land 9.7 feet in width adjacent on the South to the above described tract extending along the entire Southerly boundary thereof to be used perpetually as a right of way in common with the grantor and its successors and assigns together with all rights of reversion in and to the part of said Auditor's Subdivision No. 4 adjacent on the East to the first above described tract and of the part of the West 4½ feet of Jackson Street, heretofore vacated adjacent to said last

mentioned part of said Auditor's Subdivision No. 4 and other rights appurtenant to the above described premises all as reserved and granted in the deeds recorded in the office of said Register of Deeds in Book 731 of Deeds on Page 395, Book 730 of Deeds on Page 490, Book 777 of Deeds on Page 35 and in Book 1231 of Deeds on Page 305, subject to the public easement for street purposes over the West 10 feet of the premises herein conveyed adjacent to Quincy Street heretofore taken for the widening of said Quincy Street, the grantor herein hereby reserving to itself, its successors and assigns a perpetual easement for right of way in common with the grantee herein, its successors and assigns over a strip of land 9.7 feet in width immediately North of the Southerly boundary line of the tract herein conveyed first above described and extending along the entire said Southerly boundary line, subject to the aforesaid public easement for street purposes, together with the adjacent portions of streets heretofore or hereafter vacated, all according to the plat of said premises on file and of record in the office of said Register of Deeds.

To Have And To Hold The Same, Together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to the said party of the second part, its successors and assigns, forever. And the said General Mills, Inc., party of the first part, for itself and its successors, does covenant with the said party of the second part, its successors and assigns, that it is well seized in fee of the lands and premises aforesaid, and has good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances except taxes and installments of special assessments, if any, becoming due and payable in the year 1946 and subsequent years and liens and incumbrances created or suffered by the grantee herein, this deed being given to correct and make certain the description of the property intended to be conveyed by the certain deed from the grantor herein to grantee herein recorded in Book 1650 of Deeds on Page 89 in the office of the Register of Deeds of said Hennepin County. And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, subject to incumbrances, if any, hereinbefore mentioned, the said party of the first part will Warrant and Defend.

In Testimony Whereof, the said first party has caused these presents to be executed in its corporate name by its Vice President and its Secretary and its corporate seal to be hereunto affixed the day and year first above written.

In Presence of:  
Lila Hunkins  
Geraldine Anderson

General Mills, Inc.  
By L. N. Perrin  
Its Vice President  
E. K. Thode  
Its Secretary  
(Corporate Seal)

State Of Minnesota }  
County Of Hennepin } ss.

On this 19th day of September, 1946, before me, a Notary Public, within and for said County, personally appeared L. N. Perrin and E. K. Thode, to me personally known, who, being each by me duly sworn did say that they are respectively the

Beginning at a point in the Northeasterly line of said Lot 3 distant 70.75 feet Southeasterly from the most Northerly corner of said Lot 3; thence Southwesterly parallel to the Northwesterly line of said Lot 3 a distance of 58.7 feet; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 242.65 feet Southeasterly from the Southwesterly corner thereof; thence Southeasterly along the Southwesterly line of said Lot 3 to the Southeast corner thereof; thence Northeasterly along the shore of Lake Minnetonka to the Northeast corner of said Lot 3; thence Northwesterly along the Northeasterly line of said Lot 3 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.

Subject to an easement in favor of that part of Lot 3, Auditor's Subdivision #99 described in the above exception, said easement being for a right of way for driveway purposes over a strip of land 14 feet in width extending in a general Southerly, Easterly and Northeasterly direction in Lots 3 and 4, Auditor's Subdivision #99 from the Northwesterly line of said Lot 3 to the Westerly line of the premises contained in the hereinabove described exception to the said Lot 3, the center line of said 14 foot strip being described as follows: Beginning at a point in the Northwesterly line of said Lot 3 distant 8.2 feet Northeasterly from the most Westerly corner of said Lot; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 14.55 feet from said most Westerly corner of said Lot; thence Easterly on a curve, convex to the Southwest with a radius of 71.97 feet a distance of 90.8 feet to a point in the Southwesterly line of said Lot 3 distant 100.05 feet Southeasterly from the most Westerly corner of said Lot; thence Northeasterly on a continuation of the last described curved line a distance of 9.2 feet; thence Northeasterly on a tangential curve to the left with a radius of 223.17 feet a distance of 40 feet; thence Northerly on a tangential curve to the left with a radius of 57.0 feet a distance of 35.5 feet to a point in the Westerly line of the premises contained in the hereinabove described exception to said Lot 3 which point is 76 feet Southerly from the most Westerly corner of said premises contained in the exception hereinabove described as shown in Book 1691 of Deeds, page 224 in the office of the Register of Deeds of Hennepin County, Minn;

Subject to an easement for subterranean water pipes through and across said Lots 3 and 4, Auditor's Subdivision #99, reserved by that certain deed of record in Book 505 of Deeds, page 374 in the office of the Register of Deeds in and for Hennepin County, Minnesota.

(Torrens Property: Certificate of Title No. 511775)

(The above property is referred to herein as the "Neslund Property" and also as the "Burdened Property".)

2. The Jones' are the sole owners in fee simple absolute of the following described real property located in Hennepin County, Minnesota:

Lot 2, Auditor's Subdivision number ninety-nine (99), Hennepin County, Minnesota.

(Abstract Property)

(The above property is referred to herein as the "Lucy R. Jones Property".)

AND

All that part of Lot 3, Auditor's Sub Division number ninety nine (99), Hennepin County Minnesota, described as follows: Beginning at a point in the Northeasterly line of said Lot 3 distant 70.75 feet Southeasterly from the most Northerly corner of said Lot 3; thence Southwesterly parallel to the Northwesterly line of said Lot 3 a distance of 58.7 feet; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 242.65 feet Southeasterly from the Southwesterly corner thereof; thence Southeasterly along the Southwesterly line of said Lot 3 to the Southeast corner thereof; thence Northeasterly along the shore of Lake Minnetonka to the Northeast corner of said Lot 3; thence Northwesterly along the Northeasterly line of said Lot 3 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 Hennepin County.

Subject to an easement for subterranean water pipes through and across said Lots 3 and 4, Auditor's Subdivision #99, reserved by that certain deed of record in Book 505 of Deeds, page 353, in the office of the Register of Deeds in and for Hennepin County, Minnesota. Also

Together with a perpetual non-exclusive private road easement 14 feet in width over that portion of Lots 3 and 4, Auditor's Subdivision Number ninety-nine (99), as is more particularly described in that certain instrument recorded in Book 1691 of Deeds, page 224, in the office of the Register of Deeds in and for Hennepin County, Minnesota, as shown in deed Doc. No. 645111, Files of Registrar of Titles.

(Torrens Property: Certificate of Title No. 324425)

(The above property is referred to herein as the "Waring Jones Property.")

(The Lucy R. Jones Property and the Waring Jones Property are collectively referred to herein as the "Benefitted Property".)

3. Neither the Neslunds, nor their representatives, heirs, successors or assigns, may construct any additional "structure" (as hereinafter defined) on that portion of the Burdened Property lying within the Neslund portion of Lot 3, Aud. Subd. No. 99, as described in Paragraph



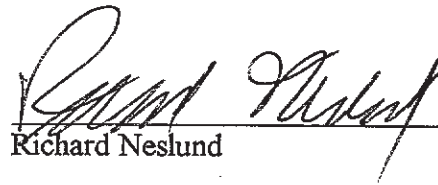
1 above. The area of no "structures" is shown cross-hatched on attached Exhibit A. For purposes of this Declaration, "structure" shall include any canopy, awning, shed, garage, gazebo, house, fence, and any other principal or accessory structure as defined in the Wayzata zoning ordinances. However, maintenance, repair, remodeling, rebuilding in the event of fire or other damage, but not enlargement, of the existing caretaker house is not prohibited.

4. For themselves only, the Neslunds, or either of them, agree not to construct any further "structures", as defined above, anywhere on Lot 4, Aud. Subd. No. 99, as described in Paragraph 1 above. Upon the Neslunds' divestiture of ownership in the said Lot 4 (i.e., warranty deed or contract for deed sale) to an unrelated third-party, this restriction shall terminate and be void.

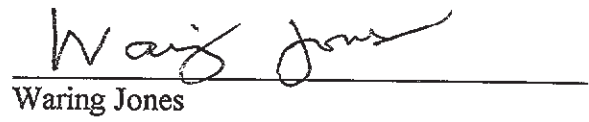
5. This Declaration may be amended or terminated at any time upon the execution of a written agreement between the then current owners of the Burdened Property and Benefitted Property. Said written agreement of amendment or termination shall be signed in recordable form by all owners of the Burdened Property and Benefitted Property and recorded with the offices of both the Registrar of Titles and County Recorder in and for Hennepin County, Minnesota.

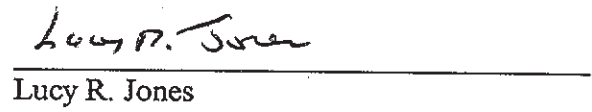
6. This Declaration shall be deemed to create covenants and restrictions running with the respective lands. In case of attempted violation of any covenant or restriction herein contained by a party hereto, or their representatives, heirs, successors or assigns, the other party, or their representatives, heirs, successors or assigns, may seek an injunction against such violation in addition to other legal remedies.



  
Richard Neslund

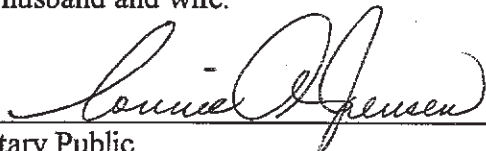
  
Mabeth Neslund

  
Waring Jones

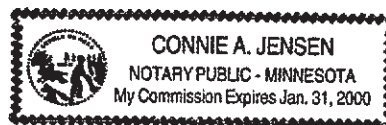
  
Lucy R. Jones

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of SEPTEMBER, 1998, by Richard Neslund and Mabeth Neslund, husband and wife.

  
\_\_\_\_\_  
Notary Public  
Commission Expiration: 1-31-2000

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

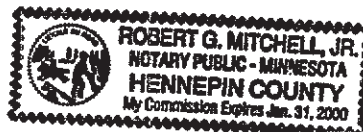


The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of August, 1998, by Waring Jones and Lucy R. Jones, formerly known as Lucy R. McCarthy, husband and wife.

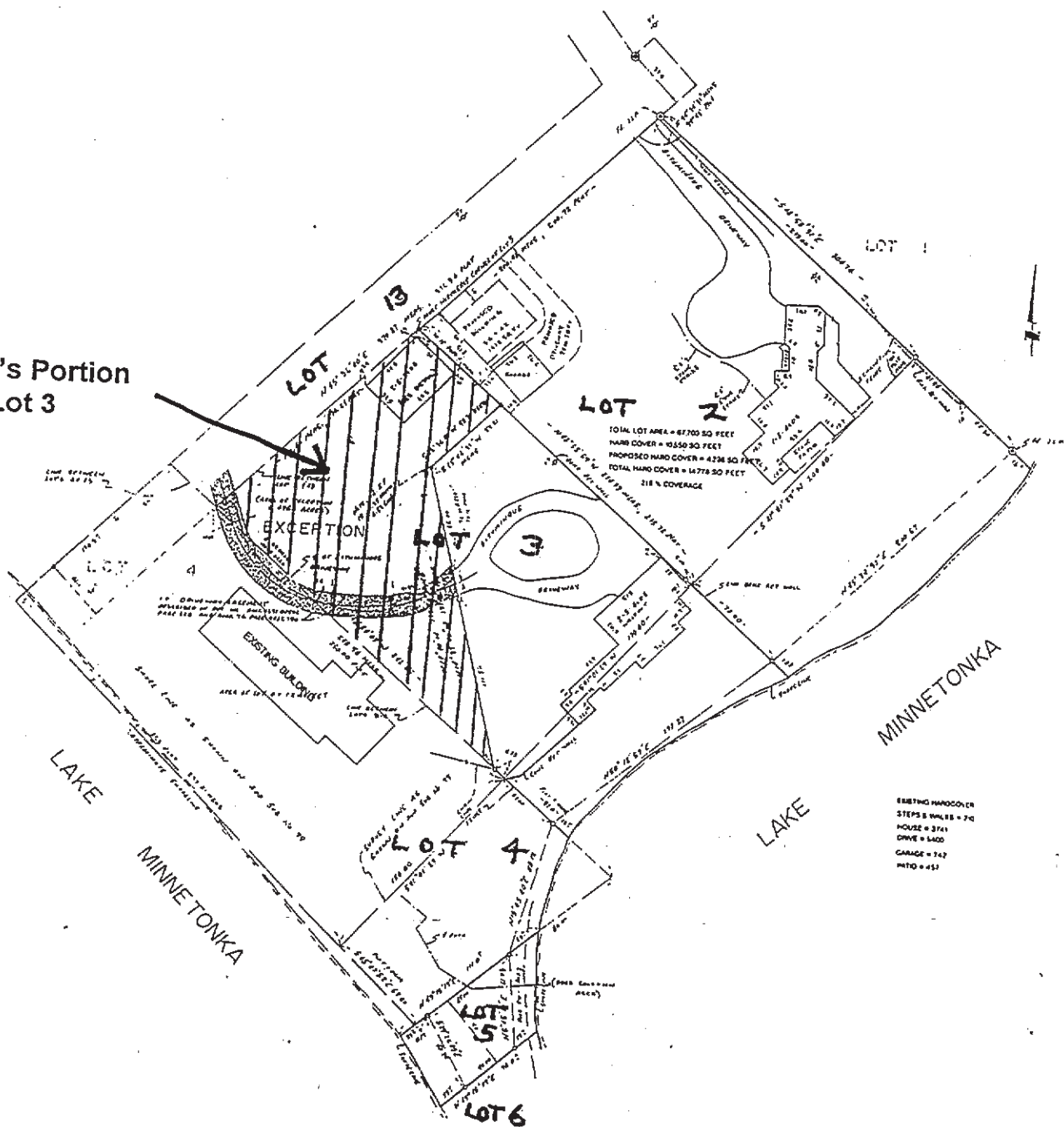
  
\_\_\_\_\_  
Notary Public  
Commission Expiration: 1-31-2000

THIS INSTRUMENT WAS DRAFTED:

Lindquist & Vennum P.L.L.P. (RGM)  
4200 IDS Center  
80 south Eighth Street  
Minneapolis, MN 55402  
(612) 371-3211



Neslund's Portion  
of Said Lot 3



Date: June 15, 2020  
Project: Lookout Point  
Project Address: 578 Harrington Road, Wayzata MN  
Re: City of Wayzata Land Use Development Application

## VARIANCE / CONDITIONAL USE PERMIT REQUESTS

---

### *Property Zoning District(s)*

R-1A Low-Density Single-Family Estate  
Shoreland Overlay

### *Variance Request 1:*

**Request for a variance to the Shoreland Overlay minimum setback requirement as related to average setback of the two adjacent principal structures.**

Per Wayzata's Code of Ordinances, Chapter 991.09 {Shoreland Overlay, Minimum Setback Requirements}, Sub-Section D-2, Lake Shore Setbacks, *no principal structure or building addition other than a water-oriented accessory structure as specified above shall be located closer to the ordinary high-water mark than the greater of:*

- a) *Seventy-five feet;*
- b) *A line which is drawn between the two closest riparian principal structures on either side of a building site;*
- c) *The average setback of the two closest riparian principal structures on either side of a proposed building site; or*
- d) *The average setback line shall be measured parallel to the ordinary high-water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high-water level to that part of the said principal structure that is closest to the lake.*

### **The proposed project is in harmony with the general purposes and intent of this ordinance:**

The proposed location of the new principal structure keeps in harmony with the general purpose and intent of this ordinance by maintaining a consistent setback from the OHWL as compared to that of the existing structure on the property.

### **The proposed project is consistent with the Comprehensive Plan:**

The proposed project is consistent with the Comprehensive Plan as the proposed structure continues to maintain and enhance the character, diversity, and livability of the R1-A district and the Harrington Road neighborhood.

### **The proposed project is a reasonable use of this property:**

This proposed project is a reasonable use of the property as it replaces an existing single-family home and the placement works with the unique character and topography of the existing site.

**The variance request is due to circumstances unique to the property, not created by the landowner:**

The practical difficulty in complying with the average setback regulations is due to the unique shape of the lot, as well as its proximity and orientation as compared to the adjacent parcels. This lot extends beyond both of the neighboring properties into the Browns Bay and Wayzata Bay shorelines. Practical difficulties also exist with the existing topography of the site in respect to the easement and driveway access needed for the neighboring property at 570 Harrington Road, which creates an unnatural boundary on the north side of the lot. A preexisting deed also delineates a non-buildable area of the property, set forth by the previous homeowners of this parcel and the parcel to the north (570 Harrington Road).

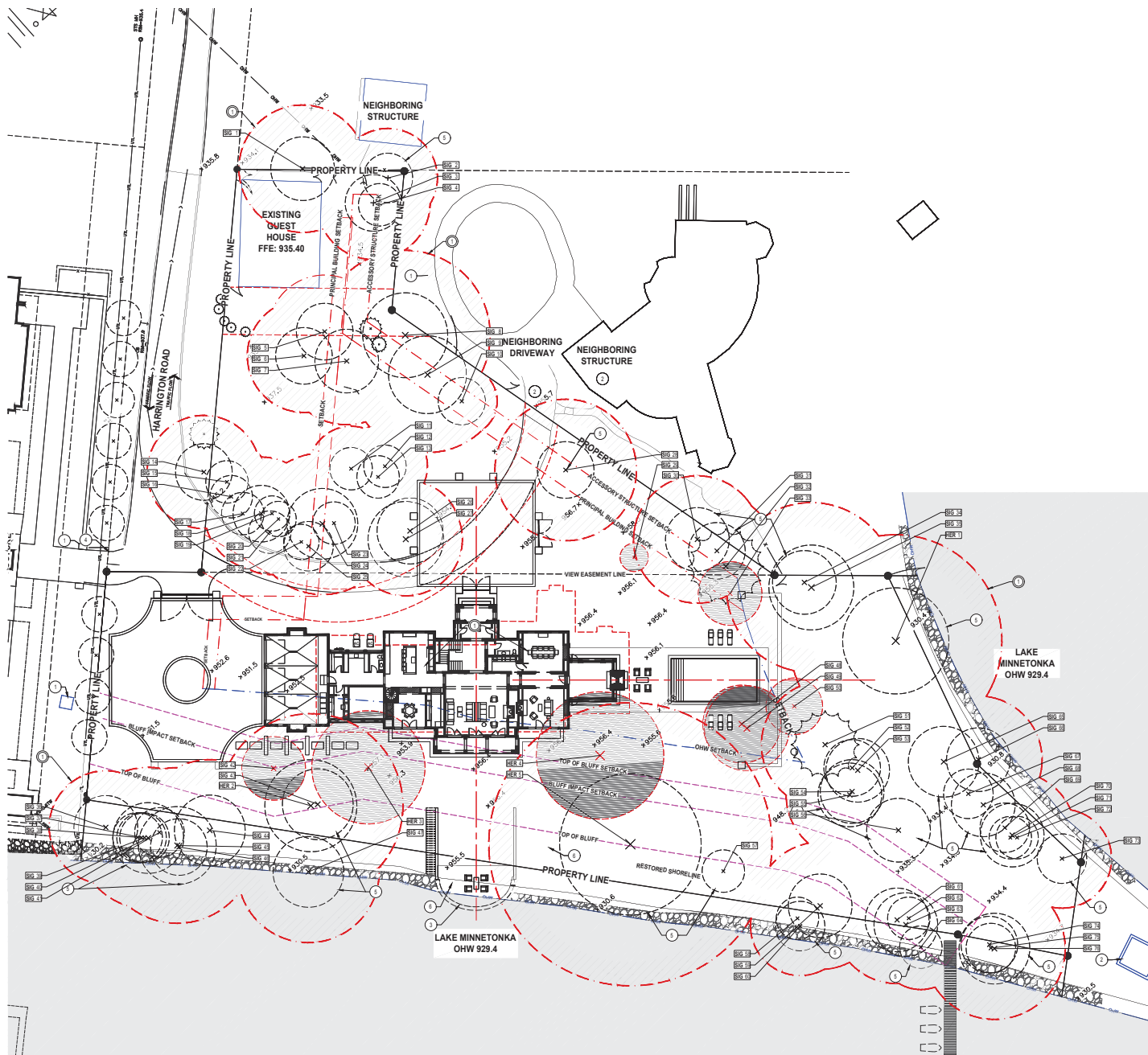
**The variance, if granted, will not alter the essential character of the locality:**

The proposed footprint of the new home would be similar to the setbacks already set forth by the existing home on the site.









## GENERAL NOTES

1. SEE SHEET L001 FOR GENERAL NOTES.
2. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO.
3. ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE WITH PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
4. REFER TO SHEET L010 - EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR.
5. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
6. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES. ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND
7. APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
8. AUTO-CAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

○ KEYNOTES

1. EX. NEIGHBORING PROPERTY/SITE FEATURE - SAVE AND PROTECT
2. EX. CITY STREET/ALLEY - SAVE AND PROTECT, REPAIR ANY DAMAGED AREAS PER CITY STANDARDS
3. EX. OVERHANG - SAVE AND PROTECT
4. EX. DRIVEWAY ENTRANCE TO NEIGHBORING PROPERTY - SAVE AND PROTECT
5. EX. SIGNIFICANT TREE, TYPICAL - SAVE AND PROTECT
6. EX. SITE WALL - SAVE AND PROTECT

 SHEET NOTES

- 1 CRITICAL ROOT ZONE, TYPICAL

## SIGNIFICANT & HERITAGE TREE INVENTORY

| SIGNIFICANT TREES |                |     |                 |
|-------------------|----------------|-----|-----------------|
| #                 | SPECIES        | DBH | STATUS          |
| 1                 | PLANTAGINACEAE | 15  | 19.05.1982.0001 |
| 2                 | PLANTAGINACEAE | 15  | 19.05.1982.0002 |
| 3                 | PLANTAGINACEAE | 15  | 19.05.1982.0003 |
| 4                 | PLANTAGINACEAE | 15  | 19.05.1982.0004 |
| 5                 | PLANTAGINACEAE | 15  | 19.05.1982.0005 |
| 6                 | PLANTAGINACEAE | 15  | 19.05.1982.0006 |
| 7                 | PLANTAGINACEAE | 15  | 19.05.1982.0007 |
| 8                 | PLANTAGINACEAE | 15  | 19.05.1982.0008 |
| 9                 | PLANTAGINACEAE | 15  | 19.05.1982.0009 |
| 10                | PLANTAGINACEAE | 15  | 19.05.1982.0010 |
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| 14                | PLANTAGINACEAE | 15  | 19.05.1982.0014 |
| 15                | PLANTAGINACEAE | 15  | 19.05.1982.0015 |
| 16                | PLANTAGINACEAE | 15  | 19.05.1982.0016 |
| 17                | PLANTAGINACEAE | 15  | 19.05.1982.0017 |
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| 19                | PLANTAGINACEAE | 15  | 19.05.1982.0019 |
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| 71                | PLANTAGINACEAE | 15  | 19.05.1982.0071 |
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| 73                | PLANTAGINACEAE | 15  | 19.05.1982.0073 |
| 74                | PLANTAGINACEAE | 15  | 19.05.1982.0074 |
| 75                | PLANTAGINACEAE | 15  | 19.05.1982.0075 |
| 76                | PLANTAGINACEAE | 15  | 19.05.1982.0076 |
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| 79                | PLANTAGINACEAE | 15  | 19.05.1982.0079 |
| 80                | PLANTAGINACEAE | 15  | 19.05.1982.0080 |
| 81                | PLANTAGINACEAE | 15  | 19.             |

|                                          |         |
|------------------------------------------|---------|
| TOTAL SIGNIFICANT TREE DBH               | 1.200"  |
| ALLOWABLE REMOVAL (25% TOTAL DBH)        | 301.50" |
| TOTAL SIGNIFICANT TREE DBH BEING REMOVED | 101.8"  |
| TOTAL HERITAGE TREE DBH                  | 164"    |
| ALLOWABLE REMOVAL                        | 0       |
| TOTAL SIGNIFICANT TREE DBH BEING REMOVED | 68"     |
| REQUIRED TREE REPLACEMENT                | 139"    |

**NOTE: SEE L401 FOR TREE REPLACEMENT SCHEDULE**

TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE

211 1ST STREET NORTH, SUITE 350  
MINNEAPOLIS, MN 55401

t 612 345 4276

## LOOKOUT POINT RESIDENCE

578 HARRINGTON ROAD, WAYZATA

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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 Landscape Architect under the laws of the State of Minnesota.

**TRAVIS VAN LIERE**  
license no: 43728  
date: 6/8/2020

| Rev # | Description                             | Date     |
|-------|-----------------------------------------|----------|
| 1     | ISSUED FOR VARIANCE APPLICATION         | 08/15/19 |
| 2     | REISSUED FOR VARIANCE PER CITY COMMENTS | 08/23/19 |
| 3     | REISSUED FOR VARIANCE APPLICATION       | 10/15/19 |
| 4     | VARIANCE REVISIONS                      | 12/20/19 |
| 5     | VARIANCE REVISIONS                      | 05/29/20 |
|       | VARIANCE APPLICATION RESUBMISSION       | 6/5/20   |

Drawing

## TREE PRESERVATION PLAN

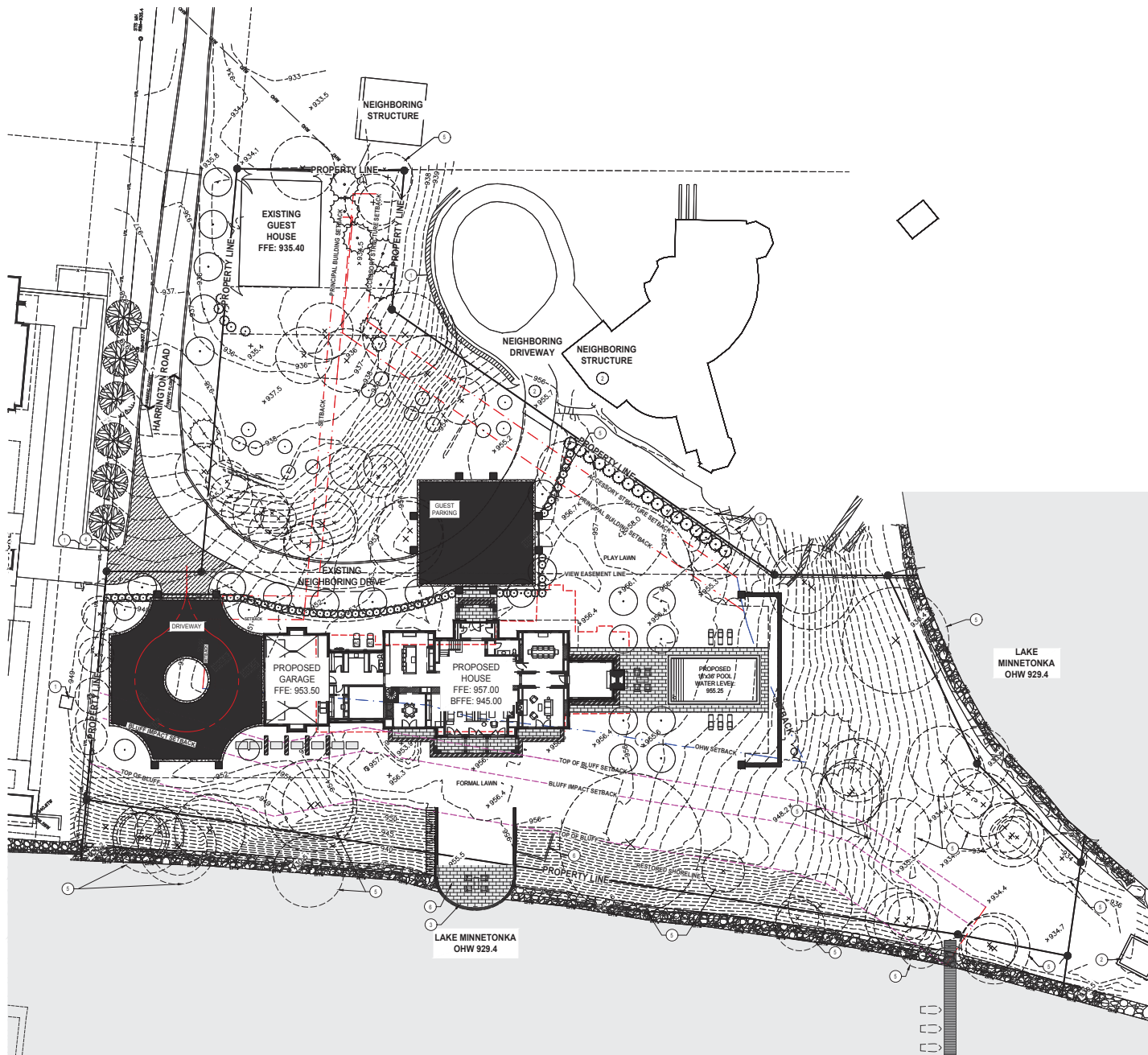
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6/5/2020  
1"=20'

Sheet:

L01 1

DATE: 6/6/2020  
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DRAWING: LOOKOUT POINTS  
DRAWING: PRELIM SITE PLAN  
DATE: 6/6/2020  
PROJECT: TRAVIS VAN LIERE STUDIO (TVLS) PROJECTS  
DRAWING: LOOKOUT POINTS  
DRAWING: PRELIM SITE PLAN



1 SITE PLAN

- ### GENERAL NOTES
1. SEE SHEET L001 FOR GENERAL NOTES.
  2. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO, ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
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  5. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

- ### KEYNOTES
1. EX. NEIGHBORING PROPERTY SITE FEATURE - SAVE AND PROTECT
  2. EX. CITY STREET/ALLEY - SAVE AND PROTECT, REPAIR ANY DAMAGED AREAS PER CITY STANDARDS
  3. EX. OVERHANG - SAVE AND PROTECT
  4. EX. DRIVEWAY ENTRANCE TO NEIGHBORING PROPERTY - SAVE AND PROTECT
  5. EX. SIGNIFICANT TREES, TYPICAL - SAVE AND PROTECT
  6. EX. SITE WALL - SAVE AND PROTECT

### HARDCOVER TABLES

| AREA OF PROPERTY                           | 77,307 s.f. |
|--------------------------------------------|-------------|
| PROPOSED LOT COVERAGE                      |             |
| EXISTING GUEST HOUSE                       | 1,030 s.f.  |
| PROPOSED HOUSE                             | 9,274 s.f.  |
| PROPOSED LOT COVERAGE RATIO                | 9.2%        |
| EXISTING HARDCOVER                         |             |
| EXISTING GUEST HOUSE                       | 5,494 s.f.  |
| EXISTING GUEST HOUSE                       | 1,030 s.f.  |
| EXISTING SHED                              | 104 s.f.    |
| EXISTING DRIVEWAY                          | 9,171 s.f.  |
| EXISTING PAVING                            | 4,134 s.f.  |
| EXISTING WALLS                             | 968 s.f.    |
| TOTAL EXISTING HARDCOVER                   | 21,899 s.f. |
| EXISTING HARDCOVER / PROPERTY AREA RATIO   | 27.8%       |
| PROPOSED HARDCOVER                         |             |
| EXISTING GUEST HOUSE                       | 1,030 s.f.  |
| PROPOSED HOUSE                             | 9,274 s.f.  |
| EXISTING DRIVEWAY TO REMAIN                | 1,034 s.f.  |
| AUTOCOURT (3,480 x 17'50' (permeable))     | 1,740 s.f.  |
| PARKING COURT (2,250 x 17'50' (permeable)) | 1,125 s.f.  |
| ENTRY TERRACE AND STAIRS                   | 201 s.f.    |
| LIVING TERRACE, POOL TERRACE               | 1,168 s.f.  |
| LANDSCAPE STEPPERS                         | 102 s.f.    |
| WALLS                                      | 110 s.f.    |
| AREA OF PROPOSED HARDCOVER                 | 14,890 s.f. |
| PROPOSED HARDCOVER / PROPERTY AREA RATIO   | 18.85%      |

TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE  
211 1ST STREET NORTH, SUITE 100  
MINNEAPOLIS, MN 55401  
1 612 345 4275

LOOKOUT POINT RESIDENCE  
575 HARRINGTON ROAD, WAYZATA

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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 Landscape Architect under the laws of the State of Minnesota.

*Travis Van Lier*  
TRAVIS VAN LIERE  
license no. 43728  
date: 6/6/2020

| REV | DESCRIPTION                             | DATE     |
|-----|-----------------------------------------|----------|
| 1   | ISSUED FOR VARIANCE APPLICATION         | 06/15/20 |
| 2   | REVISION FOR VARIANCE PER CITY COMMENTS | 06/23/20 |
| 3   | REVISION FOR VARIANCE APPLICATION       | 06/23/20 |
| 4   | VARIANCE REVISIONS                      | 12/20/20 |
| 5   | VARIANCE REVISIONS                      | 05/20/21 |
| 6   | VARIANCE APPLICATION RESUBMISSION       | 6/5/20   |

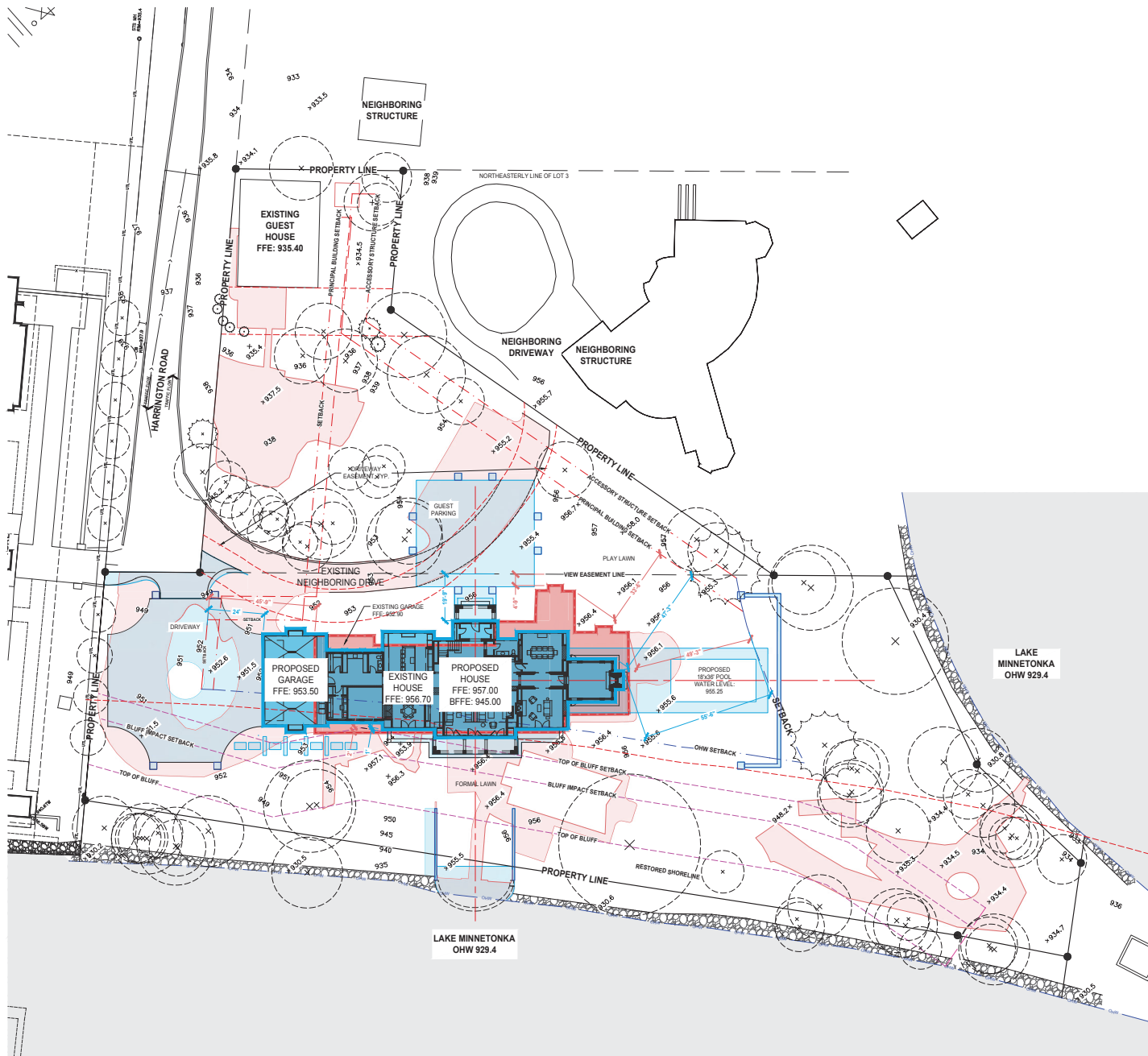
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SITE PLAN

Drawn By: BW  
Date: 6/6/2020  
Scale: 1"=20'

Sheet:  
L101



creation date: 6/5/2020  
file path: I:\Users\travis.van.liere\Documents\TRAVIS\PROJECTS\LOOKOUT POINT\DRAWING\1 - PERMIT SET\102.dwg  
revision: 43728  
last saved: Wednesday, June 10, 2020 12:27:46



1 HOUSE PLACEMENT OVERLAY DIAGRAM

- ### GENERAL NOTES
- SEE SHEET L001 FOR GENERAL NOTES.
  - REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO, ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
  - REFER TO SHEET L110 - EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
  - THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES. ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
  - AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

- ### KEYNOTES
- EX. NEIGHBORING PROPERTY/SITE FEATURE - SAVE AND PROTECT
  - EX. CITY STREET/ALLEY - SAVE AND PROTECT, REPAIR ANY DAMAGED AREAS PER CITY STANDARDS
  - EX. OVERHANG - SAVE AND PROTECT
  - EX. DRIVEWAY ENTRANCE TO NEIGHBORING PROPERTY - SAVE AND PROTECT
  - EX. SIGNIFICANT TREES, TYPICAL - SAVE AND PROTECT
  - EX. SITE WALL - SAVE AND PROTECT

### HARDCOVER TABLES

| AREA OF PROPERTY            | 77,307 s.f. |
|-----------------------------|-------------|
| PROPOSED LOT COVERAGE       |             |
| EXISTING GUEST HOUSE        | 1,030 s.f.  |
| PROPOSED HOUSE              | 1,034 s.f.  |
| PROPOSED LOT COVERAGE RATIO | 8.2%        |

|                                          |             |
|------------------------------------------|-------------|
| EXISTING HARDCOVER                       |             |
| EXISTING HOUSE                           | 5,454 s.f.  |
| EXISTING GUEST HOUSE                     | 1,030 s.f.  |
| EXISTING SHED                            | 104 s.f.    |
| EXISTING DRIVEWAY                        | 9,171 s.f.  |
| EXISTING PAVING                          | 4,154 s.f.  |
| EXISTING WALLS                           | 960 s.f.    |
| TOTAL EXISTING HARDCOVER                 | 21,269 s.f. |
| EXISTING HARDCOVER / PROPERTY AREA RATIO | 27.6%       |

|                                          |             |
|------------------------------------------|-------------|
| PROPOSED HARDCOVER                       |             |
| EXISTING GUEST HOUSE                     | 1,030 s.f.  |
| PROPOSED HOUSE                           | 1,034 s.f.  |
| EXISTING DRIVEWAY TO REMAIN              | 1,094 s.f.  |
| AUTOCOURT (3,480 x 17' 50" (garage))     | 1,740 s.f.  |
| TOWNING COURT (2,250 x 17' 50" (garage)) | 1,120 s.f.  |
| PATIO TERRACE AND STAIRS                 | 201 s.f.    |
| LIVING TERRACE, POOL TERRACE             | 1,456 s.f.  |
| LANDSCAPE STEPPERS                       | 102 s.f.    |
| WALLS                                    | 198 s.f.    |
| AREA OF PROPOSED HARDCOVER               | 14,890 s.f. |
| PROPOSED HARDCOVER / PROPERTY AREA RATIO | 18.85%      |

**TRAVIS VAN LIERE STUDIO**  
**LANDSCAPE ARCHITECTURE**  
211 1ST STREET NORTH, SUITE 100  
MINNEAPOLIS, MN 55401  
P 612.345.4275

**LOOKOUT POINT RESIDENCE**  
578 HARRINGTON ROAD, WAYZATA

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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 Landscape Architect under the laws of the State of Minnesota.

*Travis Van Liere*  
**TRAVIS VAN LIERE**  
license no: 43728  
date: 6/5/2020

| REV | DESCRIPTION                             | DATE     |
|-----|-----------------------------------------|----------|
| 1   | ISSUED FOR VARIANCE APPLICATION         | 06.15.20 |
| 2   | REVISION FOR VARIANCE PER CITY COMMENTS | 08.23.20 |
| 3   | REVISION FOR VARIANCE APPLICATION       | 10.16.20 |
| 4   | VARIANCE REVISIONS                      | 12.20.20 |
| 5   | VARIANCE REVISIONS                      | 05.20.21 |
| 6   | VARIANCE APPLICATION RESUBMISSION       | 6/5/2021 |

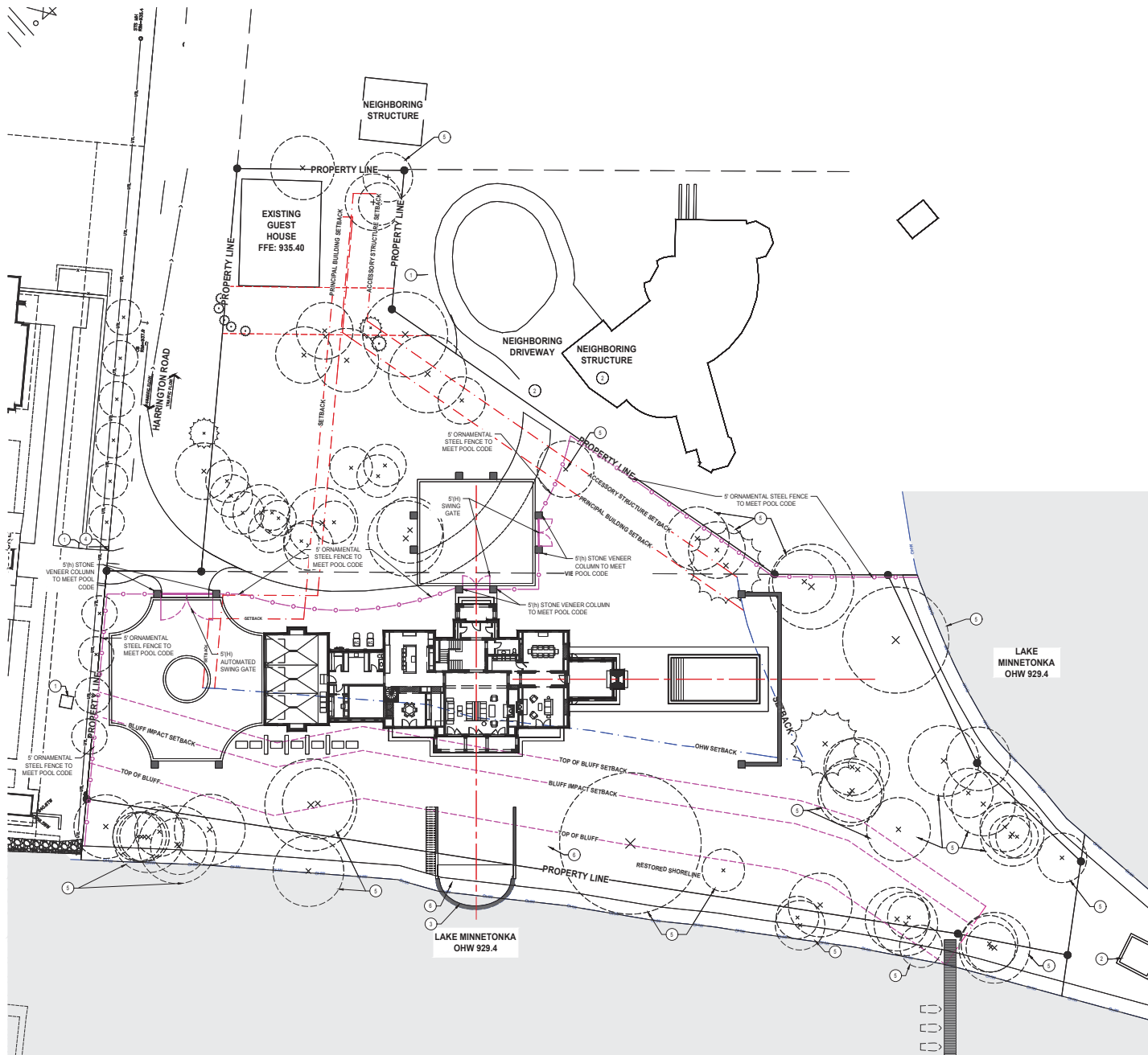
Drawing:  
**HOUSE PLACEMENT OVERLAY DIAGRAM**

Drawn By:  
Date:  
Scale:  
Sheet:

6/5/2020  
43728  
1" = 20'

L102

creation date: 02/20/2020  
user: travis.van.liere@travisvanliere.com  
request: 175\PROJECTS\LOOKOUT\LOOKOUT\DRAWING\1 PERMIT SET\103.dwg  
last saved: 02/20/2020 10:10:10 AM



1 FENCING DIAGRAM

- GENERAL NOTES**
- SEE SHEET L001 FOR GENERAL NOTES.
  - REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO, ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
  - REFER TO SHEET L101 - EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
  - THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES. ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
  - AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.
- KEYNOTES**
- EX. NEIGHBORING PROPERTY SITE FEATURE - SAVE AND PROTECT
  - EX. CITY STREET/ALLEY - SAVE AND PROTECT, REPAIR ANY DAMAGED AREAS PER CITY STANDARDS
  - EX. OVERHANG - SAVE AND PROTECT
  - EX. DRIVEWAY ENTRANCE TO NEIGHBORING PROPERTY - SAVE AND PROTECT
  - EX. SIGNIFICANT TREE, TYPICAL - SAVE AND PROTECT
  - EX. SITE WALL - SAVE AND PROTECT

**TRAVIS VAN LIERE STUDIO**  
**LANDSCAPE ARCHITECTURE**  
211 1ST STREET NORTH, SUITE 100  
MINNEAPOLIS, MN 55401  
P 612.345.4275

## LOOKOUT POINT RESIDENCE

575 HARRINGTON ROAD, WAYZATA

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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 Landscape Architect under the laws of the State of Minnesota.

*Travis Van Liere*  
**TRAVIS VAN LIERE**  
license no: 43728  
date: 02/20/2020

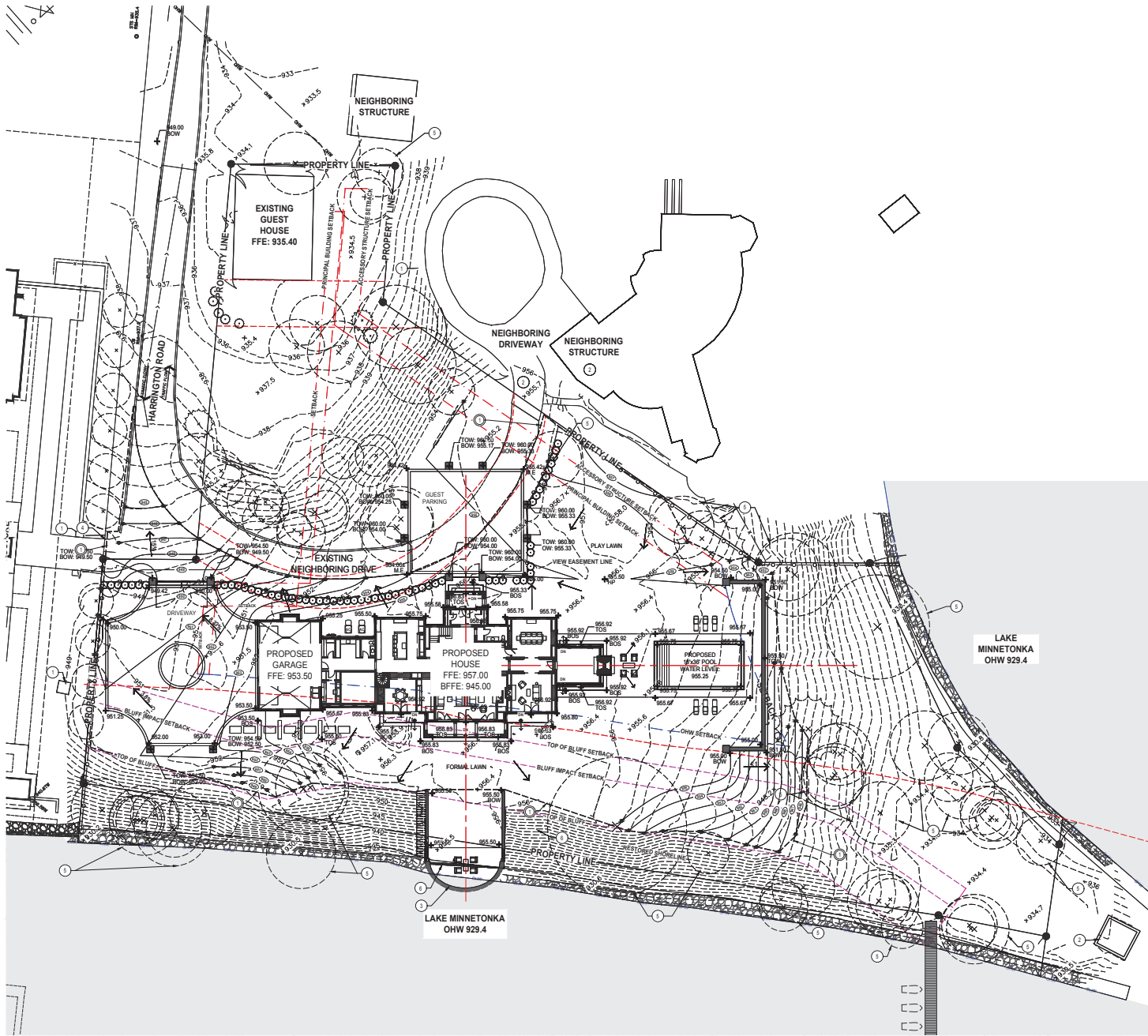
| REV                               | DESCRIPTION                             | DATE     |
|-----------------------------------|-----------------------------------------|----------|
| 1                                 | ISSUED FOR VARIANCE APPLICATION         | 08/18/19 |
| 2                                 | REVISION FOR VARIANCE PER CITY COMMENTS | 09/23/19 |
| 3                                 | REVISION FOR VARIANCE APPLICATION       | 10/16/19 |
| 4                                 | VARIANCE REVISIONS                      | 12/20/19 |
| 5                                 | VARIANCE REVISIONS                      | 02/20/20 |
| VARIANCE APPLICATION RESUBMISSION |                                         | 03/20/20 |

Drawing:  
**FENCING DIAGRAM**

Drawn By: BVL  
Date: 6/8/2020  
Scale: 1"=20'  
Sheet: L103

0 10' 20' 40'  
SCALE: 1 inch = 20 feet





- GENERAL NOTES**
1. SEE SHEET L001 FOR GENERAL NOTES.
  2. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO, ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SUEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
  3. REFER TO SHEET L110 - EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR. DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
  4. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES. ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
  5. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

- KEYNOTES**
1. EX. NEIGHBORING PROPERTY SITE FEATURE - SAVE AND PROTECT
  2. EX. CITY STREET/ALLEY - SAVE AND PROTECT. REPAIR ANY DAMAGED AREAS PER CITY STANDARDS
  3. EX. OVERHANG - SAVE AND PROTECT
  4. EX. DRIVEWAY ENTRANCE TO NEIGHBORING PROPERTY - SAVE AND PROTECT
  5. EX. SIGNIFICANT TREE, TYPICAL - SAVE AND PROTECT
  6. EX. SITE WALL - SAVE AND PROTECT

- SHEET NOTES**
1. LIMITS OF DISTURBANCE, TYPICAL

**TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE**  
211 1ST STREET NORTH, SUITE 100  
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575 HARRINGTON ROAD, WAYZATA

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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 Landscape Architect under the laws of the State of Minnesota.

*Travis Van Lier*  
TRAVIS VAN LIERE  
license no. 43728  
date: 6/4/2020

| REV | DESCRIPTION                             | DATE     |
|-----|-----------------------------------------|----------|
| 1   | ISSUED FOR VARIANCE APPLICATION         | 06/18/20 |
| 2   | REVISION FOR VARIANCE PER CITY COMMENTS | 06/23/20 |
| 3   | REVISION FOR VARIANCE APPLICATION       | 06/23/20 |
| 4   | VARIANCE REVISIONS                      | 12/20/20 |
| 5   | VARIANCE REVISIONS                      | 05/20/21 |
| 6   | VARIANCE APPLICATION RESUBMISSION       | 6/2/20   |

Drawing:  
**GRADING PLAN**

Drawn By: BW  
Date: 6/4/2020  
Scale: 1"=20'

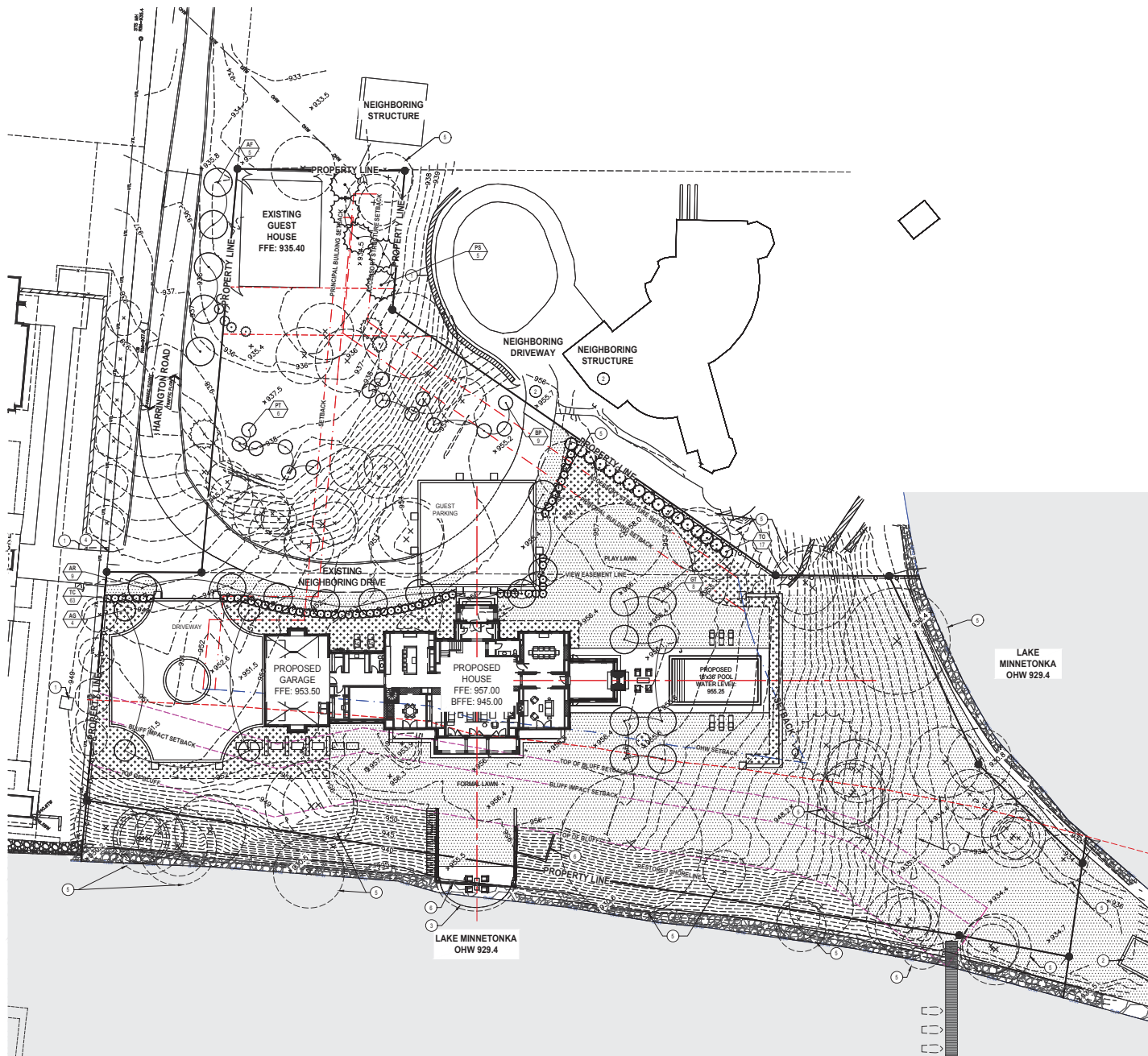
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**L201**



created: 6/4/2020  
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revision: 6/4/2020  
date saved: 6/4/2020 12:58:48

**1 GRADING PLAN**





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creation date: 6/5/2020
filepath: N:\msi\betwixt\en\Dropbox (TULS)\PROJECTS (PROPBO)\LOOKOUT POINT\OWG\1. DRAWINGS\1. PERMIT SET\1401.dwg
last saved: betwixt\en June 5, 2020 9:40 AM

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## GENERAL NOTES

1. SEE SHEET L001 FOR GENERAL NOTES.
2. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO.
3. ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
4. REFER TO SHEET L010 - EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR.
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7. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

## KEYNOTES

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5. EX. SIGNIFICANT TREE, TYPICAL - SAVE AND PROTECT
6. EX. SITE WALL - SAVE AND PROTECT

|                                                                                     |                                     |
|-------------------------------------------------------------------------------------|-------------------------------------|
|  | PROPOSED DECIDUOUS TREE REPLACEMENT |
|-------------------------------------------------------------------------------------|-------------------------------------|

| KEY | NAME                                                                        | QTY | SIZE       |
|-----|-----------------------------------------------------------------------------|-----|------------|
| AF  | Acer x freemant 'Jeffard'<br>AUTUMN BLAZE MAPLE                             | 5   | 5' CAL. BB |
| AG  | Amelanchier grandiflora<br>SERVICEBERRY                                     | 4   | 3' CAL BB  |
| AR  | Acer rubrum 'Red Rocket'<br>RED ROCKET MAPLE                                | 9   | 5' CAL BB  |
| BP  | Betula populifolia 'Whitespire'<br>WHITESPIRE BIRCH                         | 15  | 2' CAL BB  |
| GT  | Gleditsia triacanthos f. 'Inermis' 'Skyline'<br>SKYLINE SKYLINE HONEYLOCUST | 8   | 5' CAL BB  |

|                           |                 |
|---------------------------|-----------------|
| CALIPER INCHES REPLACED   | 152 CALIPER IN. |
| REQUIRED TREE REPLACEMENT | 136 CALIPER IN. |

|                                                                                     |                                   |
|-------------------------------------------------------------------------------------|-----------------------------------|
|  | PROPOSED TREES BEYOND REPLACEMENT |
|-------------------------------------------------------------------------------------|-----------------------------------|

| KEY | NAME                                                  | QTY | SIZE          |
|-----|-------------------------------------------------------|-----|---------------|
| PS  | Pinus strobus<br>WHITE PINE                           | 5   | 16' HT. CONT. |
| TC  | Larix occidentalis 'Capitata'<br>JAPANESE UPRIGHT YEW | 63  | 4' HT. CONT.  |
| TO  | Thuja occidentalis 'Smaragd'<br>EMERALD ARBORVITAE    | 17  | 8' HT. CONT.  |

TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE

211 1ST STREET NORTH, SUITE 350  
MINNEAPOLIS, MN 55401

† 612 345 4275

## LOOKOUT POINT RESIDENCE

578 HARRINGTON ROAD, WAYZATA

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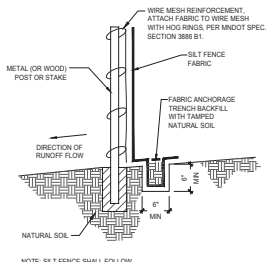
**TRAVIS VAN LIERE**  
license no: 43728  
date: 6/5/2020

| Rev # | Description                              | Date          |
|-------|------------------------------------------|---------------|
| 1     | ISSUED FOR VARIANCE APPLICATION          | 08.15.19      |
| 2     | REISSUED FOR VARIANCE PER CITY COMMENTS  | 08.23.19      |
| 3     | REISSUED FOR VARIANCE APPLICATION        | 10.15.19      |
| 4     | VARIANCE REVISIONS                       | 12.20.19      |
| 5     | VARIANCE REVISIONS                       | 05.29.20      |
|       | <b>VARIANCE APPLICATION RESUBMISSION</b> | <b>6/5/20</b> |

Drawing:  
LANDSCAPE PLAN

Drawn By: \_\_\_\_\_  
Date: 6/5/2020  
Scale: 1"=20'  
Sheet: \_\_\_\_\_

created: date: 02/20/20  
by: Travis Van Liere  
checked: date: 02/20/20  
approved: date: 02/20/20



DESIGN RECOMMENDATIONS:  
1. SILT FENCES SHOULD BE INSTALLED ON THE CONTOUR (AS OPPOSED TO UP AND DOWN A HILL) AND CONSTRUCTED SO THAT FLOW CANNOT BYPASS THE ENDS.  
2. ENSURE THAT THE DRAINAGE AREA IS NO GREATER THAN 14 ACRES PER 100 FT OF FENCE.  
3. MINNEAPOLIS FENCE SHALL BE STABLE FOR THE 10-YEAR PEAK STORM RUNOFF.  
4. WHEN ALL RUNOFF IS TO BE STORED BEHIND THE SILT FENCE, ENSURE THAT THE MAXIMUM SLOPE LENGTH BEHIND THE FENCE DOES NOT EXCEED THE SPECIFICATIONS SHOWN IN TABLE.

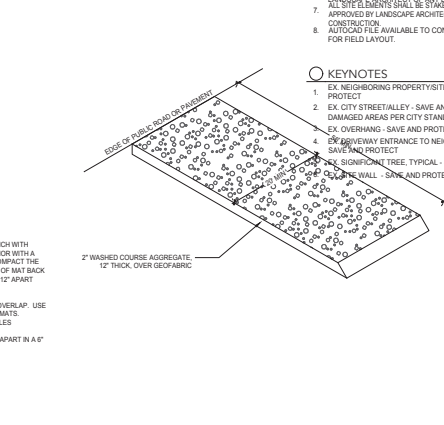
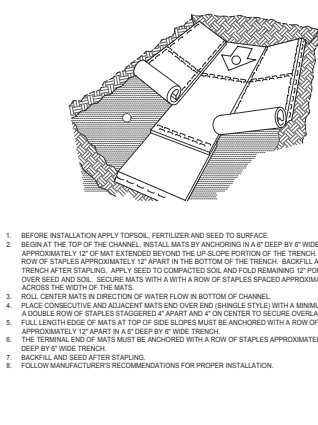
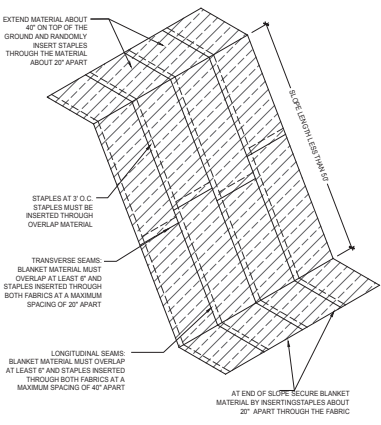


TABLE 1: MAXIMUM SLOPE LENGTH AND SLOPE FOR WHICH SILT FENCE IS APPLICABLE

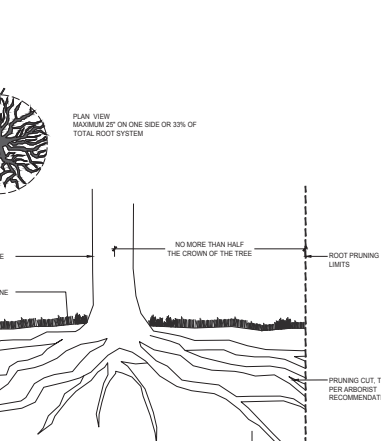
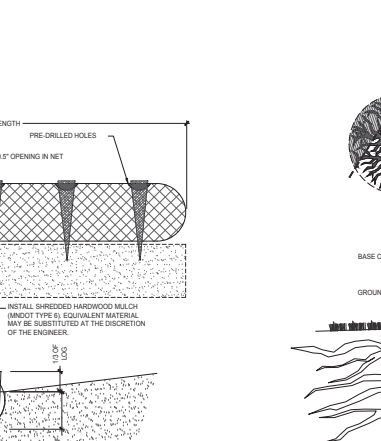
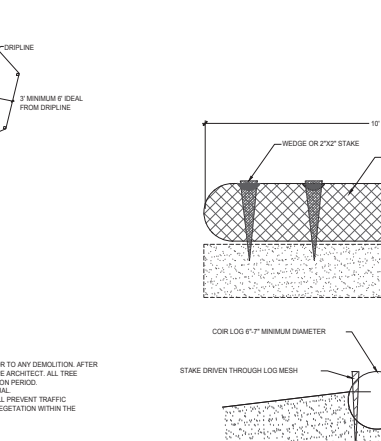
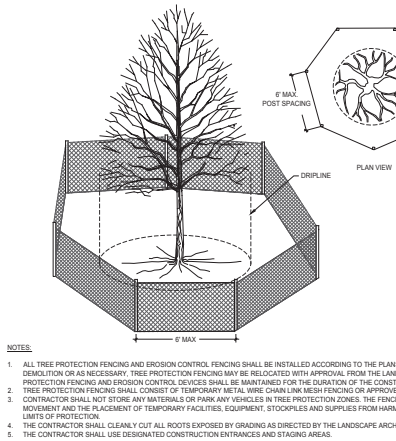
| BY CALCULATION |     | BY CALCULATION                                      | BY ACCEPTED DESIGN PRACTICES |
|----------------|-----|-----------------------------------------------------|------------------------------|
| SLOPE (H/V)    | %   | SILT FENCE STORAGE EQUALS 2 FT FOR A 100-YEAR EVENT | MAXIMUM SLOPE LENGTH         |
| 0.01           | 1%  | 400 FT                                              | 100 FT                       |
| 0.02           | 2%  | 200 FT                                              | 75 FT                        |
| 0.03           | 3%  | 150 FT                                              | 75 FT                        |
| 0.04           | 4%  | 120 FT                                              | 75 FT                        |
| 0.05           | 5%  | 100 FT                                              | 75 FT                        |
| 0.07           | 7%  | 80 FT                                               | 75 FT                        |
| 0.10           | 10% | 60 FT                                               | 75 FT                        |
| 0.15           | 15% | 40 FT                                               | 75 FT                        |
| 0.20           | 20% | 30 FT                                               | 75 FT                        |
| 0.25           | 25% | 25 FT                                               | 75 FT                        |
| 0.30           | 30% | 20 FT                                               | 75 FT                        |
| 0.40           | 40% | 15 FT                                               | 75 FT                        |
| 0.50           | 50% | 10 FT                                               | 75 FT                        |

1 HEAVY DUTY SILT FENCE DETAIL  
SCALE: NTS

2 EROSION CONTROL BLANKET DETAIL  
SCALE: NTS

3 EROSION STABILIZATION MAT DETAIL  
SCALE: NTS

4 GRAVEL CONSTRUCTION ENTRANCE DETAIL  
SCALE: NTS



5 TREE PROTECTION DETAIL  
SCALE: NTS

6 BIO-LOG DETAIL  
SCALE: NTS

7 ROOT PRUNING DETAIL  
SCALE: NTS

GENERAL NOTES:  
1. SEE SHEET L601 FOR GENERAL NOTES.  
2. REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO.  
3. ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE W/ PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.  
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7. AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

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2. EX. CITY STREET/ALLEY - SAVE AND PROTECT, REPAIR ANY DAMAGED AREAS PER CITY STANDARDS  
3. EX. OVERHANG - SAVE AND PROTECT  
4. EX. DRIVEWAY ENTRANCE TO NEIGHBORING PROPERTY - SAVE AND PROTECT  
5. EX. SIGN/POST, TREE, TYPICAL - SAVE AND PROTECT  
6. EX. CURB WALL - SAVE AND PROTECT

TRAVIS VAN LIERE STUDIO  
LANDSCAPE ARCHITECTURE  
211 1ST STREET NORTH, SUITE 100  
MINNEAPOLIS, MN 55401  
P 612.345.4275

LOOKOUT POINT RESIDENCE

578 HARRINGTON ROAD, WAYZATA

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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 Landscape Architect under the laws of the State of Minnesota.

TRAVIS VAN LIERE  
license no: 43708  
date: 02/20/20

| REV                               | DESCRIPTION                            | DATE     |
|-----------------------------------|----------------------------------------|----------|
| 1                                 | ISSUED FOR VARIANCE APPLICATION        | 08/15/19 |
| 2                                 | REVISED FOR VARIANCE PER CITY COMMENTS | 09/23/19 |
| 3                                 | REVISED FOR VARIANCE APPLICATION       | 10/16/19 |
| 4                                 | VARIANCE REVIEWS                       | 12/20/19 |
| 5                                 | VARIANCE REVIEWS                       | 02/20/20 |
| VARIANCE APPLICATION RESUBMISSION |                                        | 03/20/20 |

Drawing:  
EROSION CONTROL AND TREE PROTECTION DETAILS

Drawn By: BW  
Date: 6/6/2020  
Scale: NA

Sheet:

L601

BUILDING PERMIT SURVEY

SURVEY FOR: **MATTHEW HEMSLEY**

PROPERTY ADDRESS:  
578 Harrington Road, Wayzata, Minnesota

LEGAL DESCRIPTION (Per Certificate Number 1434224):  
Par 1: Lot 4, Auditor's Subdivision No. 99, Hennepin County, Minn.  
Lot 3, Auditor's Subdivision No. 99, Hennepin County, Minnesota excepting therefrom that part of said Lot 3 described as follows: Beginning at a point in the Northerly line of said Lot 3 distant 70.75 feet Southeasterly from the most Northerly corner of said Lot 3; thence Southwesterly parallel to the Northerly line of said Lot 3 a distance of 58.7 feet; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 242.65 feet Southeasterly from the Southwesterly corner thereof; thence Southeasterly along the Southwesterly line of said Lot 3 to the Southeast corner thereof; thence Northeasterly along the shore of Lake Minnetonka to the Northeast corner of said Lot 3; thence Northerly along the Northerly line of said Lot 3 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.

Together with a non-exclusive easement for road & utility purposes over other land for the benefit of above land (Harrington Road)

Subject to an easement for subterranean water pipes through and across said Lots 3 and 4, Auditor's Subdivision #99 reserved by that certain deed of record in Book 505 of Deeds, page 374 in the office of the Register of Deeds in and for Hennepin County, Minnesota;

Subject to an easement in favor of that part of Lot 3, Auditor's Subdivision #99 described in the above exception, said easement being for a right of way for driveway purposes over a strip of land 14 feet in width extending in a general Southerly, Easterly and Northeasterly direction in Lots 3 and 4, Auditor's Subdivision #99 from the Northerly line of said Lot 3 to the Westerly line of the premises contained in the hereinabove described exception to the said Lot 3, the center line of said 14 foot strip being described as follows: Beginning at a point in the Northerly line of said Lot 3 distant 6.2 feet Northerly from the most Westerly corner of said Lot; thence Southerly to a point in the Southwesterly line of said Lot 3 distant 14.55 feet from said most Westerly corner of said Lot; thence Easterly on a curve, convex to the Southwest with a radius of 71.97 feet a distance of 90.8 feet to a point in the Southwesterly line of said Lot 3 distant 100.05 feet Southeasterly from the most Westerly corner of said Lot; thence Northerly on a continuation of the last described curved line a distance of 9.2 feet; thence Northeasterly on a tangential curve to the left with a radius of 223.17 feet a distance of 40 feet; thence Northerly on a tangential curve to the left with a radius of 57.0 feet a distance of 35.5 feet to a point in the Westerly line of the premises contained in the hereinabove described exception to said Lot 3 which point is 76 feet Southerly from the most Westerly corner of said premises contained in the exception hereinabove described as shown in Book 1691 of Deeds, page 224.

CERTIFICATION:  
I hereby certify that this is a true and correct representation of a survey of the boundaries of the land above described and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

Dated: June 3, 2020

Anderson Engineering of Minnesota, LLC

by:

Jack Bolke  
Minnesota License No. 20281

- NOTES:
- The horizontal datum and bearings are based on the Hennepin Coordinate System NAD83 (2011).
  - The vertical datum is NAVD 88. The site bench mark is the top nut of hydrant located north of Harrington Road (Lot 13). Elevation = 940.19 feet.
  - The area of the property described hereon is 77,397 square feet or 1.7768 acres.
  - The location and extent of underground utilities, if shown, are based upon above ground evidence. There is no guarantee as to the accuracy or the completeness of this information. The size and location should be considered approximate. Additional underground utilities may be present. Verification of the existence and location of all utilities should be obtained from the utility owners prior to any planning or design. In accordance with Minnesota Statute, the location of utilities shall be confirmed prior to any demolition or construction.
  - This survey is based on certificate of Title No. 1434224. Additional properties, lots 5, 6 and 13 of Auditor's Subdivision No. 99 may be associated with the property described on said certificate. No title work was provided for the preparation of this survey to verify the legal description or the existence of any easements or encumbrances.
  - According to the City of Wayzata, the subject property is zoned R-1A and has the building setback requirements listed below. It is recommended that the property owner obtain a zoning letter from the City to verify all conditions that affect the property through the city zoning ordinance. This survey does not purport to describe all conditions contained in said ordinance.

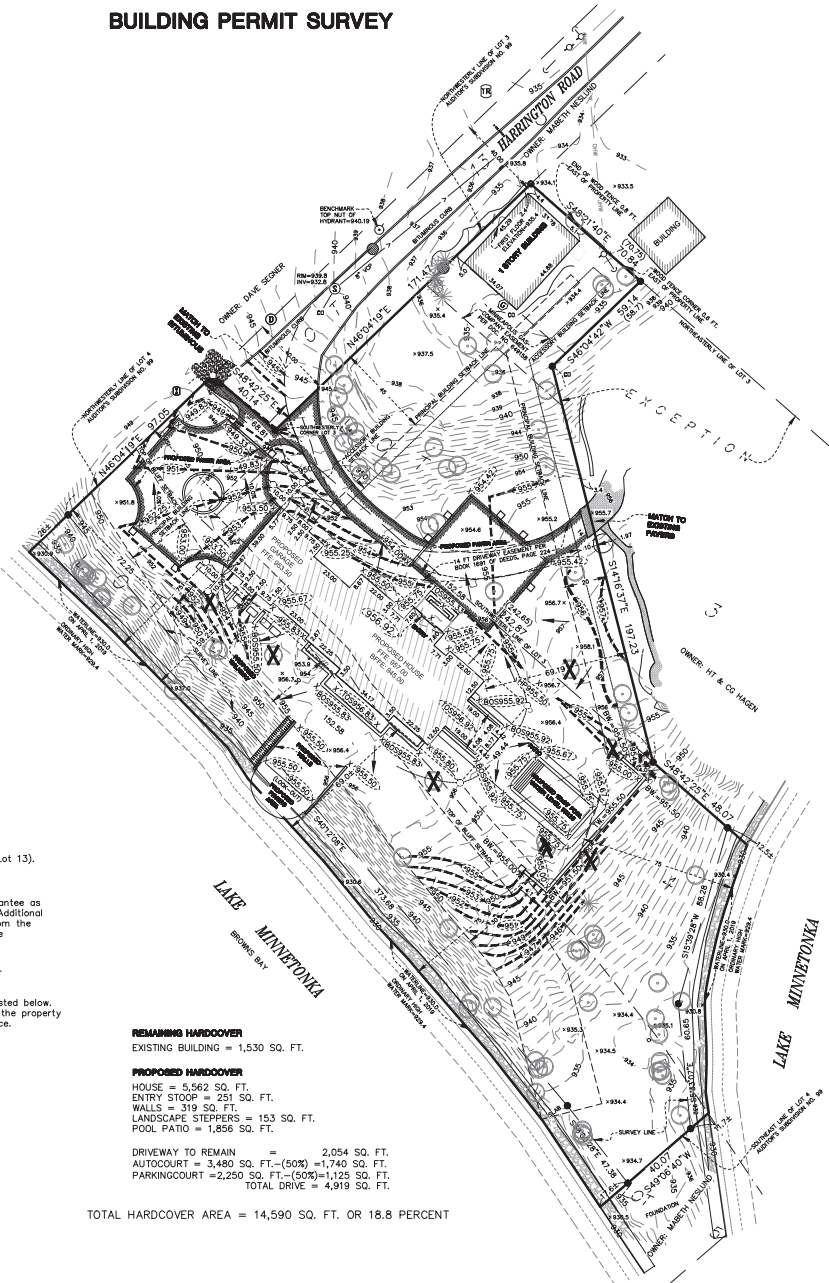
|                       |                                   |
|-----------------------|-----------------------------------|
| Principal Structure:  | Accessory Structure:              |
| Front = 45 ft.        | Front = 50 ft.                    |
| Rear = 50 ft.         | Rear = 10 ft.                     |
| Side = 20 ft.         | Side = 10 ft.                     |
| Lakeshore:            | Water oriented structure = 10 ft. |
| OHW (929.4) = 75 ft.  |                                   |
| Top of bluff = 30 ft. |                                   |

REMAINING HARDCOVER  
EXISTING BUILDING = 1,530 SQ. FT.

PROPOSED HARDCOVER  
HOUSE = 5,562 SQ. FT.  
ENTRY STOOP = 251 SQ. FT.  
WALLS = 319 SQ. FT.  
LANDSCAPE STEPPERS = 153 SQ. FT.  
POOL PATIO = 1,856 SQ. FT.

DRIVEWAY TO REMAIN = 2,054 SQ. FT.  
AUTOCOURT = 3,480 SQ. FT. (50%) = 1,740 SQ. FT.  
PARKING COURT = 2,250 SQ. FT. (50%) = 1,125 SQ. FT.  
TOTAL DRIVE = 4,919 SQ. FT.

TOTAL HARDCOVER AREA = 14,590 SQ. FT. OR 18.8 PERCENT



LEGEND

- AIR CONDITIONER
- CATCH BASIN
- CLEAN OUT
- CULVERT
- ELECTRIC BOX
- ELECTRIC OUTLET POST
- ELECTRIC METER
- FLAG POLE
- GAS METER
- GUARD POST
- HANDICAP PARKING
- HYDRANT
- IRRIGATION CONTROL VALVE
- LIGHT POLE
- PARKING METER
- PIPE
- POST INDICATOR VALVE
- POWER POLE
- POWER POLE ANCHOR
- ROOF DRAIN
- SANITARY MANHOLE
- SEMAPHORE
- SIGN
- STORM MANHOLE
- FOUND IRON MONUMENT
- SET IRON PIPE WITH P.L.S. NO. 20281
- CONIFEROUS TREE
- DECIDUOUS TREE
- TO BE REMOVED
- FENCE
- DITCH
- OVERHEAD WIRES
- SANITARY SEWER
- GRAVEL SURFACE
- PAVER SURFACE
- RIP RAP

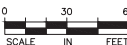
- +970 = PROPOSED CONTOUR
- x.970.5 = PROPOSED SPOT ELEVATION
- 959970.0 = BOTTOM OF STEP ELEVATION
- 959970.0 = TOP OF STEP ELEVATION
- = PROPOSED DRAINAGE DIRECTION
- = REVISED DRIVEWAY AREA

NOTE! SEE OTHER SHEETS FOR EROSION CONTROL MEASURES.

NOTE! THE RELATIONSHIP BETWEEN PROPOSED FLOOR ELEVATIONS TO BE VERIFIED BY BUILDER.

PROPOSED ELEVATION

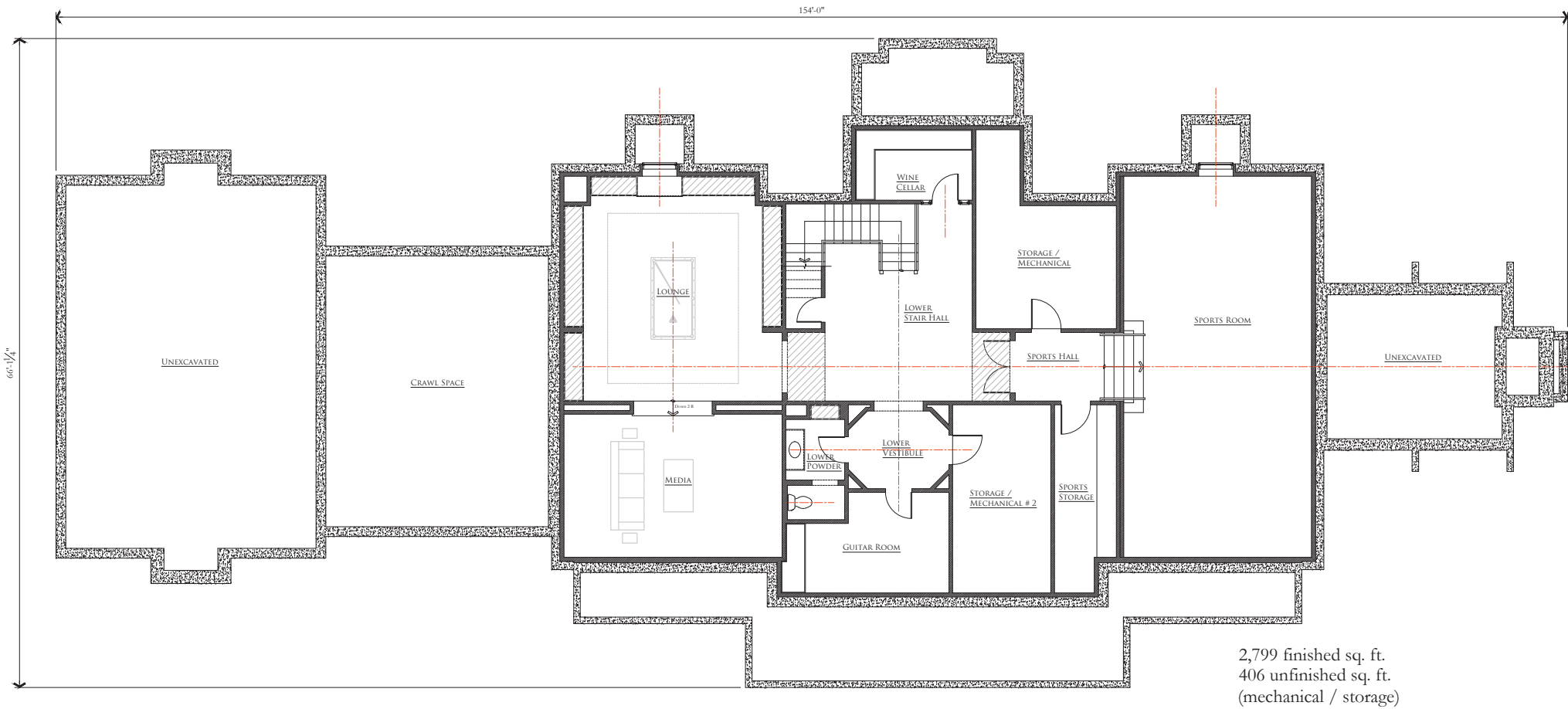
MAIN FLOOR = 957.00  
GARAGE FLOOR = 953.50  
BASEMENT = 945.00

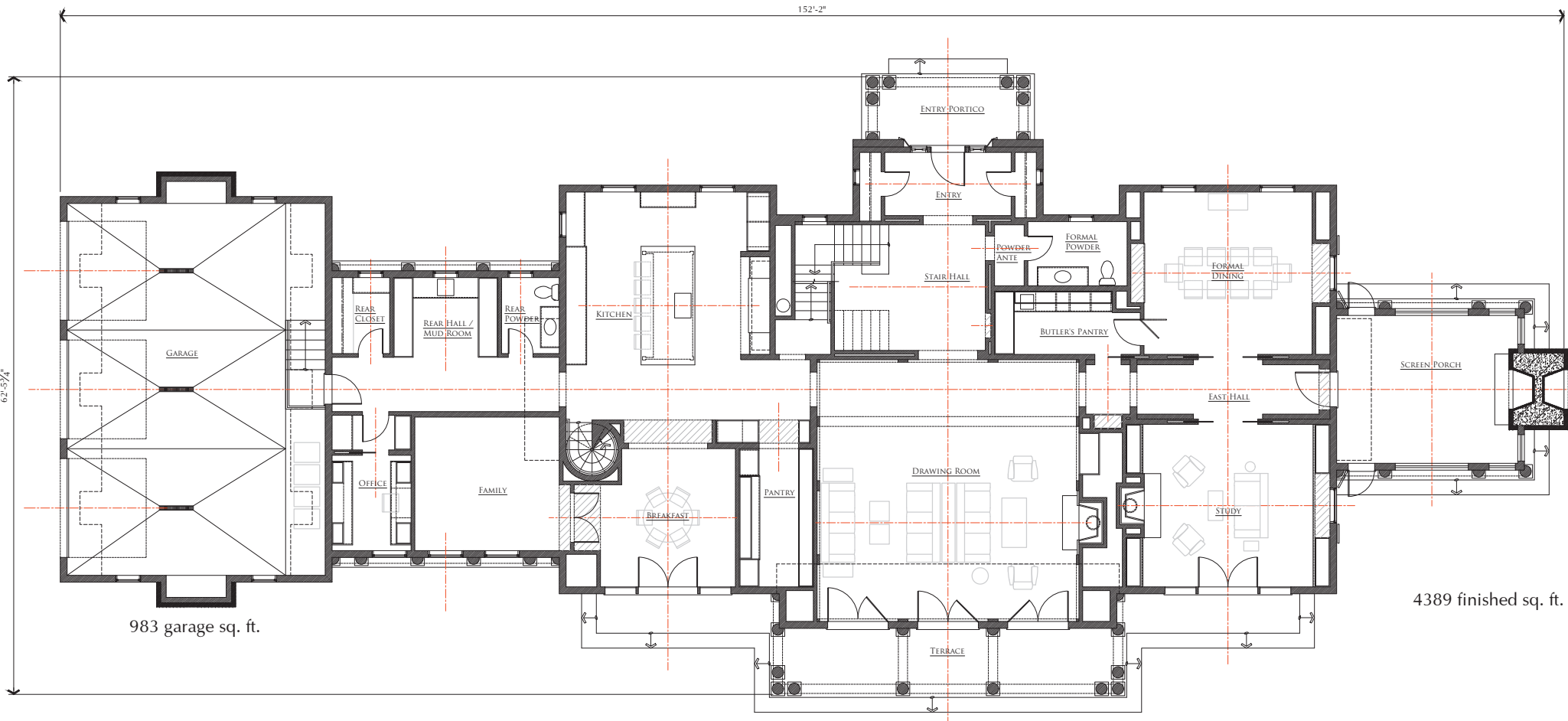


**ANDERSON**  
**ENGINEERING**  
ENGINEERING • ARCHITECTURE • LAND SURVEYING  
ENVIRONMENTAL SERVICES • LANDSCAPE ARCHITECTURE

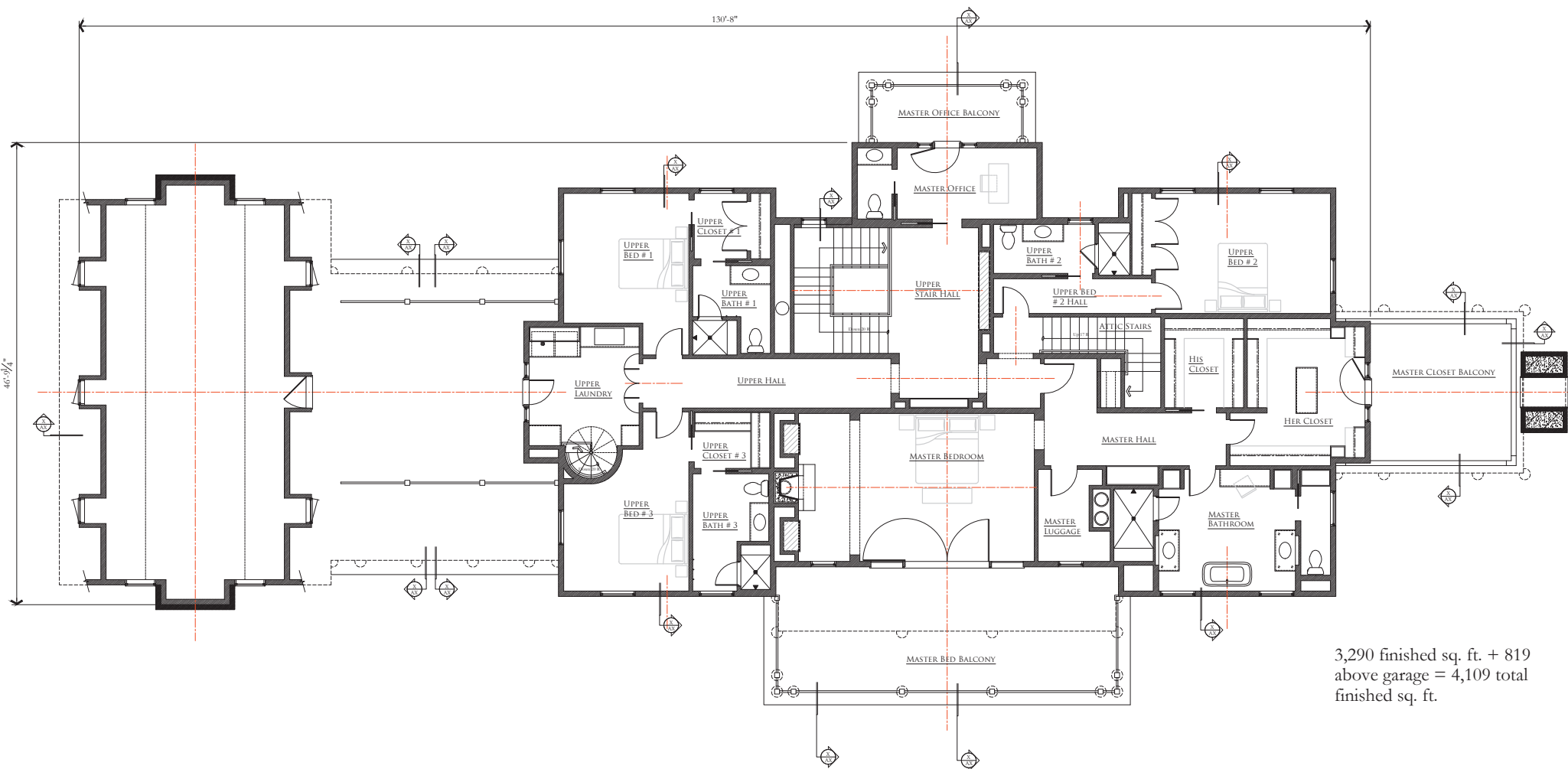
Anderson Engineering of Minnesota, LLC  
1305 1st Avenue North  
Suite 100  
Plymouth, MN 55441  
763-412-4000 (o) 763-412-4090 (f)  
www.ae-mn.com



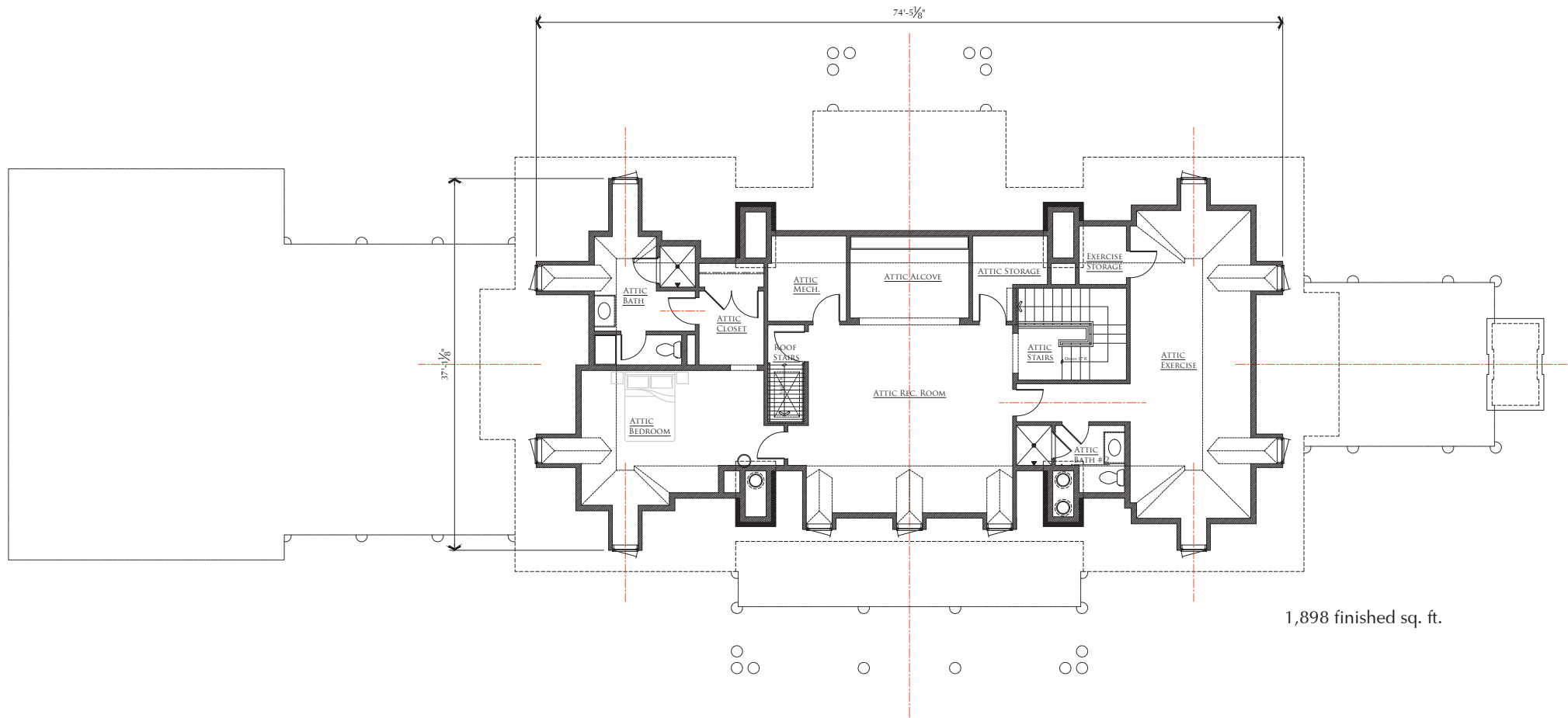




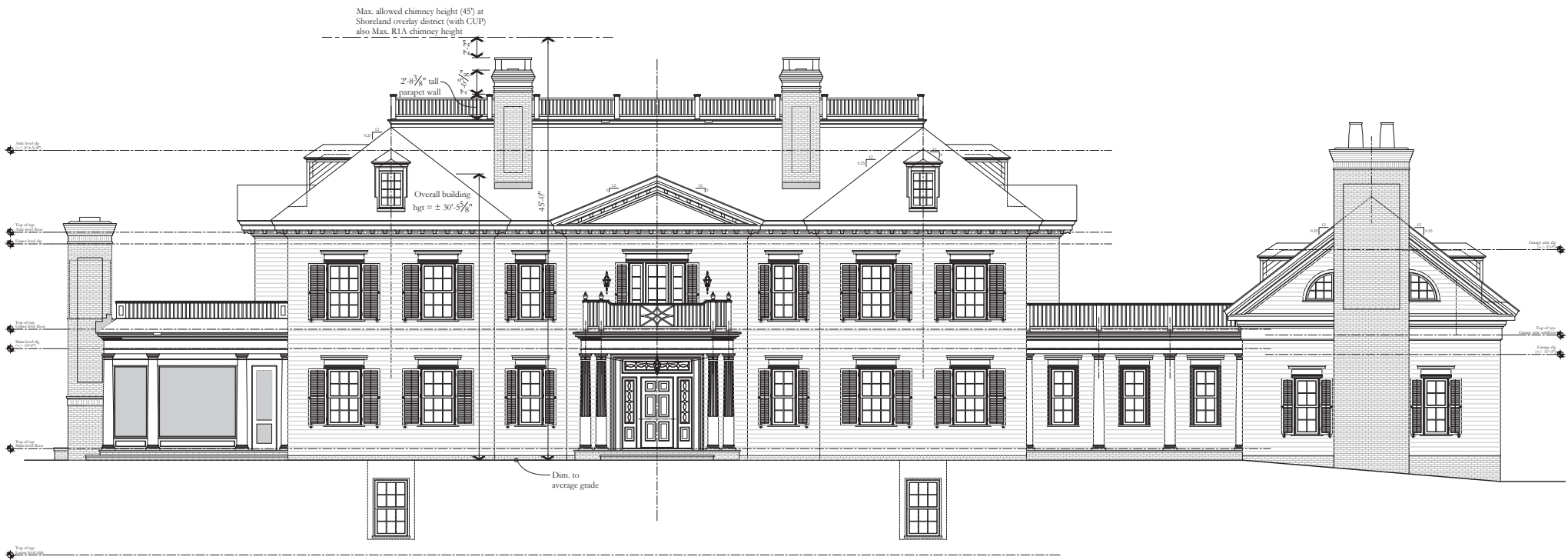


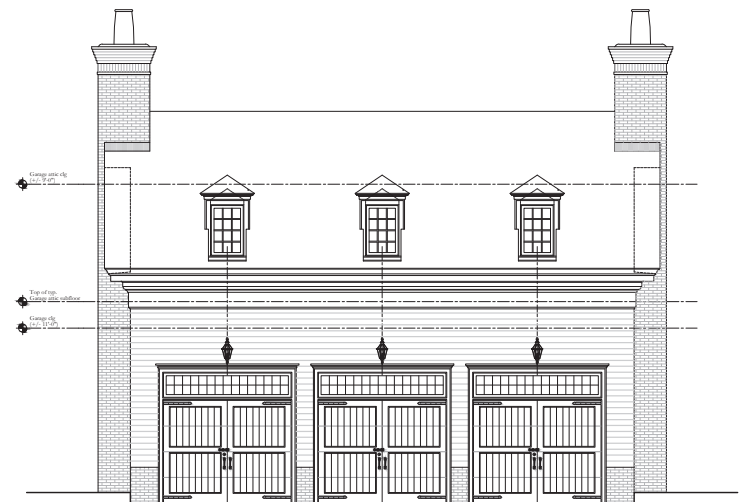
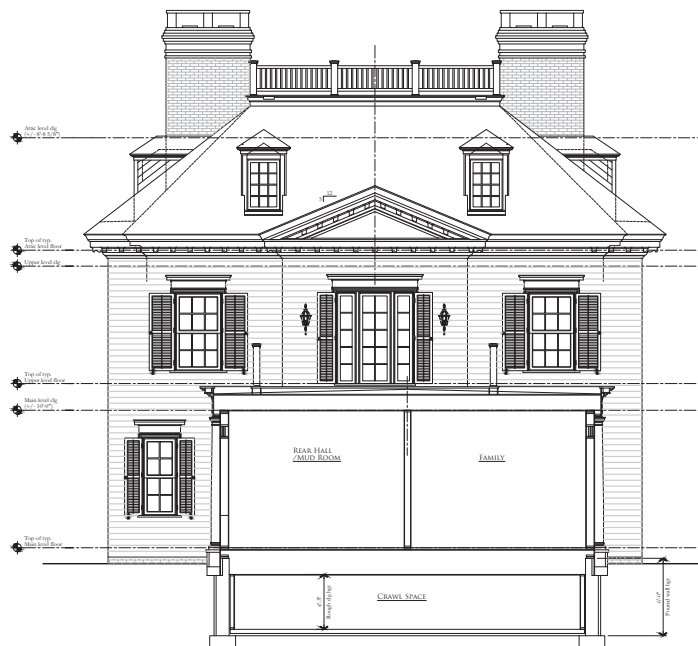


3,290 finished sq. ft. + 819  
above garage = 4,109 total  
finished sq. ft.







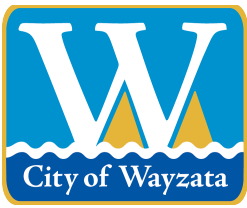






# A8





## City of Wayzata Planning Commission Agenda Report

|                                                    |                         |
|----------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                  | <b>AGENDA ITEM:</b> 7.a |
| <b>TITLE:</b> Review of Development Activities     |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner |                         |
| <b>REVIEWED BY:</b> Eric Zweber                    |                         |
| <b>60 DAY DEADLINE:</b> N/A                        |                         |

**BACKGROUND:**

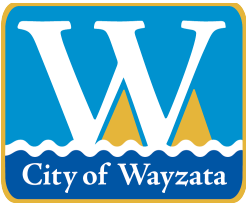
Staff will give a verbal update at the meeting.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

None



## City of Wayzata Planning Commission Agenda Report

|                                                                                       |                         |
|---------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                                                     | <b>AGENDA ITEM:</b> 7.b |
| <b>TITLE:</b> Planning Commissioner Report for the June 16, 2020 City Council Meeting |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                    |                         |
| <b>REVIEWED BY:</b> Eric Zweber                                                       |                         |
| <b>60 DAY DEADLINE:</b> N/A                                                           |                         |

**BACKGROUND:**

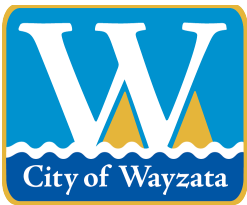
Commissioner Iverson will give a report on the June 16, 2020 City Council meeting.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

None



## City of Wayzata Planning Commission Agenda Report

|                                                                                       |                         |
|---------------------------------------------------------------------------------------|-------------------------|
| <b>MEETING DATE:</b> July 6, 2020                                                     | <b>AGENDA ITEM:</b> 7.c |
| <b>TITLE:</b> Planning Commissioner Liaison for the July 7, 2020 City Council Meeting |                         |
| <b>PREPARED BY:</b> Nick Kieser, Assistant Planner                                    |                         |
| <b>REVIEWED BY:</b> Eric Zweber                                                       |                         |
| <b>60 DAY DEADLINE:</b> N/A                                                           |                         |

**BACKGROUND:**

Commissioner Parkhill is scheduled for the July 7, 2020 City Council meeting.

**ACTION REQUESTED:**

N/A

**ATTACHMENTS:**

1. PC Assignments at Council Meetings 2020



**2020**  
**Planning Commission assignments at Council meetings**

| <b><u>Meeting Date</u></b> |                    | <b><u>Commission Representative</u></b> |
|----------------------------|--------------------|-----------------------------------------|
| Tuesday                    | January 7, 2020    | Christine Plantan                       |
| Tuesday                    | January 21, 2020   | Jeff Parkhill                           |
| Tuesday                    | February 4, 2020   | Peggy Douglas                           |
| Tuesday                    | February 18, 2020  | Gregory Flannigan                       |
| Tuesday                    | March 10, 2020     | Cathy Iverson                           |
| Tuesday                    | March 24, 2020     | Jeff Parkhill                           |
| Tuesday                    | April 7, 2020      | Lindsay Bashioum                        |
| Tuesday                    | April 21, 2020     | Lindsay Bashioum                        |
| Tuesday                    | May 5, 2020        | Laura Merriam                           |
| Tuesday                    | May 19, 2020       | Peggy Douglas                           |
| Tuesday                    | June 2, 2020       | Gregory Flannigan                       |
| Tuesday                    | June 16, 2020      | Cathy Iverson                           |
| Tuesday                    | July 7, 2020       | Jeff Parkhill                           |
| Tuesday                    | July 21, 2020      | Christine Plantan                       |
| <b>WEDNESDAY</b>           | August 5, 2020     | Lindsay Bashioum                        |
| Tuesday                    | August 18, 2020    | Laura Merriam                           |
| Tuesday                    | September 1, 2020  | Peggy Douglas                           |
| Tuesday                    | September 15, 2020 | Gregory Flannigan                       |
| Tuesday                    | October 6, 2020    | Cathy Iverson                           |
| Tuesday                    | October 20, 2020   | Laura Merriam                           |
| Tuesday                    | November 10, 2020  | Christine Plantan                       |
| Tuesday                    | November 24, 2020  | Lindsay Bashioum                        |
| Tuesday                    | December 1, 2020   | Laura Merriam                           |
| Tuesday                    | December 15, 2020  | Peggy Douglas                           |

*Last Updated: January 1, 2020*