



PLANNING COMMISSION MEETING AGENDA

January 29, 2024

7:00pm

1) Call to Order

- a) Approval of Agenda
- b) Oath of Office and Swearing in Planning Commissioners
- c) Elect Chair and Vice Chair for 2024
- d) Approval of Minutes – September 25, 2023

2) Public Hearings

- a) **VARIANCE:** Application from James & Cynthia Ernst for a variance to reduce the required front yard setback from 50 feet to 38 feet for a detached accessory building at 920 Maple Crest Drive; R-1 – Low Density Single Family Residence Zoning District; PID# 12-117-24-22-0056.
- b) **CLASS III SUBDIVISION PREMINARY PLAT:** Application from Saleem Karmaliani for a 2 lot subdivision of the property located at 3790 County Road 44; R-1 Low density single-family residence zoning district; PID# 26-117-24-31-0010.
- c) **VARIANCE:** Application from Joseph Cheney for variance to reduce the side yard setback from 15 feet to 10.2 feet to allow for a new single family home at 3790 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0003.
- d) **VARIANCE:** Application from Joseph Cheney for variance to reduce the side yard setbacks from 15 feet to 10 feet and 13.8 feet to allow for a new single family home at 3800 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0005.

3) Informational Items

- a) Staff Reports
- b) Council Reports

4) Adjournment

- *The agenda packet with all background material is located at the back table for viewing by the public.*
- *Published agenda subject to change without notice.*
- *Information and materials relating to the above items are available for review at city hall by appointment.*

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.



PLANNING COMMISSION MEETING MINUTES
September 25, 2023
7:00pm

1) Call to Order

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

In attendance: Commissioners: Chair Lora Sandholm, Vice Chair Michael Kirkwood, Damian Young, Tricia Taylor, Heather Charles, Sarah Hussain, and Alternate 1 Zak Gangestad; City Council Liaison: Councilmember Claudia Lacy; City Staff: Senior City Planner Nickolas Olson.

Absent: Steven Livermore and Alternate #2 Lucas Rognli.

a) Approval of Agenda

Motion by Young and seconded by Taylor to approve the agenda as presented. Motion passed 6-0. Absent: Kirkwood, Livermore, and Rognli.

b) Approval of Minutes – August 28, 2023

Motion by Young and seconded by Taylor to approve the minutes from August 28, 2023 as presented. Motion passed 6-0. Absent: Kirkwood, Livermore, and Rognli.

2) Public Hearings

a) CONDITIONAL USE PERMIT: Application from Richard Murphy for a conditional use permit for an accessory building over 1,000 sq. ft. at 5804 Hardscrabble Circle; R-1 – Low Density Single Family Residence Zoning District; PID# 26-117-24-42-0018.

Senior Planner Olson presented the staff report as found in the Planning Commission packet dated September 25, 2023. Highlights from the presentation include:

1. The proposed accessory building over 1,000 square feet is allowed with a Conditional Use Permit;
2. The proposed use does not pose any discernable concerns to the general public health, safety, morals, comfort or general welfare of the inhabitants of the city; and
3. The request is consistent with the Minnetrista Comprehensive Plan.

Chair Sandholm opened the public hearing at 7:04 p.m.
There was no one present to speak.

Chair Sandholm closed the public hearing at 7:04 p.m.

Motion by Taylor and seconded by Young to recommend the City Council approve the requested conditional use permit for an accessory over 1,000 square feet at 5804 Hardscrabble Circle, based on the findings of fact outlined in the staff report and subject to the following conditions:

1. The accessory building shall only be used residential use only and shall not be used for any commercial business or storage operations, unless separate approval is granted at a later date by the City Council;
2. The Property shall be developed in accordance with the plans submitted with this land use application;
3. The as built grading shall be reviewed at the time of the as built grading for the new home currently under construction;
4. The Applicant shall obtain all necessary permits and approvals from the City and other applicable agencies with jurisdiction over the Property prior to any construction;
5. The Applicant is responsible for all fees incurred by the City in the review of this application;
6. This approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the Property; and
7. Any other conditions as required by the Planning Commission.

Motion passed 6-0. Absent: Kirkwood, Livermore, and Rognli.

b) INTERIM USE PERMIT: Application from Frank Weigel and Esther Nazarov to extend an interim use permit for Agricultural Entertainment Activities at the properties of 6480 County Road 26 and 6530 County Road 26; A – Agriculture Zoning District; PID# 03-117-24-11-0004 and PID# 03-117-24-12-0004. (Continued from August 28, 2023)

Senior Planner Olson presented the staff report as found in the Planning Commission packet dated September 25, 2023. Highlights from the presentation include:

- The previous property owners originally received a Conditional Use Permit (CUP) back in 1980 to sell apples and honey on the Properties.
- Later amended in 1996 to allow for the operation known today as Minnetonka Orchards.
- City ordinances changed in 2007 to allow agricultural entertainment activities by interim use permit (IUP) rather than CUP.
- In 2013, a CUP for a farm winery was approved. At that time, the City issued an IUP for the agricultural entertainment activities which was good for 10 years.
- In 2020, the previous owners of Minnetonka Orchards, began exploring selling the Properties.

- As they were going through the process, they were informed that in order to continue the IUP operation, any new owner would need to be added to that permit.
- In late 2020 and early 2021, the Applicants went through that process with the Planning Commission and City Council.
- The permit recently expired and the Applicants have applied to extend the previously approved permit.
- The Applicants are requesting to extend the existing IUP for an additional 10 years.
- This was the duration given to the previous owners when the IUP was first issued.

Frank and Esther Weigel, 4496 North Shore Drive, Mound and Crystal Madsen, 619 North Gate Circle, Winsted introduced themselves and spoke on their request.

Young asked if there was a plan for a permanent structure for the events. Mr. Weigel said that is the plan long term. Young further asked if there was a time frame. Mr. Weigel said it would be a few years and they were focused on the winery building.

Young asked if there were additional noise controlling measures planned since a structure was not imminent. Mr. and Mrs. Weigel stated they made changes to their contracts regarding noise and hadn't heard any issues, so they thought they were controlling it.

Sandholm mentioned she thought the wine building would eventually be used for events. Mr. Weigel stated that they intended that for wine only, but maybe during winter or inclement weather they would use it until a building is built.

Commissioner Kirkwood arrived at 7:18 p.m.

There was discussion regarding the number of events being held each week and what constitutes an event.

There was discussion on noise levels and where to measure the decibel levels.

There was discussion on the possible duration of the interim use permit.

Chair Sandholm continued the public hearing at 7:42 p.m.

Kent Lee, 6651 Fox Ridge Circle, Independence raised concerns with regards to the number of events being held and his experience with noise levels for specific events.

Lori Ketola, 6724 Fox Ridge Circle, Independence brought up the lack of a complaint process and the response time to complaints. She also raised concerns over the decibel levels and what are expected and experienced.

Gary Pettis, 6200 County Road 26, Minnetrista shared his experience with the previous owners and his general lack of trust for the current owners. He also raised concerns about noise levels and would like to see sound abatement.

Chair Sandholm closed the public hearing at 8:06 p.m.

There was discussion regarding the noise issues and complaint issues raised during the public hearing.

Chair Sandholm outlined there were 3 things the commission needed to consider: if it should be approved and, if so, for how long and should any additional conditions be included.

The commission discussed at length the possible duration of the permit. There were mixed feelings, but the general consensus was 10 years was too long.

There was discussion regarding noise levels and monitoring and how complaints should be raised.

Motion by Hussain and seconded by Taylor to recommend the City Council approve the requested Interim Use Permit extension, based on certain findings of fact outlined in the staff report and subject to the conditions outlined in the staff report with the addition of the following:

- Duration of permit is for 5 years
- Install Decibel measurement at the property lines

Motion passed 7-0. Absent: Livermore and Rognli.

3) Informational Items

a) Staff Reports

Senior Planner Olson gave an update to the Planning Commission on the following items:

- Maple Crest CUP from last meeting approved by City Council.
- North Branch Guest Home CUP from last meeting approved by City Council.
- Williams Lane Variance from last meeting approved by City Council.

- City Council directed applicant for Woodland Cove commercial concept plan to proceed to site plan and final plat review.
- Enchanted Lane Variances to street side and lakeshore setbacks from last meeting approved by City Council, side yard setbacks denied.
- No items currently in for review for October, so there might not be a meeting.
- Tree lighting event on November 30th from 5-7 p.m. City looking for volunteers, so let staff know if interested.

b) Council Reports

Councilmember Lacy gave an update to the Planning Commission on the following items:

- Further commented on Enchanted Lane Variances
- New Hires for Community Service Officer and Public Works Maintenance Worker
- Liquor license for tree lighting event
- Water infrastructure update

4) Adjournment

Motion by Hussain and seconded by Gangestad to adjourn the meeting at 8:58 p.m. Motion passed 7-0. Absent: Livermore and Rognli.

Respectfully submitted,

Nickolas Olson

Nickolas Olson
Senior City Planner

CITY OF MINNETRISTA



PLANNING COMMISSION ITEM 2A

Subject: Application from James & Cynthia Ernst for a street side setback variance at 920 Maple Crest Drive

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: January 29, 2024

Overview: James & Cynthia Ernst (the “Applicants”) have made a request for a street side setback variance from the required 50 feet to 38 feet to allow for a detached garage at 920 Maple Crest Drive; R-1 – Low Density Single Family Residence Zoning District; PID# 12-117-24-22-0056 (the “Property”).

Background: The Applicants applied for a building permit to build a detached garage on the Property. During plan review, city staff noticed that the location of the proposed garage did not meet the required street side setback and informed the Applicants. While discussing their options, it became clear that this was the only location the Applicants could place the proposed garage required a variance due to the presence of existing geothermal wells. Once this discovery was made, city staff outlined and explained the variance process and the Applicants have put together the necessary documents attached hereto for the Planning Commission to consider.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

A detached accessory structure is a reasonable and proper use of the Property allowed by City Code. The location of the proposed accessory structure is reasonable as it does not encroach closer than 35 feet, which is what would be required had this been a principle structure, and the additional green space of the boulevard will allow the accessory structure to feel 50+ feet away from the roadway surface.

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b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

The Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future use of the Property and thus remains consistent with the long term goals for the area. In addition to simply complying with the future land use plan, the proposed garage is located on the street side of the home, which helps protect the lake and neighboring views thereof.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

The Applicants are proposing a detached accessory structure (garage), which is allowed by ordinance and thus is a reasonable. The Property also benefits from additional spacing between back of curb and the right-of-way line where the setback is measured, so the proposed building will appear further away.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

The Applicants are hindered by the presence of geothermal wells, which occupy part of the buildable area allowed by City Code. These geothermal wells force the proposed garage towards the street and given the angle of the side property

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line relative to the street, this would force the proposed garage to become smaller or oddly shaped unless relief to the street side setback is granted.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

There are other properties in the neighborhood that have detached garages on the street side of their homes, so the existence of the proposed garage won't be out of character. The proposed structure is also consistent in size to others in the neighborhood further enforcing the reasonableness of the request.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has not spoken with any neighboring property owners nor received any written comments or concerns regarding this request as a result of sending the public notice.

Conclusion: The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Along with making a recommendation, findings of fact should be established which support the recommendation. Findings of fact based on the information submitted by the Applicants may be as follows:

1. The requested variance is in harmony with the purpose and intent of the City's zoning ordinances because the proposed accessory structure is reasonable as it does not encroach closer than 35 feet, which is what would be required had this been a principle structure, and the additional green space of the boulevard will allow the accessory structure to feel 50+ feet away from the roadway surface;
2. The requested variance is consistent with the City's comprehensive plan because the Property is guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance is consistent with this long term goal as single family residential is an allowed use and the proposed detached accessory structure is located on the street side of the home, which helps protect the lake and neighboring views thereof;
3. The Applicants propose to use the Property in a reasonable manner because detached accessory structures are allowed per code and the size and setbacks that are proposed are reasonable given the circumstances;
4. The requested variance is the result of unique circumstances not created by the landowner because of the presence of geothermal wells, which occupy part of the buildable area allowed by City Code. These geothermal wells force the proposed garage towards the street and given the angle of the side property line relative to the street the buildable area becomes further compromised; and
5. The requested variance will not alter the character of the locality because other properties in the neighborhood that have detached garages on the street side of

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their homes, so the existence of the proposed garage won't be out of character. The proposed structure is also consistent in size to others in the neighborhood further enforcing the reasonableness of the request.

Recommended Action: Motion to recommend the City Council approve the requested street side setback variance at 920 Maple Crest Drive based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The construction shall be consistent with the plan and survey documents submitted with this variance application;
2. Any required grading shall maintain existing drainage patterns or improve the existing drainage of the lot and adjacent lots;
3. The Applicants obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property prior to any construction;
4. The Applicants are responsible for all fees incurred by the City in review of this application; and
5. The variance approval is valid for one year from the date of approval and will become void and expire unless a building permit has been issued for the site.

Attachments:

1. Location Map
2. Applicants' Narrative
3. Proposed Survey
4. Proposed Plans

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920 Maple Crest Drive



1 in = 100 Ft

City Boundary

Address Labels

Parcels



N

January 23, 2024

Map Powered By Datafi

wsb

Written statement for variance at 920 Maple Crest Drive, Minnetrista, MN 55364

Would like to build a 960 square foot detached garage for storage of lake and lawn equipment. We realize the setback is 50 feet from the property line there is an additional 16 feet for the city easement making it 66 feet from the street curb. Because of the location of our geothermal wells, the only place that this would work puts the northeast corner (roughly 113 sq ft) of the structure 12 feet closer to the property line than required setback. We are applying for a variance to change the front yard setback from 50 feet to 38 feet, still making the structure 54 feet from the street.

- A. Current property owners: James D and Cynthia A Ernst
- B. Property description: Parcel 1: Lot 14, Block 1 Sun Valley Hennepin County, MN (Abstract).
Parcel 2: That part of Outlot 2, Maple Crest Estates lying between the Northeasterly extensions of the Northwesterly and Southeasterly lines of Lot 14, Block 1, Sun Valley (Torrens). Parcel 3: The part of Outlot 2, Maple Crest Estates lying South of the Northeasterly extension of the Southeasterly line of Lot 14, Block 1, Sun Valley (Abstract). PID: 1211724220056. Parcel Area: 0.91 acres (39,650 square feet). Land use/zoning: Residential
- C. Minnetrista City Code: Section 505.15 Subd. 2
- D. Building a 960 square foot detached garage where 113 square feet of the northeast corner of the structure would require the front yard setback to be changed from 50 feet to 38 feet.
- E. Discussion with Nickolas Olson after applying for a building permit.
- F. After reviewing Minnetrista City Code, we feel that the harmony is being met with the current comprehensive plan.
- G. If variance is granted, it would allow the owners to contain all of their items (trailers, boats and lawn equipment) neatly inside and out of sight.
Due to the geothermal wells in the front yard, the only way to place garage on lot is to get a variance.
Four of our closest neighbors have secondary detached garages, so adding this structure would look very similar to neighbors.
- H. Structure is for personal storage only.
- I. The structure would not cause any adverse effects to the neighborhood.

Certificate of Survey of Existing Conditions for James D. and Cynthia A. Ernst

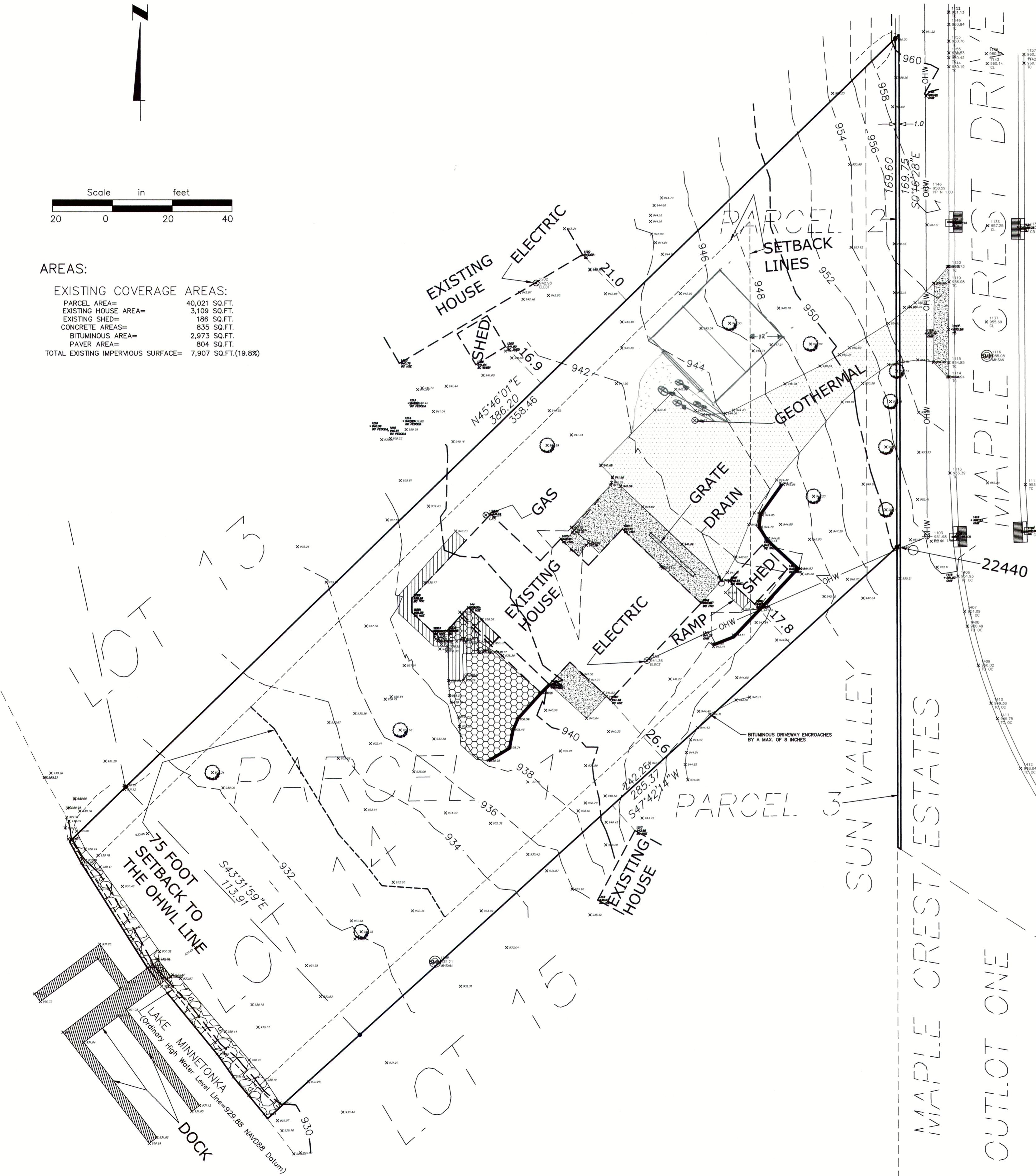


Scale in feet
20 0 20 40

AREAS:

EXISTING COVERAGE AREAS:

PARCEL AREA= 40,021 SQ.FT.
EXISTING HOUSE AREA= 3,109 SQ.FT.
EXISTING SHED= 186 SQ.FT.
CONCRETE AREAS= 835 SQ.FT.
BITUMINOUS AREA= 2,973 SQ.FT.
PAVER AREA= 804 SQ.FT.
TOTAL EXISTING IMPERVIOUS SURFACE= 7,907 SQ.FT.(19.8%)



DOCUMENT NUMBERS:

DEED PER DOC.NO'S. A10090879, T05394329,
and 11133898

PROPERTY IDENTIFICATION NUMBERS:

12-117-24-22-0056

ADDRESS:

920 Maple Crest Drive, Minnetrista, MN 55364

EXISTING PROPERTY DESCRIPTIONS:

PARCEL 1: Lot 14, Block 1,
SUN VALLEY
Hennepin County, Minnesota
Abstract Property.

PARCEL 2: That part of Outlot 2, MAPLE CREST ESTATES lying between the Northeasterly extensions of the Northwesternly and Southeasterly lines of Lot 14, Block 1, SUN VALLEY.
Torrens Property.

PARCEL 3: That part of Outlot 2, MAPLE CREST ESTATES lying South of the Northeasterly extension of the Southeasterly line of Lot 14, Block 1, SUN VALLEY.
Abstract Property.

PROPERTY DESCRIPTIONS TO BE PROPOSED:

PARCEL A: Lot 14, Block 1,
SUN VALLEY
Hennepin County, Minnesota,
together with
That part of Outlot 2, MAPLE CREST ESTATES lying between the Northeasterly extensions of the Northwesternly and Southeasterly lines of Lot 14, Block 1, SUN VALLEY.

PARCEL B: Lot 15, Lot 1,
SUN VALLEY
Hennepin County, Minnesota,
together with
That part of Outlot 2, MAPLE CREST ESTATES lying South of the Northeasterly extension of the Southeasterly line of Lot 14, Block 1, SUN VALLEY.

NOTES & LEGEND:

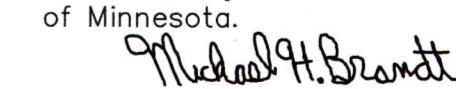
1. WHERE PLAT TEXT IS ILLIGIBLE, NO PLAT DIMENSION IS SHOWN ON SURVEY.
2. NOTE, GEOTHERMAL SHOWN IS LOCATED PER CLIENT, AS NOT VISIBLE ON SITE.
3. SETBACK LINES ARE 50 FEET FROM STREET RIGHT-OF-WAY ON FRONT, 10 FEET ON SIDES.
4. BENCHMARK RIM OF SANITARY MANHOLE COVER IN MAPLE CREST DRIVE EQUALS 955.08 (NAVD88 Datum).
5. Survey revision of 05-30-2023 to update side yard setback to 10 feet, and remove proposed detached garage.

- (S) DENOTES STORM SEWER MANHOLE
- (SM) DENOTES SANITARY SEWER MANHOLE
- OHW DENOTES OVERHEAD WIRE
- RETAINING WALL
- CATCH BASIN
- (T) DENOTES TREE

THE EAST LINE OF LOT 14, BLOCK 1 IS ASSUMED TO BEAR S00°16'28"E

- (M) DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY R.L.S. NO. 41905
- (I) DENOTES IRON MONUMENT FOUND AS NOTED
- (P) DENOTES BEARING /DISTANCE PER PLAT
- (m) DENOTES MEASURED BEARING /DISTANCE

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.


Michael H. Brandt
Date 25 May 2023 Reg. No. 41905
Rev 30 May 2023

BRANDT SURVEYING & ASSOCIATES
1713 Southcross Drive West, Suite A
Burnsville, MN 55306
(952) 435-1966

E42-01-23

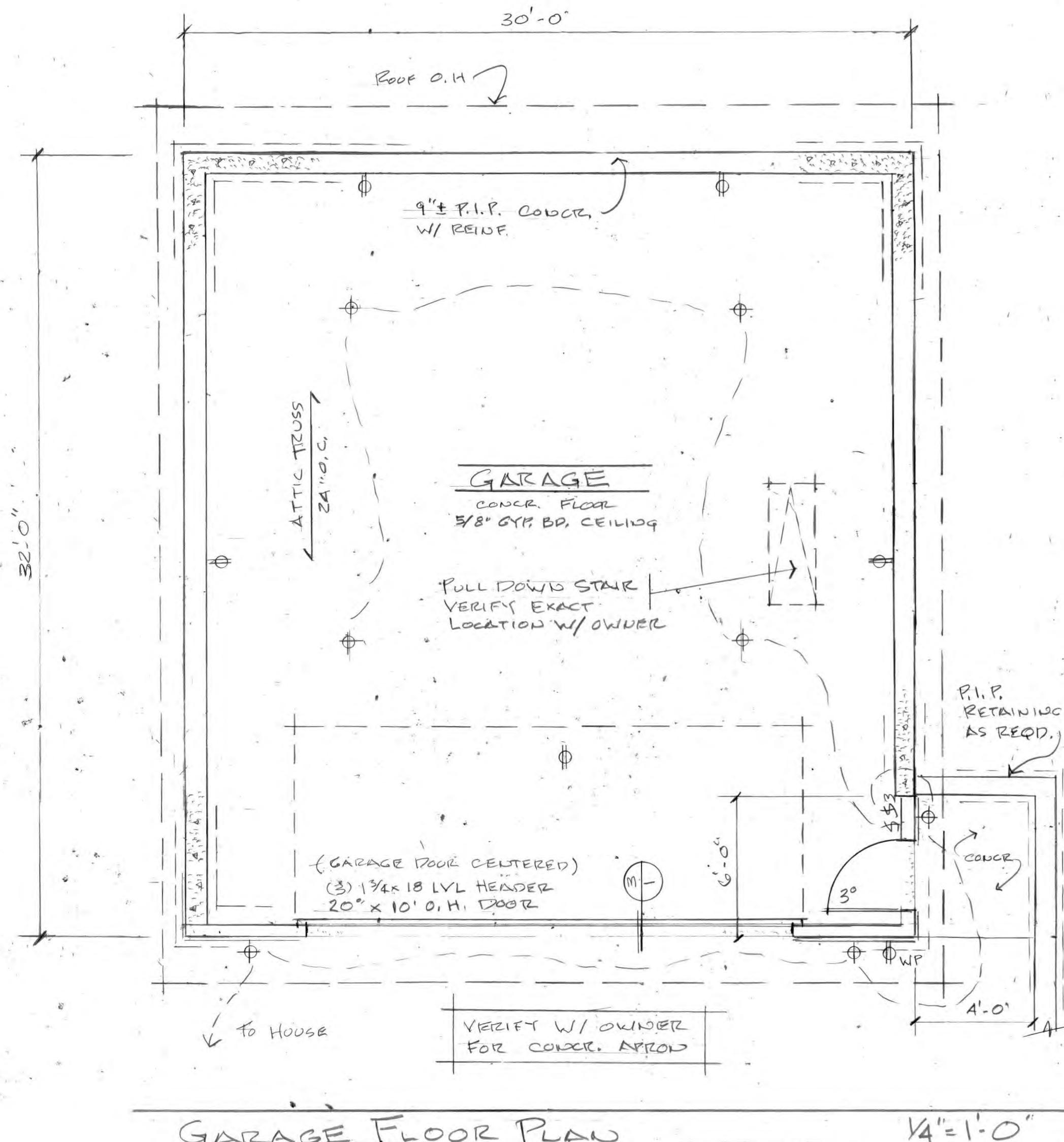
PROPOSED COVERALL

Existing Coverage Areas:

Parcel Area=	40,021 sq. ft.
Existing House=	3,109 sq. ft.
Existing Shed=	186 sq. ft.
Concrete Areas=	835 sq. ft.
Bituminous Area=	2,973 sq. ft.
Paver Area=	804 sq. ft.
TOTAL EXISTING IMPERVIOUS=	7,907 sq. ft. (19.8%)

Proposed Coverage Areas

New Garage=	960 sq. ft.
Additional Bituminous=	350 sq. ft.
TOTAL ADDED=	1,310 sq. ft.
NEW PROPOSED COVERALL=	9,217 sq. ft. (23.0%)

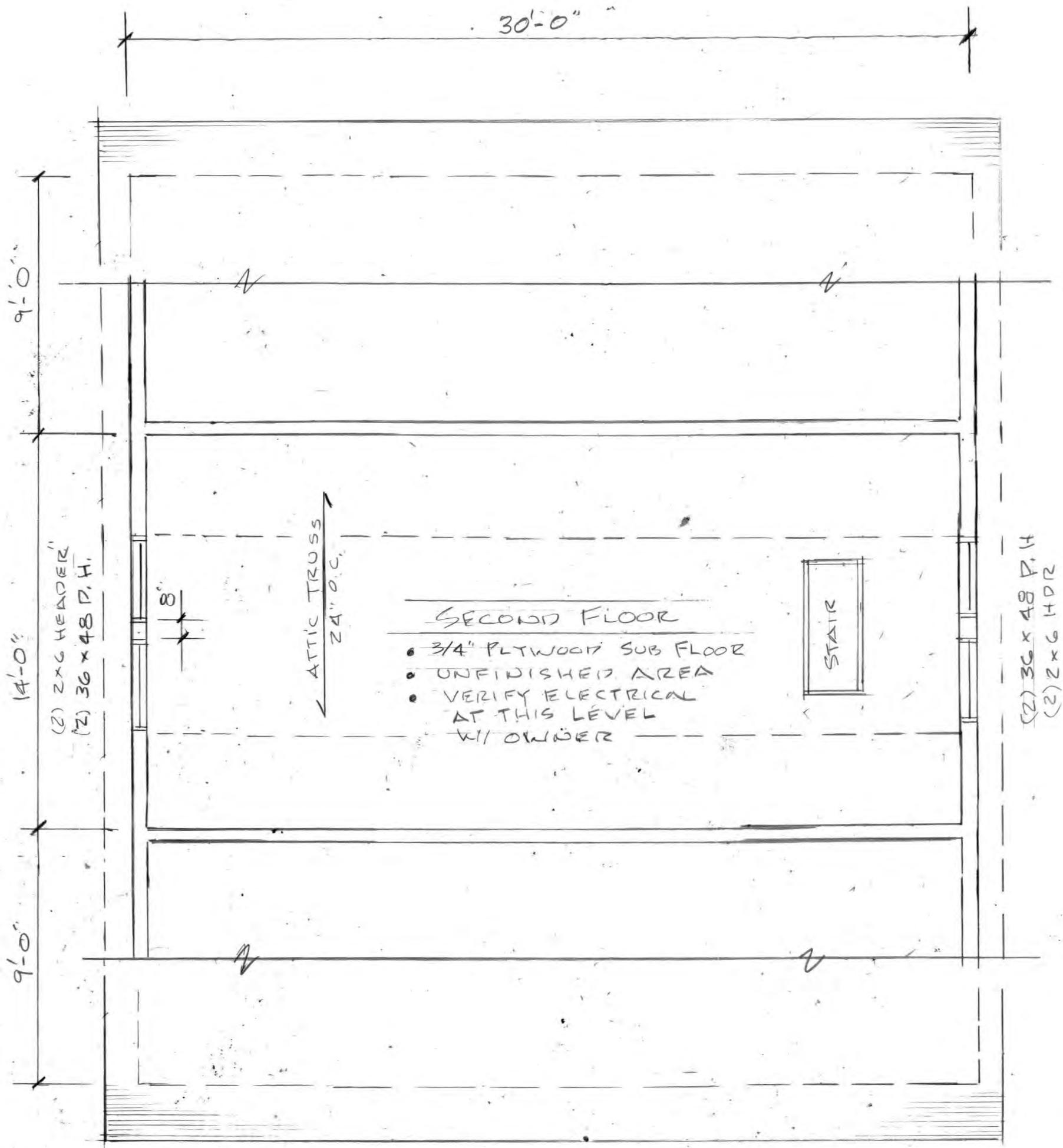


GARAGE FLOOR PLAN

GENERAL NOTES:

- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON DRAWINGS WITH ACTUAL WORK SITE PRIOR TO THE START OF CONSTRUCTION. DRAWINGS ARE NOT TO BE SCALED. NO RESPONSIBILITY IS ASSUMED FOR DIMENSIONAL / DETAIL ERRORS OR OMISSIONS. NO WARRANTIES EXPRESS OR IMPLIED ARE MADE.
- 2020 MN. BUILDING CODES AND MANUFACTURES MATERIALS, SYSTEMS, INSTALLATION AND INSTRUCTIONS SHALL BE FOLLOWED AND TAKE PRECEDENCE OVER ANY NOTES OR DETAILS SHOWN ON THESE DRAWINGS.
- WORKING DRAWINGS SHALL BE REVIEWED WITH THE OWNER ON AN ITEM BY ITEM BASIS PRIOR TO THE START OF CONSTRUCTION AND THE FINALIZING OF THE CONSTRUCTION CONTRACT.
- ALL WORK SHALL BE IN COMPLIANCE WITH APPLICABLE LOCAL STATE, NATIONAL BUILDING CODES, LOCAL ORDINANCES, REGULATIONS AND ALL OTHER AUTHORITIES HAVING JURISDICTION.
- CONTRACTOR SHALL VERIFY WITH THE OWNER THE EXACT ELECTRICAL, MECHANICAL, AND HEATING REQUIREMENTS PRIOR TO THE START OF CONSTRUCTION WHEN APPLICABLE. ALL WORK SHALL MEET CODE REQUIREMENTS.
- ALL FINISHES SHALL BE AS NOTED ON DRAWINGS AND SELECTED AND APPROVED BY OWNER. INTERIOR DOORS, MILLWORK, & TRIM, SHALL MATCH EXISTING UNLESS NOTED AND APPROVED BY OWNER.
- NEW WINDOWS SHALL BE AS NOTED ON PLANS. EXACT FINISH AND TYPE SHALL BE VERIFIED WITH OWNER. WINDOW SIZES ARE NOMINAL AND SHOWN IN INCHES WIDTH x HEIGHT.
- REFER TO SITE PLAN & SURVEY FOR EXISTING UTILITY AND MECHANICAL LOCATIONS WHERE APPLICABLE. ALWAYS VERIFY WITH UTILITY COMPANIES EXACT LOCATION OF ALL UTILITY LINES PRIOR TO EXCAVATION. CONTACT GOPHER STATE ONE AT 651-454-0002 OR 811 OR WITH APPLICABLE UTILITY COMPANIES.
- PERFORM EXCAVATION TO GOOD COMMON CONSTRUCTION PRACTICES TO THE LINE, GRADES, AND ELEVATIONS INDICATED ON SURVEY / SITE PLAN.
- CONTRACTORS SHALL PROVIDE DAILY PICKUP AND FINAL CLEANUP OF SITE RELATED TO THEIR WORK. NO CONSTRUCTION DEBRIS OR RUBBISH SHALL BE ALLOWED TO ACCUMULATE IN THE BUILDING OR ON THE PREMISES. UNDER NO CIRCUMSTANCES SHALL ANY CONSTRUCTION DEBRIS OR RUBBISH BE BURNED OR BURRIED ON THE PREMISES.
- ALL CONTRACTORS SHALL BE LICENSED, BONDED, AND INSURED AS REQUIRED BY STATE LAW AND THE MUNICIPALITY OF THIS JOB.
- CONTRACTORS SHALL OBTAIN AND PAY FOR ALL PERMITS AS REQUIRED FOR THIS JOB.

13. DESIGN LOADS
SOIL BEARING ASSUMED 1500 PSF
FLOOR LOADS LIVE LOAD 40 PSF
DEAD LOAD 15 PSF
ROOF LOADS LIVE LOAD 35 PSF
DEAD LOAD 17 PSF



2ND FLOOR PLAN ABOVE GARAGE 1/4"=1'-0"

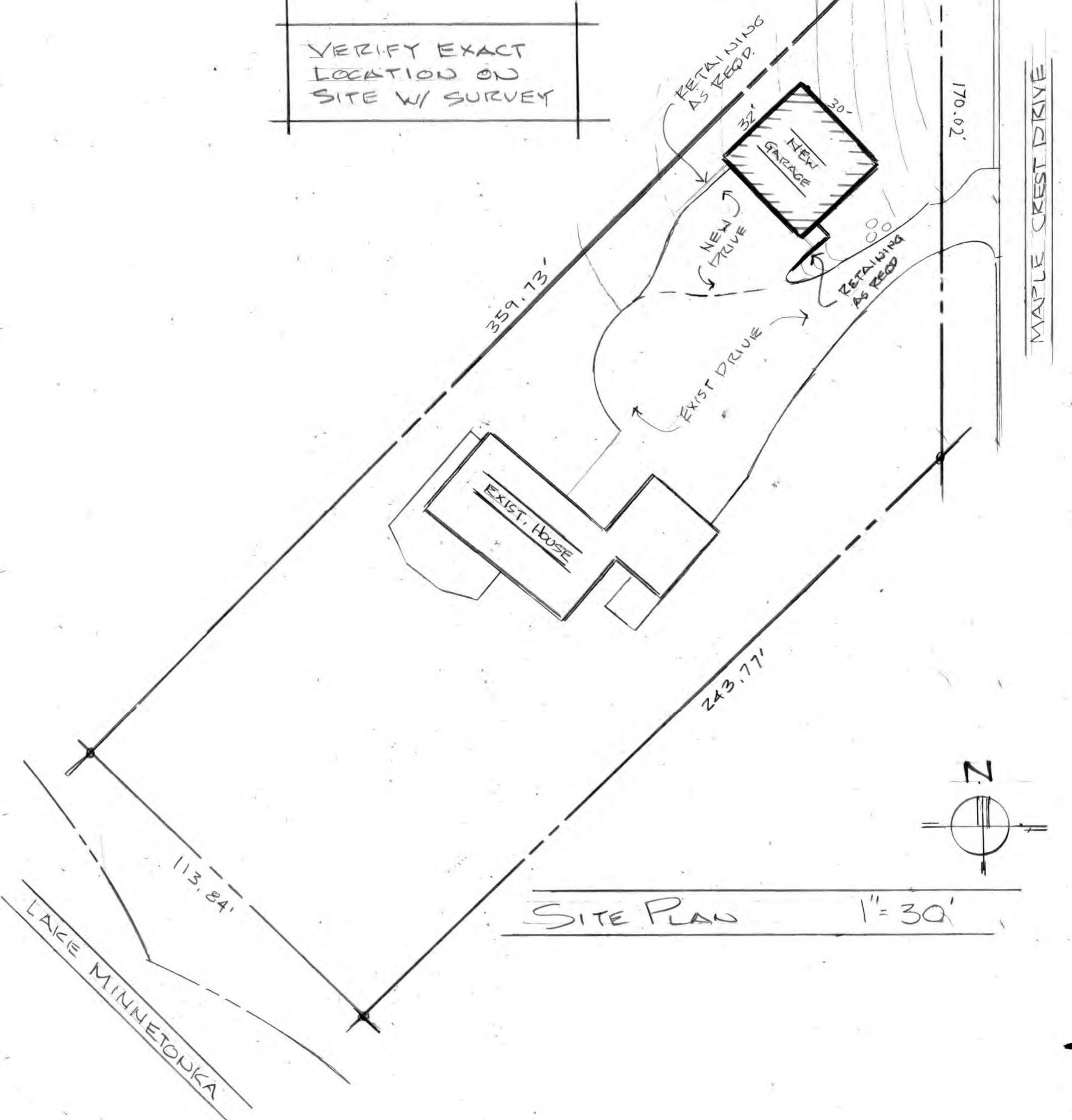
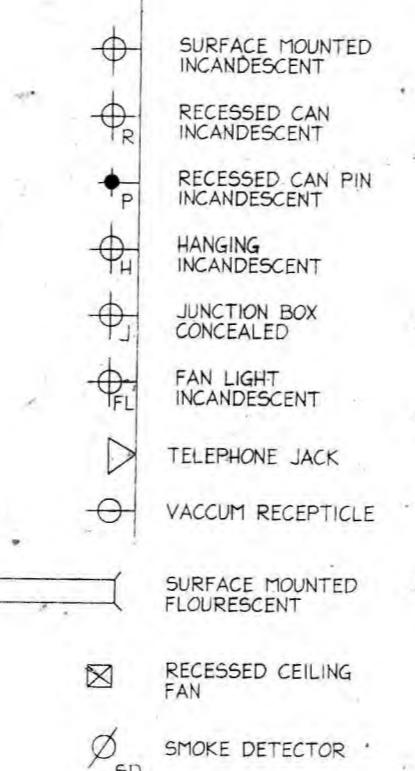
14. STRUCTURAL NOTES:

- STRUCTURAL BEAMS AND HEADERS NOTED ON DRAWINGS ARE SIZED FOR LOADS INDICATED. EXACT CONNECTIONS, ANCHORING AND SHEAR LOADS WHEN NOT DETAILED SHALL MEET CODE AND MFGRS' REQUIREMENTS AS WELL AS STANDARD CONSTRUCTION PRACTICES AND / OR BE REVIEWED AND DONE OVER BY A LICENSED STRUCTURAL ENGINEER WHEN REQUIRED OR APPLICABLE.
- LVL, LAMINATED VENEER LUMBER WHERE SHOWN IS BASE UPON I-LEVEL WEYERHAUSER CO. PRODUCTS. ALTERNATE MAY BE USED AS EQUAL.
- CONCRETE SHALL BE 5000 PSI MIN. AT 28 DAYS. REINFORCING COVERAGE SHALL BE MIN. OF 3' AT FOOTINGS AND 2' AT OTHER LOCATIONS.
- ALL WOOD IN CONTACT WITH CONCRETE SHALL BE TREATED AT EXTERIOR WALLS PROVIDE FOAM SILL SEALER UNDER PLATES.
- DECKS AND RAILS SHALL BE CEDAR, REDWOOD, WOOD NOTED, OR COMPOSITE DECK MATERIALS AS SELECTED BY OWNER. DECKING SHALL BE 2 X 6 OR 5/4 X 6 NAIL SPACED AND LAID PERPENDICULAR TO JOISTS. JOISTS SHALL BE MAXIMUM OF 16' O.C. ALL FASTENERS SHALL BE CORROSION RESISTANT AND CONNECTION DEVICES SHALL BE CODE CODE APPROVED.
- DECK RAILS SHALL MEET CODE AND BE OF TYPE, DESIGN, AND MATERIAL AS SELECTED BY OWNER.
- CONTRACTOR SUGGESTIONS ARE ENCOURAGED FOR COST REDUCTION THAT DOES NOT COMPROMISE THE SCOPE, DESIGN, OR QUALITY OF THE PROJECT AS DESIGNED. ALL SUGGESTIONS WILL BE REVIEWED BY OWNER AND ARCHITECT AND SHALL BE PRESENTED IN WRITING WITH SPECIFIC DETAILS AND COST CRITERIA.
- THESE DRAWINGS ARE JOINT PROPERTY OF THE OWNER SHOWN ON TITLE BLOCK AND THE ARCHITECT. THEY ARE TO BE USED SOLELY FOR THE PURPOSES OF THIS PROJECT AT THIS LOCATION BY THEIR RESPECTIVE CONTRACTORS. ANY CHANGES OR MODIFICATIONS TO THESE DRAWINGS FOR THIS OR ANY OTHER PROJECT IS STRICTLY PROHIBITED.
- ANY OTHER USE OF THESE DRAWINGS BY OTHER NON RELATED PARTIES / CONTRACTORS OR FOR USE AT OTHER LOCATIONS / PROJECTS WITHOUT THE OWNER AND ARCHITECT'S PERMISSION IS STRICTLY PROHIBITED. ARE NOT PART OF THIS SET OR DRAWING IF REQUIRED THEY ARE TO BE DONE BY THEIR RESPECTIVE TRADES.

15. PROJECT SQUARE FOOTAGE:

MAIN LEVEL GARAGE 960.00 S.F.
SECOND LEVEL 420.00 S.F.

ELECTRICAL LEGEND:



PROJECT NO.
1-1190

DATE:
05-21-2021

DRAWN BY:
CG

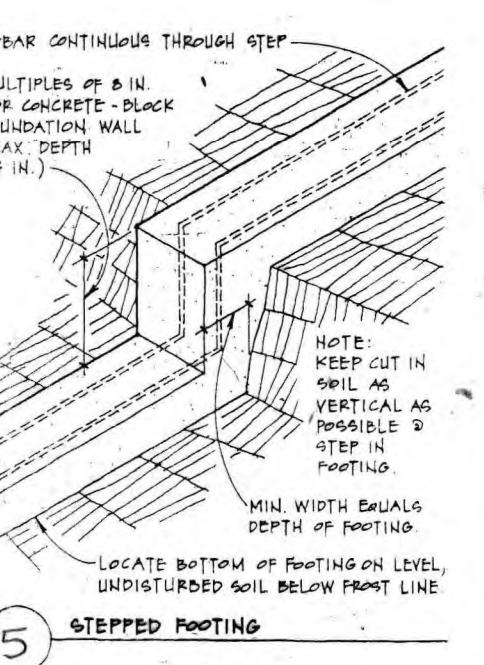
SHEET NO.:
1

1 OF 2

REV. "B"

CONSTRUCTION DRAWINGS FOR NEW GARAGE
JIM & CINDY ERNST RESIDENCE
920 MAPLE CREST DRIVE
MINNETONKA, MINNESOTA 55364
PLANS AND GENERAL NOTES

REV. "A" REVISED
Roof Patch # 200
Floor Plan
4/24/2023
REV. "B" REMOVED
4/26/2023



CARL J. GRAMENTZ, FAIA
REGISTERED ARCHITECT
SAS CLEAR SPRING ROAD, MINNETONKA, MINNESOTA 55345
PH: 651-233-5891 FAX: 651-233-6684 | CELL: 612-579-4954
e-mail: carljg@id4id.com | www.gramentz.com

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CITY OF MINNETRISTA



PLANNING COMMISSION AGENDA ITEM 2B

Subject: Application from Saleem Karmaliani for a 2 lot subdivision of the property located at 3790 County Road 44.

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: January 29, 2024

Overview: Saleem Karmaliani (the “Applicant”) has submitted an application for a 2 lot subdivision of the property located at 3790 County Road 44; R-1 Low density single-family residence zoning district; PID# 26-117-24-31-0010 (the “Property”).

Background: The Applicant purchased the Property in May of 2023 with the intent to subdivide it in to 2 lots. The Property previously had a home on it, but its location was in conflict with a potential subdivision so it was demolished.

Discussion:

- **General:** The Property is a roughly 2.48 acre site located on Lake Minnetonka off of County Road 44. The Property is presently zoned R-1 Low density single-family residence and is located within the Shoreland overlay district. Setback and lot standard tables have been provided below for both districts for reference.

Section 505.15 R-1 Residential Zoning District

Minimum Lot Area (sq. ft.)	14,500
Density Range (units per net acre)	2 to 3
Minimum Lot Depth (ft.)	120
Minimum Lot Width (ft.) (measured at OHW, if applicable and building setback line)	90
Maximum Impervious Surface Coverage (%)	35
Front Yard Setback (ft.)*	
- principal structure	35
- detached accessory structures or other uses	50
Side Yard Setback (ft.)	
- principal structure (including attached accessory structures)	15
- detached, accessory structures > or = 1,000 sq. ft.	30
- detached, accessory structures < 1, 000 sq. ft.	10
- other uses abutting residences	45
- other uses	10
Non-Lakeshore Rear Yard Setback (ft.)	
- principal structure	25
- detached accessory structures or uses	10
- other uses	40

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Lakeshore Rear Yard (Streetside) Setback (ft.)	
- principal structure	35
- detached accessory structures or uses	50
- other uses	50
Maximum Building Height (ft./stories)**	
- principal structure	35/3
- accessory structure	25/2
Maximum Driveway Width (measured at right-of-way)	24
Public Sewer Required?	Yes
Minimum Floor Area Per Dwelling (sq. ft. per 2/3 bedrooms)	960/1040 above grade
See General Regulations (Section 505.05)	

Section 505.49 Shoreland Overlay District

- (b) Sewered areas. Land served by municipal sanitary sewer within a designated shoreland district shall be subject to the following requirements:

	Natural Environment Waters	Recreational Development Waters/Tributary Streams	General Development Waters
Lot area (sq. ft.)			
▪ waterfront lots	40,000	20,000	23,000
▪ other lots	20,000	20,000	23,000
Minimum Lot Width at building setback and OHW (ft.)	100	100	100
Top Bluff	30	30	30
Structures setback from ordinary high water mark (ft.)	150	75	75
Structure setback from federal, state or county right-of-way	50	50	50
Structure setback from municipal or private right-of-way	35	35	35
Road and parking area setback from ordinary high water mark	Same as structure setback, when feasible, but in all instances at least 50 feet.		
Maximum lot area covered by impervious surface (%)	25	25	25

- **Parks, Trails, & Open Space:** Pursuant to MN Statutes, section 462.358, subd. 2b, the city requires all subdividers to dedicate to the city or preserve for public use as parks, recreational facilities, playgrounds, trails, open space or areas of natural and environmental significance a reasonable portion of the buildable land of the subdivision. The city council, at its discretion, may elect to require in lieu of land an equivalent cash payment based on the fair market value of the buildable land no later than the time of final subdivision approval. Any cash payment shall be placed in a special fund and used only for the purposes for which it was obtained, including the acquisition and development or improvement of the public park system or debt retirement in connection with land previously acquired.

As proposed, the following is a breakdown of the park dedication requirement:

- Zoned Density 2-3 unit/acre
 - Gross Site Area 2.48 acres

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- Proposed Density 0.8 units/acre
- Park Dedication Requirement 11% of land or land value
- Gross Site Area is 2.48 acres * 0.11 = 0.2728 acres of land; or
- Cash in lieu dedication would be 11% of the fair market value of the Property, with a maximum of \$25,000 per lot.

The Applicant did not include an appraisal with their application submittal, however County records show a taxable market value of \$2,731,800 assessed in 2023 and payable in 2024. In the past, city staff at times has been willing to start the park dedication requirement discussion with the County assessed value. At any rate, 11% of the County assessed value or an appraisal is likely to exceed the maximum fee of \$25,000 per lot. Therefore, with the proposed 2 lot subdivision, the Applicant would be looking at a cash-in-lieu fee of \$50,000. The Applicant is welcome to submit an appraisal for the City to consider if they feel it would change the required park dedication fee.

In review of the current Parks, Trails, and Open Space Plan, the Property is not located within an existing or planned park service area. Furthermore, the size of the parcel of land that would be required is only 0.2728 acres which does not provide enough space to develop a suitable park for this area.

The Parks Commission reviewed this request at their January 9, 2024 meeting. At that meeting, a motion was made by Hughes and seconded by Randall to recommend the City Council accept cash-in-lieu of land in the sum of \$50,000 for the park dedication requirement for the proposed 2 lot subdivision at 3790 County Road 44. Motion passed 4-0. Absent: Vogel.

- **Tree Preservation Section 510.07:** All subdivisions resulting in five or more units, lots, parcels, tracts or long-term leaseholds regardless of the particular zoning district are required to protect all significant trees that are not needed to be removed to allow the reasonable development of the property. Since the request is for a 2 lot subdivision, the City's Tree Preservation ordinance does not apply in this instance.
- **Storm Water Management General/Wetlands/Floodplain:** The proposed subdivision does not include additional impervious surface outside of the future new home permits and associated driveways and thus does not trigger the City's Storm Water rules. Each lot is allowed a maximum of 25% impervious coverage per the Shoreland Overlay District rules.
- **Sanitary Sewer System General:** The Property is currently serviced by the city sewer system. The Applicant will be required to pay the necessary Sewer Area Charge (SAC) at the time of final approval. There is an existing line the run across the Property east/west between the road and Lake Minnetonka. The Applicant will be required to dedicate a drainage and utility easement over this line, as shown on the

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plat, as part of the approval process. Individual connections will be made to this line at the time of building permit.

- **Water System General:** The Property is not currently serviced by city water, however the Property is located in the Metropolitan Urban Service Area (MUSA). Given the location of the Property in relation to the existing City water system, it's unclear when water may be made available to the Property. At this time, it does not seem reasonable to charge the Applicant the Water Area Charge (WAC) for a service they may not see a return on for many years. However, the City will need to flag the resulting lots so that should city water be made available in the future, those lots pay the required area charge or assessment in addition to the connection charges.
- **Streets General:** There are no proposed streets with this application. The lots are to be serviced by the existing County Road 44. Hennepin County has been asked about access and would support a single shared driveway as proposed and did not request additional right-of-way for County Road 44.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff spoke with two property owners and one submitted written comment. It has been attached for the Planning Commission to review. The comment brought up the shared driveway situation, which has been addressed as condition #1, and concerns regarding a turn-around option. The written comments mentions issues in the past with delivery drivers and with construction traffic, additional deliveries, emergency services, etc., there are more opportunities for further issues. This has been addressed as condition #2.

Conclusion: The Planning Commission shall review and consider the Applicant's request for consistency with the intent and purpose of the Comprehensive Plan goals. At the advertised time and place, the Planning Commission will hold a public hearing which will constitute the platting authority public hearing as required by MN Statutes. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. The motion will serve as a summary of the discussion by the Planning Commission and should include any additional conditions the Planning Commission wishes to add.

Recommended Action: Motion to recommend the City Council approve the preliminary known as Karmith Cove to develop 2 single family lots at the property of 3790 County Road 44, subject to the following conditions:

1. A shared driveway easement and maintenance agreement, in a form satisfactory to the city shall be recorded along with the final plat;

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2. The Applicant shall provide a turnaround driveway plan for each of the proposed lots to allow for safe ingress and egress for deliveries, construction traffic, emergency services, and other similar vehicles;
3. The Applicant shall pay a park dedication fee in the amount of \$50,000 at the time of final plat approval;
4. The Applicant shall construct an emergency warning siren for the subdivision or pay the City a fee of \$128 as a contribution towards a siren to serve the area;
5. The Applicant shall pay the City a trunk sanitary sewer area charge fee of \$4,464 at the time of final plat approval;
6. The Applicant shall comply with rules, regulations and permitting requirements of the Minnehaha Creek Watershed District and all other governmental agencies having jurisdiction over the Property;
7. All utilities installed on the Property shall be located underground;
8. Standard drainage and utility easements shall be dedicated around the perimeter of all lots and over the existing sanitary sewer line;
9. The Applicant shall be required to construct, at its expense, all public improvements within the subdivision;
10. The Applicant shall submit title evidence satisfactory to the city attorney prior to final plat approval;
11. The Applicant shall pay to the City a fee in an amount sufficient to reimburse the City for all costs of reviewing the submissions for platting the Property and the negotiation and preparation of all related agreements and documents; and
12. A completed application for approval of the final plat must be submitted to the City within 180 days of the date of adoption of this preliminary plat resolution by the City Council. The completed application must comply with all conditions and requirements of applicable regulations and all terms and conditions of this preliminary plat approval.

Attachments:

1. Location Map
2. Applicant's Narrative
3. Preliminary Plat
4. Neighborhood Comments

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3790 County Road 44



1 in = 100 Ft

City Boundary

Address Labels

Parcels



January 5, 2024

Map Powered By Datafi

wsb

Subdivision of 3790 County Road 44

- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
 - a. Owner: Saleem Karmaliani – 612-559-2288. 2841 East Lake of the Isles Parkway, Minneapolis, 55408 - skarmaliani@hotmail.com
 - b. General Contractor: Sven Gustafson – 612-267-2670. 153 Lake Street East, Wayzata MN 55391
 - c. Surveyor: Advance Survey - Mimi Wrob, 952 474 7964 ext. 7428
- b. b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s);
 - a. 3790 County Road 44, Minnetrista MN 55364
 - b. 2.48 Acres, 108,036 Sq. ft.
 - c. PID#: 2611724310010
 - d. Reg. Land Survey No. 1589
- c. c. A listing of general information including: the proposed name of the subdivision, the number of proposed lots, acreage dedicated for open space or public use, acreage dedicated within rights of way;
 - a. Proposed name: Karmith Cove
 - b. 2 proposed lots
- d. d. An explanation of how issues have been addressed since the Sketch Plat phase of the development;
 - a. No issues were identified
- e. e. A narrative explaining the intent of the project and/or your original or revised vision for the finished product;
 - a. Intent is to divide the property into two conforming residential lots.
- f. f. A statement showing the proposed density of the project with the method of calculating said density shown;
 - a. The property will be divided into two conforming residential lots.
- g. g. A narrative addressing concerns/issues raised by neighboring properties (staff always suggests discussing your proposal with the neighboring land owners to get a sense of what issues may arise as your application is processed);
 - a. No issues have been raised.
- h. h. Discuss proposed infrastructure extensions (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc);
 - a. Existing sewer line will be extended to serve the two properties. Private wells will serve the homes.

- i. i. A description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated; 2 Preliminary Plat Procedure - Class III & PUD Subdivisions Written statements continued:
 - a. The properties will be conforming and in harmony with surrounding properties in size.
- j. j. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area;
 - a. Only one additional property is being created.
- k. k. If applicable, provide a description of proposed lakeshore access (i.e. shared dock with multiple slips, individual docks for each lot, etc.);
 - a. Each property will have its own lakeshore and private docks.
- l. l. A description of proposed parks and/or open space. Please include a brief statement on the proposed ownership and maintenance of said areas; and
 - a. N/A
- m. m. A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).
 - a. Construction of one home will occur as soon as the construction drawings are complete – anticipated late this year – early 2024. The 2nd property will be developed shortly thereafter.

LEGAL DESCRIPTION:
Tract A, REGISTERED LAND SURVEY NO. 1589, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

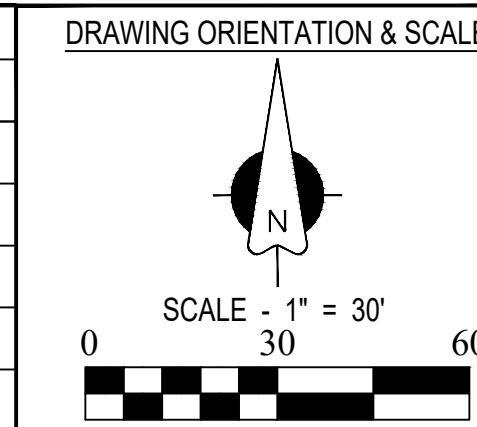
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and/or stucco of the building.
6. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
7. Current zoning for the property is R-1 Low Density Single Family Residence.
8. Developer:
Stonewood, LLC
153 Lake Street East
Wayzata, MN 55391

STANDARD SYMBOLS & CONVENTIONS:

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

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

DATE	REVISION DESCRIPTION
11/16/22	SHOW EASEMENT
9/11/23	ADD TOPO AND ADJACENT HOUSES
11/11/23	UPDATE TOPO
11/23/23	ADD DATA TO BRING THIS TO A PRELIMINARY PLAT
12/12/23	ADJUST LOT LINES.



DRAWING ORIENTATION & SCALE
CLIENT NAME / JOB ADDRESS

STONEWOOD, LLC
3790 COUNTY ROAD NO. 44
MINNETRISTA, MN

Advance
Surveying & Engineering, Co.

18202 Minnetonka Blvd., Suite 401
Deephaven, Minnesota 55391
Phone (952) 474-7964
Web: www.advsur.com

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

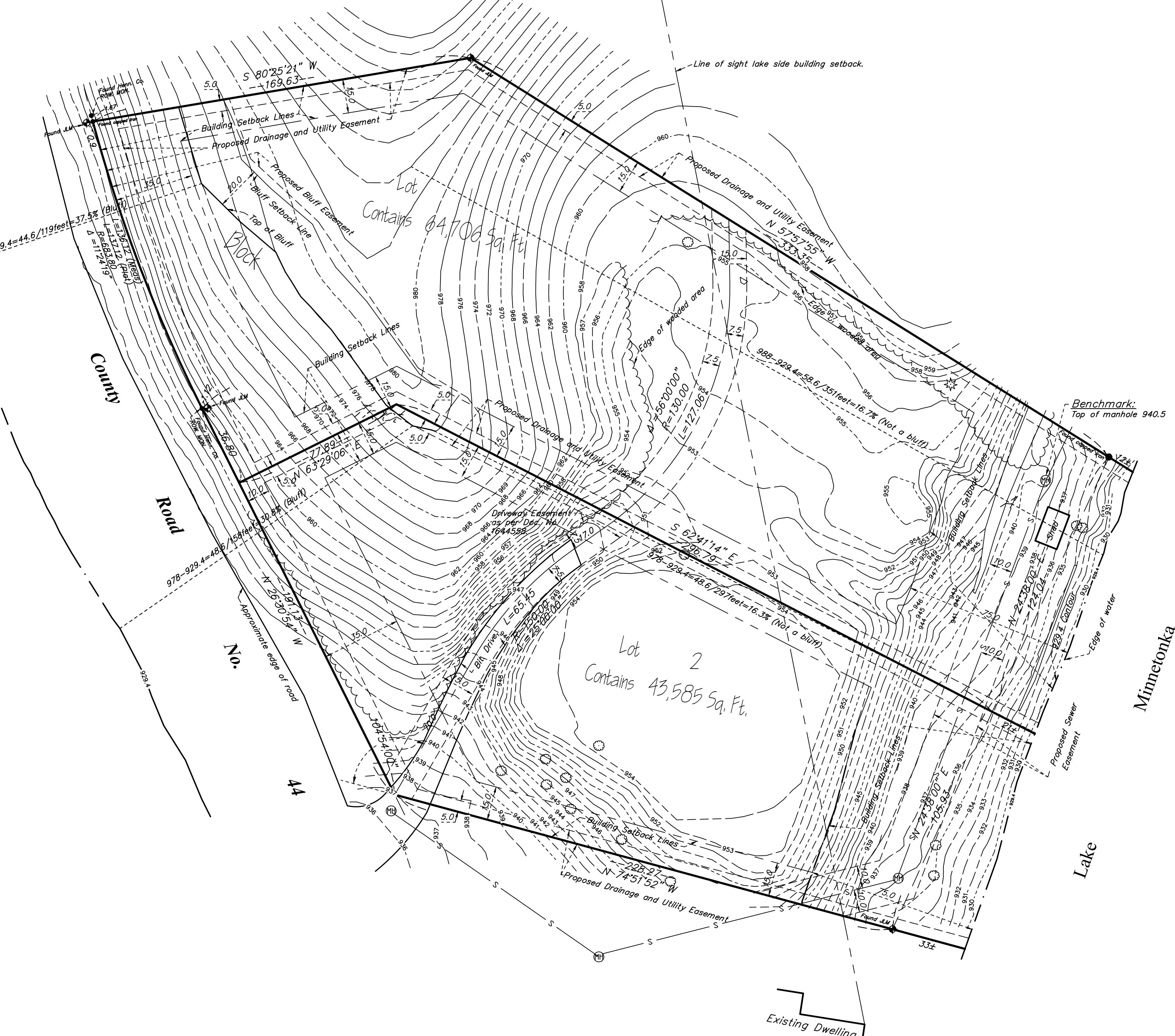
Thomas M. Bloom
42379
LICENSE NO.
OCTOBER 12, 2022
DATE

DATE SURVEYED: OCTOBER 11, 2022
DATE DRAFTED: OCTOBER 12, 2022

SHEET TITLE
PRELIMINARY PLAT
DRAWING NUMBER
230691 TB
REV 12 - 12

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

Preliminary Plat: Karmith Cove



Nickolas Olson

From: gray5771@aol.com
Sent: Monday, January 22, 2024 5:27 PM
To: Nickolas Olson
Subject: Subdivision of 3790 County Road 44

January 22, 2024

To: Nickolas Olson

From: Jim and Cathy Gray, 3800 County Road 44

Concerning the request to subdivide the property at 3790 County Road 44:

We are unable to attend the public meeting on January 29, so this note expresses our concerns.

Our primary concern is about doubling the number of vehicles that will use our shared driveway.

In its present configuration, there was no way for a truck or van to turn around at the top of the hill. Trucks had to back down the driveway, then make a sharp turn into our driveway in order to go forward on to County Road 44.

There have been several instances when trucks backing down have hit and destroyed our light pole (and none of them have taken responsibility for the damage). There have also been many instances where damage has been done to our lawn and the small stones surrounding the pole.

This is especially a concern for us because there will be lots of construction vehicles, and twice as many service and delivery vehicles after the subdivision.

If it's not possible to make a turn-around at the top of the hill, we will have to surround the corner of our lawn with much larger boulders.

Secondly, we hope that a subdivision will clearly spell out who is responsible for maintenance of the shared part of the driveway.

Other than those two concerns, we are looking forward to having two new neighbors.

CITY OF MINNETRISTA



PLANNING COMMISSION ITEM 2C

Subject: Application from Joseph Cheney a side yard setback variance at 3790 Enchanted Lane

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: January 29, 2024

Overview: Joseph Cheney (the “Applicant”) has made a request for a variance to reduce the side yard setback from 15 feet to 10.2 feet to allow for a new single family home at 3790 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0003 (the “Property”).

Background: As the Planning Commission will remember, a previous application was reviewed back in August 2023. Variances for relief from the lakeshore, street side, and side yard setbacks were reviewed. A recommendation was forwarded to the City Council and ultimately the City Council approved the lakeshore setback at 41 feet and street side setback at 26.3, but they denied the side yard setback variance requests.

The Applicant is requesting relief from the side yard setback requirement on the south side of the Property. The proposal complies with the lakeshore and streetside setback variances the City Council approved in August 2023. For review, the Applicant has put together the necessary documents attached hereto for the Planning Commission to consider. The adjacent property at 3800 Enchanted Lane, is also on the agenda with a variance request for the Planning Commission to consider.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

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b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with one neighboring property owner and has received two written comments. Those comments have been attached for Planning Commission review.

Conclusion: The application is for a new single-family dwelling, which is an allowed use of the Property and is consistent with the zoning. This proposal conforms to the lakeshore and street side setback variances previously granted.

The Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future use of the Property and thus remains consistent with the long-term goals for the area. However, while relief of the side yard setbacks doesn't impact riparian views, it results in homes

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closer together which can feel crowded along the lakeshore. The Property is a non-conforming lot of record, which was created before the current setback requirements were in place. When the current setbacks are applied, the building pad is rather small. Relief has been granted to the lakeshore and streetside setbacks back in August 2023 to help alleviate the constraints. Other homes in the area have complied with the side yard setback requirements in the past. This may suggest that relief from the side yard setbacks may be out of character of the neighborhood. Allowing side yard setback variance could change the character of the neighborhood making it feel more crowded along the lakeshore.

The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Whether the Planning Commission decides to recommend approval or denial of the request, findings of fact should be established which support the recommendation.

Recommended Action: The Property is a unique lot due to its size. Setback relief has been granted to the lakeshore and street side setbacks. The Planning Commission needs to determine if this relief is sufficient for the development of the Property or if additional relief to the side yard setbacks is necessary. In considering the additional relief, the Planning Commission should look at the character of the neighborhood and determine if it will be altered as a result of any additional relief.

Attachments:

1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans
5. Neighborhood Comments

Mission Statement:

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3790 Enchanted Lane



1 in = 50 Ft

City Boundary

Address Labels

Parcels



August 15, 2023

Map Powered By Datafi

wsb

Dear City of Minnetrista,

My name is Joe Cheney, I am requesting a variance because I think these homes are very proportionate for the lot and neighborhood as well as fits a versatile amount of needs for a smaller dwelling. I personally think it would be a better fit than a long narrow 3 story custom build. I am an investor of lakeshore properties and have a very good track record of buying and selling with happy clients and cities I've worked with. If I get the variance I plan to put the property for sale with the proposed house, if it does not sell I plan on building before the variance expires. I have no intentions of renting the property, that would be a last resort for me and I'm fully aware that short term rentals are not allowed In the city.

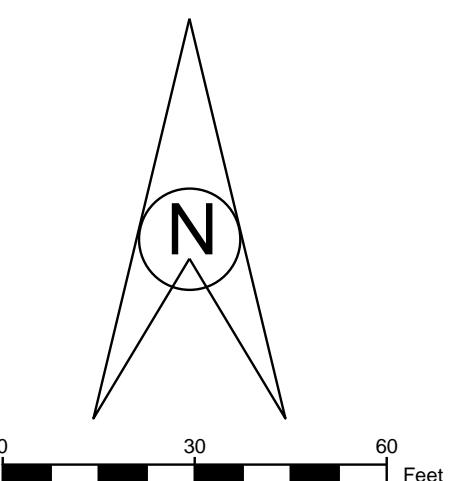
Certificate of Survey & Topographic Survey

PROPOSED HARDCOVER CALCULATIONS:		
AREA TO OHWL LESS BITUMINOUS STREET=	15,405±	S.F.
	AREA	
Proposed House	1,972	S.F.
Proposed Driveway	276	S.F.
Existing Shed	41	S.F.
Bituminous Driveway	1,314	S.F.
Gravel Driveway	44	S.F.
TOTAL	1399	S.F.
% HARDCOVER	9.1	%
	3647	S.F.
% HARDCOVER	23.7	%

Bituminous Street (Not included in hardcover) = 1539 SF

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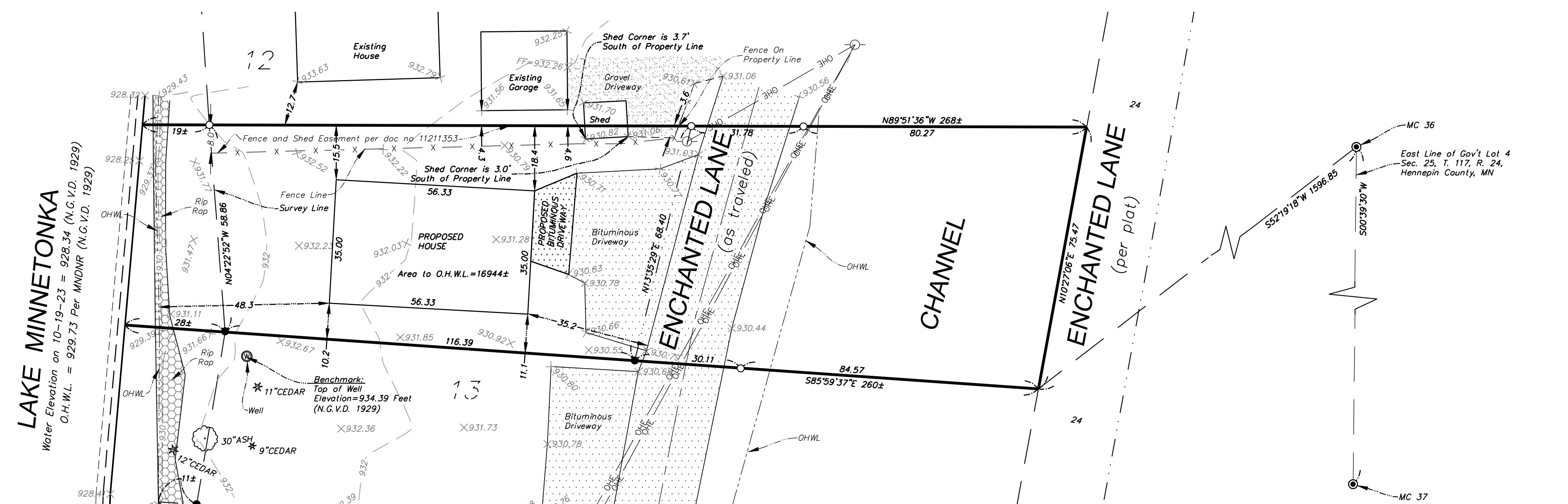
LEGEND

- 988 — denotes Existing Contour
- 988.00 X denotes Existing Spot Elevation
- FF=980.40 denotes Finished Floor Elevation
- denotes Power Pole
- X denotes Deciduous Tree
- * denotes Coniferous Tree
- OHE — denotes Overhead Electric Line
- X — denotes Fence Line

LAKE MINNETONKA

Water Elevation on 10-19-23 = 928.34 (N.G.V.D. 1929)

O.H.W.L. = 929.73 Per MNDIR (N.G.V.D. 1929)



Certificate of Survey & Topographic Survey on Part of Gov't Lot 4, Sec. 25, T. 117, R. 24, Hennepin County, MN

Revised:

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.

Paul E. Otto

Paul E. Otto
License #40062 Date: 12-28-23

Requested By:

Enchanted Island, LLC

Date: 10-19-23

Drawn By: B.M.H.

Scale: 1"=20'

Checked By: P.E.O.



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

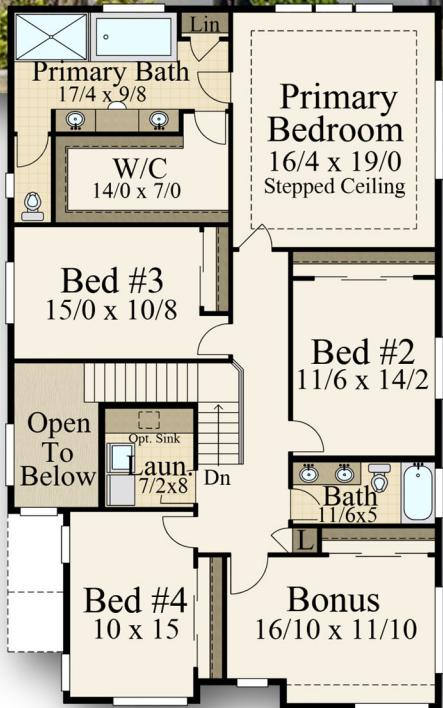
- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062
- denotes Soil Boring
- denotes found Judicial Land Monument

Project No. 23-0430



MARK STEWART
HOME DESIGN

"Melody"
MM-3070



Main 1305 sq. ft.
Upper 1765 sq. ft.

Total Sq. ft 3070sq. ft.
35/0 wide x 56/4 deep

503.701.4888

markstewart.com

Mark Stewart Home Design

22582 Main Street Suite 309 Sherwood, OR 97140



3:12



RIGHT ELEVATION

SCALE: 1/4' = 1'-0"



REAR ELEVATION

SCALE: 1/4"=1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

Nicholas Olson, Senior City Planner

City of Minnetrista

Please share this note with the planning commission.

Regarding properties at 3790 and 3800 Enchanted Ln:

We are not in favor of any side yard variances on the properties in this Enchanted Island neighborhood, as we understand that the homes that have been built since the regulation has been put in place have adhered to the side yard setbacks.

We are concerned that granting side yard setbacks here will set a precedence and the next property that plans to build in this neighborhood will use this as the 'New Standard', they will be able to argue because 3790 was granted a variance that they should also be granted. These properties are in a low density R1 housing zone, this is not R2 Douglas beach.

In 2014 these lots had standing water, our property had no standing water, now there is a proposal to build much larger structures and they will be elevated. There runoff should NOT flow to any of the neighboring properties. This is a huge concern, there is no new elevation/drainage plan on the surveys and it states in the variance procedure that it is required (Section 6).

Regarding 3790:

This is approximately a 60' wide lot, an ample sized home can be built on this property without any side yard variances. We can't understand the need for side yard setback variances on this property but we can understand the want to maximize the profits by building wider/larger house.

We are not in favor in granting a side yard setback variance on this piece of property.

Regarding 3800:

It is our understanding that this lot is less than 50' and may not be a confirming lake shore buildable lot, we would be in favor of minimal side yard setbacks that would allow a house that would be acceptable on a 50' lot, similar to 3850 Enchanted Ln.

Thank you,

Steve Shoop

Nancy Rigelhof

3780 Enchanted Ln

Nickolas Olson

From: Minnetrista
Sent: Monday, January 22, 2024 8:20 AM
To: David Abel; Nickolas Olson
Subject: FW: Variance request for 3790 and 3800 Enchanted Lane

From: Pat Scherber [mailto:tpscherber@gmail.com]
Sent: Saturday, January 20, 2024 10:54 AM
To: Minnetrista <minnetrista@ci.minnetrista.mn.us>
Subject: Variance request for 3790 and 3800 Enchanted Lane

Dear City Planners,

We are the owners of 3810 Enchanted Lane, the property adjacent to 3800 and 3790 requesting the variances. In reference to the side setbacks variances - we strongly urge you to deny these variances.

The variance request is for a 10 foot ONLY side set back between the two new homes and a 13.8 foot side set back from our existing lot line. The City of Minnetrista requires a minimum of a 15 foot side set back with all new construction.

We encourage the city planners to adhere to these rulings !

What happens when the next out of town developer wants to squeeze a too large of house on a too small lot ??

Please vote NO !!!

Thank you,

Tom and Pat Scherber

CITY OF MINNETRISTA



PLANNING COMMISSION ITEM 2D

Subject: Application from Joseph Cheney a side yard setback variance at 3800 Enchanted Lane

Prepared By: Nickolas Olson, Senior City Planner

Meeting Date: January 29, 2024

Overview: Joseph Cheney (the “Applicant”) has made a request for a variance to reduce the side yard setback from 15 feet to 10 and 13.8 feet to allow for a new single family home at 3800 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0005 (the “Property”).

Background: As the Planning Commission will remember, a previous application was reviewed back in August 2023. Variances for relief from the lakeshore, street side, and side yard setbacks were reviewed. A recommendation was forwarded to the City Council and ultimately the City Council approved the lakeshore setback at 39.1 feet and street side setback at 26.3, but they denied the side yard setback variance requests.

The Applicant is requesting relief from the side yard setback requirement on the south side of the Property. The proposal complies with the lakeshore and streetside setback variances the City Council approved in August 2023. For review, the Applicant has put together the necessary documents attached hereto for the Planning Commission to consider. The adjacent property at 3790 Enchanted Lane, is also on the agenda with a variance request for the Planning Commission to consider.

Variance Request: City Code Section 505.05 Subd. 9 allows the City to issue variances from the provisions of the zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of. A variance is only permitted when:

- a. **The variance is in harmony with the general purposes and intent of this ordinance.**

Section 505.03 Subd. 1 outlines the specific purpose and intent of the City’s zoning ordinance. One of those purpose and intent is to protect the general health and safety of the inhabitants of the City. This is accomplished through the promotion of proper use of land and structures with reasonable standards to which buildings, structures, and land will conform to for the benefit of all.

Mission Statement:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

b. The variance is consistent with the comprehensive plan.

The basic intent of the comprehensive planning process is to provide a well-founded and coordinated decision-making framework to guide both public and private development and community improvements. In this regard, the comprehensive plan represents the development framework to guide and direct future land development decisions within the City. The Land Use Plan is a narrative and graphic representation of the community's land use and growth management goals and policies that provides the background and rationale for land use designations as represented on the Proposed Land Use Map.

A variance may be granted when the applicant establishes there are practical difficulties in complying with this ordinance. Practical difficulties, as used in connection with granting a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by this ordinance.

This factor means that the landowner would like to use the property in a particular reasonable way, but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property.

3. The variance would not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

Neighborhood Comments: Notices were sent out to all property owners within 500 feet of the subject property. To date, staff has spoken with one neighboring property owner and has received two written comments. Those comments have been attached for Planning Commission review.

Conclusion: The application is for a new single-family dwelling, which is an allowed use of the Property and is consistent with the zoning. This proposal conforms to the lakeshore and street side setback variances previously granted.

The Property and surrounding area are guided for long term Residential Low per the 2040 Minnetrista Comprehensive Plan. The proposed variance does not alter the future use of the Property and thus remains consistent with the long-term goals for the area. However, while relief of the side yard setbacks doesn't impact riparian views, it results in homes

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closer together which can feel crowded along the lakeshore. The Property is a non-conforming lot of record, which was created before the current setback requirements were in place. When the current setbacks are applied, the building pad is rather small. Relief has been granted to the lakeshore and streetside setbacks back in August 2023 to help alleviate the constraints. Other homes in the area have complied with the side yard setback requirements in the past. This may suggest that relief from the side yard setbacks may be out of character of the neighborhood. Allowing side yard setback variance could change the character of the neighborhood making it feel more crowded along the lakeshore.

The Planning Commission should review the staff report and open a public hearing. Once all interested parties have had the opportunity to speak regarding the request, the Planning Commission should close the public hearing. After the public hearing is closed, the Planning Commission should consider the entire record before it prior to making a recommendation to the City Council. Whether the Planning Commission decides to recommend approval or denial of the request, findings of fact should be established which support the recommendation.

Recommended Action: The Property is an even more unique lot than 3790 Enchanted Lane as it is smaller yet. Setback relief has been granted to the lakeshore and street side setbacks. The Planning Commission needs to determine if this relief is sufficient for the development of the Property or if additional relief to the side yard setbacks is necessary. In this instance, it may be more reasonable to consider some sort of relief. When considering additional relief, the Planning Commission should look at the character of the neighborhood and determine how it may be altered as a result of any additional relief.

Attachments:

1. Location Map
2. Applicant's Narrative
3. Proposed Survey
4. Proposed Plans
5. Neighborhood Comments

Mission Statement:

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3800 Enchanted Lane



1 in = 50 Ft

City Boundary

Address Labels

Parcels



August 15, 2023

Map Powered By Datafi

wsb

Dear City of Minnetrista,

My name is Joe Cheney, I am requesting a variance because I think these homes are very proportionate for the lot and neighborhood as well as fits a versatile amount of needs for a smaller dwelling. I personally think it would be a better fit than a long narrow 3 story custom build. I am an investor of lakeshore properties and have a very good track record of buying and selling with happy clients and cities I've worked with. If I get the variance I plan to put the property for sale with the proposed house, if it does not sell I plan on building before the variance expires. I have no intentions of renting the property, that would be a last resort for me and I'm fully aware that short term rentals are not allowed In the city.

EXISTING PROPERTY DESCRIPTION

That part of Lot 13, "Enchanted Island Park" lying Southerly of the following described line and its Westerly extension:

Commencing at a point of the Southerly line of Lot 15, "Enchanted Island Park", distant 228.73 feet Westerly from the Southeasterly corner of said Lot 15; thence on an assumed bearing of North 80 degrees 52 minutes East along a line hereinafter referred to as "Line A" drawn to a point on the Southerly line of said Lot 13 distant 230.83 feet Westerly from the Southeasterly corner of said Lot 13; thence continuing North 8 degrees 52 minutes East along said "Line A" a distance of 88.05 feet to the point of ending of said "Line A", said point of ending being the point of beginning of the line being described; thence South 89 degrees 07 minutes 30 seconds East to the Easterly line of said Lot 13, and there ending.

AND

Lying Northerly of the following described line and its Easterly and Westerly extensions:

Commencing at the intersection of said "Line A" with the Southerly line of said Lot 13; thence North 8 degrees 52 minutes East along said "Line A" a distance of 38.48 feet to the point of beginning of the line being described; thence South 87 degrees 45 minutes 40 seconds East to the Easterly line of said Lot 13, and there ending, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota.

SURVEYORS NOTE:

The Existing Property Description is ambiguous. The description relies on the east line of Lots 13 and 15 of ENCHANTED ISLAND PARK. This line is not monumented since it is in a large wetland complex and, as such, cannot be established on the ground. I have written the following Suggested Revised Property Description based on the section. An attorney should be contacted to discuss this.

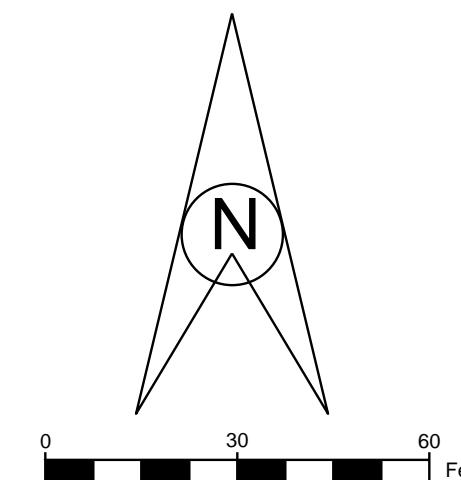
SUGGESTED REVISED PROPERTY DESCRIPTION

That part of Government Lot 4, Section 25, Township 117, Range 24, Hennepin County, Minnesota, also being a part of the recorded plat of ENCHANTED ISLAND PARK, described as follows:

Commencing at Meander Corner No. 36 on the East line of said Government Lot 4; thence South 52 degrees 19 minutes 18 seconds West, assuming the East line of said Government Lot 4, being a line drawn from Meander Corner No. 36 to Meander Corner No. 37, bears South 00 degrees 39 minutes 30 seconds West, a distance of 1596.85 feet to the point of beginning; thence South 10 degrees 27 minutes 06 seconds West, a distance of 48.11 feet; thence North 86 degrees 21 minutes 28 seconds West, a distance of 255 feet, more or less, to the shoreline of Lake Minnetonka; thence Northerly along said shoreline to a line that bears North 85 degrees 59 minutes 37 seconds West from the point of beginning; thence South 85 degrees 59 minutes 37 seconds East, a distance of 260 feet, more or less, to the point of beginning.

SURVEYORS NOTE:

I was not provided with information as to an easement on the traveled Enchanted Lane.



LEGEND

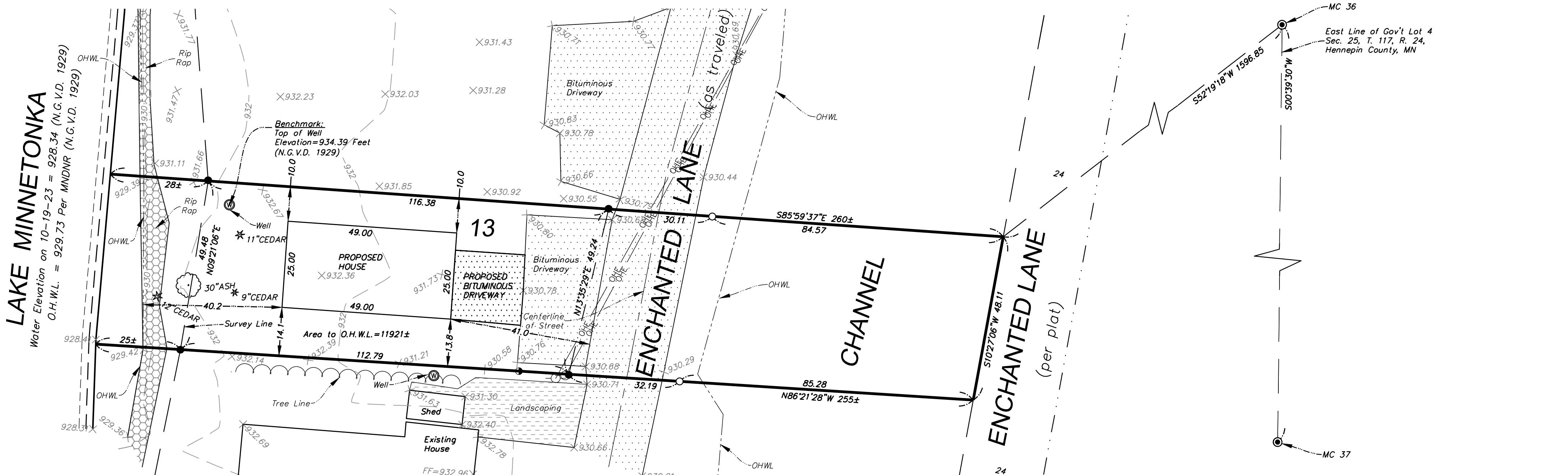
— 988 — denotes Existing Contour
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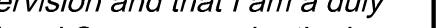
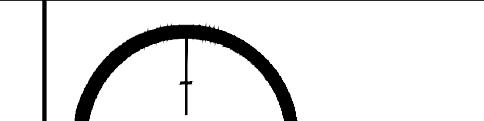
EXISTING HARDCOVER CALCULATIONS:		
AREA TO OHWL LESS BITUMINOUS STREET=	10,797±	S.F.
<hr/>		
	<u>AREA</u>	
Bituminous Driveway	947	S.F.
TOTAL	947	S.F.
% HARDCOVER	8.8	%

Bituminous Street (not included in hardcover) = 1,124 SF

PROPOSED HARDCOVER CALCULATIONS:		
AREA TO OHWL LESS BITUMINOUS STREET=	10,797±	S.F.
	<u>AREA</u>	
<i>Proposed House</i>	1,225	S.F.
<i>Proposed Driveway</i>	411	S.F.
<i>Bituminous Driveway</i>	947	S.F.
<i>TOTAL</i>	2583	S.F.
<i>% HARDCOVER</i>	23.9	%

Bituminous Street (not included in hardcover) = 1,124 SF



<p>Certificate of Survey & Topographic Survey on Part of Gov't Lot 4, Sec. 25, T. 117, R. 24, Hennepin County, MN</p> <p>Revised:</p> <p> Paul E. Otto License #40062 Date: 12-28-23</p>		<p>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.</p>	<p>Requested By:</p> <h1>Enchanted Island, LLC</h1> <p>Date: 10-19-23 Drawn By: B.M.H. Scale: 1"=20' Checked By: P.E.O.</p>	 <p>www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522</p>	<ul style="list-style-type: none"> ● denotes iron monument found ○ denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062 ◐ denotes Soil Boring ● denotes found Judicial Land Monument <p>Project No. 23-0431</p>
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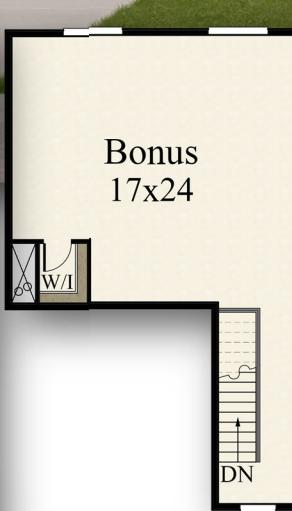
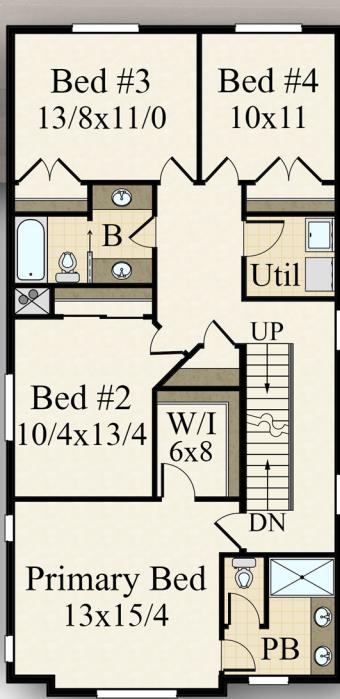


MARK STEWART
HOME DESIGN

Mark Stewart

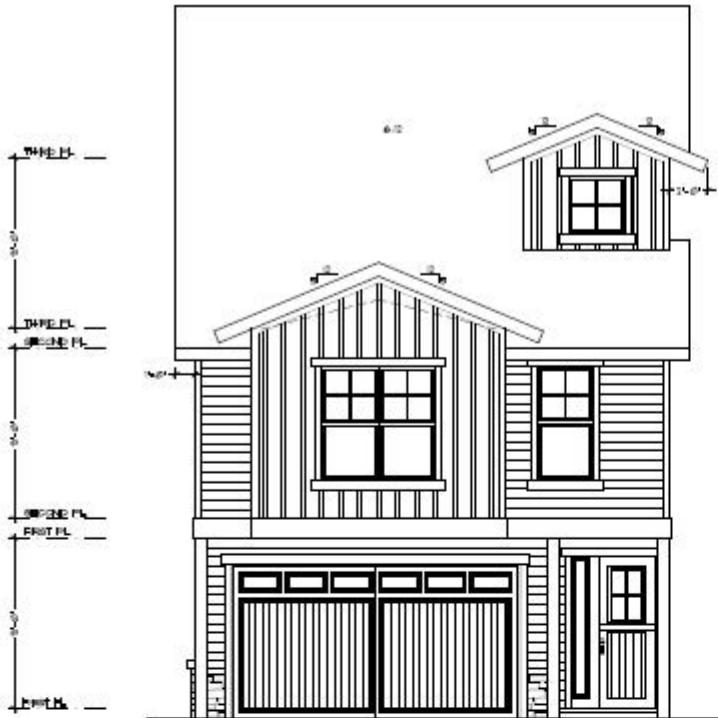


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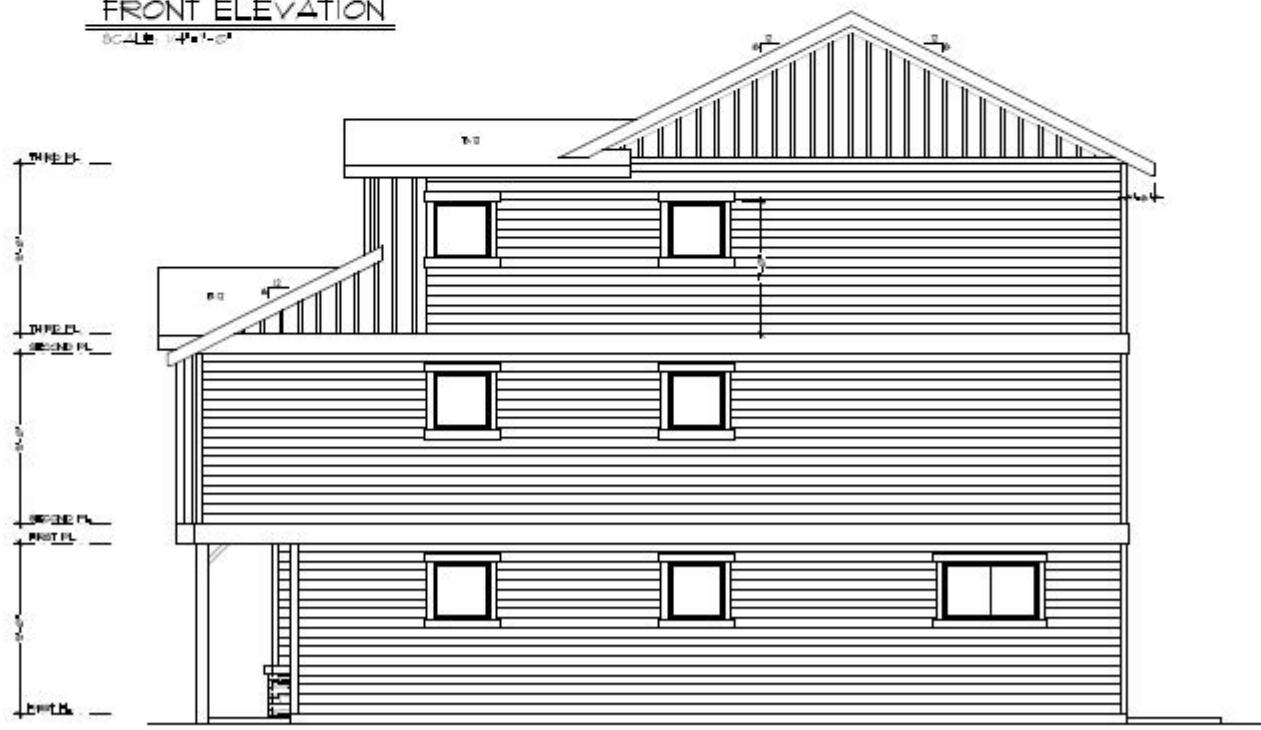
Green Loft Willow **M-2610**

Main Floor	750 sq ft
Upper	1194 sq ft
Third floor	666 sq. ft
Total Finished	2,610 sq. ft.
25/0 W	x
	49/0 D



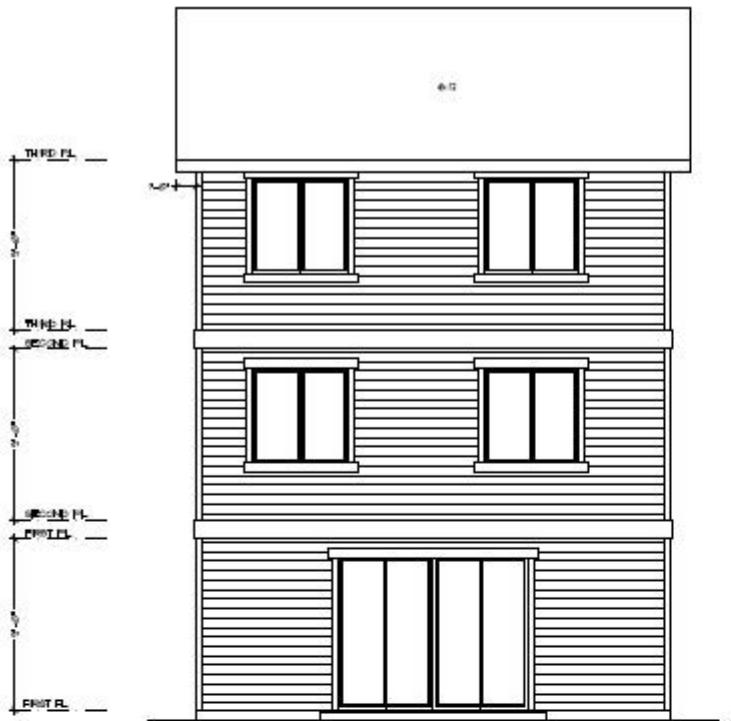
FRONT ELEVATION

SCALE 1'-0"



RIGHT ELEVATION

SCALE 1'-0"



REAR ELEVATION

SCALE 1:40'-0"



LEFT ELEVATION

SCALE 1:40'-0"

Nicholas Olson, Senior City Planner

City of Minnetrista

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We are not in favor of any side yard variances on the properties in this Enchanted Island neighborhood, as we understand that the homes that have been built since the regulation has been put in place have adhered to the side yard setbacks.

We are concerned that granting side yard setbacks here will set a precedence and the next property that plans to build in this neighborhood will use this as the 'New Standard', they will be able to argue because 3790 was granted a variance that they should also be granted. These properties are in a low density R1 housing zone, this is not R2 Douglas beach.

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Thank you,

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Nancy Rigelhof

3780 Enchanted Ln

Nickolas Olson

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Please vote NO !!!

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Tom and Pat Scherber