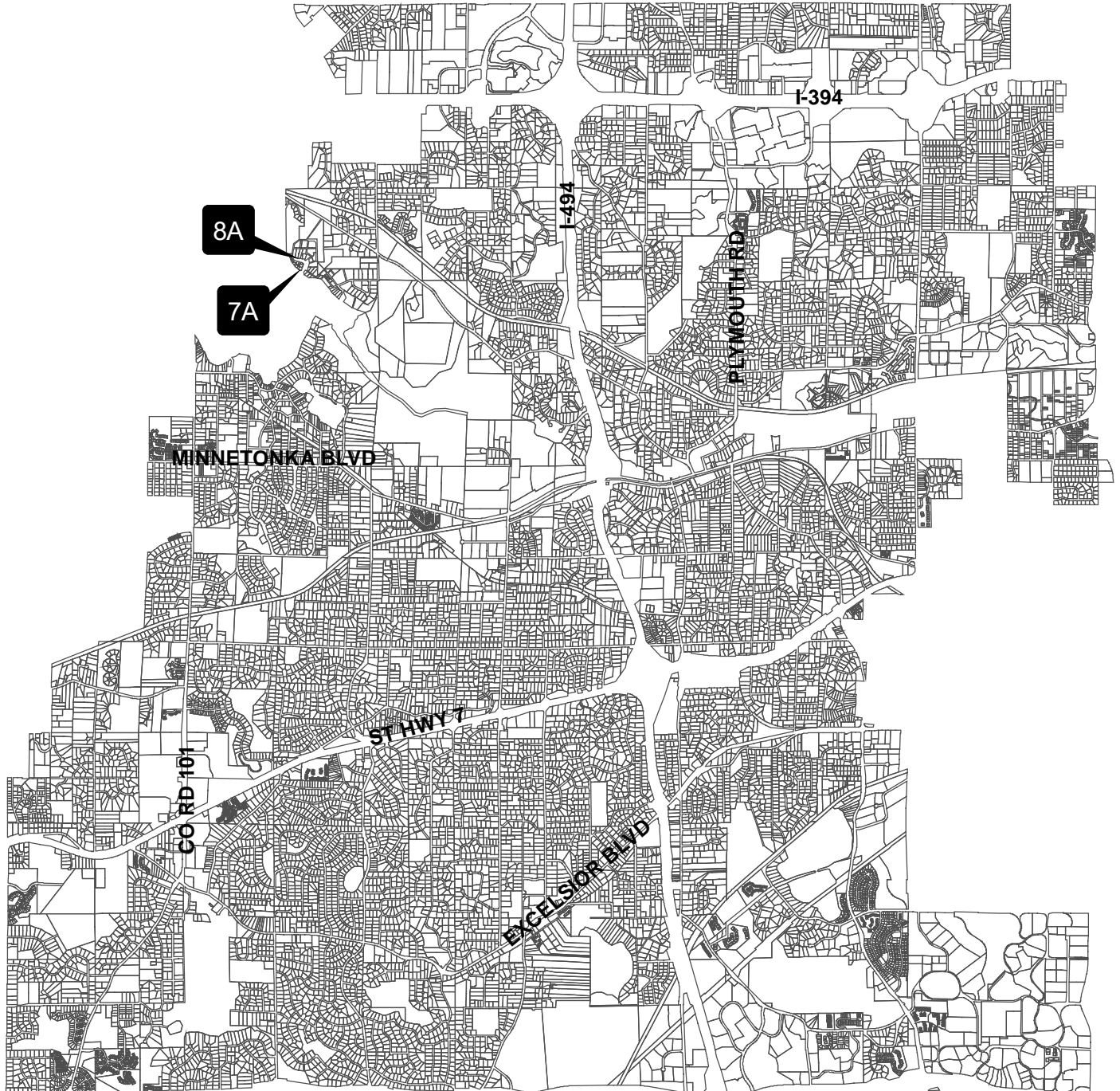




CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
NOV. 30, 2023**

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





**Planning Commission Agenda
Nov. 30, 2023
6:30 p.m.**

City Council Chambers – Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: Nov. 9, 2023

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda Items

A. Variances for construction of a new house at 2492 Bantas Point Road.

Recommendation: Adopt the resolution approving the request (5 votes).

- Final decision subject to appeal
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

A. Items concerning construction of a new house at 2404 Bantas Point Road.

Recommendation: Recommend the city council adopt the resolution approving the request (simple majority).

- Recommendation to the city council (Dec. 18)
- Project Planner: Bria Raines

9. Adjournment

Planning Commission Agenda

Nov. 30, 2023

Page 2

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. The following applications are tentatively scheduled for the Dec. 14, 2023 agenda.

Project Description	Woodbridge Estates/Fretham 13, preliminary plat
Project Location	2503, 2505, 2511, 2615 Plymouth Road
Assigned Staff	Susan Thomas
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	Saville Flats, multiple applications
Project Location	Generally located at Co Rd 101/Excelsior Blvd/Spring Lane
Assigned Staff	Susan Thomas
Ward Councilmember	Kissy Coakley, Ward 4

Project Description	Woodhaven of Minnetonka, preliminary plat
Project Location	2424 and 2440 Plymouth Road
Assigned Staff	Bria Raines
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Wells Fargo, multiple applications
Project Location	1809 Plymouth Road
Assigned Staff	Bria Raines
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Doeden and Buettner Residence, expansion permit
Project Location	12514 Orchard Road
Assigned Staff	Susan Thomas
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Lee Residence, conditional use permit
Project Location	19102 Covington Road
Assigned Staff	Bria Raines
Ward Councilmember	Kissy Coakley, Ward 4

**Unapproved
Minnetonka Planning Commission
Minutes**

Nov. 9, 2023

1. Call to Order

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

2. Roll Call

Commissioners Henry, Maxwell, Powers, Hanson and Sewall were present. Banks and Waterman were absent.

Staff members present: City Planner Loren Gordon and Planner Drew Ingvalson.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: Oct. 26, 2023

Powers moved, second by Hanson, to approve the Oct. 26, 2023 meeting minutes as submitted.

Henry, Maxwell, Powers, Hanson and Sewall voted yes. Banks and Waterman were absent. Motion carried.

5. Report from Staff

Gordon reported that the next planning commission meeting is scheduled to be held Nov. 30, 2023.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Hanson moved, second by Henry, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Amendment to the Ridgeway sign plan as it pertains to the property at 13101 Ridgedale Drive.

Adopt the resolution amending the sign plan for Ridgeway Mall at 13145 Ridgedale Drive.

Henry, Maxwell, Powers, Hanson and Sewall voted yes. Banks and Waterman were absent. Motion carried and the item on the consent agenda was approved as submitted.

Chair Sewall stated that an appeal of the planning commission's decision to the city council must be made in writing to the planning division within ten days.

8. Public Hearings

A. Front yard setback variance for a garage addition at 3345 Honeywood Lane.

Chair Sewall introduced the proposal and called for the staff report.

Ingvalson reported. He recommended the denial of the application based on the findings listed in the staff report.

Daniel Anderson, an architect representing the applicant, stated that:

- He appreciated Ingvalson being easy to work with.
- A road constructed from the cul-de-sac would probably be a private drive that would not have to be the required width for a public street. Due to the constraints and grades, this site is a perfect candidate for a private drive without curbs to feed probably one to three houses.
- The previous builder positioned the garage grossly over the property line.
- The proposal would improve the sight-line and usage.
- The owner wants to "get things back in compliance."
- The driveway extending to the 138.67 line is critical to use the driveway.
- The proposal would not look obtrusive.
- The neighbors he spoke to did not have a problem with the proposal.
- The proposal would orient the three stalls from the north side to the east side.
- The proposal could remove over 70 square feet of hardcover.
- The grade would go down naturally and look more natural.
- The proposal would be reasonable.
- There are two garages larger than the proposed garage located further down the street.
- The proposal would provide more options for the development of the adjacent property.

Powers confirmed with Mr. Anderson that it is possible for a vehicle to enter the existing garage. Mr. Anderson stated that it is difficult for a sports utility vehicle to enter the garage without making a five-point turn. He wants to find a solution that works for the owner and the city.

In response to Henry's question, Mr. Anderson stated that the driveway would not work coming straight out from the garage because of the slope. The driveway would have to serpentine down to reach an appropriate grade.

The public hearing was opened. No testimony was submitted, and the hearing was closed.

Ingvolson noted that the right-of-way extends to the middle of Honeywood Lane.

Powers stated that:

- He loves the name Honeywood Lane.
- He is torn because he understands that a build-out could become problematic for the property owner to turn a sport-utility vehicle into the garage.
- He does not want to speculate on hypothetical situations.
- He supports the staff's recommendation to deny the application because there is no practical problem.
- The site has been functioning since 2002. He understands that vehicles have gotten larger, but that is not a hardship.

Henry stated that:

- The application does not meet variance standards.
- He supports the staff's recommendation to deny the application.
- The city would not approve a street improvement project that would prevent a homeowner from driving to their garage.

Maxwell stated that:

- It is frustrating to consider a hypothetical future development that may or may not happen.
- She felt that the proposal would meet the intent of the ordinance and be similar enough to the houses in the neighborhood to maintain the character of the neighborhood.
- She struggled to find practical difficulty with the property. The practical difficulty is the size of vehicles. She felt that the proposal would benefit the property overall. It would benefit the city to remove the impervious surface currently located in the right-of-way as it is now.
- The proposal would provide a better traffic flow for the homeowner.
- She supports the proposal.

Chair Sewall stated that:

- The staff's recommendation correctly applies ordinance requirements, but he sees a chance to solve a problem created by the previous builder.
- The site is a challenge.
- He disagreed that the proposal would change the character of the neighborhood even if the road would be constructed.

Powers moved, second by Henry, to adopt the resolution denying a front yard setback variance to enlarge an existing three-stall-attached garage at 3345 Honeywood Lane.

Henry, Powers and Hanson voted yes. Maxwell and Sewall voted no. Banks and Waterman were absent. Motion passes.

Chair Sewall stated that an appeal of the planning commission's decision to the city council must be made in writing to the planning division within ten days.

9. Adjournment

Hanson moved, second by Powers, to adjourn the meeting at 7:25 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

MINNETONKA PLANNING COMMISSION
Nov. 30, 2023

Brief Description	Variances for construction of a new home at 2492 Bantas Point Road.
Recommendation	Adopt the resolution approving the variances.

Background

In September 2023, the planning commission approved an expansion permit to construct a second-story addition on the existing home at 2492 Bantas Point Road. For structural reasons, the owner is now proposing to demolish the home and rebuild a two-story home on the existing foundation.

The current proposal would reflect the previous approval. However, with demolition, a technical provision of the floodplain ordinance applies. Specifically, “if a non-conforming use or structure is substantially damaged ... it may be reconstructed only in conformity with the provisions of this section for new structures.” In other words, the new structure must meet the ordinance standard, or a variance is necessary; an expansion permit is no longer an option.

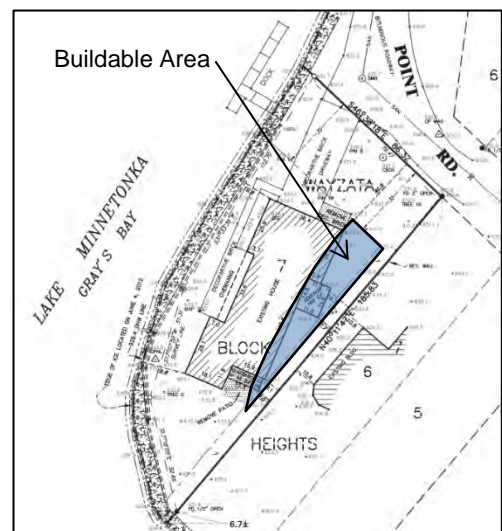
The following variances are necessary in order to construct a two-story home on the existing foundation:

- Shoreland setback variance from 35 feet to 19 feet; and
- Floodplain setback variance from 20 feet to 12 feet.

Staff Analysis

Staff supports the applicant’s proposal, finding it would meet the variance standard outlined in the city code.

- **Reasonableness:** The proposed home would maintain the setbacks of a structure that has occupied the lot since 1962. Further, the applicant has offered to indemnify the city – through the use of a hold-harmless agreement – for any future issues arising from construction in proximity to the floodplain.
- **Unique Circumstance:** The size and shape of the property’s buildable area prevent any functional addition from being made to the home without an expansion permit or variance. While not specifically unique to the immediate area, this situation is not common to all R-1 zoned properties in the community.



- **Neighborhood Character:** Given that existing homes in the immediate area are all two-story structures, the two-story home would not negatively impact neighborhood character.



Staff Recommendation

Adopt the resolution approving variances for construction of a new home at 2492 Bantas Point Road.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

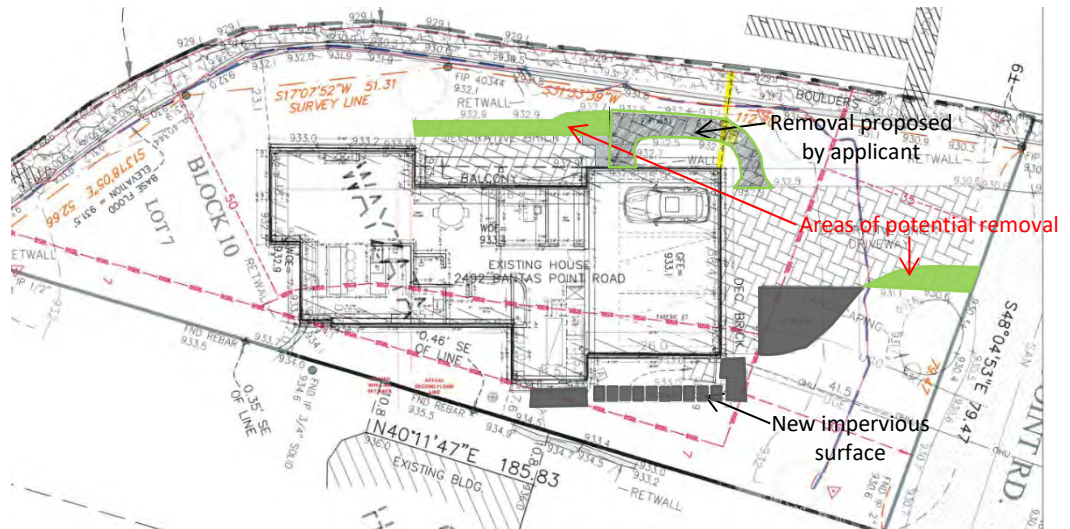
Surrounding Uses

The subject property is surrounded by properties zoned and guided for low-density residential use.

Impervious Surface

The proposed plan includes a slight increase in impervious surface; this is due to additional driveway space and paver stones leading to a new primary entrance. With these changes, the impervious surface would increase from 36% under existing conditions to 37% under proposed conditions.

As the existing property is already above the code maximum of 30%, staff does not support a further increase. Instead, staff has included a condition of approval that the impervious surface cannot exceed the existing. This could be accomplished through slight reconfiguration of the driveway and removal of some additional paving area. One example is shown below.



FAR Policy

By city council policy, the city may limit the floor area ratio (FAR) of a home that requires a variance. Essentially, if an applicant is requesting the city waive one requirement – in this case, the tree removal thresholds – the city can choose to limit the visual mass of the home. Under what is generally referred to as the McMansion Policy, the FAR of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street and a distance of 400 feet from the subject property.

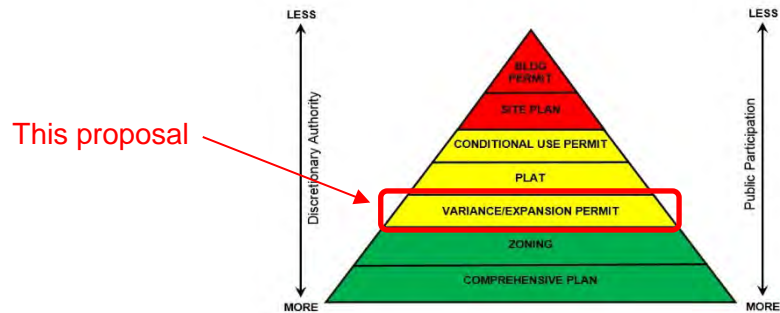
With the proposed house, the subject property would have a FAR of 0.37. This is under the highest FAR in the area of 0.56. (Note several properties in the area are encumbered by floodplain, which is not counted in as lot area when calculating FAR.)

Neighborhood

The city sent notices to 25 area property owners and received no

Comments comments to date.

Pyramid of Discretion



Motion Options

The planning commission has three motion options:

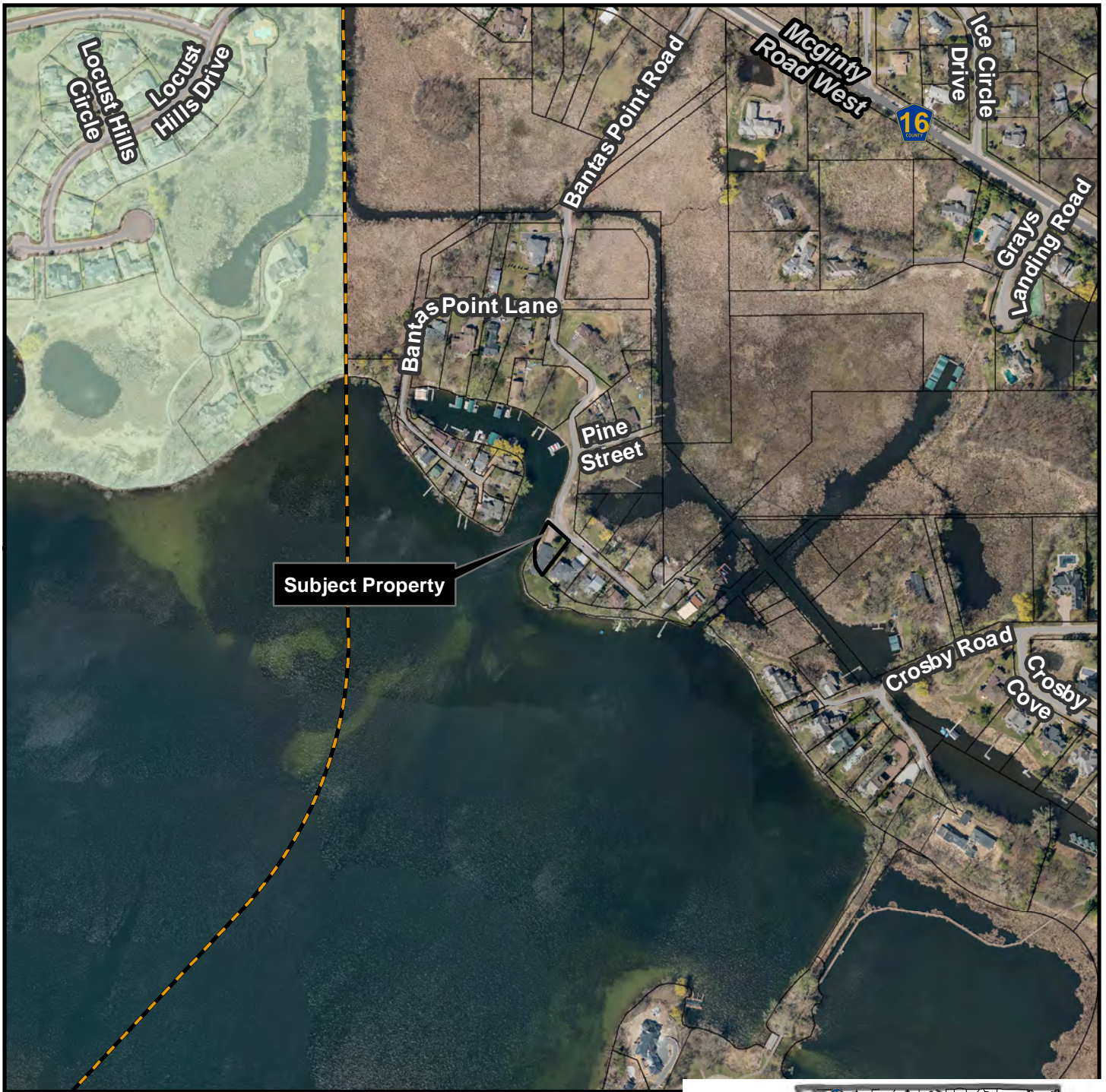
1. Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the variances.
2. Disagree with staff's recommendation. In this case, a motion should be made denying the request. This motion must include a statement as to why the variances are denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Voting and Appeals

Approval requires the affirmative vote from five commissioners. Any person aggrieved by the planning commission's decision may appeal the decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

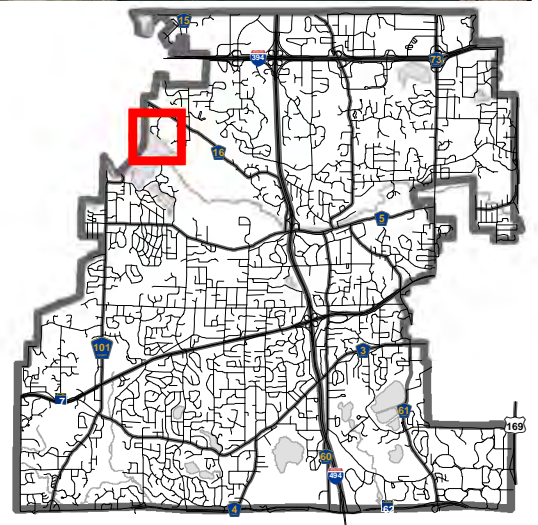
Deadline for Action

Feb. 12, 2024



Location Map

Project: Noonan Construction
Address: 2492 Bantas Point Rd





Written Statement Variance Application

October 24, 2023

Proposed Variance request for the redevelopment of the property located at **2492 Bantas Point Road, Minnetonka, MN 55391** with Parcel ID #0811722130004.

We are proposing a very clear reasonable redevelopment of this property that will help to develop the subject property and improve the overall character of the neighborhood and reflection of Gray's Bay Community.

The existing home was built in 1962. Given the very small footprint (2,100 square feet) and the lack of buildable area, the current home is already non-conforming, and any addition to the existing home would require variances.

The current condition of this property limits the functionality of the current home and negatively impacts the overall character (and safety) of the neighborhood.

The Bantas Point neighborhood has a long history of many approved variances.

Existing hard cover including structures, driveway, and patio totals 4,590 square feet or a 36.3% Imperious condition. Our new proposed concept will produce approximately a 1.1% increase in impervious coverage to 37.4%.

The submitted survey and plans layout the requested improvements (variances)- we feel are justified since the current condition of the property results from historical circumstances that far precede us as the current owners.

While the proposed improvements will certainly make the property more livable and enjoyable – these improvements will also benefit as they will increase the “impression of value” of the overall neighborhood.

Substandard properties are blighted properties on any neighborhood grid where they are found.

The proposed improvements will bring this property up to the standard of the other newly improved homes in the neighborhood and offer overall enhancements to the character of the neighborhood.

Thank you for your consideration,

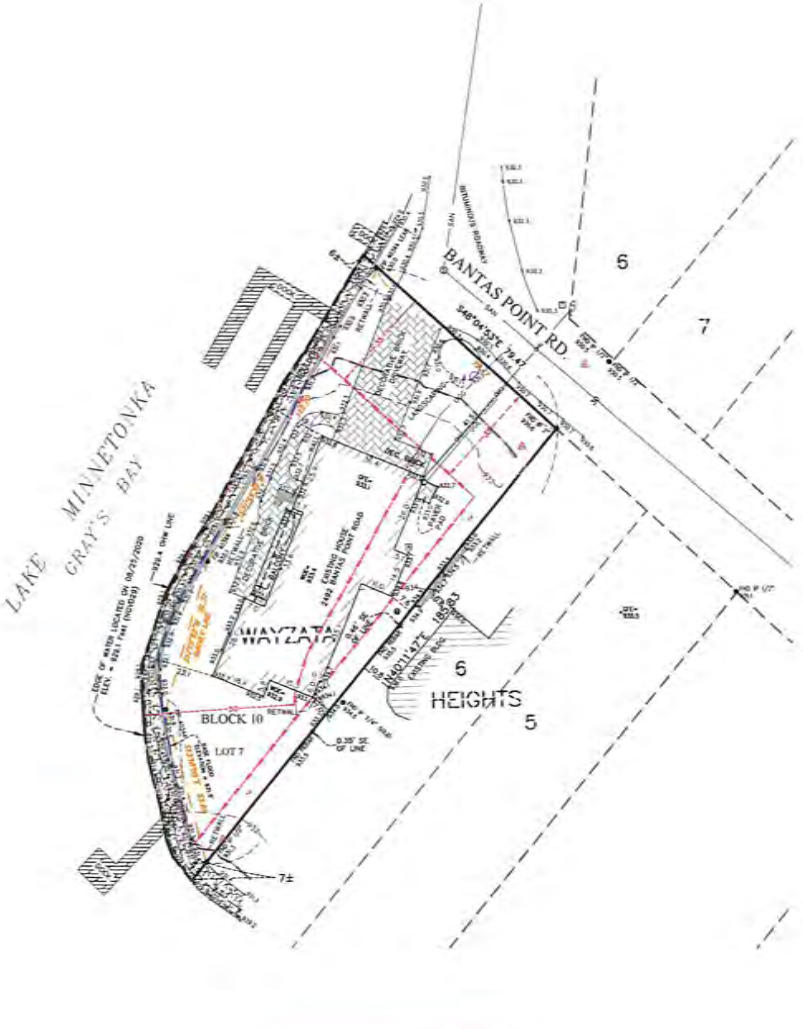
Edward & Deborath Noonan

DESCRIPTION OF PROPERTY SURVEYED
 1421 Block 10 WISCONSIN COUNTY, MINNETONKA, MINNESOTA

STANDARDS NOTES

1. **Site Address:** 2912 Tower Point Road, Minnetonka, Minnesota 55312
 2. **Site location:** is as located on the survey as part of the survey. 100% accuracy per the recorded plat. No other reference to recorded location.
 3. **Field Line Information:** 3 items determined by survey of the 1/2" aerial photos (Satellite) and Zone A8. 1 item subject to modification by the appropriate official. Ground level determined by standard procedure. Zone A8 (Low Density Residential District) per the City of Minnetonka's zoning ordinance and building management standards apply per Flood Insurance Rate Map, Community Panel No. 230430201, effective date of 11/01/2014.
 4. **Point Area Information:** Close Area: 12.94' x 1.1' - 0.29 acres.
 5. **Network:** Elevation as based on MINNETT Doublet Station Name: BUCKEY MARK which has an elevation of 445.76 feet (NGVD83).
 6. **zoning Information:** The current zoning for the subject property is R-1 (Low Density Residential District) per the City of Minnetonka's zoning map. The vertical height and area restrictions for such zoning designation are as follows:
 - Principal Structure height:**
 - Structure: 33 feet
 - Sub: 10 percent of lot width measured at the building setback line on each side of the structure that is not more than 7 feet
 - Roof: 20 percent of lot depth, but not more than 15 feet high
 - Overall: 39 feet
 - Height: 33 feet
 - Rooflines: 70 percent of lot area.
- We have not recorded the current zoning classification and building setback information from the owner.
7. **Utilities:** We have shown the location of utilities as the survey property by documents on file with the city. There may be utilities not shown on the subject property we are unaware. Please note that we have not placed a Contact State (the CAT) for this survey. There may be unrecorded utilities on the subject property. Should a utility be located on the subject property, we will make every effort to locate it on the site plan. Also, please note that we cannot guarantee we will be able to locate all utilities located on the subject property. Surface Utilities: none are recorded. See the City of Minnetonka website at 11/10/14/2012.
 8. **Grading:** We have shown a maximum 2% slope gradient to accommodate parking drainage.
 9. **Setback:** All set-back areas are measured to the outside of a foot wall and are to be used for landscaping for a minimum.
 10. **Proposed driveway:** shown in conceptual only and does not appear to be directly from the driveway shall be built.
 11. **Proposed grade:** shown adjacent to building foundation unless or type of block. Also.
 12. **Utility easement:** shown adjacent to property boundary.

Existing Hardwear
 Lot Area - 12,940 S.F.
 Close Area - 1,210 S.F.
 Footprint Area - 1,190 S.F.
 Egoon Area - 1,140 S.F.
 Full Area - 4,500 S.F.
 Common - 14.24'



ADDITIONAL FIELDWORK WAS COMPLETED ON 8/25/2022 AND SURVEY CERTIFIED ON 10/14/2022. NO ADDITIONAL FIELDWORK OR SURVEY REVISIONS HAVE BEEN DONE SINCE THESE DATES.

SURVEY LEGEND

- | | | |
|-------------------------------|---------------------------|------------------------------|
| ⊙ CAST IRON MONUMENT | ⊙ FERRITER | ⊖ WIDE WALKOUT ELEVATION |
| ⊖ IRON PIPE MONUMENT SET | ⊖ FENCED POLE | ⊖ FC FIRST FLOOR ELEVATION |
| ⊖ IRON PIPE MONUMENT FOUND | ⊖ DIRT MISC | ⊖ GFC GARAGE FLOOR ELEVATION |
| ⊖ DRILL HOLE FOUND | ⊖ ROOF DRAIN | ⊖ TOP OF FOUNDATION ELEV. |
| ⊖ CHISELED "T" MONUMENT SET | ⊖ LIFT STATION | ⊖ LOWE LOWEST OPENING ELEV. |
| ⊖ CHISELED "T" MONUMENT FOUND | ⊖ SANITARY MANHOLE | ⊖ CONCRETE |
| ⊖ IRON MONUMENT FOUND | ⊖ SANITARY CLEANOUT | ⊖ STAIRWAYS |
| ⊖ 1/4" IRON MONUMENT SET | ⊖ STORM MANHOLE | ⊖ BUILDING SETBACK LINE |
| ⊖ 1/4" IRON MONUMENT FOUND | ⊖ STORM DRAIN | ⊖ CONCRETE CURB |
| ⊖ 1/4" ALUMINUM ORC | ⊖ CATCH BASIN | ⊖ CONTOUR EXISTING |
| ⊖ SUPPLY CONTROL POINT | ⊖ FLANGED END SECTION | ⊖ CONTOUR PROPOSED |
| ⊖ A/C UNIT | ⊖ TREE CONIFEROUS | ⊖ GUARD RAIL |
| ⊖ CABLE TV PEDESTAL | ⊖ TREE DECIDUOUS | ⊖ DRAIN FILE |
| ⊖ ELECTRIC TRANSFORMER | ⊖ TREE CONIFEROUS REMOVED | ⊖ ELECTRIC UNDERGROUND |
| ⊖ ELECTRIC METER | ⊖ TREE DECIDUOUS REMOVED | ⊖ FENCE |
| ⊖ ELECTRIC METER | ⊖ TELEPHONE MANHOLE | ⊖ FIBER OPTIC UNDERGROUND |
| ⊖ ELECTRIC OUTLET | ⊖ TELEPHONE PEDESTAL | ⊖ GAS UNDERGROUND |
| ⊖ TRIM LIGHT | ⊖ UTILITY MANHOLE | ⊖ GAS UNDERGROUND |
| ⊖ LIGHT POLE | ⊖ UTILITY PEDESTAL | ⊖ SANITARY SEWER |
| ⊖ FIBER OPTIC MANHOLE | ⊖ STILITY WALK | ⊖ STORM SEWER |
| ⊖ FIRE DEPT. HOOD UP | ⊖ WATERBARN MANHOLE | ⊖ TELEPHONE UNDERGROUND |
| ⊖ FLAC POLE | ⊖ WATER METER | ⊖ RETAINING WALL |
| ⊖ FUEL PUMP | ⊖ WATER SPROUT | ⊖ WATERMANN |
| ⊖ FUEL TANK | ⊖ WALL | ⊖ TRAFFIC SIGNAL |
| ⊖ PROPANE TANK | ⊖ CURB STOP | ⊖ RAILROAD TRACKS |
| ⊖ GAS METER | ⊖ GATE VALVE | ⊖ RAILROAD SIGNAL |
| ⊖ GAS VALVE | ⊖ HYDRANT | ⊖ RAILROAD SIGNAL |
| ⊖ GAS MANHOLE | ⊖ GENERATOR | ⊖ POST INDICATOR VALVE |
| ⊖ SAND PILE | ⊖ SAND HOLE | ⊖ SATELLITE DISH |
| ⊖ SAND HOLE | ⊖ SAND BOX | ⊖ RETIANCE BUFFER SIGN |

FIELD CREW	DATE	BY	DATE	REVISION
DAW	1	10/14/2022	10/20/2022	1. APPROVED FOR SUBMISSION
DAW	1			
DAW	1			
DAW	1			
DATE				
REVISIONS				

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.
 Executed this 14th day of September, 2022.
Donald L. Schmitt
 Donald L. Schmitt, P.L.L.C.
 14000 25TH AVENUE NORTH, SUITE 120
 FLYMOUTH MINN 55447 (952) 478-6800
 WWW.SATHRE.COM

SATHRE-BERGQUIST, INC.
 14000 25TH AVENUE NORTH, SUITE 120
 FLYMOUTH MINN 55447 (952) 478-6800
 WWW.SATHRE.COM

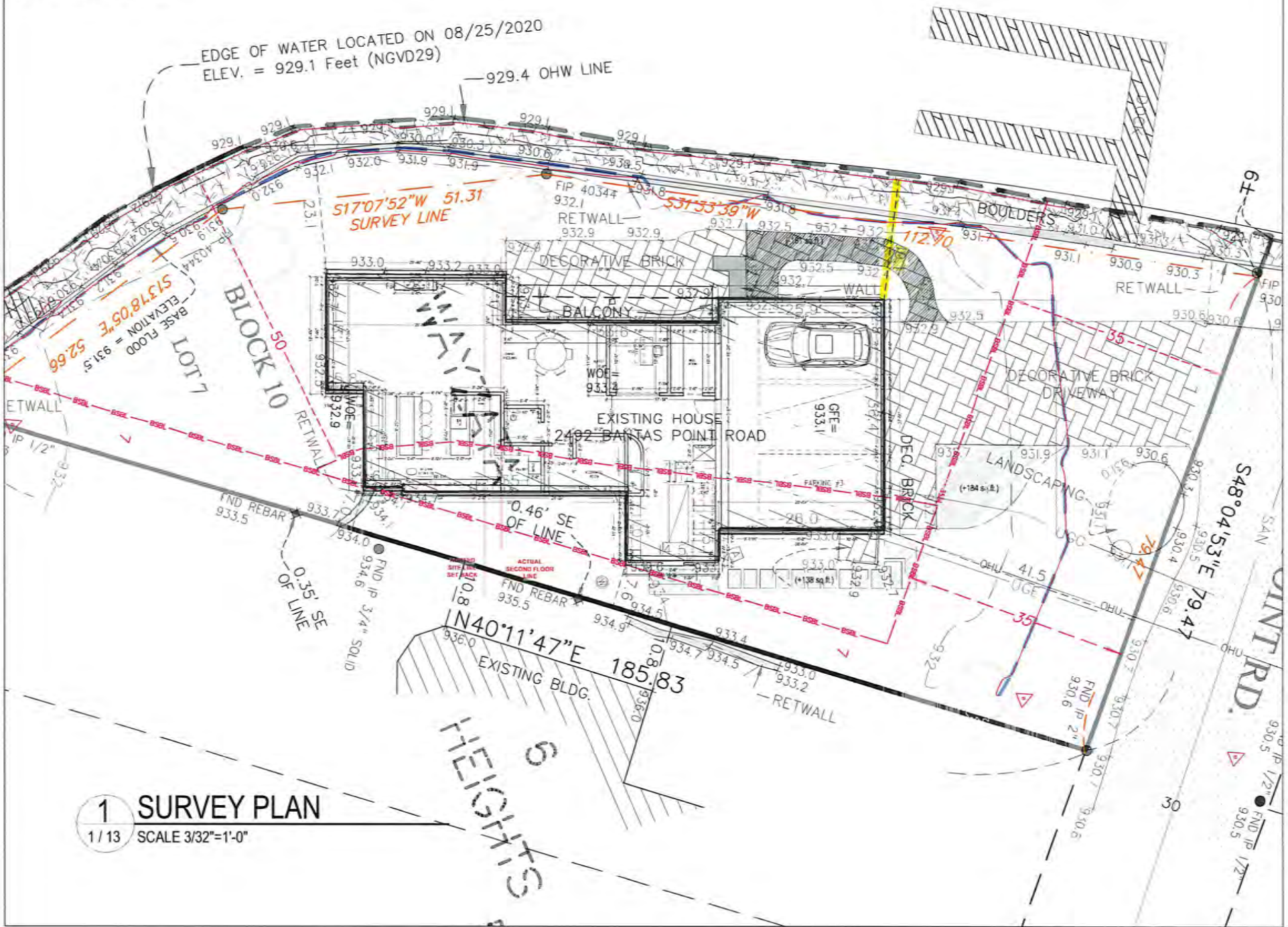
TWP 117.R02 22-SEC 08
 Minnetonka, MINNESOTA

CERTIFICATE OF SURVEY
 PREPARED FOR:
ED NOONAN

FILE NO: 8818-002
 1
 1

10/23/2023

EDGE OF WATER LOCATED ON 08/25/2020
ELEV. = 929.1 Feet (NGVD29)
— 929.4 OHW LINE



1 SURVEY PLAN
1 / 13 SCALE 3/32"=1'-0"

10/23/2023

DESCRIPTION OF PROPERTY SURVEYED

Lot 7, Block 10, WAYZATA HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

STANDARD NOTES

- 1) **Site Address:** 2492 Bantas Point Road, Minnetonka, Minnesota 55391
- 2) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
- 3) **Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27053C0328F, effective date of 11/04/2016.
- 4) **Parcel Area Information:** Gross Area: 12,595± s.f. ~ 0.29 acres
- 5) **Benchmark:** Elevations are based on MN/DOT Geodetic Station Name: ROGER.MN053 which has an elevation of: 993.70 feet (NGVD29).
- 6) **Zoning Information:** The current Zoning for the subject property is R-1 (Low Density Residential District) per the City of Minnetonka's zoning map. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Street(s): 35 feet
 Side: 10 percent of lot width measured at the building setback line on each side of the structure, but in no case less than 7 feet
 Rear: 20 percent of lot depth, but in no case less than seven feet
 OHW: 50 feet
 Height: 35 feet
 Hardcover: 30 percent of lot area

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

- 7) **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. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.
- 8) **Grading** must maintain a minimum 2% slope gradient to accommodate positive drainage.
- 9) All set offset irons are measured to hundredths of a foot and can be used as benchmarks for construction.
- 10) The proposed driveway shown is conceptual only and does not purport to show exactly how the driveway shall be built.
- 11) Proposed grades shown adjacent to building foundation refers to top of black dirt.
- 12) Verify sanitary service invert prior to any concrete work.

<u>Existing Hardcover</u>	
Lot Area	= 12,654 S.F.
House Area	= 2,861 S.F.
Driveway Area	= 1,062 S.F.
Pavers Area	= 667 S.F.
Total Area	= 4,590 S.F.
Coverage	= 36.3%

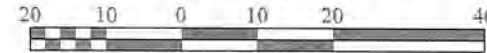
<u>Revised Hardcover</u>	
Lot Area	= 12,654 S.F.
House Area	= 2,861 S.F.
Driveway Area	(+184 S.F.) = 1,062 S.F.
Pavers Area	(-181 +138) = 12,654 S.F.
Total Area	= 4,731 S.F.
Coverage	= 37.4%

2 SURVEY PLAN 2
 1 / 13 SCALE 3/32"=1'-0"

10/23/2023



Bearings are based on the Hennepin County
Coordinate System (NAD 83 - 1986 adj.)



SCALE IN FEET

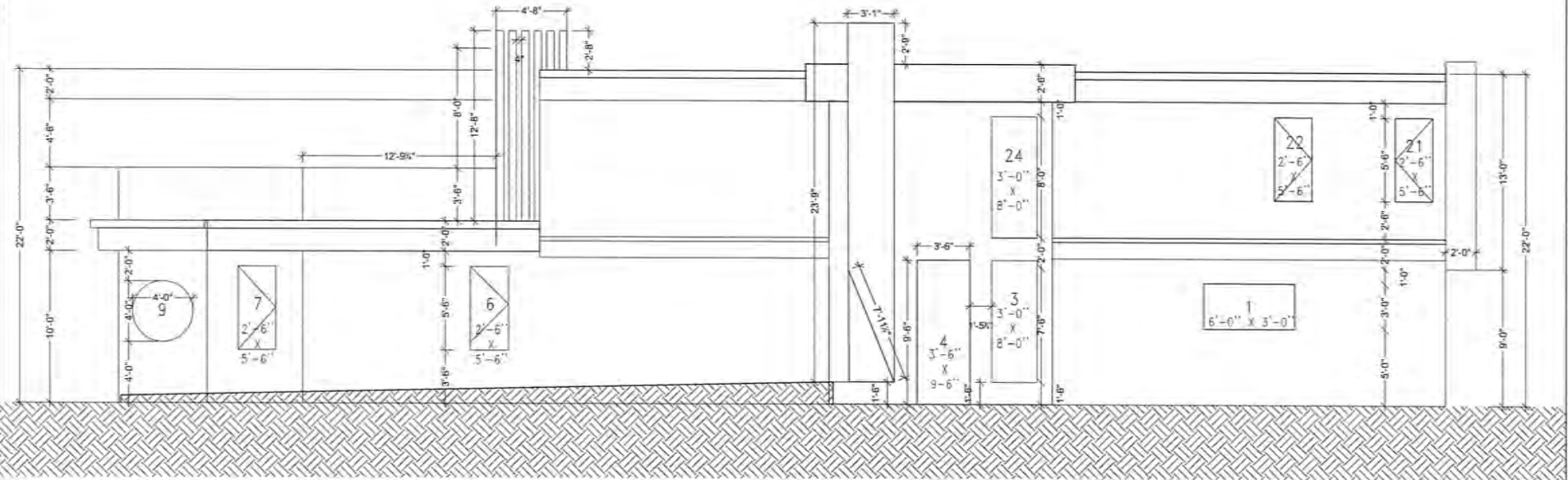
SURVEY LEGEND

⊙	CAST IRON MONUMENT	⊕	PIEZOMETER	WOE	WALKOUT ELEVATION
○	IRON PIPE MONUMENT SET	⌚	POWER POLE	FFE	FIRST FLOOR ELEVATION
⊙	IRON PIPE MONUMENT FOUND	⌚	GUY WIRE	GFE	GARAGE FLOOR ELEVATION
⊗	DRILL HOLE FOUND	⌚	ROOF DRAIN	TOF	TOP OF FOUNDATION ELEV.
⊗	CHISELED "X" MONUMENT SET	⌚	LIFT STATION	LOE	LOWEST OPENING ELEV.
⊗	CHISELED "X" MONUMENT FOUND	⊙	SANITARY MANHOLE	CONCRETE	
#	REBAR MONUMENT FOUND	⊙	SANITARY CLEANOUT	BITUMINOUS	
△	PK NAIL MONUMENT SET	⊙	STORM MANHOLE	---	BUILDING SETBACK LINE
▲	PK NAIL MONUMENT FOUND	⊙	STORM DRAIN	--- CTV</td <td>CABLE TV</td>	CABLE TV
○	PK NAIL W/ ALUMINUM DISC	⊙	CATCH BASIN	--- </td <td>CONCRETE CURB</td>	CONCRETE CURB
△	SURVEY CONTROL POINT	⊙	FLARED END SECTION	--- </td <td>CONTOUR EXISTING</td>	CONTOUR EXISTING
⊠	A/C UNIT	☀	TREE CONIFEROUS	--- </td <td>CONTOUR PROPOSED</td>	CONTOUR PROPOSED
⊠	CABLE TV PEDESTAL	☀	TREE DECIDUOUS	--- </td <td>GUARD RAIL</td>	GUARD RAIL
⊠	ELECTRIC TRANSFORMER	☀	TREE CONIFEROUS REMOVED	--- </td <td>DRAIN TILE</td>	DRAIN TILE
⊠	ELECTRIC MANHOLE	☀	TREE DECIDUOUS REMOVED	--- </td <td>ELECTRIC UNDERGROUND</td>	ELECTRIC UNDERGROUND
⊠	ELECTRIC METER	⊕	TELEPHONE MANHOLE	--- </td <td>FENCE</td>	FENCE
⊠	ELECTRIC OUTLET	⊕	TELEPHONE PEDESTAL	--- </td <td>FIBER OPTIC UNDERGROUND</td>	FIBER OPTIC UNDERGROUND
⊠	YARD LIGHT	⊕	UTILITY MANHOLE	--- </td <td>GAS UNDERGROUND</td>	GAS UNDERGROUND
⊠	LIGHT POLE	⊕	UTILITY PEDESTAL	--- </td <td>OVERHEAD UTILITY</td>	OVERHEAD UTILITY
⊠	FIBER OPTIC MANHOLE	⊕	UTILITY VAULT	--- </td <td>TREE LINE</td>	TREE LINE
⊠	FIRE DEPT. HOOK UP	⊕	WATERMAIN MANHOLE	--- </td <td>SANITARY SEWER</td>	SANITARY SEWER
⊠	FLAG POLE	⊕	WATER METER	--- </td <td>STORM SEWER</td>	STORM SEWER
⊠	FUEL PUMP	⊕	WATER SPIGOT	--- </td <td>TELEPHONE UNDERGROUND</td>	TELEPHONE UNDERGROUND
⊠	FUEL TANK	⊕	WELL	--- </td <td>RETAINING WALL</td>	RETAINING WALL
⊠	PROPANE TANK	⊕	MONITORING WELL	--- </td <td>UTILITY UNDERGROUND</td>	UTILITY UNDERGROUND
⊠	GAS METER	⊕	CURB STOP	--- </td <td>WATERMAIN</td>	WATERMAIN
⊠	GAS VALVE	⊕	GATE VALVE	--- </td <td>TRAFFIC SIGNAL</td>	TRAFFIC SIGNAL
⊠	GAS MANHOLE	⊕	HYDRANT	--- </td <td>RAILROAD TRACKS</td>	RAILROAD TRACKS
⊠	GENERATOR	⊕	IRRIGATION VALVE	--- </td <td>RAILROAD SIGNAL</td>	RAILROAD SIGNAL
⊠	GUARD POST	⊕	POST INDICATOR VALVE	--- </td <td>RAILROAD SWITCH</td>	RAILROAD SWITCH
⊠	HAND HOLE	⊕	SIGN	--- </td <td>SATELLITE DISH</td>	SATELLITE DISH
⊠	MAIL BOX	⊕	SOIL BORING	--- </td <td>WETLAND BUFFER SIGN</td>	WETLAND BUFFER SIGN

3 SURVEY PLAN 3

3 / 13 SCALE 3/32"=1'-0"

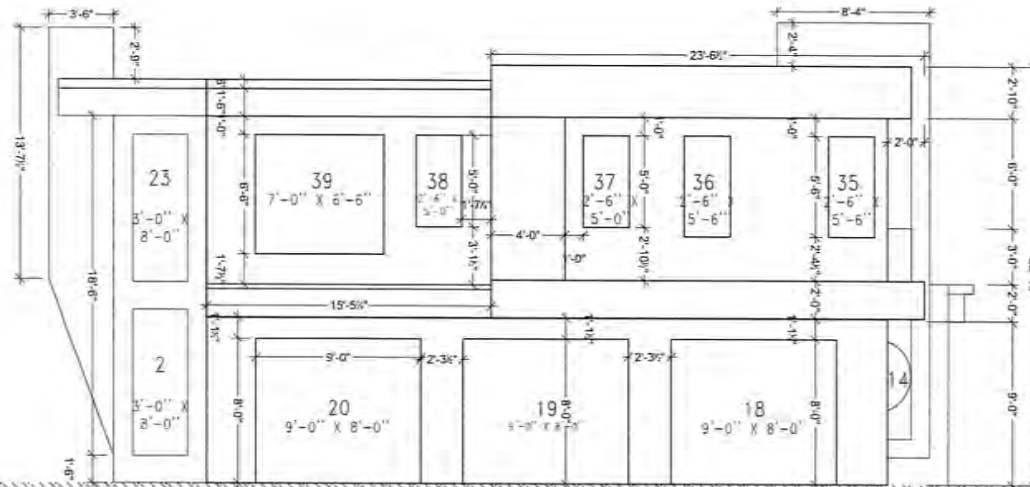
10/23/2023



10 EAST ELEVATION
10 / 13 SCALE 3/32"=1'-0"

2492 BANTAS POINT ROAD
MINNETONKA, MN 55391

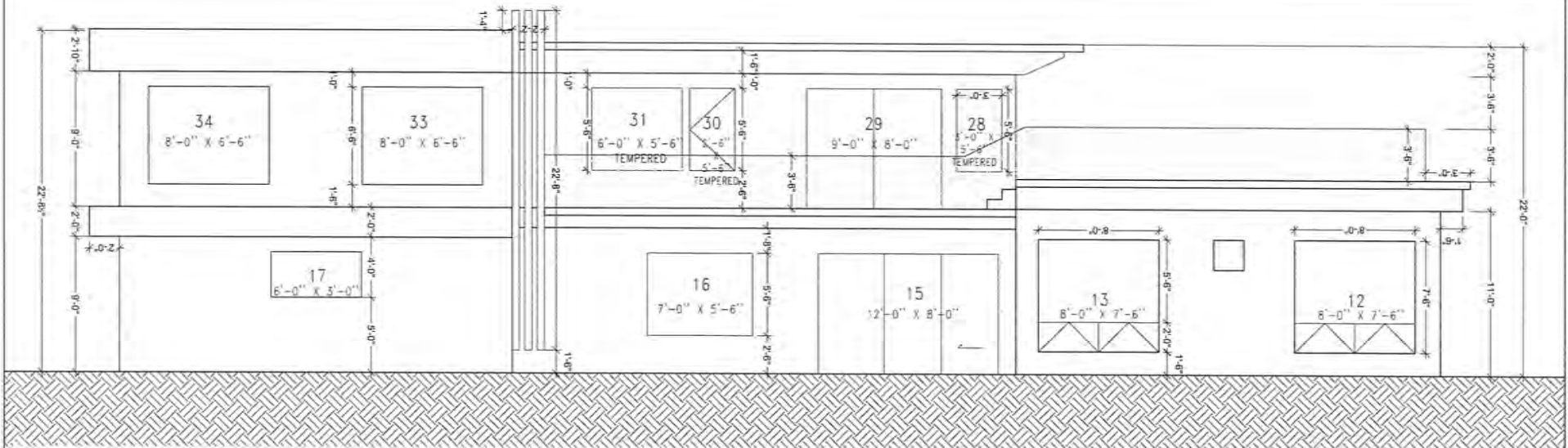
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11 NORTH ELEVATION
11 / 13 SCALE 3/32"=1'-0"

2492 BANTAS POINT ROAD
MINNETONKA, MN 55391

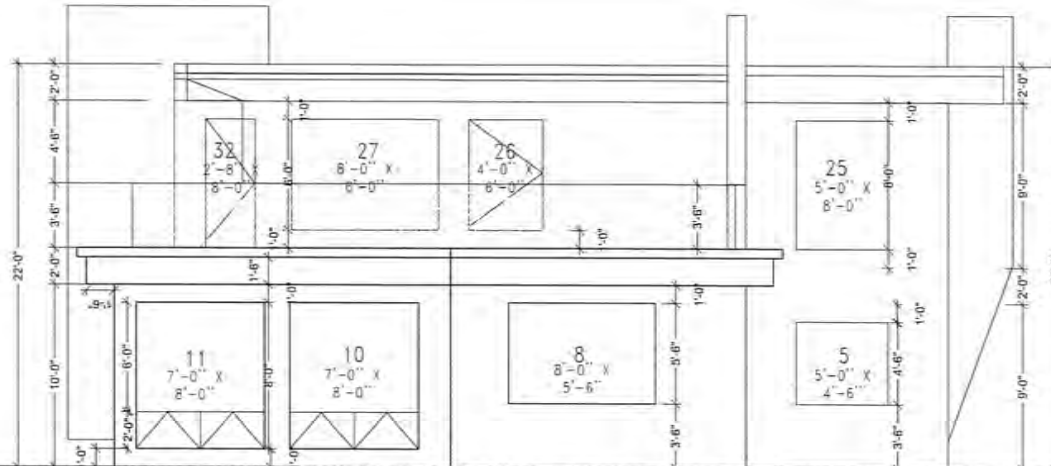
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12 WEST ELEVATION
12 / 13 SCALE 3/32"=1'-0"

2492 BANTAS POINT ROAD
MINNETONKA, MN 55391

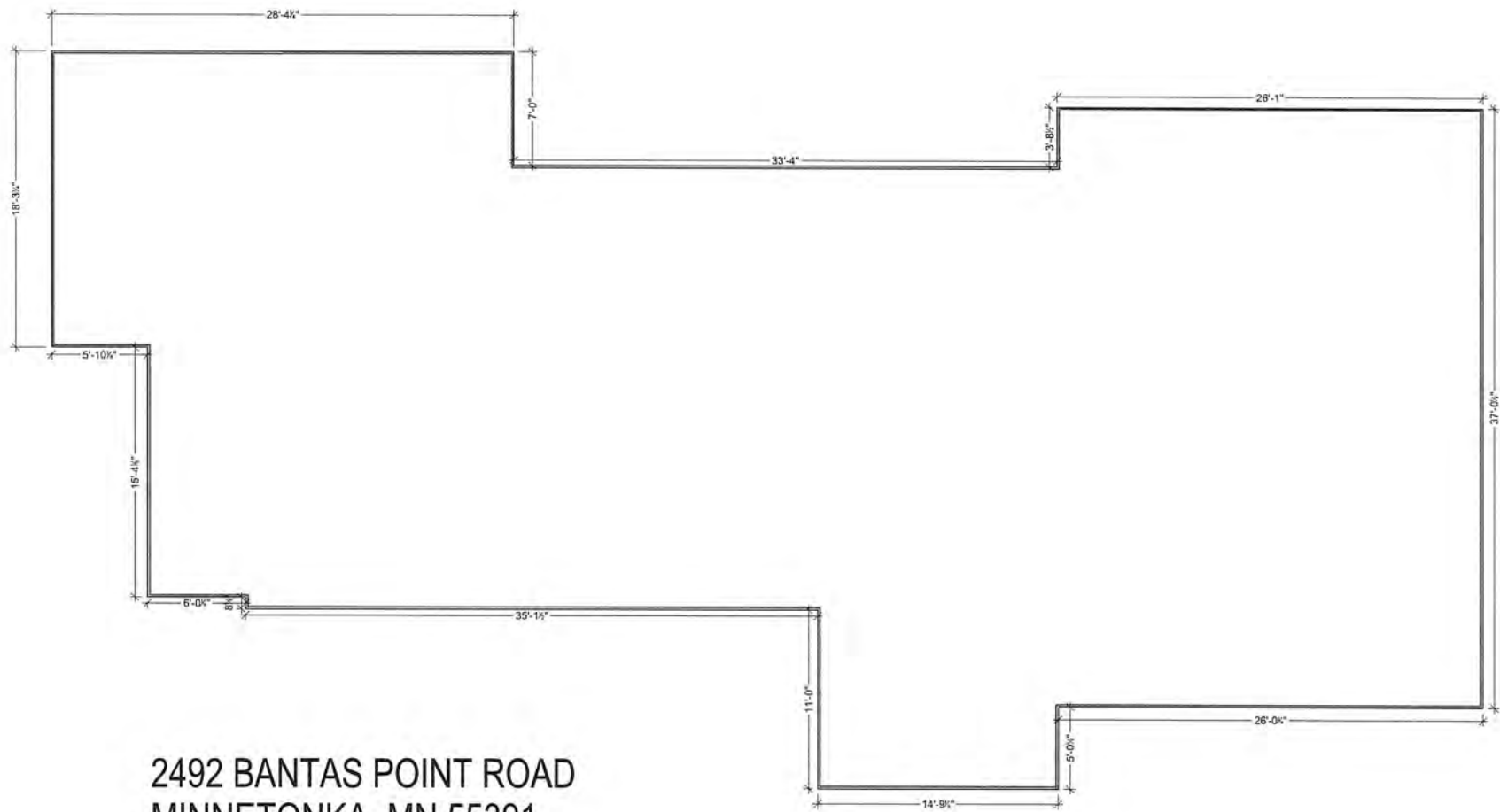
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13 SOUTH ELEVATION
13 / 13 SCALE 3/32"=1'-0"

2492 BANTAS POINT ROAD
MINNETONKA, MN 55391

10/23/2023

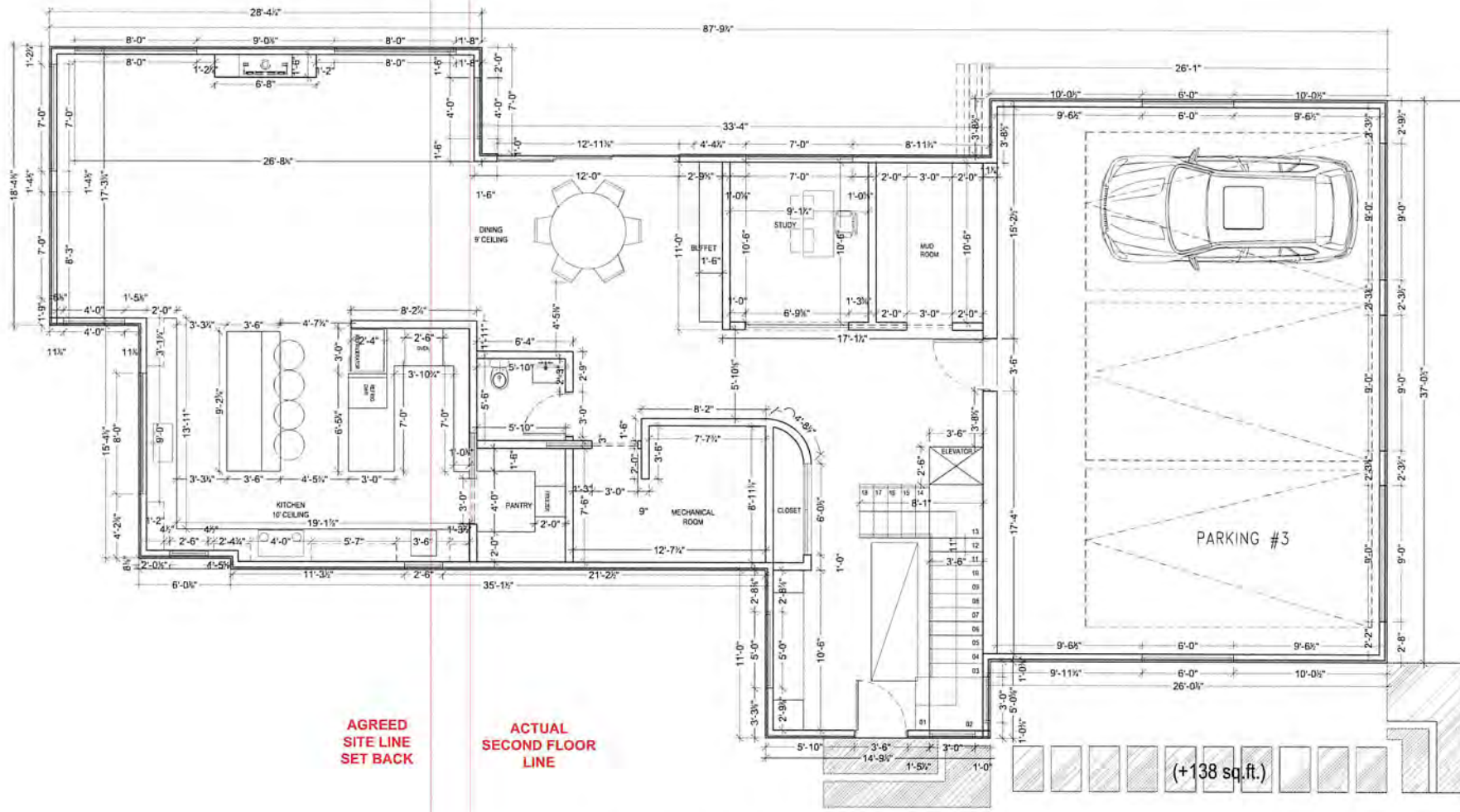


2492 BANTAS POINT ROAD
MINNETONKA, MN 55391

4 FOUNDATION PLAN
4 / 13 SCALE 3/32"=1'-0"

10/23/2023

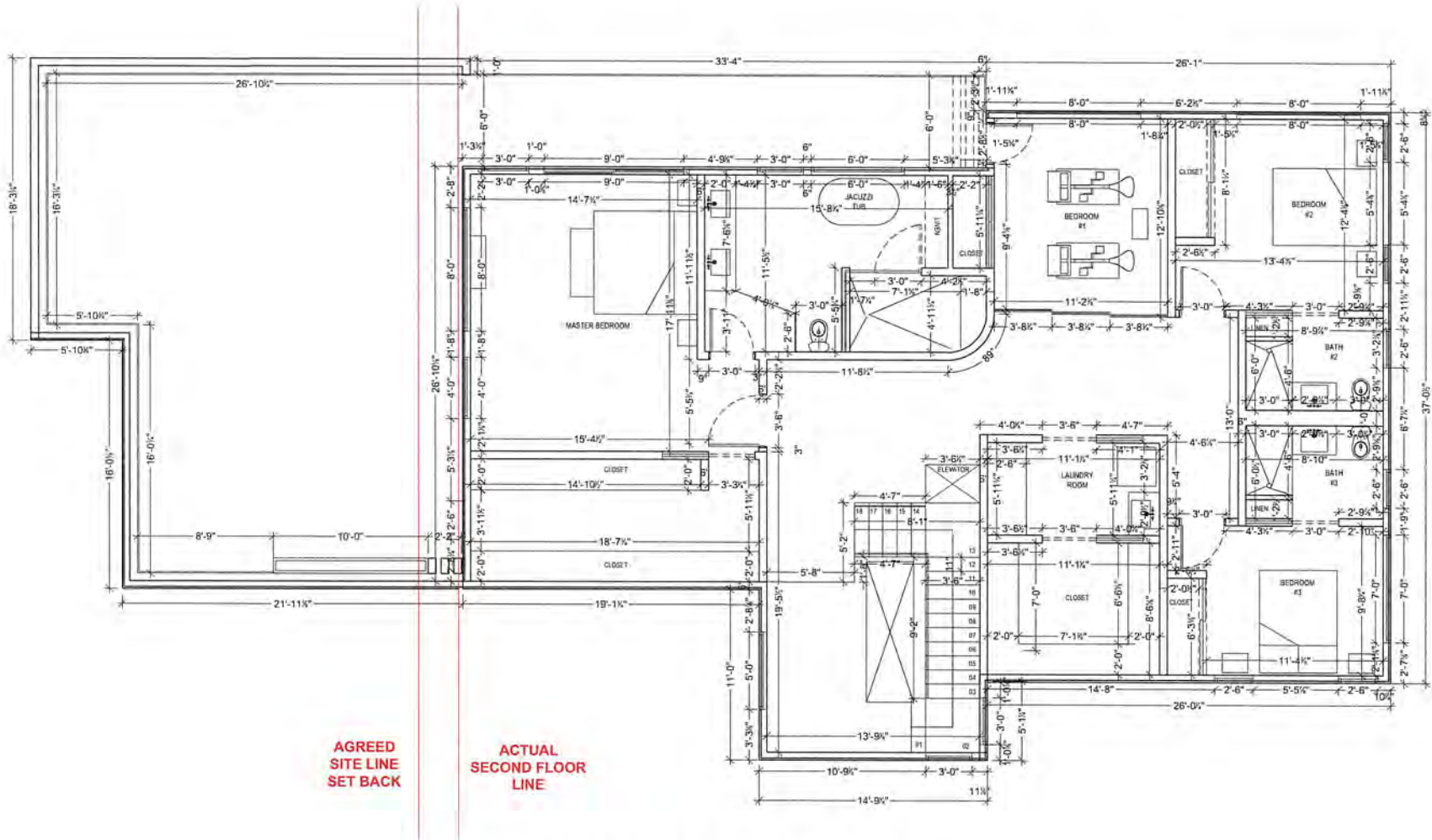
2492 BANTAS POINT ROAD
MINNETONKA, MN 55391



5 MAIN LEVEL PLAN
5 / 13 SCALE 3/32"=1'-0"

10/23/2023

2492 BANTAS POINT ROAD
MINNETONKA, MN 55391



6 SECOND LEVEL PLAN
6 / 13 SCALE 3/32"=1'-0"

Planning Commission Resolution No. 2023-22

Resolution approving variances for construction of a new home at 2492 Bantas Point Road

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 The subject property is located at 2492 Bantas Point Road. It is legally described as:
- Lot 7, Block 10, WAYZATA HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.
- 1.02 The home on the property was constructed in 1962, prior to the adoption of the city's first zoning ordinance. It has non-conforming setbacks from the ordinary high-water mark of Lake Minnetonka (949.4) and from the floodplain elevation of 931.5.
- 1.03 In Sept. 2023, the planning commission approved an expansion permit for the addition of a second story to the home. Due to the structural aspects of the existing home, the owner is now proposing to demolish it to the foundation and rebuild a two-story home on the existing foundation.
- 1.04 This current proposal would result in essentially the same structure as previously approved. However, under City Code §300.24 Subd. 13(e) "if a non-conforming use or structure is substantially damaged ... it may be reconstructed only in conformity with the provisions of this section for new structures." In other words, the new structure must meet ordinance standards, or a variance is necessary; an expansion permit is no longer an option.
- 1.05 The current proposal requires the following variances:
- Shoreland setback variance from 35 feet to 19 feet; and
 - Floodplain setback variance from 20 feet to 12 feet.
- 1.06 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The requested variances would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Intent of the Ordinance. The intent of shoreland and floodplain setback requirements is to ensure adequate separation between these natural features and structures for both natural resources protection and aesthetic reasons. The proposal would meet this intent, as the proposed home would maintain the setbacks of a structure that has occupied the lot since 1962.
2. Comprehensive Guide Plan. The property is guided for single-household development. The requested variances would allow for reinvestment in the existing residential lot.
3. Practical Difficulties. There are practical difficulties in complying with the required setbacks:
 - a) Reasonableness: The proposed home would maintain the setbacks of a structure that has occupied the lot since 1962. Further, the applicant has offered to indemnify the city – through the use of a hold-harmless agreement – for any future issues arising from construction in proximity to the floodplain.
 - a) Unique Circumstance: The size and shape of the property's buildable area prevent any functional addition from being made to the home without an expansion permit or variance. While not specifically unique to the immediate area, this situation is not common to all R-1 zoned properties in the community.
 - b) Neighborhood Character: Given that existing homes in the immediate area are all two-story structures, the two-story home would not impact neighborhood character.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variances based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by the conditions below.
 - Survey plan, dated Oct. 23, 2020
 - Building plans and elevations attached to the Nov. 30, 2023 staff report associated with this request

2. Prior to the issuance of a demolition permit:
 - a) Install two rows of silt fence and tree protection fencing for staff inspections. These items must be maintained throughout the course of construction.

 - a) Submit cash escrow in an amount of \$3,000.00. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

3. This approval will end on Dec. 31, 2024, unless the city has issued a building permit for the project covered by this resolution or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Nov. 30, 2023.

 Josh Sewall, Chairperson

Attest:

 Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a meeting held on Nov. 30, 2023.

Fiona Golden, Deputy City Clerk

MINNETONKA PLANNING COMMISSION
Dec. 14, 2023

Brief Description

Items concerning the construction of a new house at 2404 Bantas Point Road:

- Floodplain alteration permit;
- Side yard setback variance;
- Floodplain setback variance; and
- Tree protection ordinance variance

Recommendation

Adopt the resolution approving the request.

Background

The subject property is located at 2404 Bantas Point Road along Lake Minnetonka. The property is roughly one-third of an acre and improved with a single-family home and a detached garage in the northwest corner of the property. The existing buildings have a gross floor area of 1,664 square feet.

The property is considered a lot-behind-a-lot because of the substandard width of the property line along Bantas Point Road, the right-of-way (ROW). The existing home and garage were constructed prior to the adoption of the city's first zoning ordinance. The home and garage have nonconforming setbacks.

Proposal

City Homes LLC., on behalf of the property owners, is proposing to demolish the existing principal structure and construct a 2,549 square foot single-family home. The proposed home will use the foundation of the existing two-stall garage. The existing detached garage is setback 6.7 feet from the north property line (side yard), and 6.8 feet from the west property line (side yard).

While the existing principal structure has a nonconforming side yard setback, the new construction will not maintain or expand upon the existing principal structure location. The principal structure will be shifted on the property and therefore establishing new setbacks. As such, a variance is required for the structure.

Additionally, the property has a floodplain and associated setback covering roughly three-fourths of the site. The proposal includes floodplain alteration in the northwest portion of the property where the proposed house would be placed. Despite the proposed floodplain alteration, the

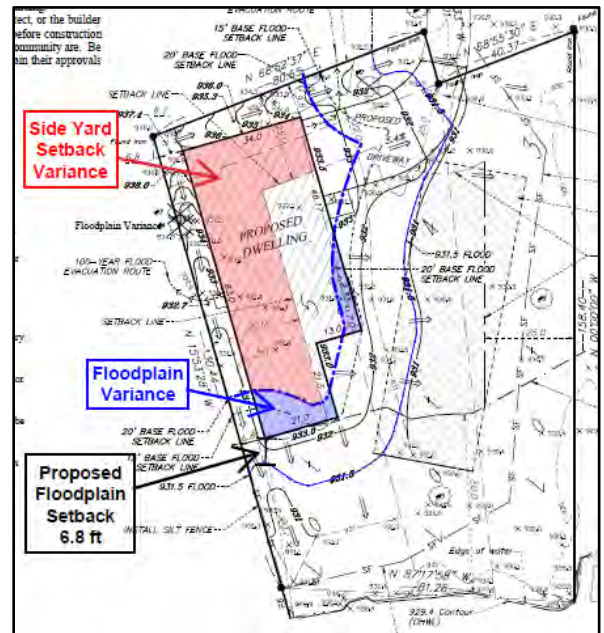


Figure 1 - Setbacks and Encroachments

proposed house would encroach on the floodplain setback and require tree removal beyond what is permitted by ordinance.

This current proposal requires the following:

- **Floodplain Alteration Permit.** The entirety of the Bantas Point Lane peninsula is located at or below the 100-year floodplain elevation. Construction of any home in this area meeting minimally acceptable separation requires floodplain requires alteration.
- **Variances.** The table below outlines the required variances:

	Required	Proposed
Side Yard Setback	25 ft	6.7 ft – north side of house 6.8 ft – west side of house
Floodplain Setback*	20 ft	6.8 ft
Tree Protection Ordinance	35% of High-priority trees 50% of Significant Trees	100% (3 High-priority trees) 100% (3 Significant trees)
Staff has included a condition of approval that the proposal must meet 15 feet from the floodplain elevation. This would require alteration of the southwest corner of the home to meet the 15 foot setback.		

Staff Analysis

Staff finds that the applicant’s proposal would meet the variance standard outlined in the city code:

- **Reasonable:** The existing home and garage were constructed prior to the city’s zoning ordinance. The proposed construction utilizes the foundation of the existing non-conforming garage in the northwest corner of the site. This area of the property is the most reasonable location for the new construction, as it is the only area of the property currently outside of the floodplain and floodplain setback. The proposed floodplain alteration is intuitive, filling in near the floodplain-free area to create a buildable area by shifting the floodplain elevation southeast towards Lake Minnetonka.

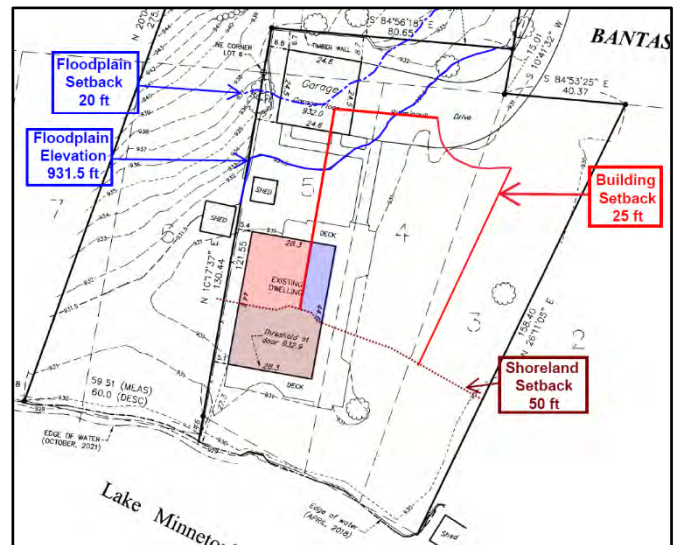


Figure 2 - Current Conditions

The proposed buildable area created from the floodplain alteration is approximately 830 square feet. ¹ This area is not large enough to accommodate the current or proposed home, making the variances to the setbacks reasonable.

¹ City Code 300.02 Subd. 15 – A portion of lot that is suitable for the location of the principle structure and excludes all easements, setback areas for the principle structure, and floodplains that are unbuildable under the city ordinance.

Compared to the current conditions, the proposed home would be located outside of the floodplain and the setback from the shoreland increased, bringing the property closer to conformity.

- **Unique Circumstance:** The property generally lacks buildable area under existing conditions. To build a home that would meet all city ordinances, the site would require additional floodplain alterations toward the easterly residential property and the southerly shoreland. A greater area of floodplain alteration would impact the easterly tree currently proposed for saving, while the easterly tree is not protected under ordinance, staff has requested that that the tree be saved if possible.

The site has an uncommonly low number of trees which results in difficulty meeting the tree protection ordinance. Additionally, the trees proposed for removal are within 20 feet of the proposed home and would be difficult to save.

While the lack of buildable area and trees is not necessarily unique in the immediate area, they result in a unique circumstance not common to other similarly-zoned properties through the larger community.

- **Character of the Locality:** The proposed requests are not anticipated to alter or negatively impact the character of the neighborhood. Several properties in the area have received variances in the past. For more information, see the “Neighborhood Area Variances” section of this report.

Staff Recommendation

Adopt the resolution approving a floodplain alteration permit and setback and tree protection variances at 2404 Bantas Point Road.

Originator: Bria Raines, Planner
Through: Loren Gordon, AICP, City Planner

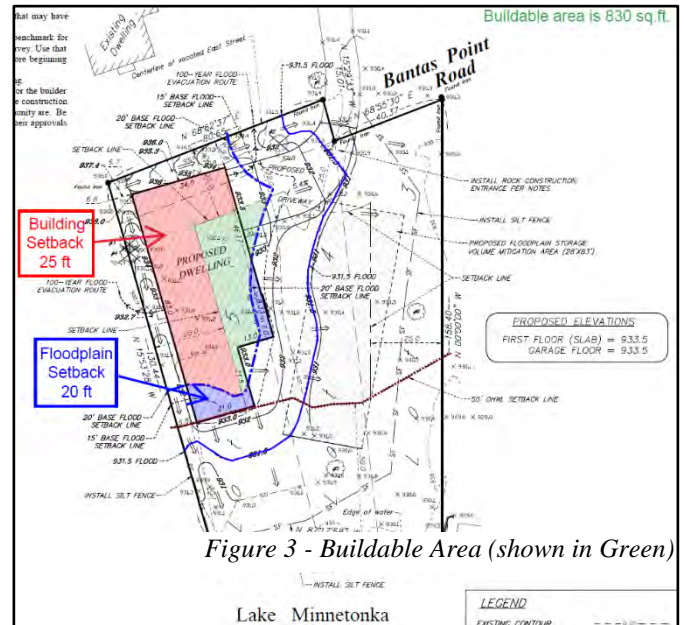


Figure 3 - Buildable Area (shown in Green)

Supporting Information

Project No.	23014.23a
Property	2404 Bantas Point Road
Applicant	City Homes LLC, on behalf of the property owners
Surrounding Land Uses	Properties surrounding are single-family residential homes, guided low density, zoned R-1 Lake Minnetonka is to the immediate south of this property.
Planning	Guide Plan designation: Single-family residential Zoning: R-1
Expansion permit Vs. a variance	A variance is required when an expansion of a use will intrude further into a setback area beyond the distance of the existing structure. An expansion permit is required when an expansion of a use will occupy a <i>non-conforming</i> area that was not previously occupied.
Variance Standard	A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)
Floodplain Alteration	By City Code 300.24 Subd.9(c), floodplain alteration must meet the following general standards: 1) The magnitude of the alteration is appropriate relative to the size of the floodplain district; Finding: The 1,640 cubic feet of fill and associated mitigation is minimal given the large size and volume of the Lake Minnetonka floodplain. 2) The amount of any increase in buildable area is appropriate in comparison to the amount of buildable area before alteration. Finding: The majority of the parcel is at or below the floodplain elevation. The increased buildable area resulting from the floodplain alteration is appropriate to facilitate the construction of a new residential structure on a previously developed, legal lot of record.

- 3) The alteration will not negatively impact the hydrology of the floodplain;

Finding: Engineering staff reviewed this proposal and request the proposed house maintain a 15-foot setback from the floodplain. This has been added as a condition of approval. No negative impact to hydrology is anticipated.

- 4) Floodplain mitigation area will not negatively impact adjacent properties;

Finding: The proposal has been reviewed by engineering staff. Negative impact to adjacent properties is not anticipated.

- 5) The alteration will meet the intent of the city's water resources management plan and subdivision and zoning ordinances;

Finding: The proposal would result in no net fill of floodplain, consistent with provisions of the city's water resources management plan and subdivision and zoning ordinances.

- 6) The alteration will not adversely impact governmental facilities, utilities, services, or existing or proposed public improvements; and

Finding: The proposal would facilitate the construction of a new residential structure on a previously developed, legal lot of record. Such construction is not anticipated to have an adverse impact on governmental facilities, utilities, services, or existing or proposed public improvements.

- 7) The alteration will not have an undue impact on public health, safety, or welfare.

Finding: The proposal would facilitate the construction of a new residential structure on a previously developed, legal lot of record. Such construction is not anticipated to have an undue impact on public health, safety, or welfare.

By City Code 300.24 Subd.9(dc), floodplain alteration must meet the following general standards:

- 1) Water storage must be maintained and provided in an amount at least equal to that filled unless acceptable hydrologic engineering data has been presented and approved by the city engineer, including conditions that have changed such that the floodplain characteristics will be maintained even with the proposed floodplain fill;

Finding: The proposal would result in no net fill of the floodplain.

- 2) Floodplain fill area must be located no more than 20 feet from any existing or proposed structure, except where required by the city engineer to achieve a required evacuation route;

Finding: All fill would be located within 20 feet of the proposed house.

- 3) Where floodplain alteration is required for the construction of a driveway, a driveway must be no wider than 12 feet and must be located to minimize impact in the floodplain;

Finding: Fill for the proposed driveway would widen up to 22 feet at the house. However, this width would help to achieve the required evacuation route from the two stall garage.

- 4) Floodplain alteration, including the creation of compensatory water storage, must not result in the removal of regulated trees, adversely impact wetlands or existing wetland buffers, or be located within public easements. The city council may waive this condition if the proposed alteration would improve existing site conditions.

Finding: But for the variance to the tree protection ordinance, the floodplain alteration would not adversely impact natural resources or existing public easements.

**Neighborhood Area
 Variances**

The following properties are within 400 feet of the subject property and were previously granted a principal structure setback, floodplain, or floodplain setback variance.

These properties were granted variances to the floodplain or setbacks as they would otherwise have no location to place a home. The circumstances of the subject property are similar to those below.

2435 Bantas Point Lane		
Variance to front entry	15 ft. to 8 ft.	Denied. 1989.
Variance to front yard setback for 2 nd story addition	30 ft. to 21 ft.	Approved. 1989.
Variance to front yard setback for deck	30 ft. to 15 ft.	Denied. Appealed. Approved. 1989
2427 Bantas Point Lane		
No history of special permits		
2415 Bantas Point Lane		
No history of special permits		
2409 Bantas Point Lane		
No history of special permits		
2413 Bantas Point Road		
No history of special permits		
2425 Bantas Point Road		
Variance to floodplain and wetland setback.	Floodplain: 25 to 12 ft. Wetland: 25 to 22 ft.	Approved. 1991.

Variance to wetland, floodplain, and lot area to build new house.	Wetland: 35 to 20 ft. Floodplain: 20 to 0 ft. Front yard: 25 to 11 ft. Front yard (Bantas Point Rd): 35 to 22 ft.	<i>Approved. 2005.</i>
2492 Bantas Point Road		
Expansion permit for a 2 nd story addition		<i>Approved. 2012.</i>
2500 Bantas Point Road		
Variance to lot size		<i>Approved. 1988.</i>
Variance to lot size and width	15,000 to 13,287 sq.ft. 90 to 80 ft.	<i>Approved. 1990.</i>
2515 Bantas Point Road		
Variance to side yard	7 to 4 ft	<i>Approved. 1989.</i>
2518 Bantas Point Rd		
Variance to front yard for deck	35 to 19 ft.	<i>Denied. Appealed. Approved. 1980.</i>
Variance to front yard for addition	35 ft to 22 ft.	<i>Approved. 1992.</i>
2520 Bantas Point Road		
Variance to front yard	20 to 8 ft	<i>Approved. 1987.</i>
Variance to side yard for new home.	10 to 8 ft.	<i>Denied. 2000.</i>
Variance to front yard for new home.	35 to 17 ft.	<i>Approved. 2000.</i>
2529 Bantas Point Road		
Variance to front yard Variance to floodplain setback	35 to 2 ft. 20 to 0 ft.	<i>Approved. 2000.</i>
Variance to lot size, setback, and lowest floor	Applicant reapplied below after a lapse in term of approval	<i>Approved. 2007.</i>
Variance to front setback Floodplain setback Low floor elevation Driveway elevation	20 to 9 ft. 20 to 2 ft. 20 to 0 ft. 1 to 0 ft above floodplain	<i>Approved. 2012.</i>
2533 Bantas Point Road		
Variance to floodplain Variance to front yard	35 to 4 ft. 35 to 14 ft.	<i>Denied. 1984.</i>

McMansion Policy

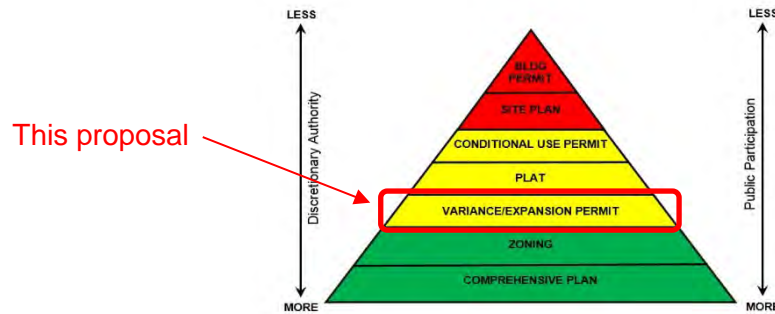
The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the homes within the existing neighborhood. The McMansion Policy is reviewed with any proposal requiring a variance. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street and a distance of 400 feet from the subject property.

The subject property's current FAR is 0.11. The proposed new home would increase the FAR to 0.17. The largest FAR within the neighborhood is 0.58. This proposal will not exceed that FAR.

Neighborhood Comments

The city sent notices to 32 area property owners and received three comments. The comments are included in the agenda packet.

Pyramid of Discretion



Motion Options

The planning commission has three motion options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the alteration permit and variances.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the council deny the request. This motion must include a statement as to why the variances are denied.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Voting and Appeals

An approval recommendation requires an affirmative vote from a simple majority of commissioners. A city council's approval requires an affirmative vote of five council members.

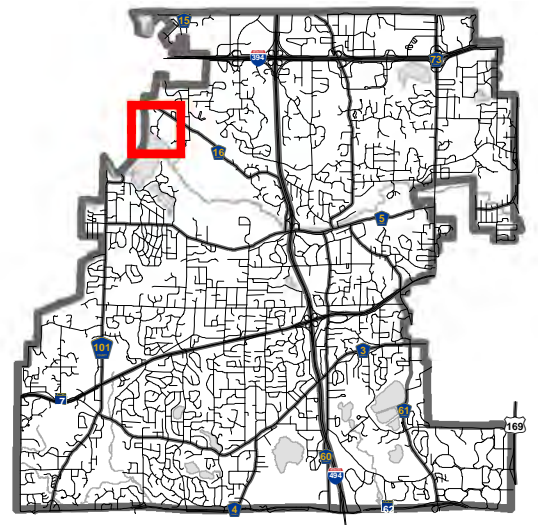
Deadline for Decision

Feb. 22, 2024



Location Map

Project: Johnson Boat House
Address: 2404 Bantas Point Rd



**Written Statement
Variance Application**

Proposed variance request for the redevelopment of 2404 Bantas Point Ln Minnetonka, MN 55391 with parcel ID #0811722130024.

This proposed variance is reasonable and will be an improvement to the current property while still maintaining the integrity and overall aesthetics of the neighborhood.

In order to conform with the water set back, we are requesting a rear yard variance. The current structure on the property is 27.3 feet from the ordinary high-water mark. The proposed structure is being pushed back to meet the 50-foot requirement. Our intent is to use the existing non-conforming garage footings and walls to achieve this. Approval of the rear yard variance will allow us to conform with the water setbacks while not altering the current conditions to the rear yard. The existing garage structure is 6.7 feet to 8.7 feet from the lot line.

Given that portions of this property are under the 931.5 foot floodplain, we are also requesting a side yard variance. By utilizing the existing garage structure and corresponding set back along the western property line, we can reduce both the impact we will have on the floodplain and the amount of earthwork that needs to be done to accommodate that floodplain. Again, we will be re-using the current non-conforming garage as our basis and maintaining the existing setbacks. Doing so will also increase the set back to the existing principal structure (increase of 5.1 feet to 7.1 feet).

There is a history of variances in the Bantas Point neighborhood with at least 9 others already being approved. While all of these must be looked at individually, it does show a willingness of the City of Minnetonka to work with homeowners to overcome unique situations on various properties in this unique neighborhood.

Finally, there is an overwhelming amount of support from neighbors who are excited to see a house that has come into disrepair be replaced with a beautiful new home that fits the aesthetics and standards of the Bantas Point Community.

Side Yard Setback Variance

Practical Difficulties Worksheet

Describe Why the Proposed Use is Reasonable:

The proposed use is a reasonable request in that it maintains the current rear and side yard setbacks of the existing structure and minimizes the impact to the flood plain. Additionally, the proposed structure will enhance and follow the overall character of the neighborhood.

Describe the Circumstances Which are Unique to the Property:

Due to the unique lot configurations, buildable areas, water elevations, flood plains, and required set backs, there is a long history of approved variances in the neighborhood. This property and proposed structure are no different. The current structure is non-conforming and granting of this variance will help alleviate some of these conforming issues by pushing it back to the 50' from the waterline. A significant portion of this property is also in the floodplain. Granting of side and rear yard setbacks will help reduce the impact to this floodplain area.

Describe Why the Variance Would Not Alter the Essential Character of the Neighborhood:

Granting of the variance would help bring a non-conforming structure that has fallen into disrepair up to the standards and quality of the surrounding homes in the Bantas Lane Neighborhood. As a builder, who lives and repeatedly works in the community, we are trying to be as respectful to the neighborhood/property as possible by conforming where we can (shorefront setback) and only asking for reasonable rear and side yard setbacks to help minimize the impact on the floodplain and attempt to make use of portions of the current foundation. Additionally, granting of the side and rear setbacks will assist us in building a house with a low, single-level profile. If we are required to minimize the footprint of the house, the house will then get significantly taller creating more of an obstruction for neighbors.

Tree Protection Ordinance Variance

Variance Application

PRACTICAL DIFFICULTIES WORKSHEET

By state law, variances may be granted from the standards of the city's zoning ordinance only if:

- 1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
- 2) The proposed variance is consistent with the comprehensive plan; and
- 3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:
 - The proposed use is reasonable;
 - The need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and
 - The proposed use would not alter the essential character of the surrounding area.

PRACTICAL DIFFICULTIES	
Describe why the proposed use is reasonable	<p>This is a reasonable request in that the only trees being removed from the property are the ones that will be directly impacted by the build and or are in poor condition.</p>
Describe:	<p>Trees three and four are to be removed under the "Basic Tree Removal Area" part 2 and 3 which consists of tree within 20 feet of buildings with frost footings and 10 feet of structures with post footings. The structure of this property was placed in it's current location to best fit within the floodplain setbacks which variances are also being requested for.</p> <p>Tree number two is being removed under the "Basic Tree Removal Area" as it is within the areas improved for reasonably sized driveways, parking areas, and structures without frost footings and within ten feet of improvements.</p> <p>Tree number five is being removed due the location of the current house that needs to be removed and it's overall poor condition. The likely hood of it surviving demo and work so close to the tree is unlikely.</p>
Describe why the variance would not alter the essential character of the neighborhood	<p>Even though the overall condition of tree number six is poor. All efforts are being made to protect the tree and save it to help maintain the overall character of the neighborhood. Only trees that are in the "Basic Tree Removal Area" are being considered for removal. The lot to the east of the property in question is clear cut and has no trees on it.</p>

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE

PROCESS

LEGAL DESCRIPTION OF 2404 BANTAS POINT RD.:
 Lots 3, 4 and 5, including 1/2 of adjacent vacated street, in Block 5, REARRANGEMENT OF WAYZATA HEIGHTS, Hennepin County, Minnesota.

LEGAL DESCRIPTION OF 2409 BANTAS POINT RD.:
 All of Lots 1 and 2, and part of Lot 3, Block 6, "Wayzata Heights". All of Lot 6, and part of Lot 7, Block 5, "Rearrangement of Blocks in Wayzata Heights". Also: That part of adjacent East street vacated, said Lots and parts of Lots and vacated street lying Southeastly of the following described line: Commencing at a point on the Northerly line of said Block 6, "Wayzata Heights", distant 94.0 feet Westerly of the Northeast corner of said Block 6; thence Southwesterly on a straight line through a point on Line "B" hereinafter described, to the shore line of Lake Minnetonka. Said point on Line B is 60.0 feet Northwesterly along Line B from its Easterly beginning point, and said Line B is described as follows: Commencing at a point on the Easterly line of Lot 6, Block 5, "Rearrangement of Blocks in Wayzata Heights", distant 121.55 feet Southerly of the Northeast corner of said Lot 6; thence Northwesterly to a point on the Westerly line of Lot 8, Block 5, "Rearrangement of Blocks in Wayzata Heights", 109.20 feet Southerly of the Northwest corner of said Lot 8, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
- Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

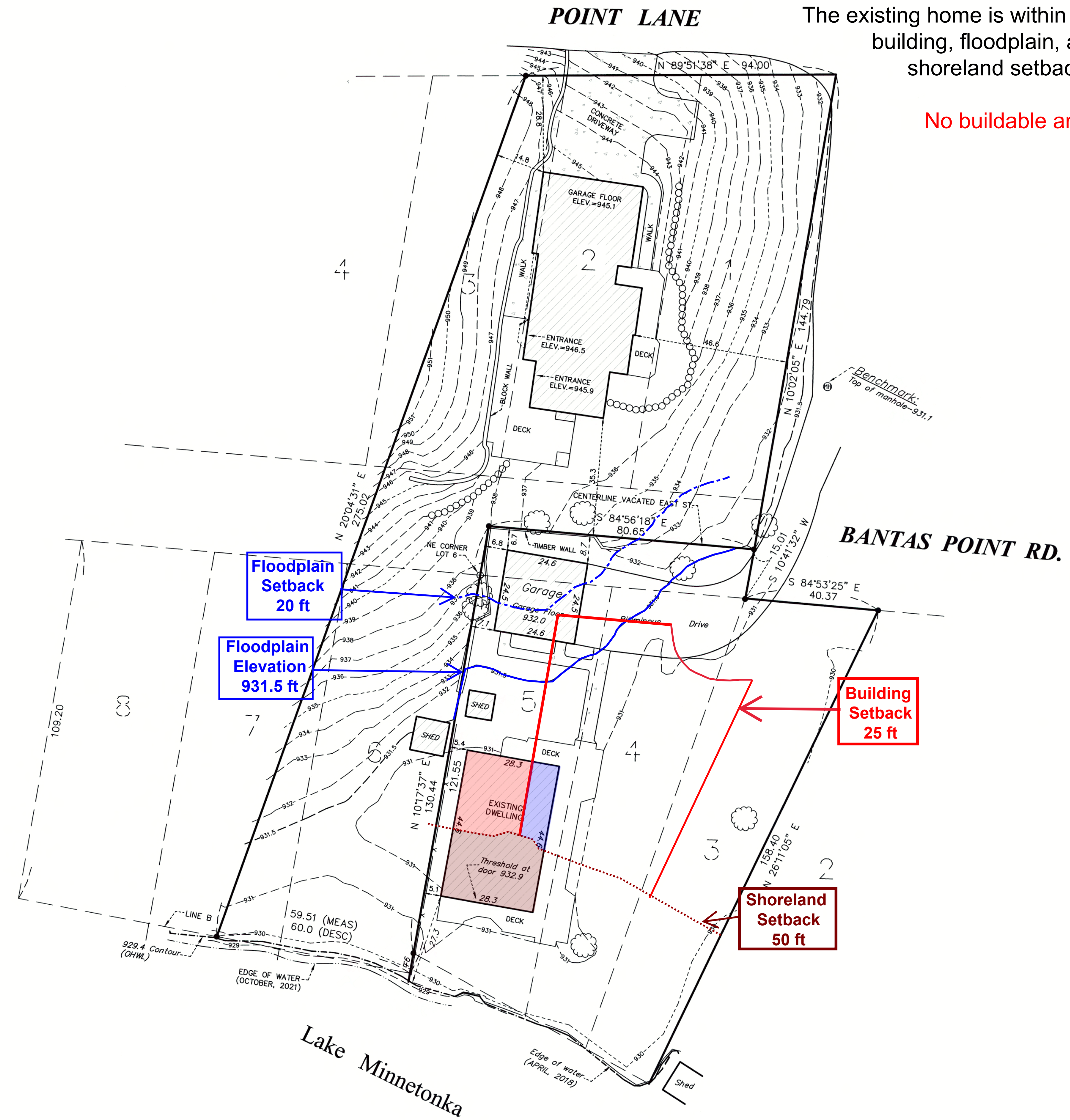
STANDARD SYMBOLS & CONVENTIONS:

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

Existing Conditions

The existing home is within the building, floodplain, and shoreland setbacks.

No buildable area.



EXISTING HARDCOVER FOR #2404 (per prior survey)		EXISTING HARDCOVER FOR #2409	
House	1,260 Sq. Ft.	House	2,066 Sq. Ft.
Existing Deck	926 Sq. Ft.	Front Deck	269 Sq. Ft.
Bituminous Driveway	1,175 Sq. Ft.	Rear Deck	625 Sq. Ft.
Garage	602 Sq. Ft.	Conc. Driveway & Walks	1,402 Sq. Ft.
Concrete Surfaces	254 Sq. Ft.	Shed	105 Sq. Ft.
Shed	64 Sq. Ft.	Concrete Deck Apron	16 Sq. Ft.
Ret. Walls	65 Sq. Ft.	Retaining Walls	166 Sq. Ft.
TOTAL EXISTING HARDCOVER	4,346 Sq. Ft.	TOTAL EXISTING HARDCOVER	4,649 Sq. Ft.
AREA OF LOT TO OHW	14,778 Sq. Ft.	AREA OF LOT TO OHW	21,083 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	29.4%	PERCENTAGE OF HARDCOVER TO LOT	22.1%

Note: Boulder walls not included in hardcover calculations.

DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE	CLIENT/JOB ADDRESS	<p>Advance Surveying & Engineering, Co.</p> <p>17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com</p>	<p>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.</p> <p><i>Wayne W. Preuyis</i> Wayne W. Preuyis #43503 LICENSE NO. OCTOBER 18, 2021 DATE</p>	SURVEYED DATE:	SHEET TITLE	SHEET NO.
5/1/23	SHOW 931.5 CONTOUR		<p>MATTHEW JOHNSON 2404 & 2409 BANTAS POINT RD. MINNETONKA, MN</p>			#2404 - APRIL, 2018 #2409 - OCTOBER 7, 2021	EXISTING SURVEY SHEET SIZE: 22 X 34 DRAWING NUMBER 212046 WP	
						DRAFTED DATE:		
						OCTOBER 11, 2021		

LEGAL DESCRIPTION:

Lots 3, 4 and 5, including 1/2 of adjacent vacated street, in Block 5, REARRANGEMENT OF WAYZATA HEIGHTS, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:

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

STANDARD SYMBOLS & CONVENTIONS:

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

GRADING & EROSION CONTROL NOTES:

BEFORE DEMOLITION AND GRADING BEGIN

- Install silt fence/bio roll around the perimeter of the construction area.
- Sediment control measures must remain in place until final stabilization has been established and then shall be removed. Sediment controls may be removed to accommodate short term construction activity but must be replaced before the next rain.
- A temporary rock construction entrance shall be established at each access point to the site and a 6 inch layer of 1 to 2 inch rock extending at least 50 feet from the street into the site and shall be underlain with permeable geotextile fabric. The entrance shall be maintained during construction by top dressing or washing to prevent tracking or flow of sediments onto public streets, walks or alleys. Potential entrances that are not so protected shall be closed by fencing to prevent unprotected exit from the site.
- Contractor shall install inlet protection on all existing storm sewer inlets in accordance with the city standard details. Inlet protection shall also be provided on all proposed storm sewer inlets immediately following construction of the inlet. Inlet protection must be installed in a manner that will not impound water for extended periods of time or in a manner that presents a hazard to vehicular or pedestrian traffic.
- Moisture shall be applied to disturbed areas to control dust as needed.
- Portable toilet facilities shall be placed on site for use by workers and shall be properly maintained.
- If it becomes necessary to pump the excavation during construction, pump discharge shall be into the stockpile areas so that the double silt fence around these areas can filter the water before it leaves the site.
- Temporary erosion control shall be installed no later than 14 days after the site is first disturbed and shall consist of broadcast seeding with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- Erosion control measures shown on the erosion control plan are the absolute minimum. The contractor shall install temporary earth dikes, sediment traps or basins and additional silt fencing as deemed necessary to control erosion.

SITE WORK COMPLETION:

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

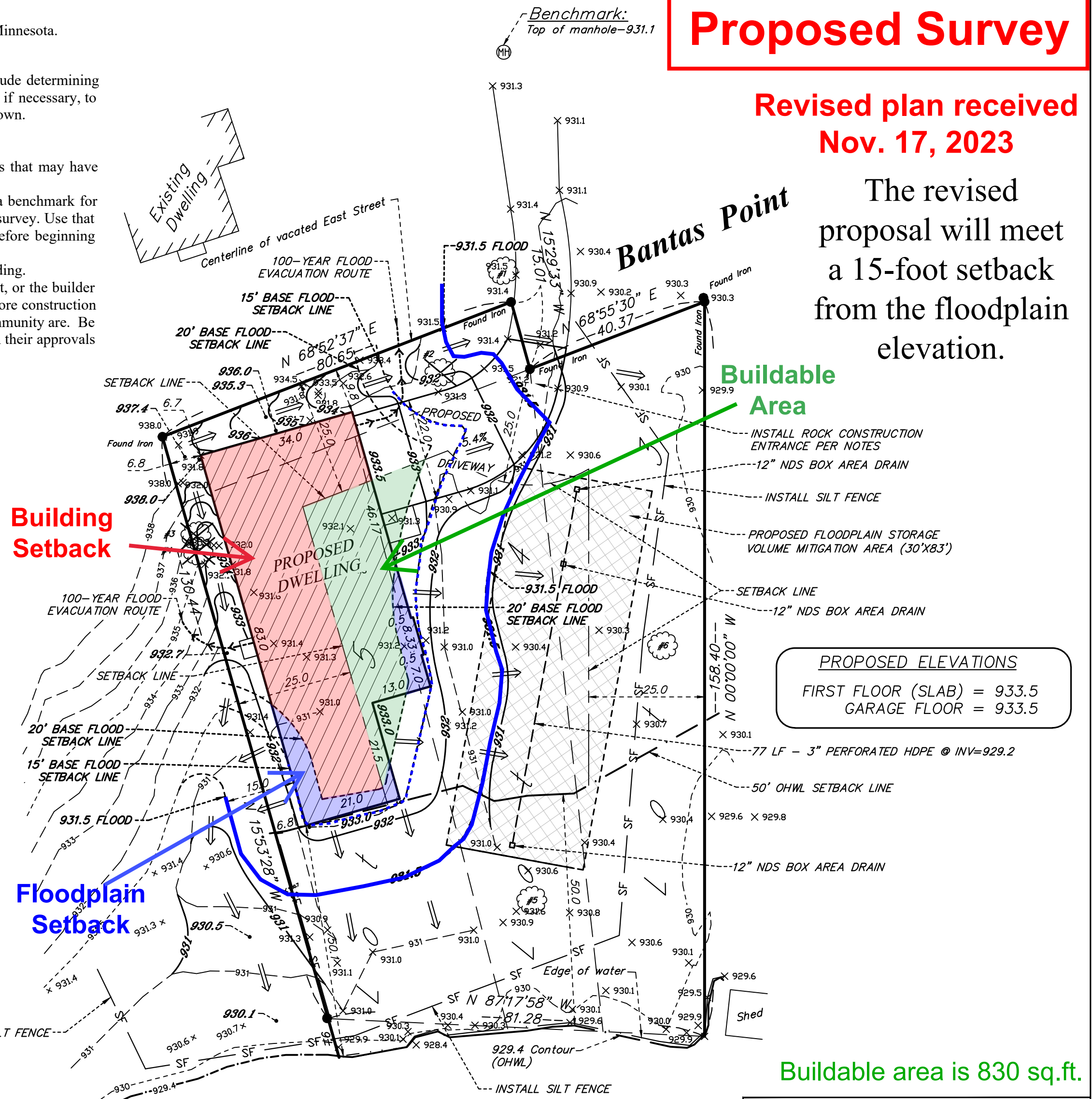
DURING CONSTRUCTION:

- When dirt stockpiles have been created, a double row of silt fence shall be placed to prevent escape of sediment laden runoff and if the piles or other disturbed areas are to remain in place for more than 14 days, they shall be seeded with Minnesota Department of Transportation Seed Mixture 22-111 at 100 lb/acre followed by covering with spray mulch.
- A dumpster shall be placed on the site for prompt disposal of construction debris. These dumpsters shall be serviced regularly to prevent overflowing and blowing onto adjacent properties. Disposal of solid wastes from the site shall be in accordance with Minnesota Pollution Control Agency requirements.
- A separate container shall be placed for disposal of hazardous waste. Hazardous wastes shall be disposed of in accordance with MPCA requirements.
- No concrete wash out allowed on site.
- Sediment control devices shall be regularly inspected and after major rainfall events and shall be cleaned and repaired as necessary to provide downstream protection.
- Streets and other public ways shall be inspected daily and if litter or soils has been deposited it shall promptly be removed.
- If necessary, vehicles, that have mud on their wheels, shall be cleaned before exiting the site in the rock entrance areas.

Proposed Survey

**Revised plan received
Nov. 17, 2023**

The revised proposal will meet a 15-foot setback from the floodplain elevation.



PROPOSED ELEVATIONS
FIRST FLOOR (SLAB) = 933.5
GARAGE FLOOR = 933.5

Buildable area is 830 sq.ft.

EXISTING HARDCOVER		PROPOSED HARDCOVER	
House	1,260 Sq. Ft.	House	2,547 Sq. Ft.
Existing Deck	926 Sq. Ft.	Front Stoop/Walk	38 Sq. Ft.
Bituminous Driveway	1,175 Sq. Ft.	Rear Stoop	12 Sq. Ft.
Garage	602 Sq. Ft.	Driveway	918 Sq. Ft.
Concrete Surfaces	254 Sq. Ft.		
Shed	64 Sq. Ft.		
Ret. Walls	65 Sq. Ft.		
TOTAL EXISTING HARDCOVER	4,346 Sq. Ft.	TOTAL PROPOSED HARDCOVER	3,515 Sq. Ft.
AREA OF LOT TO OHW	14,778 Sq. Ft.	AREA OF LOT TO OHW	14,778 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	29.4%	PERCENTAGE OF HARDCOVER TO LOT	23.7%

Tree #	Species	DBH	Condition	Significant	High Priority	Notes
1	Cottonwood	28.0	Good	Yes	Yes	
2	Maple, silver	38.5	Fair	Yes	Yes	multiple leaders
3	Oak, bur	26.5	Good	Yes	Yes	
4	Ash, green	12.5	Good	Yes	Yes	
5	Maple, silver	52.0	Poor	No	No	Decay in center
6	Maple, silver	50.5	Poor	No	No	significant dieback

LEGEND

EXISTING CONTOUR	--- 930 ---
EXISTING SPOT ELEVATION	X 930.5
PROPOSED CONTOUR	— 930 —
PROPOSED SPOT ELEVATION	930.5
DRAINAGE ARROW - FLOW	⇒
SILT FENCE/BIO ROLL	— SF —
REMOVE TREE	⊗

DATE	REVISION DESCRIPTION	DRAWING ORIENTATION & SCALE
9-21-23	ADDED TREE INFORMATION	SCALE - 1" = 20'
10-5-23	ADDED FLOODPLAIN STORAGE VOLUME INFORMATION	
10-17-23	ADJUSTED PROPOSED FP CONTOUR & TRENCH SIZE	
10-23-23	ADJUSTED SETBACKS PER CITY	
10-31-23	ADDED DRAIN TILE & AREA DRAINS	
11-16-23	MOVED WEST SWALE & UPDATED FLOODPLAIN VOLUME CALC.	

CLIENT NAME / JOB ADDRESS

MATTHEW V. JOHNSON

2404 BANTAS POINT ROAD
MINNETONKA, MN

Advance
Surveying & Engineering, Co.

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

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

Thomas M. Bloom
42379
LICENSE NO.
AUGUST 1, 2023
DATE

SHEET TITLE

PROPOSED SURVEY

DATE SURVEYED: APRIL 27, 2018

DATE DRAFTED: AUGUST 1, 2023

SHEET SIZE 17 X 22

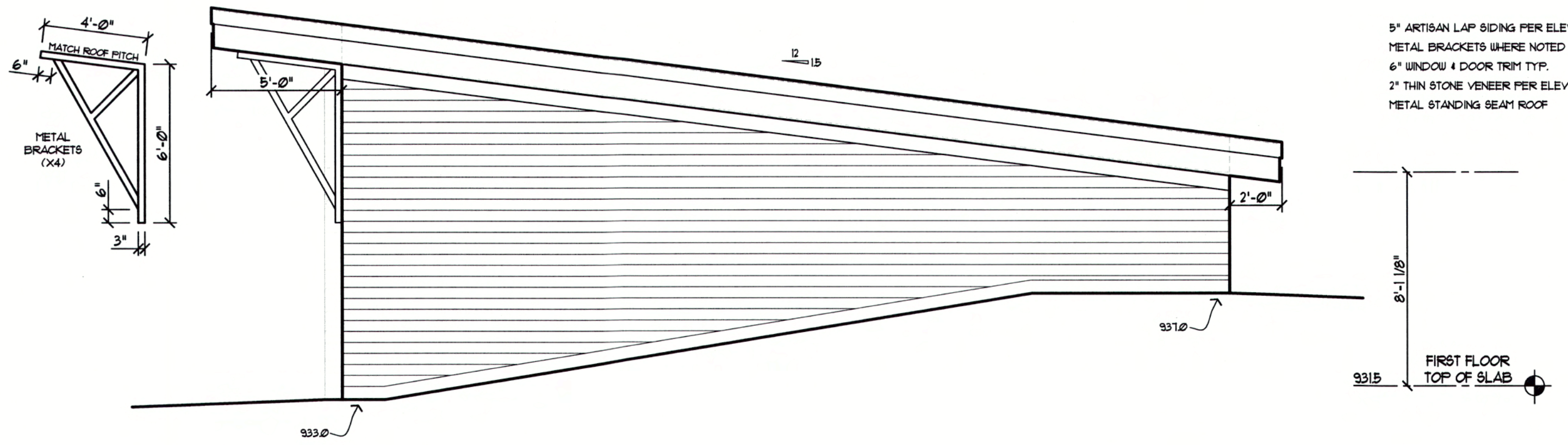
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S1

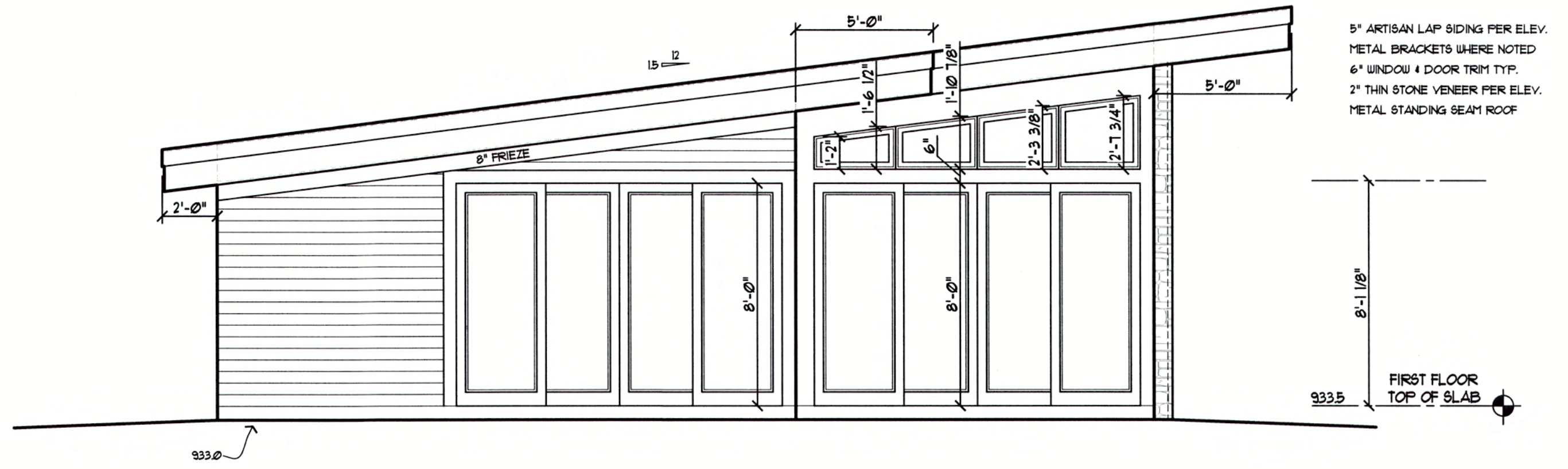
DRAWING NUMBER

231078 JR

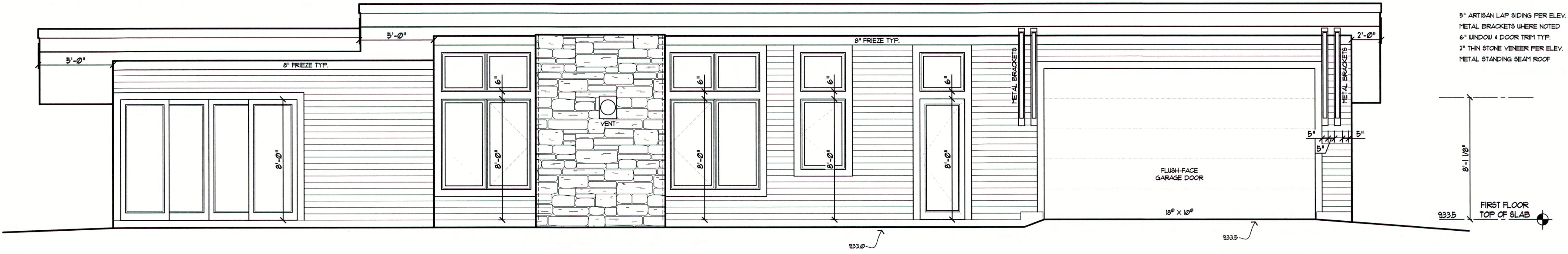
SHEET 1 OF 2



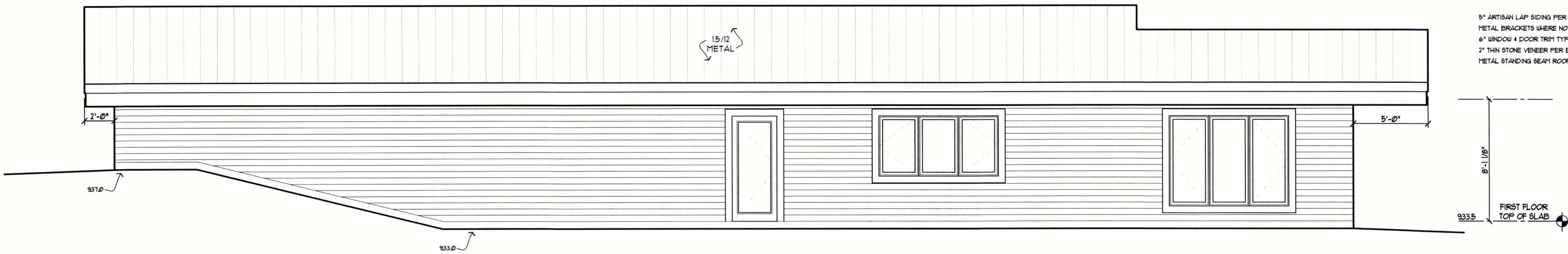
2 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



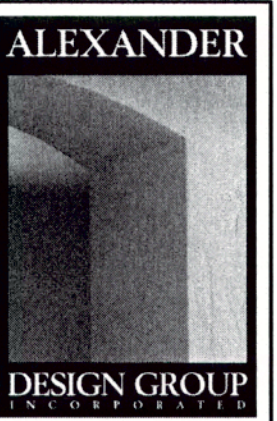
1 LAKE SIDE (LEFT) ELEVATION
SCALE: 1/4"=1'-0"



3 FRONT ELEVATION
SCALE: 1/4"=1'-0"



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



275 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777

ISSUE DATE:
2 MAY 2023
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
ELEVATIONS

ADG

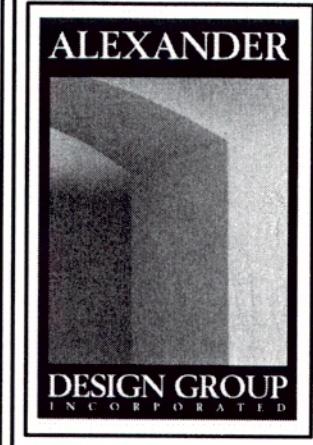
BID SET

JOHNSON GUEST HOUSE
2404 BANTAS FT RD
MINNETONKA, MN

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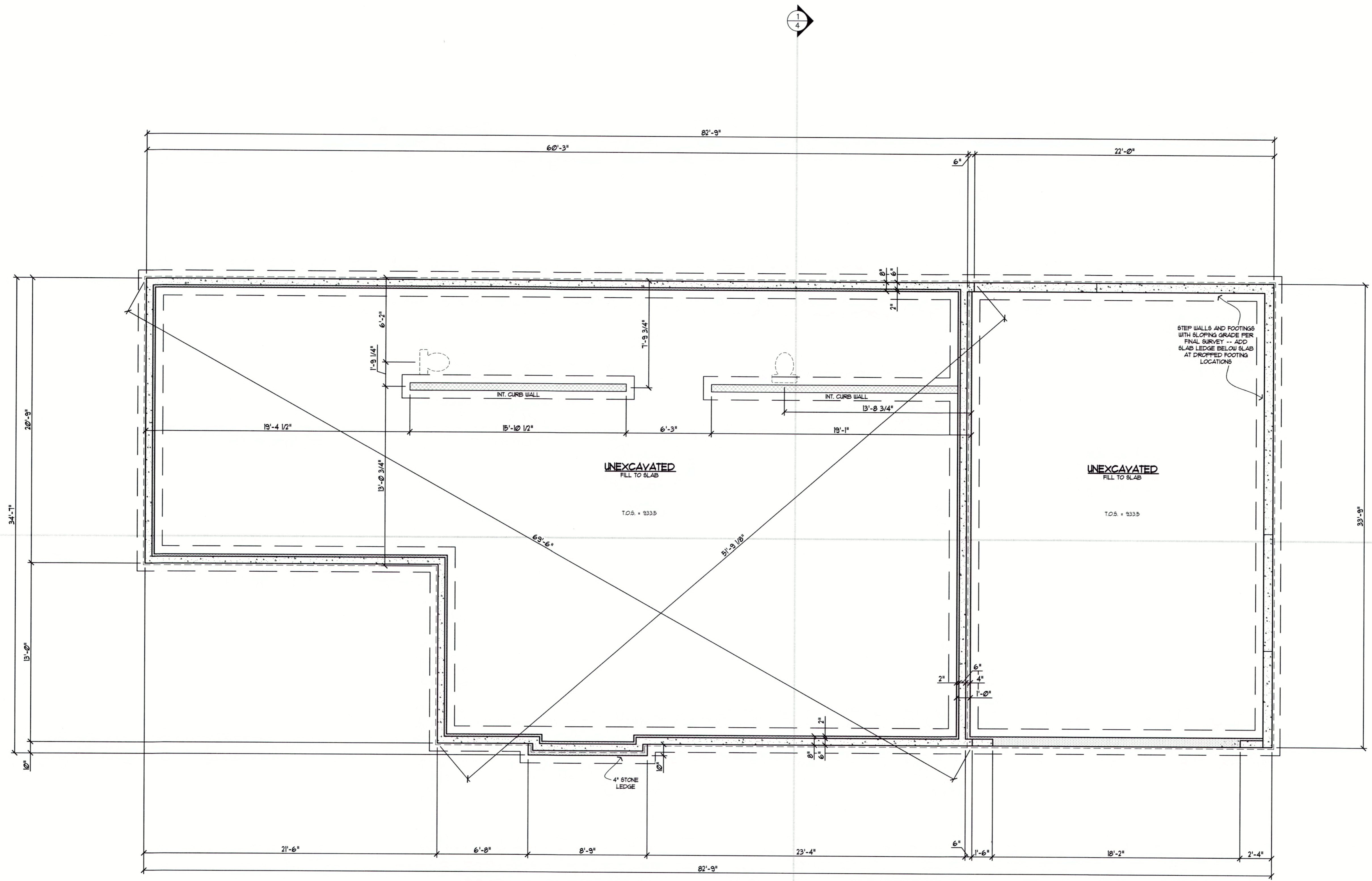
275 EAST LAKE STREET
 WAYZATA, MN 55391
 Phone: 952.473.8777

ISSUE DATE:
 2 MAY 2023
 PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
 FOUNDATION PLAN
 ADG

BID SET

JOHNSON GUEST HOUSE
 2404 BANTAS PT RD
 MINNETONKA, MN



1 FOUNDATION PLAN
 2 SCALE: 1/4" = 1'-0"

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SQUARE FOOTAGE	
FINISHED -	1782*
GARAGE -	165*
PATIO -	280*

MARVIN ELEVATE WINDOW SIZES (UNLESS NOTED OTHERWISE)

NOTE - ALL WINDOW & EXTERIOR DOOR HEAD HGTS. LABELED ON PLANS AT EACH LOCATION.

NOTE: OFFSET EXTERIOR STUDS 1-1/2" TO THE OUTSIDE FACE OF FOUNDATION WHERE EXT. FND. INSUL. IS APPLIED, EXCEPT WHERE NOTED.



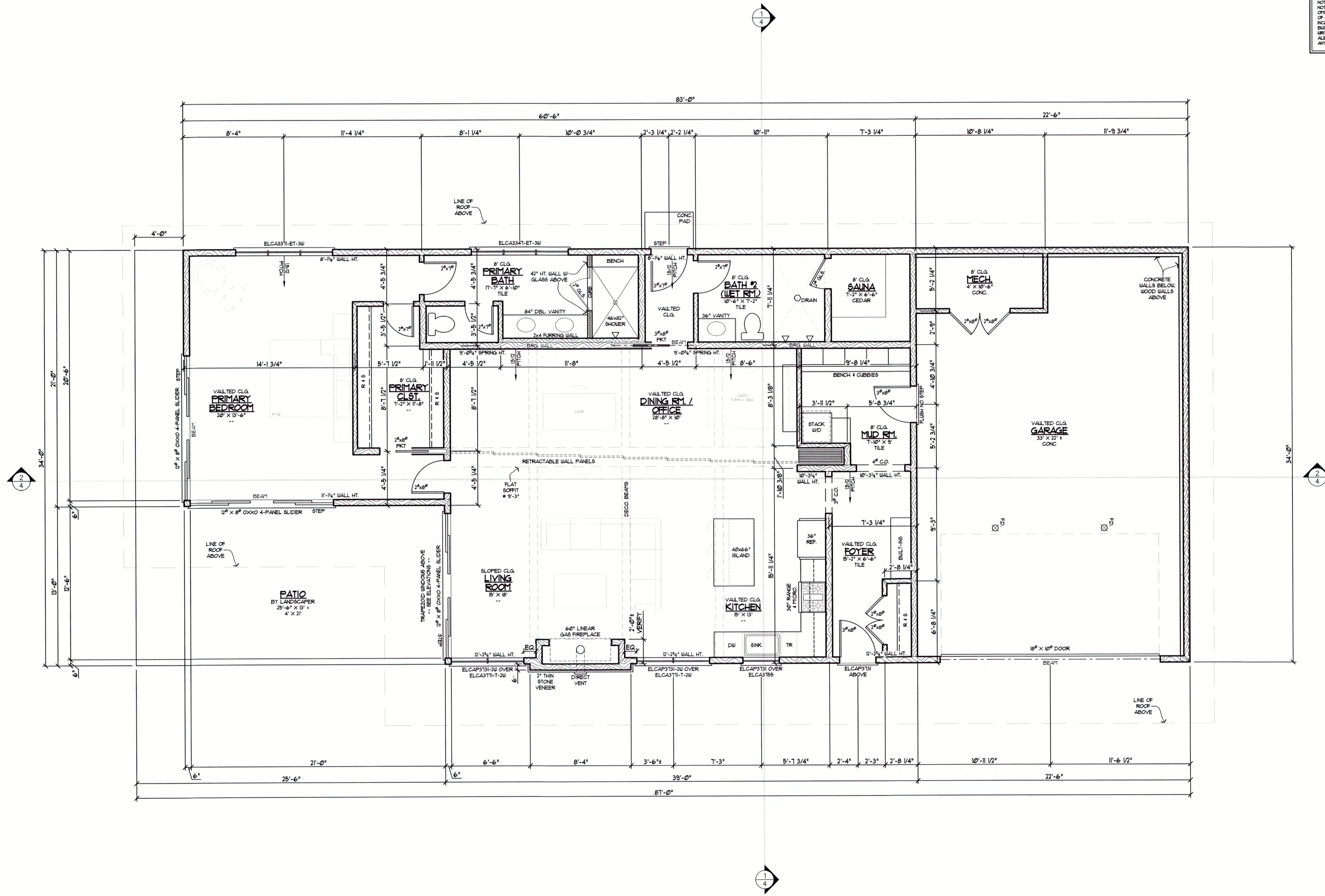
275 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777

ISSUE DATE:
2 MAY 2023
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
MAIN LEVEL FLOOR PLAN

BID SET

JOHNSON GUEST HOUSE
2404 BANTAS PT RD
MINNETONKA, MN



1 MAIN LEVEL PLAN
3 SCALE: 1/4"=1'-0"

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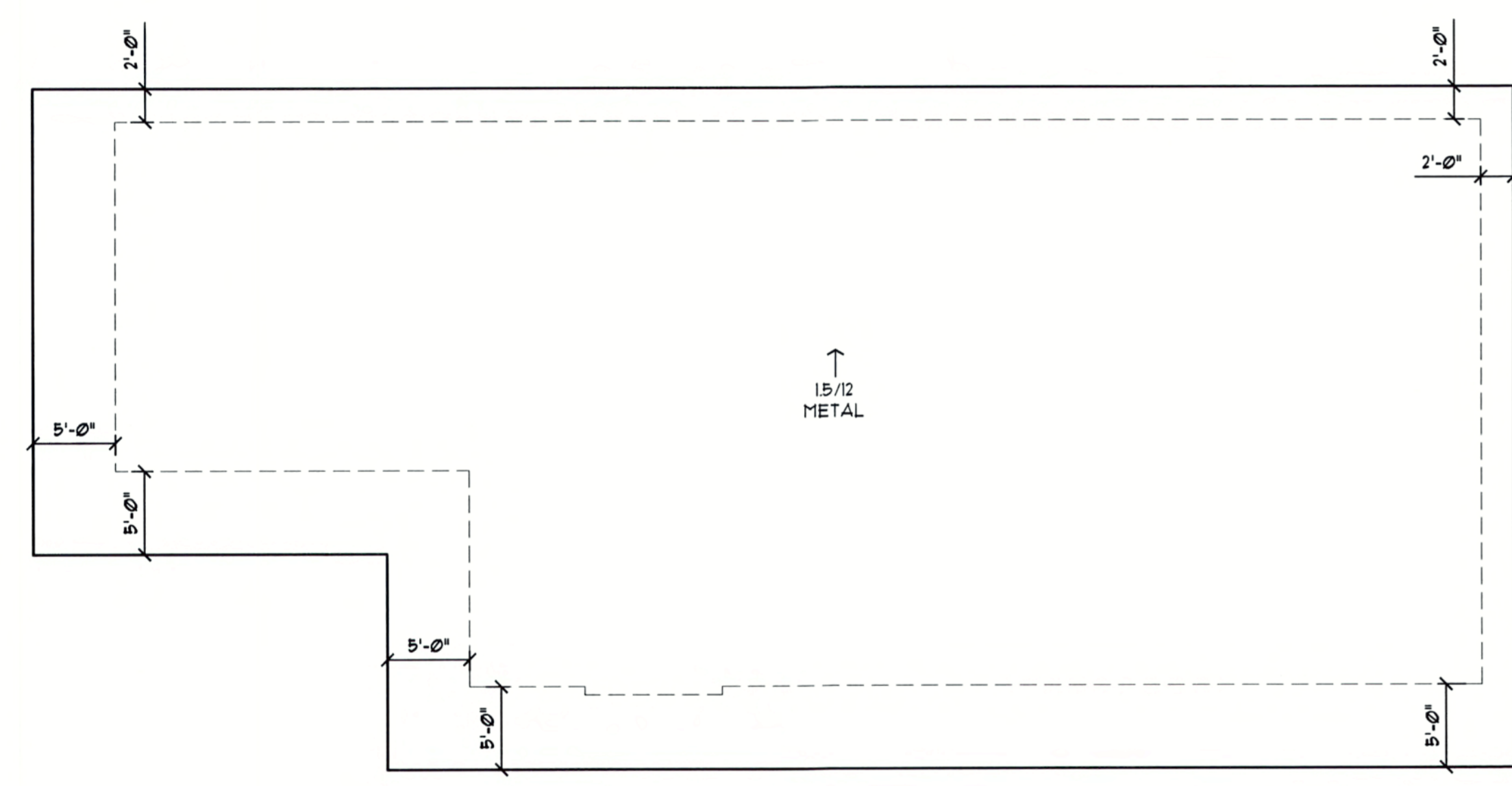
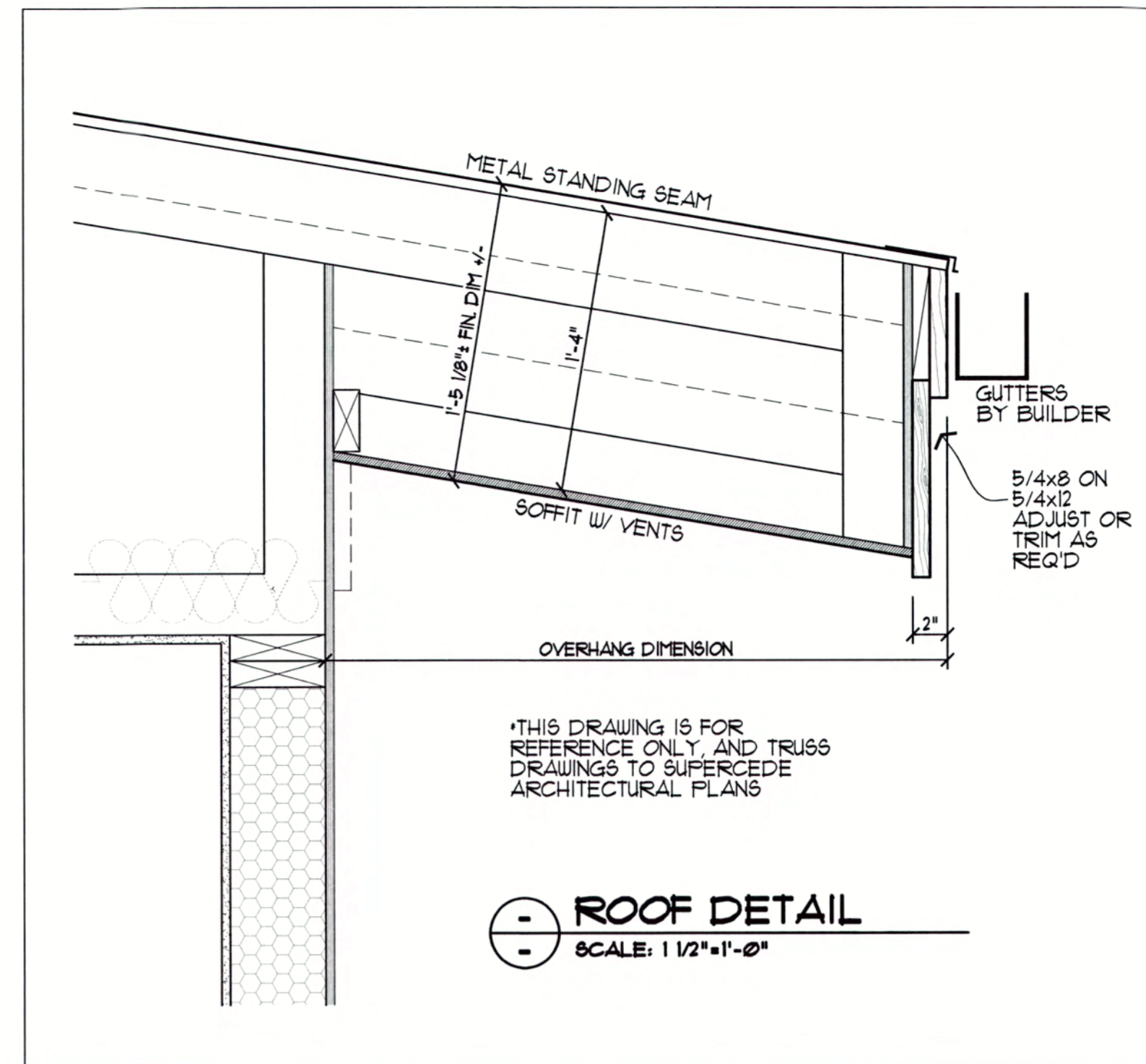
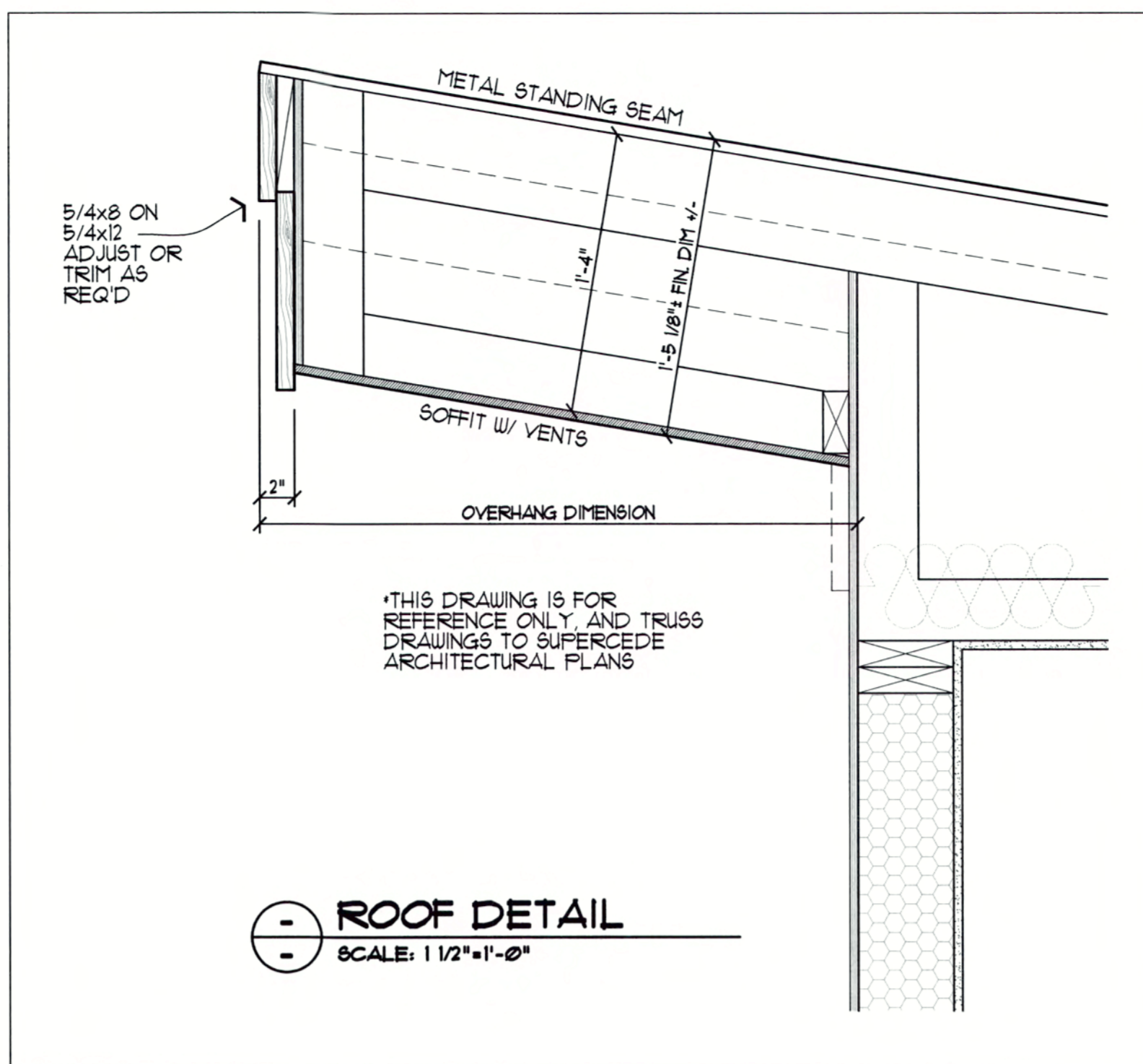
GENERAL CONSTRUCTION NOTES:
ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE OF STUD. EXTERIOR STUD OFFSET FROM FOUNDATION 1-1/2" OF FACE OF FOUNDATION WHERE EXTERIOR FOUNDATION INSULATION IS APPLIED, EXCEPT WHERE NOTED. ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DRAWINGS. ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY GENERAL CONTRACTOR. ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE ENGINEERED BY SUPPLIER. ALL WDW HEADERS TO BE 2-2x10 UNLESS OTHERWISE NOTED. ALL WOOD ABUTTING CONCRETE TO BE TREATED. VERIFY ANGLES WITH FLOORPLANS (ALL ANGLES SHOULD BE NOTED ON PLANS ACCORDINGLY.) CONSTRUCTION SHOULD BE PERFORMED TO CURRENT STATE OF MINNESOTA BUILDING & ENERGY CODES AND TO LOCAL INDUSTRY STANDARDS & STANDARD INDUSTRY PRACTICES. ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER MANUFACTURER'S INSTALLATION REQUIREMENTS. ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH AND PLASTER BUREAU GUIDELINES. ALL WEATHER RESISTIVE BARRIERS SHALL BE INSTALLED PER IRC SEC. R1022 AS AMENDED BY THE STATE OF MINNESOTA RULES SECTION 809.0101.

ROOF CONSTRUCTION:
ROOF VENTS AS REQ'D. - 1/300.
METAL STANDING SEAM ROOF
FELT PAPER w/ ICE & WATER SHIELD.
FULL ICE & WATER • ENTIRE ROOF (UNDER 4:12 PITCH).
5/8" ROOF SHEATHING.
WOOD TRUSSES • 24" O.C. - ENGINEERED BY SUPPLIER.
BAFFLE • EACH TRUSS 8" SPACE.
R-49 BLOW-IN INSULATION.
POLY VAPOR BARRIER - 6 MIL.
5/8" GYP. BD. CEILING.

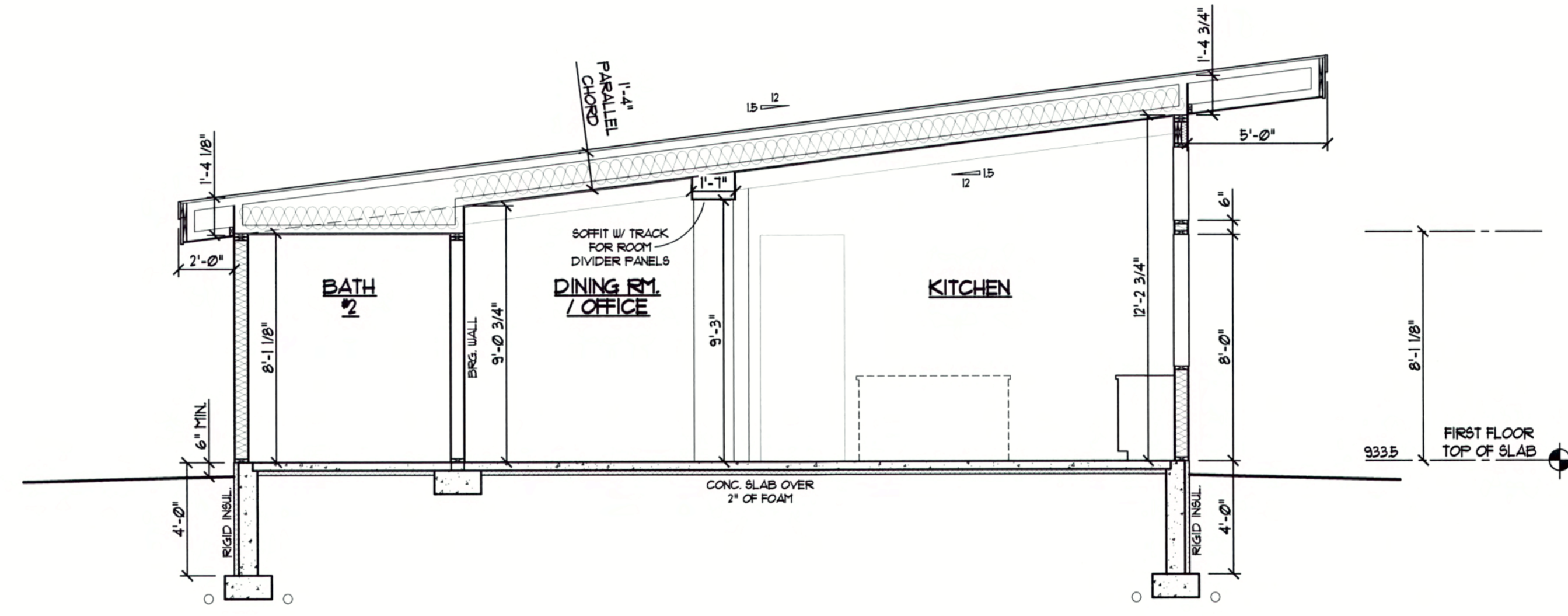
SOFFIT/FASCIA CONSTRUCTION:
FIBER CEMENT SOFFIT w/ CONT. VENTS
5/4" x 8" MIRATEC FASCIA BD
5/4" x 12" MIRATEC TRIM BD

WALL CONSTRUCTION:
SIDING PER ELEVATIONS.
2 LAYERS GRADE "D" BUILDING PAPER.
1/2" PLYWOOD SHEATHING.
2x6 STUDS • 16" O.C.
3" SPRAY "U" FOAM INSUL & SEALER - R-20 MIN OR FIBER GLASS BATTS.
CONTINUOUS POLY VAPOR BARRIER - 6 MIL. - SEAL ALL SEAMS & PENETRATIONS
1/2" GYP. BD. - TAPED, SANDED, PAINTED

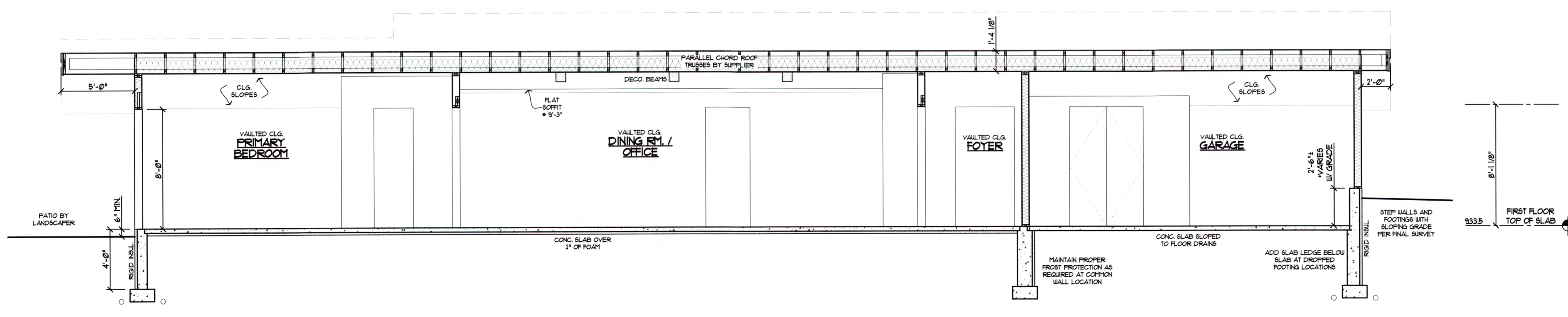
FOUNDATION:
1/2" x 14" ANCHOR BOLTS • 5' O.C.
2x6 TREATED SILL & SEALER.
8" W/ Poured CONC. WALLS MIN. - (SEE DETAILS & PLANS)
2x4 FURRING • 16" O.C. - HOLD OUT 1/2" FROM CONC. - 2x4 TRTD SILL PLATE
R-15 INSUL w/ R-10 MIN • EXTERIOR & SEALER OR EQUAL.
8" x 16" CONC. FTG. w/ 2- #4s CONT. MIN. - (SEE DETAILS & PLANS)
WATCHDOG WATERPROOFING OR EQUAL.
3 1/4" CONC. SLAB.
2" RIGID INSULATION
POLY VAPOR BARRIER
INTERIOR AND EXTERIOR DRAIN TILE TO SUMP BUCKET



3
4 ROOF PLAN
SCALE: 1/8"=1'-0"



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



2
4 BUILDING SECTION
SCALE: 1/4"=1'-0"

LEGAL DESCRIPTION:

Lots 3, 4 and 5, including 1/2 of adjacent vacated street, in Block 5, REARRANGEMENT OF WAYZATA HEIGHTS, Hennepin County, Minnesota.

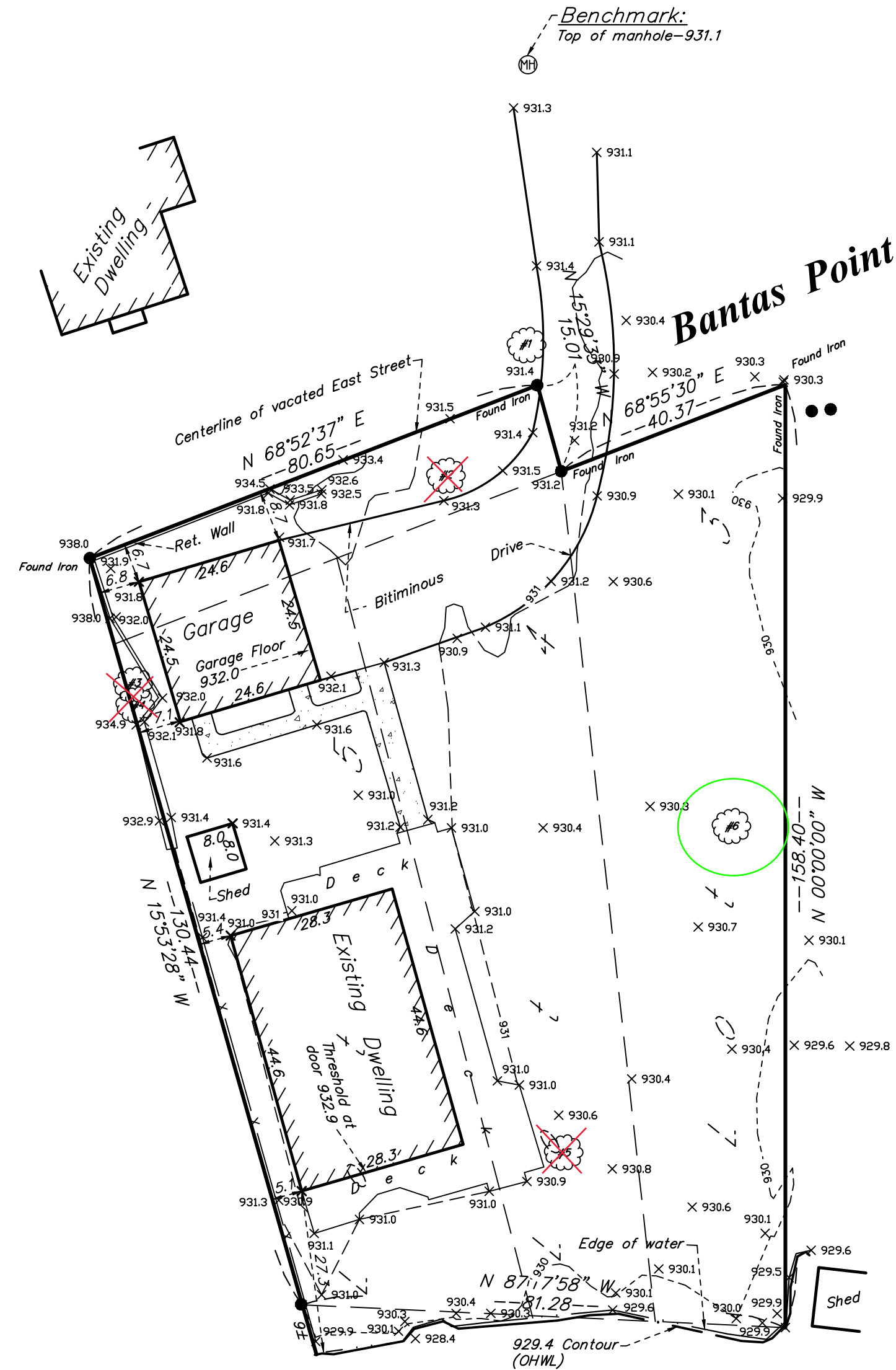
SCOPE OF WORK & LIMITATIONS:

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. Showing and tabulating impervious surface coverage of the lot for your review and for the review of such governmental agencies that may have jurisdiction over these requirements to verify they are correctly shown before proceeding with construction.
5. 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.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:

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

Tree #	Species	DBH	Condition	Significant	High Priority	Notes
1	Cottonwood	28.0	Good	Yes	Yes	
2	Maple, silver	38.5	Fair	Yes	Yes	multiple leaders
3	Oak, bur	26.5	Good	Yes	Yes	
4	Ash, green	12.5	Good	Yes	Yes	
5	Maple, silver	52.0	Poor	No	No	Decay in center
6	Maple, silver	50.5	Poor	No	No	significant dieback



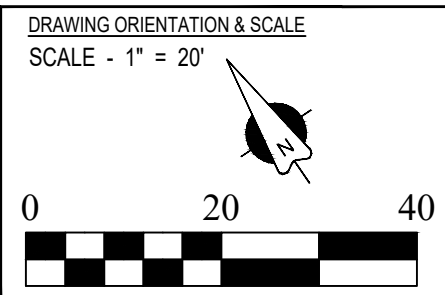
LEGEND

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

EXISTING HARDCOVER

House	1,260 Sq. Ft.
Existing Deck	926 Sq. Ft.
Bituminous Driveway	1,175 Sq. Ft.
Garage	602 Sq. Ft.
Concrete Surfaces	254 Sq. Ft.
Shed	64 Sq. Ft.
Ret. Walls	65 Sq. Ft.
TOTAL EXISTING HARDCOVER	4,346 Sq. Ft.
AREA OF LOT TO OHW	14,778 Sq. Ft.
PERCENTAGE OF HARDCOVER TO LOT	29.4%

DATE	REVISION DESCRIPTION
4/30/18	SHOW TOPO SHOTS
9/18/23	SHOW TREES



CLIENT NAME / JOB ADDRESS

MATTHEW V. JOHNSON

2404 BANTAS POINT ROAD
MINNETONKA, MN

Advance
Surveying & Engineering, Co.

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

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

Thomas M. Bloom
42379
APRIL 27, 2018

DATE SURVEYED: APRIL 27, 2018

DATE DRAFTED: APRIL 27, 2018

SHEET TITLE
EXISTING CONDITIONS SURVEY

DRAWING NUMBER
180258 TB
REV 4 - 30

SHEET SIZE 17 X 22

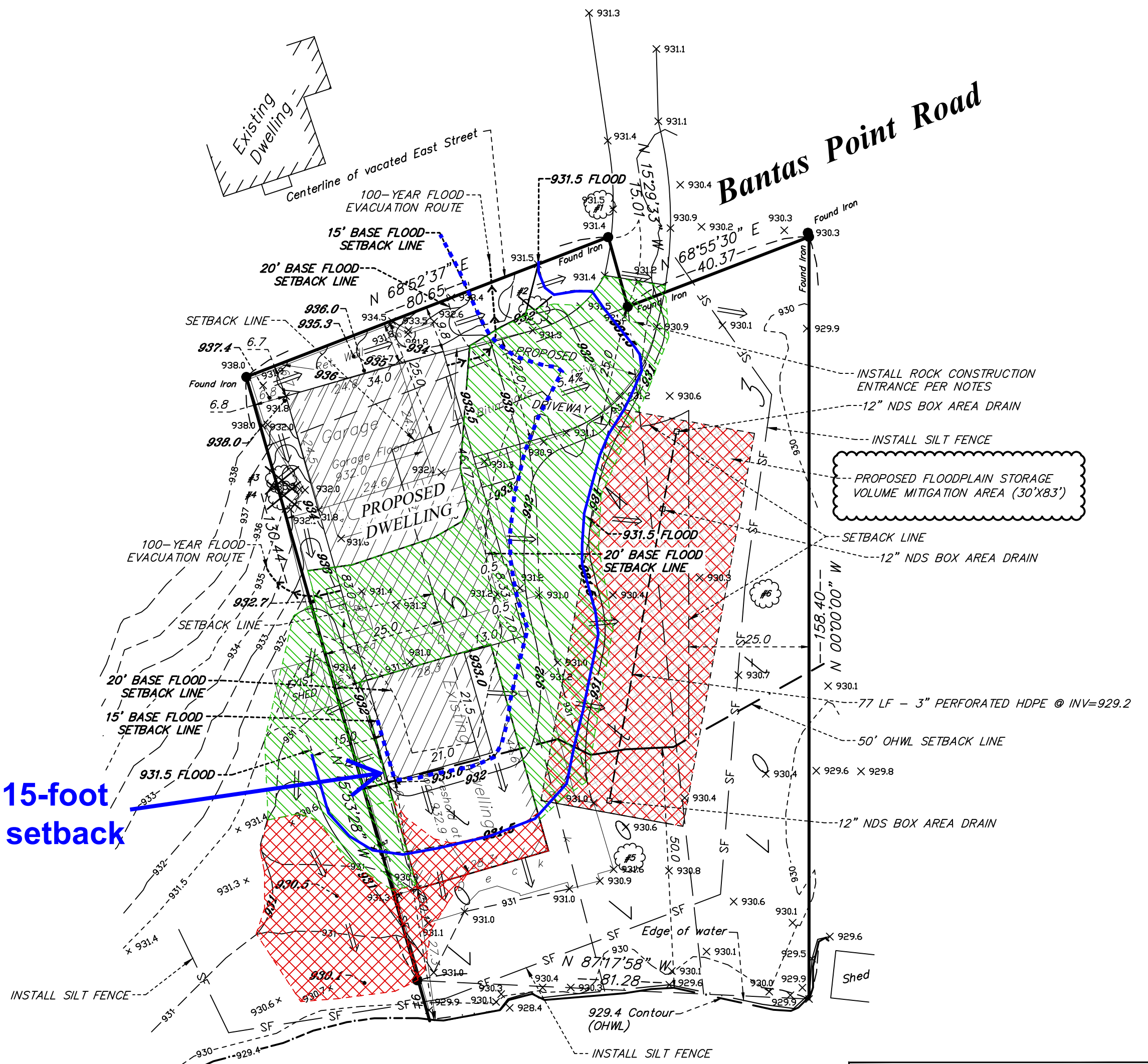
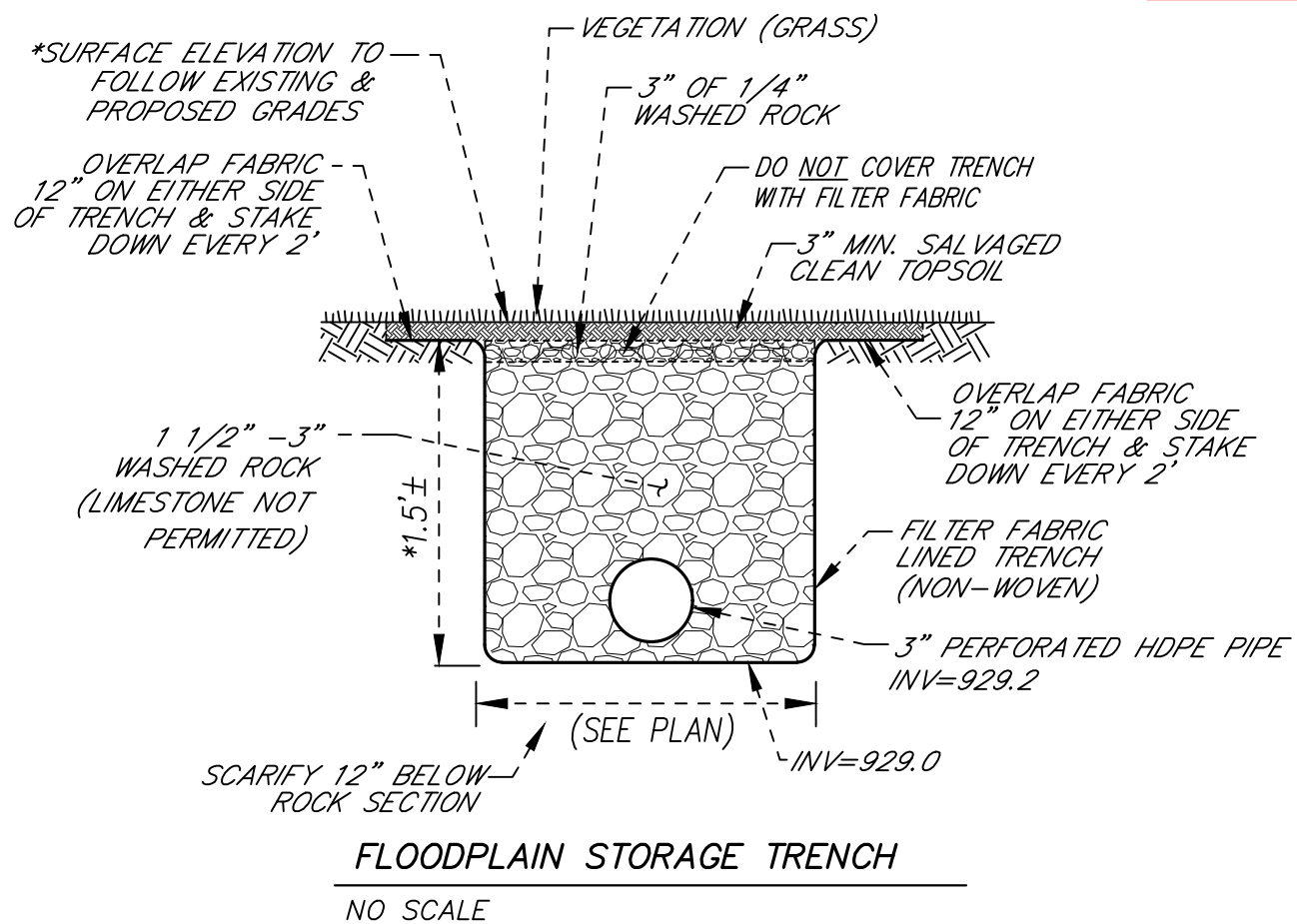
SHEET NO.

S1

SHEET 1 OF 1

Floodplain Alteration Proposal

Revised plan received
Nov. 17, 2023



Revised 15-foot
floodplan setback

FLOODPLAIN STORAGE VOLUME MITIGATION

NET FILL:
 365 SF X 1.5 FT = 548 CF
 968 SF X 0.6 FT = 581 CF
 355 SF X 0.5 FT = 178 CF
 1,095 SF X 0.3 FT = 329 CF
 610 SF X 1.0 FT = 610 CF
 TOTAL FILL = 2,246 CF

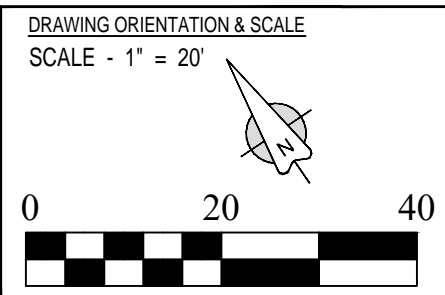
NET CUT:
 614 SF X 0.4 FT = 245 CF
 750 SF X 0.5 FT = 375 CF
 PROVIDED STORAGE VOLUME (TRENCH) = 1,645 CF
 (AVERAGE DEPTH OF ROCK=1.5)
 TOTAL PROVIDED STORAGE VOLUME = 2,265 CF

NOTE: EXISTING STRUCTURE INFORMATION IS SHOWN TO PROVIDE LOCATIONS WHERE BUILDINGS OVERLAP.

LEGEND

EXISTING CONTOUR	--- 930 ---
EXISTING SPOT ELEVATION	X 930.5
PROPOSED CONTOUR	— 930 —
PROPOSED SPOT ELEVATION	930.5
FILL AREA	
CUT AREA	

DATE	REVISION DESCRIPTION
10-17-23	ADJUSTED PROPOSED FP CONTOUR & TRENCH SIZE
10-23-23	ADJUSTED SETBACKS PER CITY
10-31-23	ADDED DRAIN TILE & AREA DRAINS
11-16-23	MOVED WEST SWALE & UPDATED FLOODPLAIN VOLUME CALC.



CLIENT NAME / JOB ADDRESS
MATTHEW V. JOHNSON
2404 BANTAS POINT ROAD
MINNETONKA, MN

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

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Joshua S. Rinke
Joshua S. Rinke
52716
LICENSE NO.
OCTOBER 11, 2023
DATE

DATE SURVEYED: APRIL 27, 2018
DATE DRAFTED: OCTOBER 11, 2023

SHEET TITLE
FLOODPLAIN CUT/FILL
DRAWING NUMBER
231078 JR

SHEET SIZE 17 X 22
SHEET NO.
S2
SHEET 2 OF 2

July 17, 2023

Bill & Amy Little
2415 Bantas Point Lane
Wayzata, MN 55391

City of Minnetonka Planning Commission
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Re: 2404 Bantas Point Road Proposal (Johnson Property)

Dear Planning Commission:

We write in support of the land use application for the Johnson property located at 2404 Bantas Point Road. Although our property does not border the 2404 Bantas Point Road property, we look over the property and border the Johnson property at 2409 Bantas Point Lane. Now a young family with three children five and under, we have been neighbors to Matt Johnson and Leslie Brady since 2016.

The proposed improvements to the 2404 Bantas Point Road property are a huge win for our neighborhood. The current structures on the property are dilapidated and 2404 Bantas Point Road is the only property on the northern side of our cove situated mere feet from the waterfront. Rather than build to the full reach of the current house, the Johnson proposal actually pulls significantly back from the waterfront to the full 50-foot setback, opening up the waterfront in a way that is more consistent with the other properties on our side of the cove. The proposal also would exchange a two-story structure for a single-story, low-profile structure, improving the views of property owners on both sides of the cove, creating more of an open-air feel, and reducing the intrusion on the waterfront. Further, the Johnson proposal would blend the structure into the slope of the hillside down from my property, resulting in a natural flow to the waterfront.

We have seen the substantial investment and improvements made to the Johnson's 2409 Bantas Point Lane property, which currently is nearing the end of construction. The 2404 Bantas Point Road proposal will similarly be a substantial improvement. At the same time, the moderation of the proposal is notable. Rather than attempt to overbuild on the property, the approach reflected in the Johnson proposal is consistent with the more understated character of the neighborhood. It is hard to believe that a different owner would show the same moderation present in the Johnson proposal.

We understand that minor variances will be required for the proposed structure. These variances simply will allow for use and preservation of portions of the existing slab footprint of the current structures. Given the minor nature of these requested variances, the significant benefit to the neighborhood, and the many more substantial variances that have been granted to property owners in the neighborhood, we find it hard to imagine the Commission would have any issues providing approval. Indeed, our community should make it as easy as possible for families like the Johnsons to make improvements that will benefit the neighborhood.

Thank you for your consideration. We trust the Commission will be supportive of the Johnson proposal. Please don't hesitate to contact us if we can be of any assistance.

Best regards,

Bill & Amy Little

From: Rhfrick
Subject: 2404 Bantas Point Road
Date: July 18, 2023 at 8:21 AM
To: alex
Cc: Matt And Leslie Johnson

To: City of Minnetonka Building Planning Department

From: Ron and Sheri Frick, 2511 Bantas Point Lane

We live directly across the channel from 2404 Bantas Point Lane and are the neighbors with the closest and most direct line of site to the current home. We are pleased to see the proposal for the new home that is being planned for this property. Not only does it have a much deeper setback from the lake but it also has a lower one story profile that will open our (and our neighbors) site lines to the beautiful trees and wetlands to the north. This deeper lake setback will also reduce run-off into the lake as well as shore erosion which is so important in this small peninsula area we live. We support this building proposal and look forward seeing this beautifully designed home add value to our neighborhood and lake.

Sent from my iPad

From: Ed Noonan
Subject: Re: plan review for 2404 Bantas Point Road
Date: July 18, 2023 at 4:23 PM
To: alex

To the City of Minnetonka Staff,

We are writing in follow up of the recently submitted "new home" construction plan for a (1) story home with attached garage @2404 Bantas Point Road.

As a builder/developer (Noonan Const. Inc.) and my wife Adriana (an architect)- we would like to share our thoughts on the plans under your review.

As neighbors owning our personal residence @ 2492 Bantas Point Road, and a recently completed new construction home at 2507 Bantas Point Lane- we have many different views of Matt and Leslie Johnson's property alterations under consideration.

We are in full support of the plans we have seen. Our excitement for this property includes the careful considerations that are reflected for this property including:

- increase setback from the water line
- reasonable lot coverage
- respectful overall roofline height
- eliminating existing (2) structures - replacing with a combined single unit.
- a new construction structure including fresh landscaping continuing the trend occurring in our wonderful neighborhood.

If we can answer any further questions please feel free to reach out to us.

Thank you for your time-and thoughtful considerations for our neighboring property.

Ed & Adriana Noonan

Sent from my iPhone

City Council Resolution No. 2023-XXX

Resolution approving a floodplain alteration permit and setback and tree protection variances at 2404 Bantas Point Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The subject property is located at 2404 Bantas Point Road. The property is legally described as:

Lots 3, 4, and 5, including ½ of adjacent vacated street, in Block 5, Rearrangement of Wayzata Heights, Hennepin County, Minnesota.

1.02 The applicant, City Homes LLC, is proposing to build a new house on the subject property. The project requires a floodplain alteration, and variances to the building setback, floodplain setback, and the tree protection ordinance. (Project No. 23014.23a)

1.03 To accommodate the new construction:

1. A floodplain alteration permit is required. As proposed, 2,246 cubic feet of the floodplain would be filled. 2,256 cubic feet would be recreated through excavation and the use of an underground facility.

2. The following variances are required:

	Required	Proposed
Side Yard Setback	25 ft	6.7 ft – north side of house 6.8 ft – west side of house
Floodplain Setback*	20 ft	6.8 ft
Tree Protection Ordinance	35% of High-priority trees 50% of Significant Trees	100% (3 High-priority trees) 100% (3 Significant trees)

1.04 On Nov. 30, 2023, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The

planning commission recommended the city council approve the permit and variances.

Section 2. Standards.

2.01 City Code §300.24 Subd. 9(c), states that in reviewing alteration permits, the city will consider whether the following general standards are met:

1. The magnitude of the alteration is appropriate relative to the size of the floodplain district.
2. The amount of any increase in buildable area is appropriate in comparison to the amount of buildable area before alteration.
3. The alteration will not negatively impact the hydrology of the floodplain.
4. Floodplain mitigation areas will not negatively impact adjacent properties.
5. The alteration will meet the intent of the city's water resources management plan and the subdivision and zoning ordinances;
6. The alteration will not adversely impact governmental facilities, utilities, services, or existing or proposed public improvements; and
7. The alteration will not have an undue adverse impact on the public health, safety, or welfare.

2.02 City Code §300.24 Subd. 9(d), states that an alteration permit will not be granted unless the following specific standards are met.

1. Water storage must be maintained and provided in an amount at least equal to that filled unless acceptable hydrologic engineering data has been presented and approved by the city engineer indicating that conditions have changed such that the floodplain characteristics will be maintained even with proposed floodplain fill.
2. Floodplain fill area must be located no more than 20 feet from any existing or proposed structure, except where required by the city engineer to achieve a required evacuation route.
3. Where floodplain alteration is required for the construction of a driveway, the driveway must be no wider than 12 feet and must be located to minimize impact to the floodplain.
4. Floodplain alteration, including the creation of compensatory water storage, must not result in the removal of regulated trees, adversely impact wetlands or existing wetland buffers, or be located within public easements. The city council may waive this condition if the proposed

alteration would improve existing site conditions.

2.03 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal would meet the general standards outlined in City Code §300.24, Subd. 9(c):

1. The 2,246 cubic feet of fill and associated mitigation is minimal given the large size and volume of the Lake Minnetonka floodplain.
2. The majority of the parcel is at or below the floodplain elevation. The increased buildable area resulting from the floodplain alteration is appropriate to facilitate the construction of a new residential structure on a previously developed, legal lot of record.
3. Engineering staff have reviewed this proposal and request the proposed house maintain a 15-foot setback from the floodplain. This has been added as a condition of approval. Negative impact to hydrology is not anticipated.
4. The proposal has been reviewed by the engineering staff. No negative impact to adjacent properties is anticipated.
5. The proposal would result in no net fill of floodplain, consistent with provisions of the city's water resources management plan and subdivision and zoning ordinances.
6. The proposal would facilitate the construction of a new residential structure on a previously developed, legal lot of record. Such construction is not anticipated to have an adverse impact on governmental facilities, utilities, services, or existing or proposed public improvements.
7. The proposal would facilitate the construction of a new residential structure on a previously developed, legal lot of record. Such construction is not anticipated to have an undue impact on the public health, safety, or welfare.

3.02 The proposal would meet the general standards outlined in City Code §300.24, Subd. 9(d):

1. The proposal would result in no net fill of the floodplain.
2. All fill would be located within 20 feet of the proposed house.
3. Fill for the proposed driveway would widen up to 22 feet at the house. However, this width would help to achieve the required evacuation route from the two stall garage.
4. But for the variance to the tree protection ordinance, the floodplain alteration would not adversely impact natural resources or existing public easements.

3.03 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Purpose and Intent of the Ordinance:
 - a) The intent of required property line setbacks is to ensure reasonable separation between structures for safety and aesthetic reasons. The proposal would meet this intent. As to safety, as new construction, the house must meet the life and safety standards of the Minnesota State building code. As to aesthetics, the proposed house would be approximately 50 feet from the nearest residence, which is owned by the same property owner.
 - b) The intent of the floodplain setback is to ensure reasonable separation between structures and the floodplain to minimize property damage and support public safety. The proposal would meet this intent by increasing the floodplain setback from the existing 0 to 15 feet.
 - c) The intent of the ordinance, as it relates to the tree protection ordinance, is to ensure tree preservation by reasonably limiting the removal of trees. This proposal would meet this intent by removing only those trees within 10 feet of an existing accessory structure, which would be difficult to avoid when removing the accessory structure.
2. Consistent with Comprehensive Plan. The subject property is guided for low-density residential development. The requested variance would allow for construction consistent with this designation.
3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonable: The existing home and garage were constructed prior to the city's zoning ordinance. The proposed construction

utilizes and expands on the foundation of the existing non-conforming garage in the northwest corner of the site. Though this location requires variances, it is the most reasonable location for the new construction:

- 1) It is the only area of the property currently outside of the floodplain and floodplain setback. The proposed buildable area created from the floodplain alteration is approximately 830 square feet. This area is not large enough to accommodate the current or proposed home, making the variances to the setbacks reasonable.
 - 2) Compared to the current conditions, the proposed home would be located outside of the floodplain and the setback from the shoreland increased, bringing the property closer to conformity.
- b) Unique Circumstance: The property generally lacks buildable area and tree coverage under existing conditions. To build a home that would meet all city ordinances, the site would require additional floodplain alterations toward the easterly residential property and the southerly shoreland. A greater area of floodplain alteration would impact the even greater number of trees. The site already has an uncommonly low number of trees, which results in difficulty meeting the tree protection ordinance. Additionally, the trees proposed for removal are within 20 feet of the proposed home and would be difficult to save. While the lack of buildable area and trees is not necessarily unique in the immediate area, they result in a unique circumstance not common to other similarly-zoned properties through the larger community.
- c) Character of the Locality: The proposed requests are not anticipated to alter or negatively impact the character of the neighborhood. Several properties in the area have received variances in the past.

Section 4. Council Action.

4.01 The city council hereby approves the above described floodplain alteration permit and variances based on the findings outlined in Section 3 of this resolution.

4.02 Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Certificate of Survey, revised date 10/22/23

- House floor plans, dated 05/02/23
- House elevations, dated 05/02/23

2. Prior to issuance of a building permit:

- a) A copy of this resolution must be recorded with Hennepin County.
- b) Submit a revised survey and plans meeting a 15-foot setback from the 931.5 floodplain elevation.
- c) A final stormwater management plan is required for the disturbed area. The plan must demonstrate conformance with the following criteria:
 - Rate: limit peak runoff flow rates to that of existing conditions from the 2-, 10, and 100-year events at all points where stormwater leaves the site.
 - Volume: provide for onsite retention of 1.1-inch of runoff from the entire site's impervious surface.
 - Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.
- d) A tree mitigation plan is required. The plan must meet mitigation requirements as outlined in ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans the mitigation requirements would be unclear based upon submitted plans.
- e) Submit cash escrow in an amount of \$3,000.00. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

- f) Install a temporary rock driveway, erosion control fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

- 3. The floodplain elevation is 931.5'. The proposed structure must meet the minimum low floor elevation of 933.5'

- 4. The site must meet impervious surface requirements for the shoreland district of no greater than 30 percent within 150 feet of the OHWL and meet the 50-foot shoreland setback from the OHWL.

- 5. Permits may be required from other outside agencies, including the Minnehaha Creek Watershed District and the Department of Natural Resources. It is the applicant's responsibility to obtain any necessary permits.

- 6. During alteration activity, the streets must be kept free of debris and sediment.

- 7. This approval will end on Dec. 31, 2024, unless the city has issued a building permit for the project covered by this resolution or has approved a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 18, 2023.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent

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 Minnetonka, Minnesota, at a meeting held on Dec. 18, 2024.

Becky Koosman, City Clerk