



CITY OF NORTH OAKS

Regular Planning Commission Meeting

Thursday, April 25, 2024

7:00 PM, Community Meeting Room, 100 Village Center Drive

MEETING AGENDA

Remote Access - *Planning Commission members will participate in person in Council Chambers (Community Room, 100 Village Center Drive, Suite 150, North Oaks, MN) during the meeting. Members of the public are welcome to attend. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID: 846 6291 9876 or by joining the meeting via the following link: <https://us02web.zoom.us/j/84662919876>.*

1. Call To Order

2. Roll Call

3. Pledge

4. Citizen Comments - *Members of the public are invited to make comments to the Planning Commission during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Commission on items raised during the public comment period unless the item appears as an agenda item for action.*

5. Approval of Agenda

6. Approval of Previous Month's Minutes

Approval of Planning Commission Minutes of 3.28.2024

[Planning Commission Minutes 3.28.24.pdf](#)

7. Business Action Items

7a. Public Hearing - Consider Conditional Use Permit for building height in excess of 35 feet for property located at 8 Sherwood Trail. Consider driveway setback variance.

[2024-04-25 PC Packet_8 Sherwood Trail.pdf](#)

[Hanson Builders - Variance Narrative 4.22.24.pdf](#)

8. Commissioner Report(s)

9. Adjourn

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
March 28, 2024**

1. CALL TO ORDER

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

2. ROLL CALL

Present: Acting Chair Nick Sandell, Commissioners David Loegering, Bob Ostlund, Joyce Yoshimura-Rank, Councilor Mark Azman

Staff Present: Administrator Kevin Kress, City Attorney Jim Thomson, City Planner Kevin Shay

Present by Electronic Means: City Septic Inspector Chris Uebe

Others Present: Videographer Sam Wagner

Absent: Chair Dave Cremons, Stig Hauge, Grover Sayre III

A quorum was declared present

3. PLEDGE OF ALLEGIANCE

Acting Chair Sandell led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There were no comments at this time.

5. APPROVAL OF AGENDA

MOTION by Yoshimura-Rank, seconded by Loegering, to approve the agenda. Motion carried unanimously.

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of the February 29th, 2024 Minutes

MOTION by Yoshimura-Rank, seconded by Loegering, to approve the Planning Commission Meeting Minutes of February 29th, 2024. Motion carried unanimously.

7. BUSINESS ACTION ITEMS

a. Consider septic variance for 6 Badger Lane

City Planner Kevin Shay presented on the application. It is a 1.1 acre lot currently zoned R1. The applicant, Thomas Romanko, is requesting a variance for a new septic system that will cross into the neighboring property that is owned by the North Oaks Golf Club. The current system is noncompliant and failing. The rockbed for the new system will extend approximately 15 feet from the property line where 30 feet is required. The mound grading will extend into the golf course property. There is an easement that has been drafted and signed by golf club representatives that would be filed with Ramsey County should the variance be approved. City Staff have found that variance standards have been met and the new system will result in

improvements to the local ground and surface waters by eliminating a non-compliant cesspool system.

City Septic Inspector Chris Uebe noted that they had walked the site and could not find an alternative site that would not also result in a similar need for a variance requirement. Septic Inspectors are in favor of the variance.

Acting Chair Sandell asked for clarification on whether the easement would still apply if the North Oaks Golf Club were to sell the property in the future. City Administrator Kress confirmed that it would.

The applicant, Thomas Romanko, stated that the house was built in 1968. The system is original to the house and has started leaching out the sides, top and bottom.

MOTION by Yoshimura-Rank, seconded by Loegering, to approve the application with conditions as outlined in the staff report. Motion carried unanimously.

b. Public Hearing – Consider Conditional Use Permit for building height in excess of 35 feet for property located at 8 Sherwood Trail. Consider driveway setback variance

The public hearing for this item was opened at the February 29th Planning Commission Meeting and was continued at this meeting. Commissioners re-opened the public hearing and heard some additional information on the application for the CUP, as well as the new driveway variance application.

City Planner Kevin Shay gave a summary of the application. The property is a 2.60 acre site that is currently undeveloped in the Nord development. There are two wetlands totaling 0.49 acres in the center of the site. The approved plat showed a building pad at the front center of the lot, with two septic site options.

The CUP application is for a proposed home that is more than 50 feet from all lot lines with a building height of 44.3 feet. Staff find that CUP standards are met. However, the CUP cannot happen without a driveway variance, which ties the two applications together.

The applicant is proposing to push the house to the rear of the lot, but cannot move the house without a driveway variance. The applicant is requesting a variance to the 30-foot minimum driveway setback from wetlands and property lines. The requested variance is for a 25-foot setback from the west property line and 11 feet from the wetland. There are 48 total feet of width between the wetland and the property line to utilize to put in a driveway. The applicant has stated they are open to moving the driveway if the Commission would like them to meet the west property line setback of 30 feet, but they would then only have a six-foot setback from the wetland.

Initial Nord approval showed the building pad at the front of the lot in order to avoid the wetland. The driveway for a house at this location would be at 13.8% where 10% is typically the maximum allowed grade.

Although staff recommend approval of the CUP, they have found findings that support both approval or denial of the driveway variance.

The neighbor to the west, Amanda Guanzini from 6 Sherwood Trail, has been notified of the application. She wrote a letter in opposition to the application. Acting Chair Sandell read the letter which stated that the Guanzinis had also requested a variance to build a house with a walkout basement which was denied by the Planning Commission. In response, they modified their building plans to be more naturally suited to the lot. She also expressed concern that the driveway would be too close to her property and would require removal of too many trees and brush that currently acts as a buffer between her lot and the applicant's lot.

The applicant, Scott Hockert from Hanson Builders, shared that they originally thought they could make it work to put the house at the front of the lot, but the driveway grade requirements became an issue. Their company standard is to never go above 8% grade. In response to the neighbor's concerns, he stated that he felt a driveway close to the property line is preferable to the home itself being closer to the property line.

Commissioner Loegering asked if there was any landscaping proposed to act as a buffer between the driveway and the lot. Hockert confirmed that there is a plan in place that was shared with the North Oaks Homeowner's Association. Ultimately, the specifics of this plan are up to the homeowner. There is no room to do a berm, but there is adequate space for landscape plantings. NOHOA typically does not allow landscaping within 30 feet of the property line, so the plan does need final approval from them. Hockert also noted that there were a number of diseased trees that were removed from the lot, and that his team has worked with NOHOA to come up with a plan for replacement.

Chair Sandell stated all other things being equal, he felt that the back part of the lot is a better spot for the house, however the issues presented are significant. Commissioner Yoshimura-Rank asked if there were other proposals for the home at the front of the lot. Hockert stated that they do not currently have any other proposals.

Commissioner Loegering asked if there is another way to put the driveway between the two wetlands. Hockert stated that they had initially considered this as an option, but after reviewing the requirements, they felt moving it to the west side of the property would be beneficial because it would only impact one wetland versus both of them. They are not opposed to going between the wetlands, however, if that would be preferred by the Commission. Commissioner Loegering thought this placement might appease the neighbors and it would be helpful for the Commission to consider. Acting Chair Sandell noted that it looks like this placement could possibly put the driveway further from the wetland, however exact calculations would be needed to confirm. City Planner Shay took a look at the GIS and noted that there is 42.5 feet between the two wetland boundaries, and putting a 12-foot driveway in between would result in 30 feet to spare. This would result in a minimum of 15 feet between a driveway and the wetland on either side, and would still require a variance.

Commissioners decided it would be beneficial to continue the discussion to the next meeting since three Commissioners were absent. They also requested that the applicant provide plans with the driveway going between the wetlands so both options can be considered.

MOTION by Sandell, seconded by Loegering, to continue the public hearing and the consideration of the variance at the April 25, 2024 Planning Commission Meeting.

c. Consider resolution in opposition of the Missing Middle Housing Bill.

City Attorney Thomson presented on a resolution in response to several bills before the Minnesota State Legislature that are trying to encourage more duplex and apartment-type development. This legislation would restrict a city's ability to regulate that type of development. The League of Minnesota Cities has stated their opposition to the bills, and many other cities have adopted resolutions opposing the legislation. The Planning Commission was asked for their input on a proposed resolution for the City of North Oaks that opposes this legislation.

City Administrator Kress has discussed the resolution with the Mayor. He asked City Attorney Thomson what authority the Homeowner's Association would have under this legislation, and if their authority would be at risk as well. City Attorney Thomson stated he believes that the legislation would not restrict any covenants in place or any homeowner's association regulations, but it would restrict a city's authority to limit duplexes, twin homes, etc. City Administrator Kress asked if NOHOA would be able to prohibit lot splitting and accessory dwelling units under this legislation. City Attorney Thomson did not think that the legislation could restrict an HOA's ability to prohibit these.

City Attorney Kress stated he believes the resolution does a good job of outlining the objections to the legislation, and that it is appropriate for the Commission to recommend the resolution up to the City Council. Residents have also been informed about the legislation through the City Eblast and the City website.

MOTION by Loegering, seconded by Yoshimura-Rank, to recommend support of the resolution in opposition to the Missing Middle Housing Bill to the City Council.

8. COMMISSIONER REPORT(S)

There were no commissioner reports.

9. ADJOURN

Acting Chair Sandell stated the next Planning Commission meeting would be April 25th, 2024.

MOTION by Loegering, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:11 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

David Cremons, Chair

Date approved _____

PLANNING REPORT

TO: North Oaks Planning Commission

FROM: Kendra Lindahl, City Planner
Kevin Kress, City Administrator
Bridget McCauley Nason, City Attorney
Michael Nielson, City Engineer

DATE: April 25, 2024

RE: Conditional Use Permit for Building Height in Excess of 35 feet and Driveway Setback Variance at 8 Sherwood Trail

Date Application Submitted	January 25, 2024
Date Application Determined Complete:	February 2, 2024
Planning Commission Meeting Date:	February 29, 2024
60-day Review Date:	March 25, 2024
Planning Commission Meeting Date:	March 28, 2024
Planning Commission Meeting Date:	April 25, 2024
City Council Meeting Date:	May 9, 2024
120-day Review Date:	May 24, 2024

REQUEST

Mark Englund of Hanson Builders has requested approval of a conditional use permit (CUP) to allow the construction of a new home at 8 Sherwood Trail to be 44.2 feet in height where 35 feet in is the maximum height permitted in the City Code and a variance to allow a 11-foot setback from the wetland and a 25-foot setback from the side lot line where 30 feet is required for both. The applicant's narrative is attached, as well as building elevations, a survey and a site plan for the proposed structure.





PLANNING COMMISSION REVIEW

The Planning Commission opened the public hearing for the CUP request and continued it to the March 28th meeting so that it could be reviewed with the variance application.

The Planning Commission reviewed this item at the March 28th meeting. The Commission discussed the building height conditional use permit and driveway setback variance. The Commission continued the item to the April 25th Planning Commission meeting so the full Commission could be present. The Commission asked the applicant to provide alternatives for how the driveway could serve a home in the location shown.

Following the meeting, the applicant provided updated plans with two development options showing the two required 5,000 square foot septic sites, however, the secondary septic site does not meet setback requirements and would need to be revised or a variance would be required:

- Option 1: shows the application reviewed last month. This is a 12-foot wide driveway with a variance to allow a 25-foot setback from the west property line where 30 feet is required and an 11-foot setback from wetland #9 where 30 feet is required.
- Option 2: shows a new concept. This is a 10-foot wide driveway with a variance to allow a 12-foot setback from the wetland where 30 feet is required.

BACKGROUND

The site is currently undeveloped. The property is in the East Preserve (Nord) development. Final approval for this subdivision was granted in 2022.

Zoning and Land Use

The property is guided Low Density residential and is zoned Residential Single Family – Low Density (RSL). Homes greater than 35 feet in height are subject to the conditional use permit (CUP) standards and process in Section 151.050(D.7) (conditional uses), Section 151.076 (CUP review criteria) and Section 151.079 (CUP procedure) of the Zoning Code, as detailed in the East Oaks PDA.

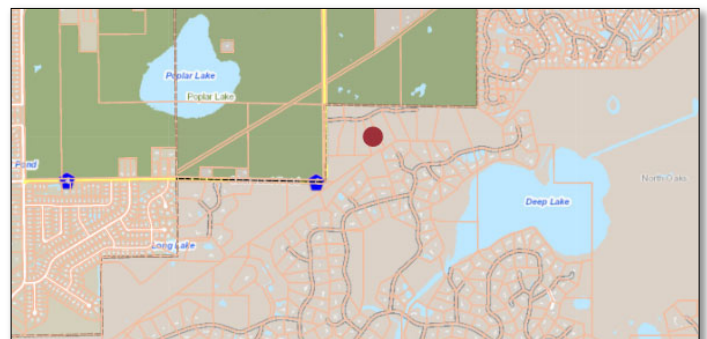


Figure 1 - Subject Parcel



The 2.6-acre property is located along Sherwood Trail, east of the intersection of Sherwood Trail and Sherwood Road (County Road 4).

PLANNING ANALYSIS

Building Height

The applicant is requesting a CUP to allow the southern (rear) elevation of the proposed home to exceed 35 feet in height. Elevations provided by the applicant show the proposed home to be 44.2 feet in height along the side and rear facades. The front facade of the home is 34.9 feet in height. Building height is defined as the vertical distance from grade to the top ridge of the highest roof surface in Section 151.005 of the Zoning Code.

Building Setbacks

The proposed single-family home exceeds the 30-foot minimum setback requirements at all property lines and street easements. The front elevation is set back 272.9 feet from the roadway easement. The side elevations are 50.5 feet from the east property line and 55.8 feet from the west property line. The rear elevation is setback more than 200 feet from the rear property line. The building complies with the setback requirements.

Size

The applicant has provided a FAR worksheet showing 8.25% FAR. Plans must be in compliance with the maximum 12% FAR requirement at the time of review by the Building Official.

Wetlands

There are two wetlands on the site. The Code requires a 30-foot setback from the wetlands and VLAWMO encourages a 30-foot wetland buffer. The Code also requires that driveways be 30-feet from the property line. A setback variance is required to construct the driveway at the proposed location.

The applicant has submitted a letter dated April 12th from VLAWMO stating that they would support the reduced buffer on either option if the developer used buffer averaging. However, regardless of VLAWMO's position on the buffer policy, the City Code requires the driveway to be set back 30 feet from the wetland.





The approved plans for the Nord development showed the home site at the front of the lot, which would have eliminated the need for the driveway variance but would have required a very steep driveway. It is the applicant's responsibility to show that the practical difficulties exist, and that the mandatory criteria for issuance of a variance are met before the City Council can approve the required variance. Without a variance from the wetland and side lot line setback requirements, the house cannot be constructed as proposed.

Septic

Section 51.01 of the City Code requires the plans to show the location of two septic systems, each 5,000 sq. ft. in size, which complies with setbacks and will be protected during construction.

The revised plans continue to show the two 650 sq. ft. rock beds, but the applicant did also add two 5,000 sq. ft. septic sites. The secondary septic site does not meet ordinance requirements. The septic sites must be a minimum of 30 feet from structures, wetlands and property lines. The current plans do not comply. The plans must be revised to show the two 5,000 sq. ft. septic sites meeting setback requirements with supporting documentation from a licensed SSTS professional or a variance would need to be requested.

Trees

At the February Planning Commission, the Commission asked for more information about the tree removal on site. City Administrator Kress noted that the tree removal was part of the subdivision approval and is complete. At the request of the Commission, the applicant has provided information from NOHOA about the required plantings.

Building Height CUP

To allow a conditional use permit for a home greater than 35 feet in height, Section 151.05(D.7) of the Zoning Code requires that the following criteria be considered:

1. *The front elevation of the building does not exceed 35 feet in height at any point;*

The proposed front elevation does not exceed 35 feet at any point.

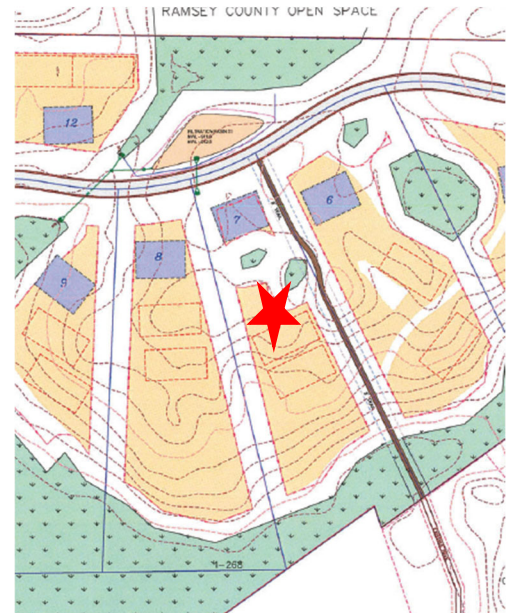


Figure 2- preliminary plans



- 2. The building height at any other elevation does not exceed 45 feet;*

The building height at the rear and side elevations does not exceed 45 feet.

- 3. The environmental and topographical conditions of the lot prior to building development are naturally suited to the design of a building with an egress or walkout level;*

Based on review of the plans, topography of the site and Ramsey County GIS, the proposed home and walkout level appear conducive to the site's natural layout in this location. Prior to construction, the City will review all erosion control measures to ensure that the construction project does not adversely affect the surrounding environment. The City Engineer will make periodic site visits during construction to ensure all erosion control measures are fully complied with.

- 4. Buildings shall be limited to a basement and 2 full stories. Finished areas within the roof structure will be considered a full story;*

The proposed home is two full stories with a basement walkout.

- 5. Any time the side or rear elevations of a building exceeds 35 feet in height within 50 feet of adjacent lot lines, the building line shall be setback an additional 2 feet from the adjacent setback line for each foot in height above 35 feet; and*

The home has been designed to meet the 50-foot setback.

- 6. Section 151.083 is complied with.*

The applicant has complied with the fees associated with Section 151.083.

In addition to the standards identified for the specific CUP request, the City must also review the conditional use permit request against the standards in Section 151.076 of the City Code. Staff has reviewed the request against those standards:

- 1. Relationship of the proposed conditional use to the Comprehensive Plan;*

The proposed use is consistent with the uses anticipated in the Comprehensive Plan and the permitted uses in the single family zoning district.

- 2. The nature of the land and adjacent land or building where the use is to be located;*
-





The use is consistent with the surrounding land uses.

3. *Whether the use will in any way depreciate the area in which it is proposed;*

The proposed single-family should not negatively impact adjacent property values.

4. *The effect upon traffic into and from the land and on adjoining roads, streets, and highways;*

The proposed use will not create a traffic impact.

5. *Whether the use would disrupt the reasonable use and enjoyment of other land in the neighborhood;*

The proposed single-family home use will not cause a negative impact to the use and enjoyment of other land in the neighborhood.

6. *Whether adequate utilities, roads, streets, and other facilities exist or will be available in the near future;*

There are adequate utilities, roads, streets, and other facilities available to the property.

7. *Whether the proposed conditional use conforms to all of the provisions of this chapter;*

The proposed request is compliant with the City's zoning code.

8. *The effect up natural drainage patterns onto and from the site;*

Finished grading will work with existing drainage patterns.

7. *Whether the proposed use will be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city;*

The use as proposed will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city;

9. *Whether the proposed use would create additional requirements at public cost for public facilities and services and whether or not the use will be detrimental to the economic welfare of the neighborhood or city; and*





As proposed, the use will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the neighborhood or city.

10. *Whether the proposed use is environmentally sound and will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, land, or the general welfare because of excessive production of traffic, noise, smoke, fumes, wastes, toxins, glare, or orders.*

Beyond initial construction activity, and based on erosion control requirements, the proposed residential use and grading activity will not be detrimental to the environment or surrounding area.

Driveway Setback Variance

At the Planning Commission's request, the applicant has provided two concepts for the driveway location. Both alternatives have significant variance requests. It is difficult to evaluate a variance request for two different options because the language in the Code asks if it is the minimum action necessary and clearly there are alternatives.

Option 1 (the one submitted for review and approval):

1. A 12-foot wide driveway (at the narrowest point)
2. A variance for a 25-foot setback from the west property line where 30 feet is required (83% of the required setback)
3. A variance for an 11-foot setback from Wetland #9 where 30 feet is required by Section 151.050(F)(1) of the City Code (37% of the required setback)
4. Shows two 5,000 sq. ft. septic sites but the secondary site does not meet the minimum setback of 30 feet from structures, wetlands and property lines
5. The reduced setback results in 470 sq. ft. of wetland buffer impact and the creation of 555 sq. ft. of new buffer.

Option 2:

1. A 10-foot wide driveway (at the narrowest point)
2. A variance for a 25-foot setback from the west property line where 30 feet is required (83% of the required setback)
3. A variance for a 12-foot setback from Wetland #9 and Wetland #7 where 30 feet is required by Section 151.050(F)(1) of the City Code (40% of the required setback on each wetland)
4. Shows two 5,000 sq. ft. septic sites but the secondary site does not meet the minimum setback of 30 feet from structures, wetlands and property lines





5. The reduced setback results in 360 sq. ft. of wetland buffer impact and the creation of 386 sq. ft. of new buffer.

Option 1 requires less of a variance when the setback variation from the required side yard setback and wetland setback is evaluated but it impacts more sq. ft. of buffer than Option 2 according to the applicant's plan.

This lot was platted as part of the Nord subdivision. That subdivision plan showed building pads for all of the lots up near the street with septic systems in the rear yard, however, several of the adjacent lots did push the home to the back of the lot. They were able to have that flexibility because they do not have the wetlands in the middle of the lot like 8 Sherwood.

The variance being requested is so that the builder can move the building pad to the back of the lot to accommodate a home with a walkout. The Commission asked the applicant to provide two options. The City must now consider each option as a separate application and they are evaluated below:

Option 1 Variance

Section 151.078 of the Zoning Code requires that the following criteria be considered and a variance only be granted when it is demonstrated that following standards have all been met:

(1)(a) Their strict enforcement would cause practical difficulties because of circumstances unique to the individual land under consideration, and the variances shall be granted only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

The applicant argues that they bought the lot, entered into a purchase agreement with a buyer and the house they want to build does not fit on the front building pad. Hanson Builders argues that this creates a practical difficulty



Figure 3-Option 1





because they cannot build a home like others they are building in the neighborhood without the driveway variance and placing this house up by the street will look out of character with the other homes in the neighborhood.

The Commission could find there is no practical difficulty and the landowner simply needs to develop a home plan that fits the lot without the need for a variance. The final plans/plat for Red Forest Way South Phase 1 showed the house pad on the front of the lot. The approvals for the subdivision were based on the approved plans and due diligence as part of the land purchase should have identified this home site. The City Code prohibits the creation of parcels that are unbuildable and the developer showed a driveway and home site that they deemed buildable when the lot was created.

b) PRACTICAL DIFFICULTIES means the land in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the land owner is due to circumstances unique to the land in question which were not created by the land owner, and the variance, if granted, will not alter the essential character of the locality.

Hanson Builders has provided a detailed narrative outlining what they believe are the practical difficulties that necessitate the variance. They argue that the small building pad in the front of the lot is out of character with other homes in the neighborhood and the home needs to be behind the wetlands to build the home the buyer wants. They also make the argument that the driveway would be too steep if they built on the house pad in the front of the lot. The City Engineer has reviewed the plans and concurs that the originally approved home site would require a driveway grade in excess of 10% in order to meet the code requirements for the low floor elevation of the home and that is in excess of standard practice.

The Planning Commission must evaluate whether or not the original building pad proposed by The North Oaks Company and approved by the City is a reasonable location or whether the location is not feasible and creates a practical difficulty. The Commission could agree with Hanson Builders that the house they designed does not fit on this lot, but find that is not a practical difficulty, because a different home could be designed to work with the site conditions and not require a variance. The Commission could find that while not ideal, a driveway with a grade in excess of 10% could be constructed and such driveways do exist in the region.

(c) Economic considerations alone shall not constitute an undue hardship if reasonable use for the land exists under the terms of this chapter.



The variance request is not driven solely by economic considerations, but the Commission must first answer the question of whether a practical difficulty exists that requires the home to be built on the rear of the lot triggering the need for the variance from the wetland setbacks for the new driveway.

The Commission could find that if there is a practical difficulty and that it is not driven entirely by economic considerations. Alternatively, the Commission could find that there is no practical difficulty and that the variance is driven by economic considerations so the applicant can build a larger home in the rear of the lot.

(d) A variance may not be granted for any use that is not permitted under this chapter for land in the zone where the affected person's land is located.

The variance would not allow a use that is not permitted under this chapter.

(2) Subject to the above, a variance may be granted only in the event that all of the following circumstances exist:

(a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the land have no control;

The two wetlands in the center of the lot are unique to this lot. The applicant's narrative argues that there are unique circumstances because placing the home near the street would be out of character with the other homes in the neighborhood and to avoid the wetlands the home needs to be moved to the rear of the lot if a walkout is to be built. If the home is moved to the back of the lot the driveway cannot be built without driveway variances.

However, the Commission could find that the approved plans showed the home site on the front of the lot and a home could be built there but would require a steep driveway grade and/or a smaller house than others in the neighborhood. The City of North Oaks has many lots with wetlands and this is not a unique circumstance.

(b) The proposed uses is reasonable;

The applicant states that the proposed variance is reasonable because the building pad at the front of the site where originally approved is not feasible for the home they wish to build. The proposed home is reasonable as it is a comparable size and style as the adjacent homes.





The Commission could find that in North Oaks homes should be built to the particular site conditions and expecting every lot to support every home type is not reasonable. The parcel has a buildable home site as approved with the plat and a smaller home with a steep driveway grade could be built in that location.

(c) That the unique circumstances do not result from the actions of the applicant;

Hanson Builders was not involved in the original platting or lot layouts of this development and are simply trying to work with the constraints for this lot.

Alternatively, the Commission could find that the owner had a responsibility to understand the site constraints before purchasing the lot and designing the home, circumstances of the lot are not unique to the lot and the builder has alternatives to build on this vacant lot.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;

The Commission could find that the site constraints require the home to be placed on the rear of the lot, which creates the need for the driveway setback variance and granting the variance does not grant special privileges.

Alternatively, the Commission could find that the developer provided a building pad site at the front of the lot to avoid this exact circumstance and granting the variance would confer special privileges to the applicant.

(e) That the Variance requested is the minimum variance which would alleviate the practical difficulties;

The applicant argues that the variance is the minimum action needed to alleviate the practical difficulties on site because the house they want to build won't fit on the approved building pad site and that a house that could fit would be out of character with the neighborhood. The variance is the minimum action necessary to allow the builder to build the selected home plan on this lot.

Alternatively, the Commission could find that the variance is not the minimum action necessary as the driveway width could be reduced from 12 feet to 10 feet to reduce the variance. The Commission could find that there is no practical difficulty because the building pad site as approved can be developed but simply requires the builder to develop a smaller house plan that works with the existing site.



(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

N/A

Option 2

Section 151.078 of the Zoning Code requires that the following criteria be considered and a variance only be granted when it is demonstrated that following standards have all been met:

(1)(a) Their strict enforcement would cause practical difficulties because of circumstances unique to the individual land under consideration, and the variances shall be granted only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

The applicant argues that they bought the lot, entered into a purchase agreement with a buyer and the house they want to build does not fit on the front building pad. Hanson Builders argues that this creates a practical difficulty



Figure 4-Option 2



because they cannot build a home like others they are building in the neighborhood without the driveway variance and placing this house up by the street will look out of character with the other homes in the neighborhood.

The Commission could find there is no practical difficulty and the landowner simply needs to develop a home plan that fits the lot without the need for a variance. The final plans/plat for Red Forest Way South Phase 1 showed the house pad on the front of the lot. The approvals for the subdivision were based on the approved plans and due diligence as part of the land purchase should have identified this home site. The City Code prohibits the creation of parcels that are unbuildable and the developer showed a driveway and home site that they deemed buildable when the lot was created. Furthermore, there is an alternative (Option 1) with less of a variance required.

b) PRACTICAL DIFFICULTIES means the land in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the land owner is due to circumstances unique to the land in question which were not created by the land owner, and the variance, if granted, will not alter the essential character of the locality.

Hanson Builders has provided a detailed narrative outlining what they believe are the practical difficulties that necessitate the variance. They argue that the small building pad in the front of the lot is out of character with other homes in the neighborhood and the home needs to be behind the wetlands to build the home the buyer wants. They also make the argument that the driveway would be too steep if they built on the house pad in the front of the lot. The City Engineer has reviewed the plans and concurs that the originally approved home site would require a driveway grade in excess of 10% in order to meet the code requirements for the low floor elevation of the home and that is in excess of standard practice.

The Planning Commission must evaluate whether or not the original building pad proposed by The North Oaks Company and approved by the City is a reasonable location or whether the location is not feasible and creates a practical difficulty. The Commission could agree with Hanson Builders that the house they designed does not fit on this lot, but find that is not a practical difficulty, because a different home could be designed to work with the site conditions and not require a variance. The Commission could find that while not ideal, a driveway with a grade in excess of 10% could be constructed and such driveways do exist in the region. Or the Commission could find that a driveway could be located in a different location with less of a variance required.

(c) Economic considerations alone shall not constitute an undue hardship if reasonable use for the land exists under the terms of this chapter.





The variance request is not driven solely by economic considerations, but the Commission must first answer the question of whether a practical difficulty exists that requires the home to be built on the rear of the lot triggering the need for the variance from the wetland setbacks for the new driveway.

The Commission could find that if there is a practical difficulty and that it is not driven entirely by economic considerations. Alternatively, the Commission could find that there is no practical difficulty and that the variance is driven by economic considerations so the applicant can build a larger home in the rear of the lot.

(d) A variance may not be granted for any use that is not permitted under this chapter for land in the zone where the affected person's land is located.

The variance would not allow a use that is not permitted under this chapter.

(2) Subject to the above, a variance may be granted only in the event that all of the following circumstances exist:

(a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the land have no control;

The two wetlands in the center of the lot are unique to this lot. The applicant's narrative argues that there are unique circumstances because placing the home near the street would be out of character with the other homes in the neighborhood and to avoid the wetlands the home needs to be moved to the rear of the lot if a walkout is to be built. If the home is moved to the back of the lot the driveway cannot be built without driveway variances.

However, the Commission could find that the approved plans showed the home site on the front of the lot and a home could be built there but would require a steep driveway grade and/or a smaller house than others in the neighborhood. The City of North Oaks has many lots with wetlands and this is not a unique circumstance. The Commission could also find that the landowner has options for a driveway that would result in less of a variance.

(b) The proposed uses is reasonable;

The applicant states that the proposed variance is reasonable because the building pad at the front of the site where originally approved is not feasible for the home they wish to build. The proposed home is reasonable as it is a comparable size and style as the adjacent homes.





The Commission could find that in North Oaks homes should be built to the particular site conditions and expecting every lot to support every home type is not reasonable. The parcel has a buildable home site as approved with the plat and a smaller home with a steep driveway grade could be built in that location. Additionally, there is another driveway location that would require less of a variance.

(c) That the unique circumstances do not result from the actions of the applicant;

Hanson Builders was not involved in the original platting or lot layouts of this development and are simply trying to work with the constraints for this lot.

Alternatively, the Commission could find that the owner had a responsibility to understand the site constraints before purchasing the lot and designing the home, circumstances of the lot are not unique to the lot and the builder has alternatives to build on this vacant lot and options to locate the driveway to the west with less of a variance required.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;

The Commission could find that the site constraints require the home to be placed on the rear of the lot, which creates the need for the driveway setback variance and granting the variance does not grant special privileges.

Alternatively, the Commission could find that the developer provided a building pad site at the front of the lot to avoid this exact circumstance and granting the variance would confer special privileges to the applicant.

(e) That the Variance requested is the minimum variance which would alleviate the practical difficulties;

The applicant argues that the variance is the minimum action needed to alleviate the practical difficulties on site because the house they want to build won't fit on the approved building pad site and that a house that could fit would be out of character with the neighborhood. The variance is the minimum action necessary to allow the builder to build the selected home plan on this lot.

The Commission could find that there is no practical difficulty because the building pad site as approved can be developed but simply requires the builder to develop a smaller house plan that works with the existing site. The Commission could also find that a driveway variance is required but the driveway could be moved to the west and result in less of a variance.



(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

N/A

Attached for reference:

- Exhibit A: Location Map
- Exhibit B: Approved Nord Plan
- Exhibit C: Applicant Narrative dated January 25, 2024, March 6, 2024 and April 16, 2024
- Exhibit D: Site Plan Options 1 and 2
- Exhibit E: Building floor plans and elevations dated January 25, 2024
- Exhibit F: FAR Worksheet
- Exhibit G: City Engineer memos dated February 14, 2024, March 26, 2024 and April 18, 2024
- Exhibit H: VLAWMO letter dated March 9, 2023 and April 12, 2024
- Exhibit I: VLAWMO wetland buffer basics
- Exhibit J: Email from NOHOA dated March 4, 2024





Exhibit K: Email from Amanda Guanzini

SUMMARY

Staff finds that applicant does comply with conditional use permit standards for building height in excess of 35 feet as outlined in the staff report. However, the conditional use permit is tied to the variance request, because without the driveway variance the home could not be built as proposed.

Additionally, it remains unclear whether or not the site can support two septic system sites that meet the size and setback requirements. Each plan now shows two 5,000 sq. ft. but the secondary site does not meet setback requirements and would require a variance as shown. The applicant will need to provide two compliant sites prior to issuance of a building permit. Staff strongly suggests that they contract the septic designer to confirm viability prior to the City Council meeting.

Staff has provided potential findings for approval or denial of the variance, but those findings should be modified as appropriate depending which option is preferred. The Planning Commission is reminded that the burden of proof is on the applicant to provide that all of the variance standards have been met. If the Planning Commission believes that all of the variance standards have been met, they should recommend approval. If the Planning Commission believes that the variance standards have not been met, they should recommend denial.

The Commission asked for two options from the applicant. Staff finds that Option 1 (with the driveway reduced to 10 feet at the wetland) results in the minimum amount of variance to allow a home to be constructed on the rear portion of the lot. If the Commission finds that the variance standards have been met for Option 1, staff recommends the following conditions of approval:

1. The driveway must be reduced from 12 feet to 10 feet wide at the narrowest point to minimize the wetland impact. This will increase the wetland buffer from 11 to 13 feet wide in that location.
2. Wetland buffer averaging must be used as shown on the plans.
3. Wetland buffer signs must be installed at the edge of the wetland buffer to protect the buffer. Buffer signs should be planted where needed to indicate the contour of the buffer, with a maximum spacing of 200 feet of wetland edge. The signs and sign plan must be submitted to City staff for review and approval.
4. Wetland buffer plantings must be installed to ensure quality vegetation to maximize the buffer benefits. A wetland buffer planting plan must be submitted to City staff for review and approval.



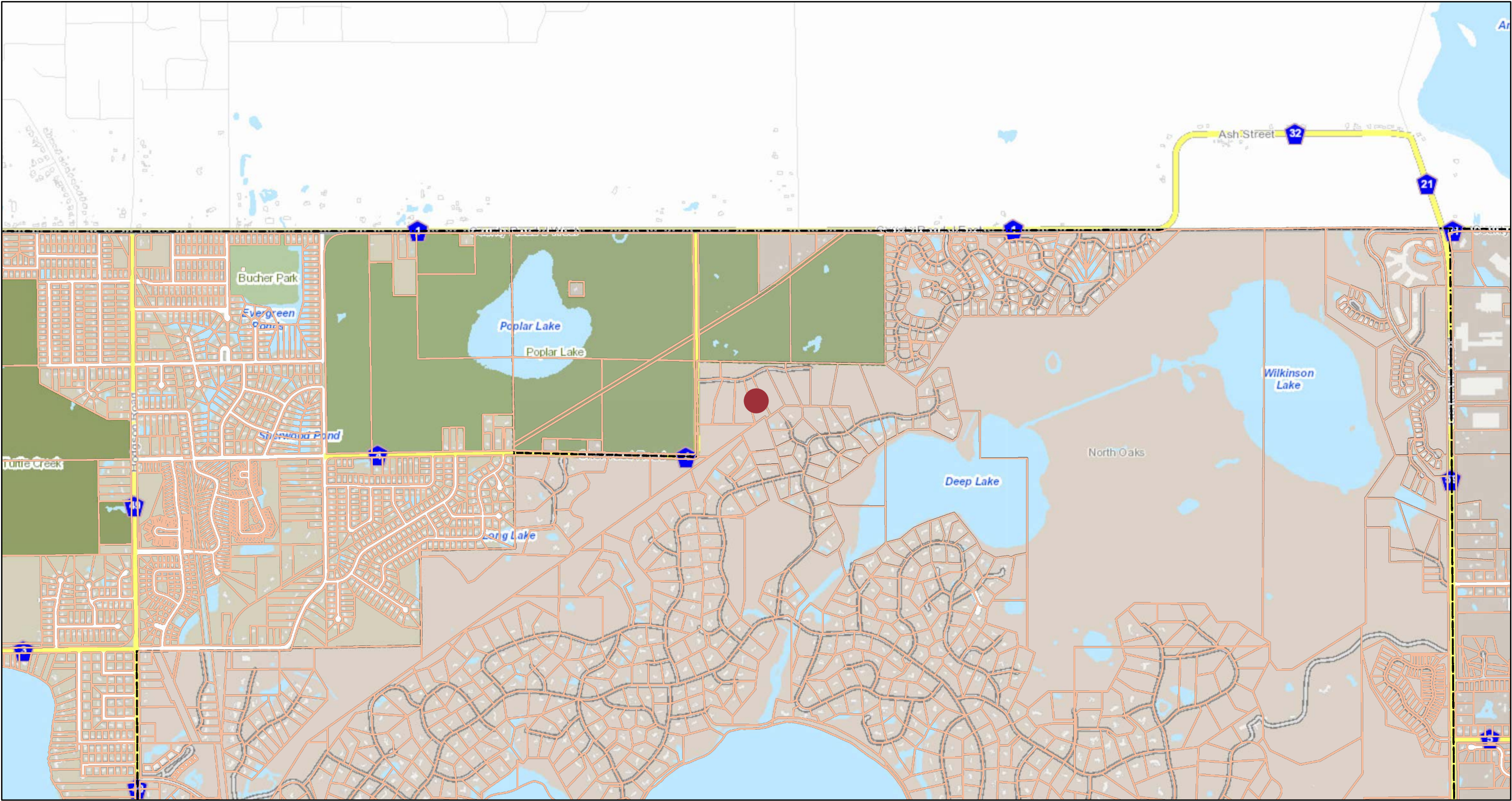
PLANNING COMMISSION OPTIONS

In consideration of the conditional use permit and variance application, the Planning Commission has the following options:

- A) Recommend approval** of the application with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.
- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements or will do so with conditions.
- B) Recommend denial** of the application with findings for denial clearly articulated.



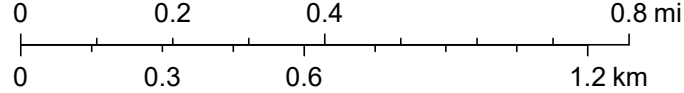
Map Ramsey

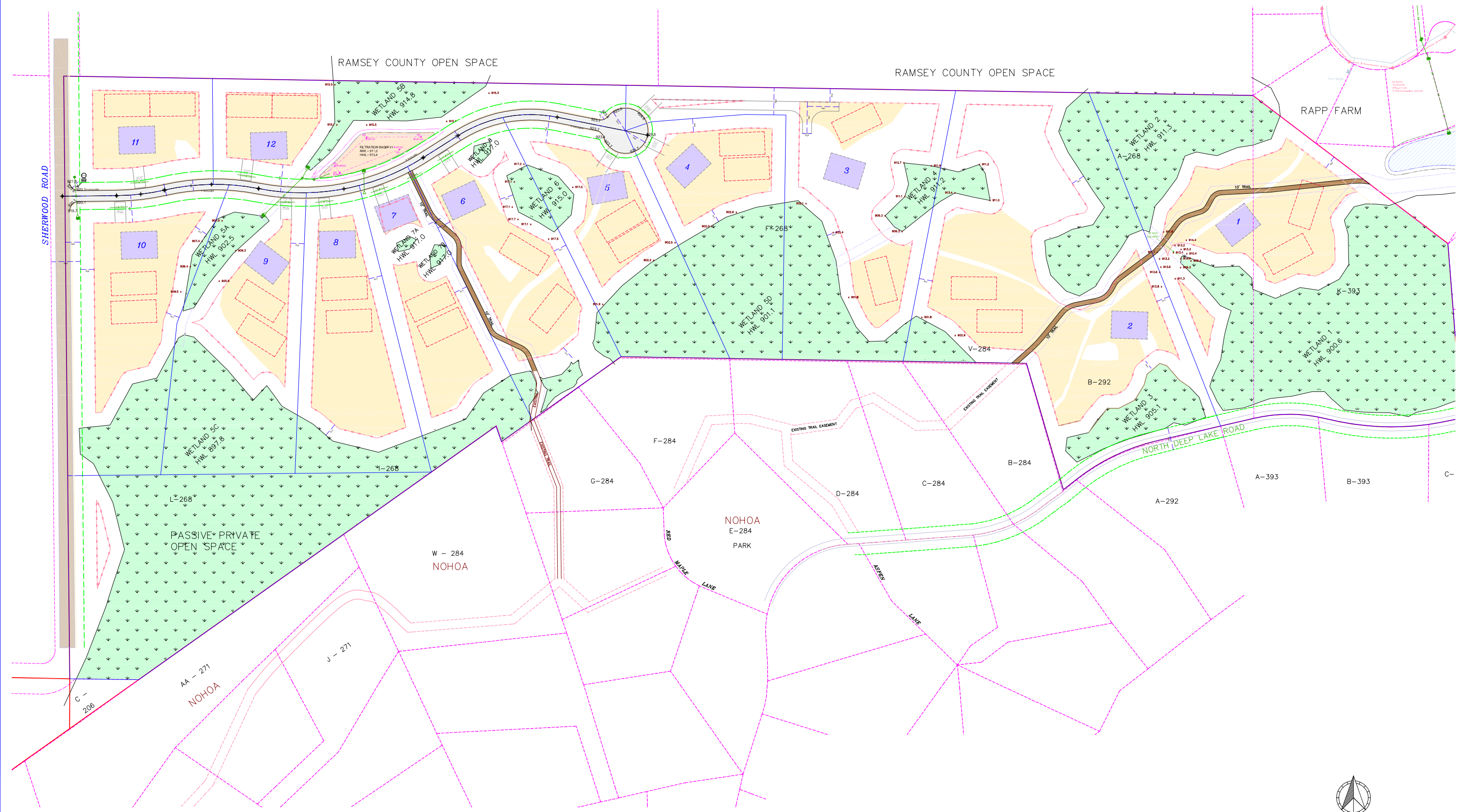


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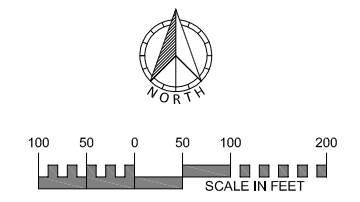
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- Personal Property
- Tax Parcels
- Cities
- County Offices





EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

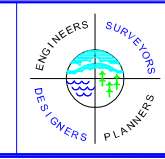


DRAWING NAME	NO.	BY	DATE	REVISIONS
NORD	01	CAW	07/30/20	BID SET
DRAWN BY	02	CAW	08/03/20	UPDATE STREET SECTION
ERJ	03	ERJ	08/31/20	FINAL PLAN REVISIONS
CHECKED BY	04	ERJ	09/23/20	FINAL PLAN REVISIONS
ERJ	05	ERJ	11/10/20	STORM SEWER REVISIONS
DATE	06	ERJ	11/18/20	EASEMENT PLAN REVISIONS
08/31/20				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Eric R. Johnson
 ERIC R. JOHNSON, P.E.
 Date: 09/23/20 Lic. No. 56659



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

CITY PROJECT NO.

NORTH OAKS, MINNESOTA

FINAL PLAT PLAN
NORD
NORTH OAKS COMPANY

FILE NO.
 64500-013
2
6 27

Proposed Conditional Use Permit

For Height Variance for Walkout Basement Foundation

8 Sherwood Trail, East Preserve Subdivision, North Oaks, MN

Our purpose in applying for a Conditional Use Permit for our proposed home at 8 Sherwood Trail in East Preserve, North Oaks is to request a height variance to make the basement a rear walkout where the natural grade drops about 9.5 feet from the garage elevation to proposed walkout elevation.

We would like to add windows and a door to the lower floor on the rear of the home to take advantage of the natural grade drop and thereby allow light and views of the woods and access to the existing rear grade. The resulting exposed building height would remain 35-feet at the front elevation and about 44.5-feet on the rear elevation from grade to ridge.

Our engineer, Sathre Bergquist, who did the overall engineering for the East Preserve subdivision, has calculated the Grading Quantities involved with this project to be +/- 30 Cubic Yards of fill.

Thank you for your consideration of this requested rear wall height variance of 9.5 feet.

Hanson Builders, Inc.

Variance Request

8 Sherwood Trail, Tract G
North Oaks, MN

Description of Variance Requested:

Hanson Builders (license BC0004568) on behalf of Mr and Mrs Becker (future homeowners for this property), are respectfully requesting a variance of the 30-foot setback for a driveway to the side property line and/or a variance to the 30-foot buffer setback from an wetland area to a driveway.

Specific Location of the Variance request:

The proposed driveway would be located on lot 8 between wetland #9 and the westerly property line. Currently there is 48 feet between those two areas. We are proposing three things to get the driveway past this “pinch” point and to the house on the lot. (These will be presented later in this narrative.)

Reasoning for the Variance Request. We will address the code section 151.078 Variances and Appeals, specifically subsection (E,2):

(a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size shape, topography, or other circumstances over which the owners of the land have no control.

1. If the home were placed on the front section of the buildable area between the wetland and the road, it would be very out of character for the rest of the development. Even though it is technically allowed to be that close to the road, no other home in Sherwood is placed that close on these deep lots (lot 8 is over 600 feet deep). The existing home to the west (6 Sherwood) is setback, roughly 150 feet, the home to the east (10 Sherwood) is setback, roughly 300 feet. Placing a house in front of the two small wetlands would make the house only 45 feet from the street.
2. No other lot in this development has two very small wetlands placed right in the middle of the typically usable lot space thus making it impossible to move the home a little further back on the lot, unless it is moved all the way back behind the wetlands.
3. The elevation makes putting a home on this smaller front section completely impractical. The elevation of the street is 914.0. In conforming with the rules of staying within the grades as they exist, the top of the foundation of the house would need to be 920.7 with a slight swale on the east side. That would make the high side of the driveway at 18.7% slope, with an average 13.8% from garage to street. The guideline for the city of North Oak is a maximum of 10%. Guidelines in many other cities and the professional pledge of the builder is 8%. Much over that, a driveway can become rather dangerous from a safety standpoint in the winter time in Minnesota. A 13.8%+ grade is pretty much impossible.

12. A grading plan for each “custom” lot shall be submitted with each building permit application. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code. Staff recommends that a minimum driveway slope of 3 percent, and a maximum of 10 percent. Details of proposed driveway sections over drainage ditch with proposed culverts shall be included in plans for building permit review to ensure grading and drainage plan is maintained.

(b) The proposed uses is reasonable:

The front building area is small at only about 65 feet wide and 50 feet deep. The entire lot is about 180 feet wide by 600+ deep. We had engineering verify that no other home, built or planned, in this development would fit within the building setback lines of the front buildable area as shown on lot 8. See attached exhibits for the floor plans of Sherwood 1, 2, 6, 8, 10, and 14. The only reasonable location for a home of this caliber in this neighborhood would be to have the home positioned behind the two small wetlands in question.

(b) That the unique circumstances do not result from the actions of the applicant:

Hanson Builders was not involved in the original platting or lot layouts of this development. We are trying to resolve the issues of the constraints for this lot.

(c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or building in the same district:

The requested variance is only applicable on this lot. None of the other lots that Hanson Builders has purchased in the community will have this same or similar situation.

(e) That the requested variance is the minimum variance which would alleviate the practical difficulties:

We are trying to be very sensitive to propose the minimum amount of variance that will resolve the difficulties of this lot. As shown on the most current survey

We are proposing three things to solve the problems outlined and to do so with minimal impact. Per items below and attached revised survey

1. Reduce the driveway in just this area next to the wetland down to 12 feet.
2. Reduce the side setback from the side property line from 30 to 25 feet.
3. Apply the wetland buffer averaging principle to the wetland setback. The current survey shows a 11' setback on the driveway side, by then relocating that minimized frontage and replacing it on the other side of the wetland. Note on the survey shows proposed fill of 470 sqft of wetland buffer, but then creation of 555 sqft of buffer basically connecting the areas. This would be an 18% increase in overall buffer area, providing more than originally required.

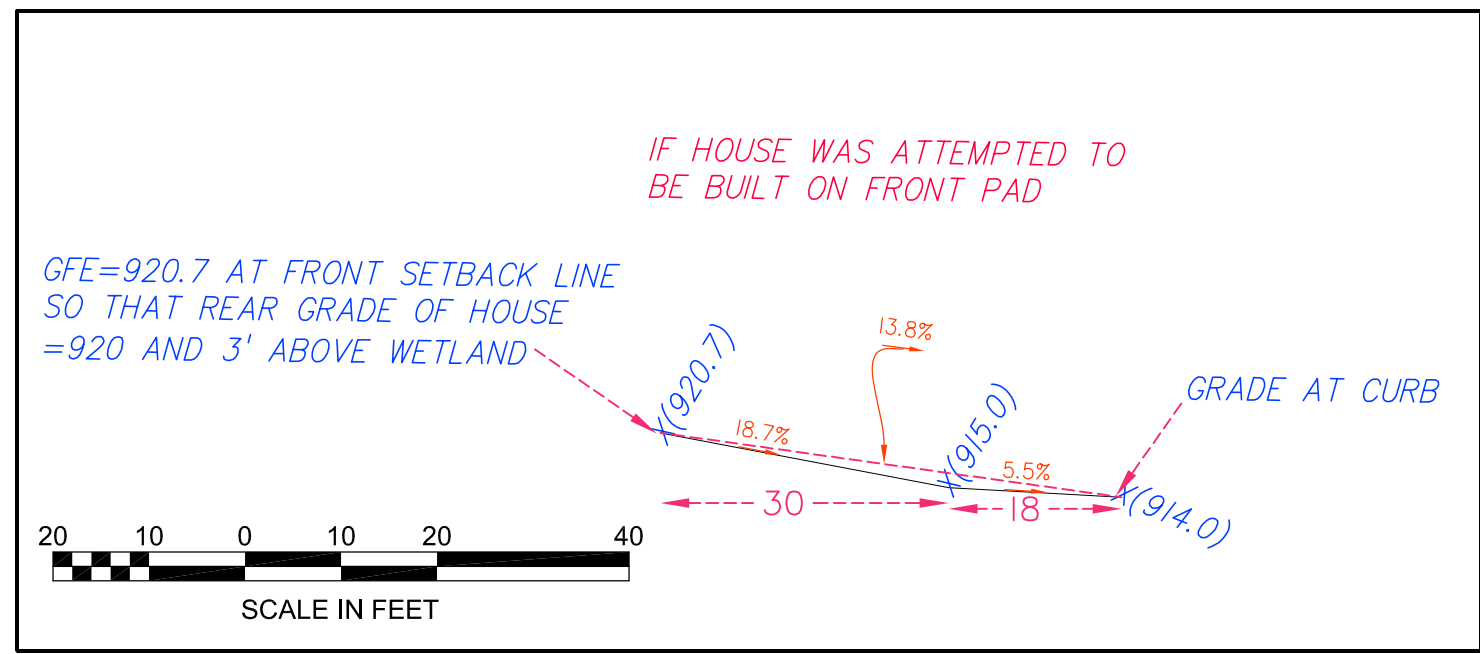
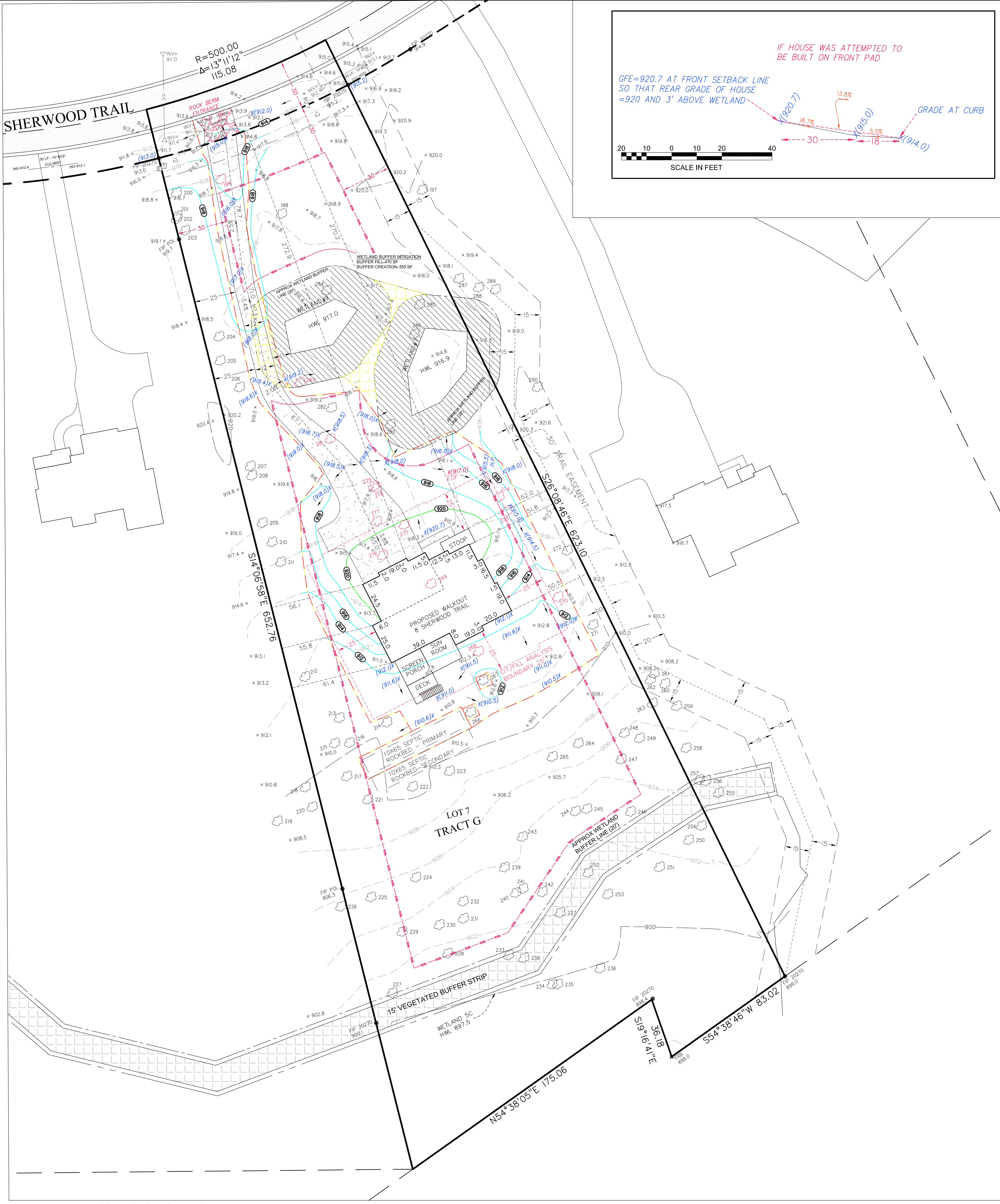
(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

We do not feel a driveway placement will affect any of the above concerns for air, light, congestion, fire danger. If anything, having the home setback further will increase the appeal of the neighborhood.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

Hanson Builders purchased this lot in Sept '23 so we are not aware of any issues with the above statement. Initial home placement that was submitted (with home on rear/southern building pad) was initially reviewed with no concerns. First awareness of non-compliance was brought up on 2/9/24. A purchase agreement was written on 12/7/23 between Hanson Builders, Inc. and our clients Jeremiah and Andrea Becker.

Thank you for your consideration,
Hanson Builders Inc.

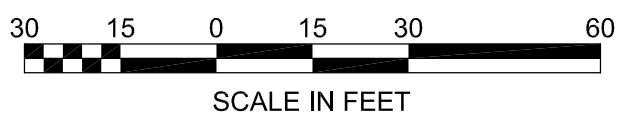


DESCRIPTION OF PROPERTY SURVEYED

Tract G, REGISTERED LAND SURVEY NO. 634, according to the recorded plat thereof, Ramsey County, Minnesota.

Tract G, #8 Sherwood Trail

An easement, for purposes of a roadway for ingress and egress, over the northwesterly 30.00 feet thereof and being adjacent to Tract L, REGISTERED LAND SURVEY NO. 634.
 An easement for utility purposes over the southeasterly 12.00 feet of the northwesterly 42.00 feet thereof.
 An easement for trail purposes lying 15 feet each side of the following described line:
 Beginning at the southeast corner of Tract G, thence on a bearing of North 11 degrees 00 minutes 00 seconds East, assuming the most southeasterly line of said Tract G bears South 54 degrees 38 minutes 09 seconds West, a distance of 85.00 feet;
 thence North 22 degrees 22 minutes 00 seconds West, a distance of 76.00 feet;
 thence North 64 degrees 27 minutes 40 seconds West, a distance of 83.14 feet;
 thence North 26 degrees 09 minutes 36 seconds West, a distance of 169.00 feet;
 thence North 00 degrees 40 minutes 00 seconds East, a distance of 55.00 feet;
 thence North 48 degrees 00 minutes 54 seconds East, a distance of 80.11 feet to a point on the northeasterly line of said Tract G, distant 122.00 feet from the most northeast corner of said Tract G;
 thence North 26 degrees 09 minutes 36 seconds West, a distance of 122.00 feet to said northeast corner.



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

GENERAL NOTES

- Site Address:** 8 Sherwood Trail, North Oaks, Minnesota 55127
- Flood Zone Information:** This property appears to lie in Zone X (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) per Flood Insurance Rate Map, Community Panel No. 27123C0030G, effective date of June 4th, 2010.
- Parcel Area Information:** Gross Area: 113,362 s.f. ~ 2.60 acres
 Roadway Easement Area: 3,547 s.f. ~ 0.08 acres
 Lot Area To Roadway Easement: 109,815 s.f. ~ 2.52 acres
 Wetland Area: 23,404 s.f. ~ 0.49 acres
- Principal Structure Setbacks -** Front: 30 feet from roadway easement
 Side: 30 feet
 Rear: 30 feet

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

- Utilities:** We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

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

Dated this 25th day of January, 2024.

Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com
 Minnesota License No. 26147

Proposed Elevations - WO
 Proposed Garage Floor Elevation = 921.0
 Proposed Top of Foundation Elevation = 921.3
 Proposed Basement Floor Elevation = 912.6

Offset Irons
 (elevations are to the top of pipe)
 OS #1 = 914.07 OS #2 = 916.85
 OS #4 = 910.60 OS #3 = 913.24

Grading Quantities (CY)	
Fill	
Cut	31.98
House Footing	0
Garage Footing	0
Porch Footing	0
Driveway	0
Egress Pit	0
Total Fill	0
Total Cut	31.98
Total (+/-)	31.98

SURVEY LEGEND

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

FIELD CREW	NO.	BY	DATE	REVISION
JD	1	ML	1/24/2024	HOUSE STAKE IN FIELD
DRAWN	2	ML	2/16/2024	DRIVEWAY
ML	3	ML	2/16/2024	HOUSE MOVED WEST
CHECKED	4	ML	3/4/2024	DRIVEWAY
DLS	5	ML	3/5/2024	BUFFER AVERAGING
DATE	6	ML	3/6/2024	DRIVEWAY - CROSS SECTION
01-12-2024				

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 (952) 476-6000 WWW.SATHRE.COM

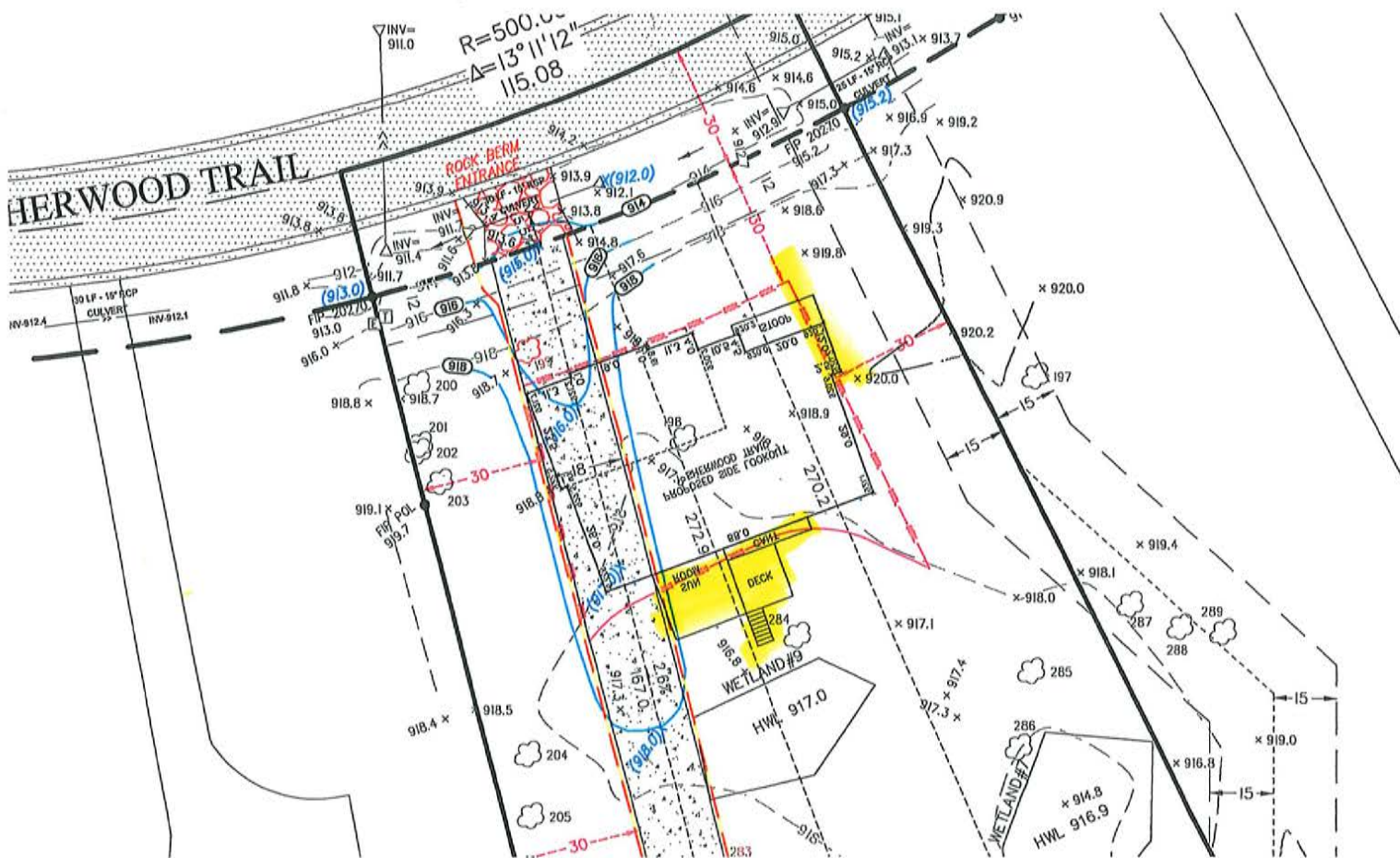
TWP:030-RGE 22-SEC 06
 Ramsey County
NORTH OAKS, MINNESOTA

CERTIFICATE OF SURVEY
 PREPARED FOR:
HANSON BUILDERS

FILE NO.
 3279-1538
1
2

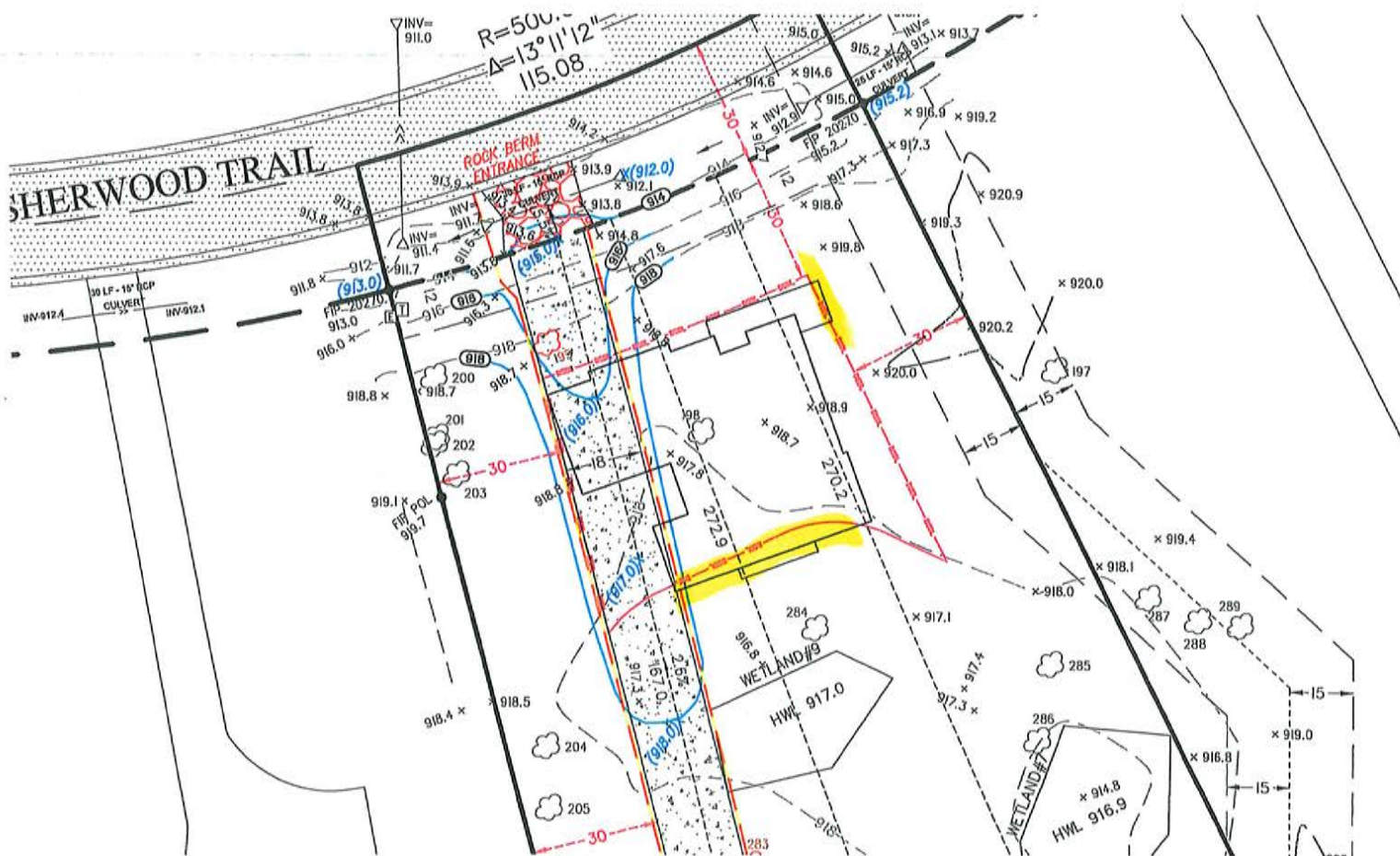
Plan of 1 Sherwood Trail

Shows the home placed on the forward Building area of lot 8 does not fit the buildable area. Does not fit inside the setbacks of the wetland, street, and sides.



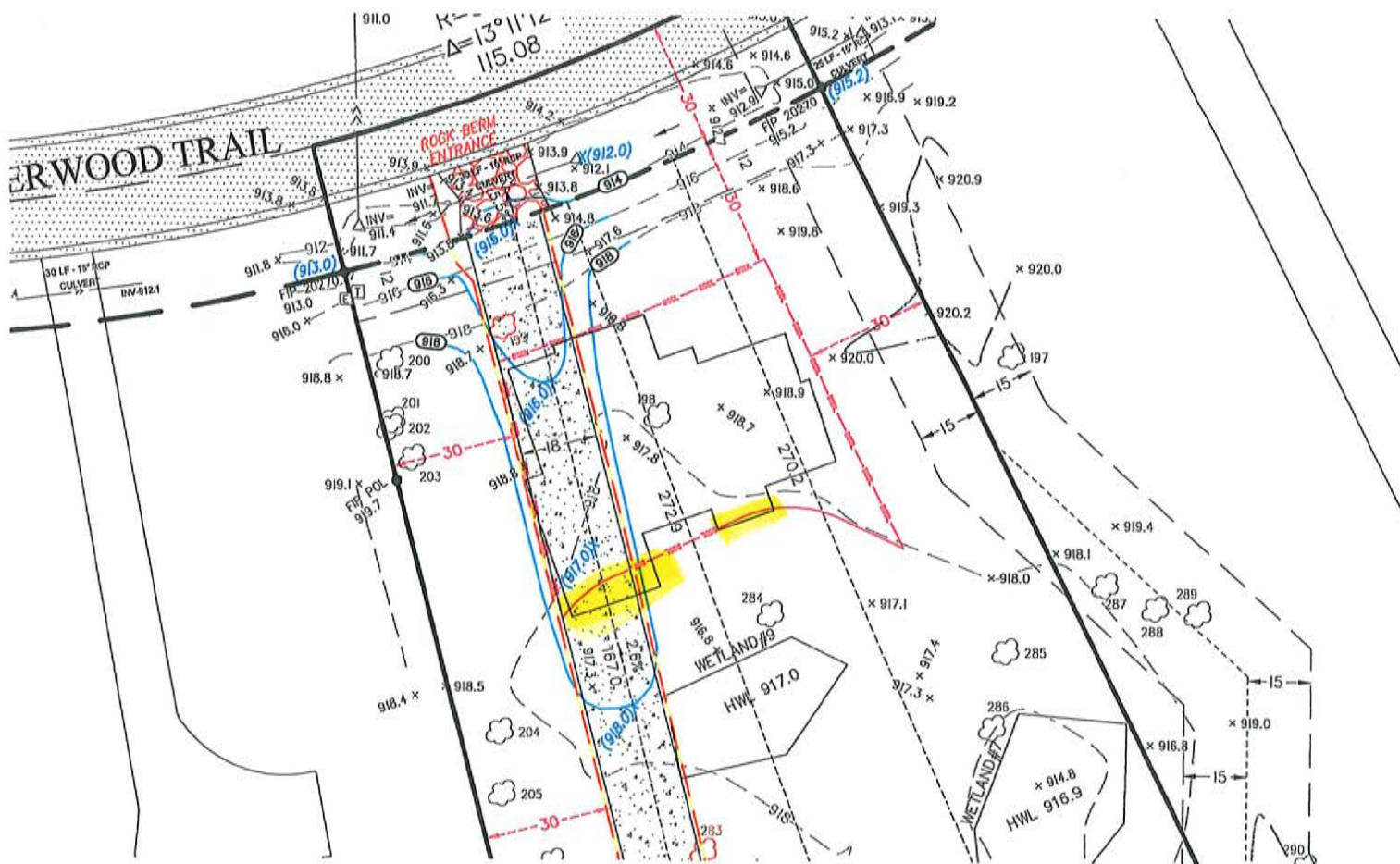
Plan of 2 Sherwood Trail

Shows the home placed on the forward Building area of lot 8 does not fit the buildable area. Does not fit inside the setbacks of the wetland, street, and sides.



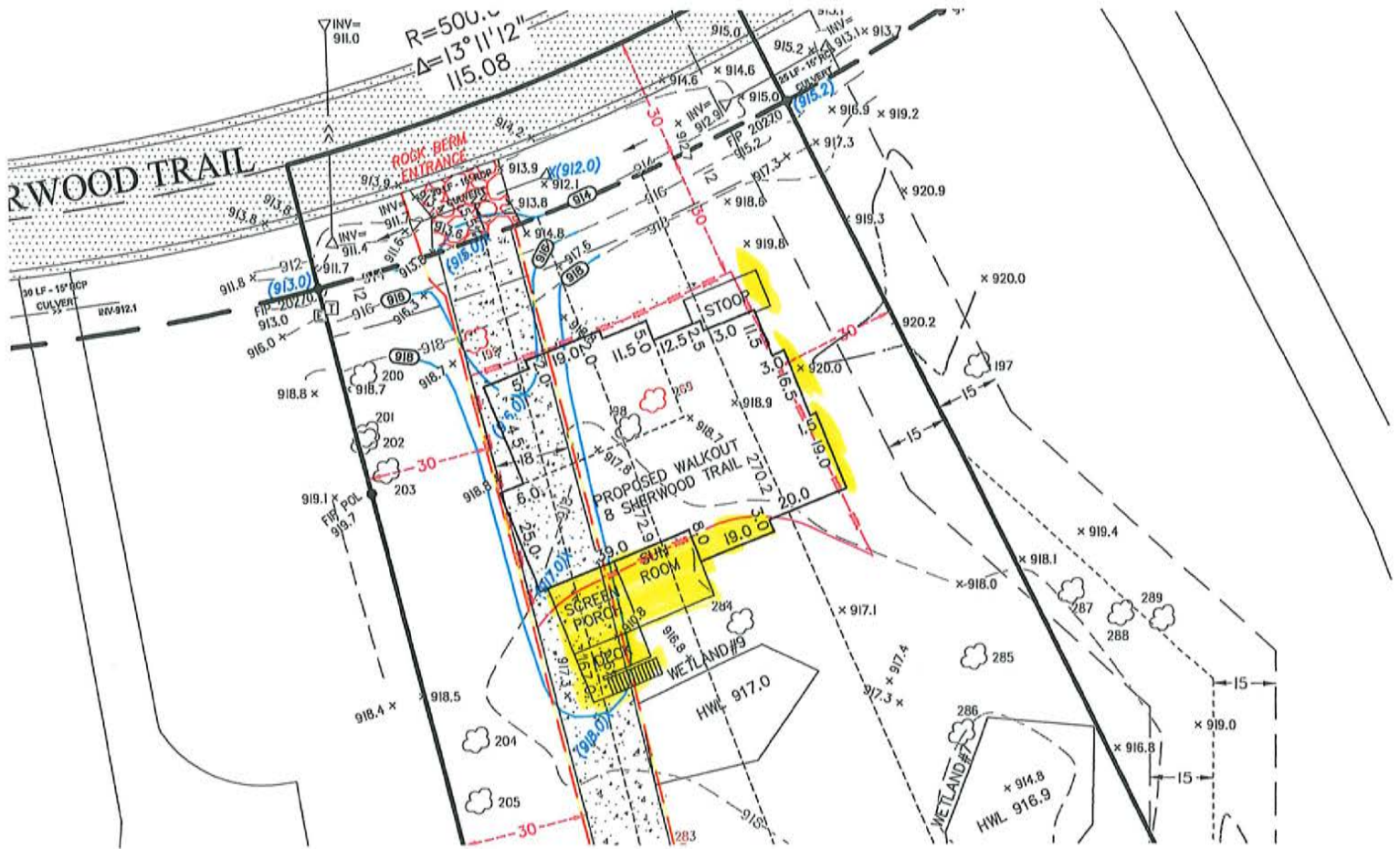
Plan of 6 Sherwood Trail

Shows the home placed on the forward Building area of lot 8 does not fit the buildable area. Does not fit inside the setbacks of the wetland, street, and sides.



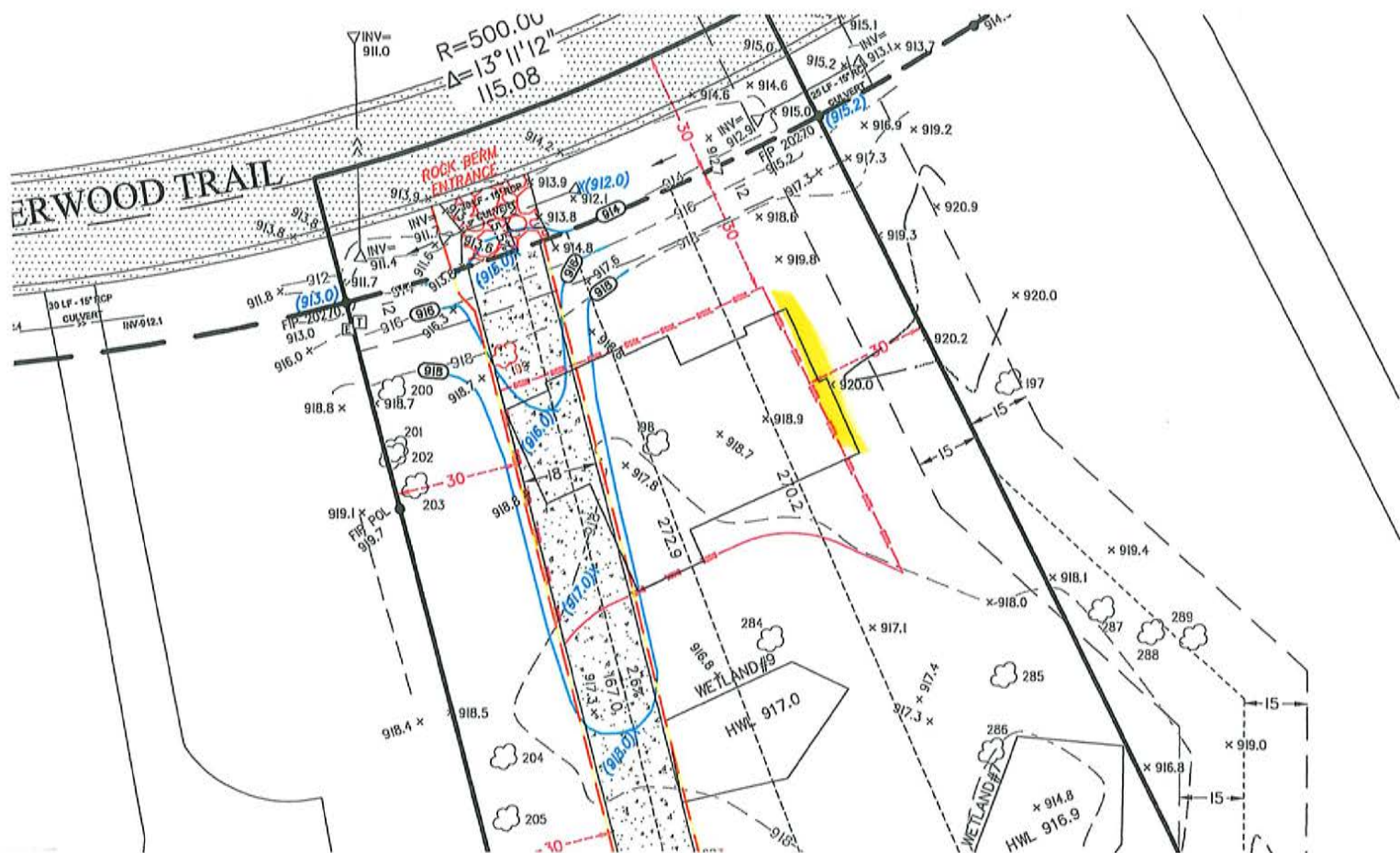
Proposed Plan lot 8 Sherwood Trail

Shows the home placed on the forward Building area of lot 8 does not fit the buildable area. Does not fit inside the setbacks of the wetland, street, and sides.



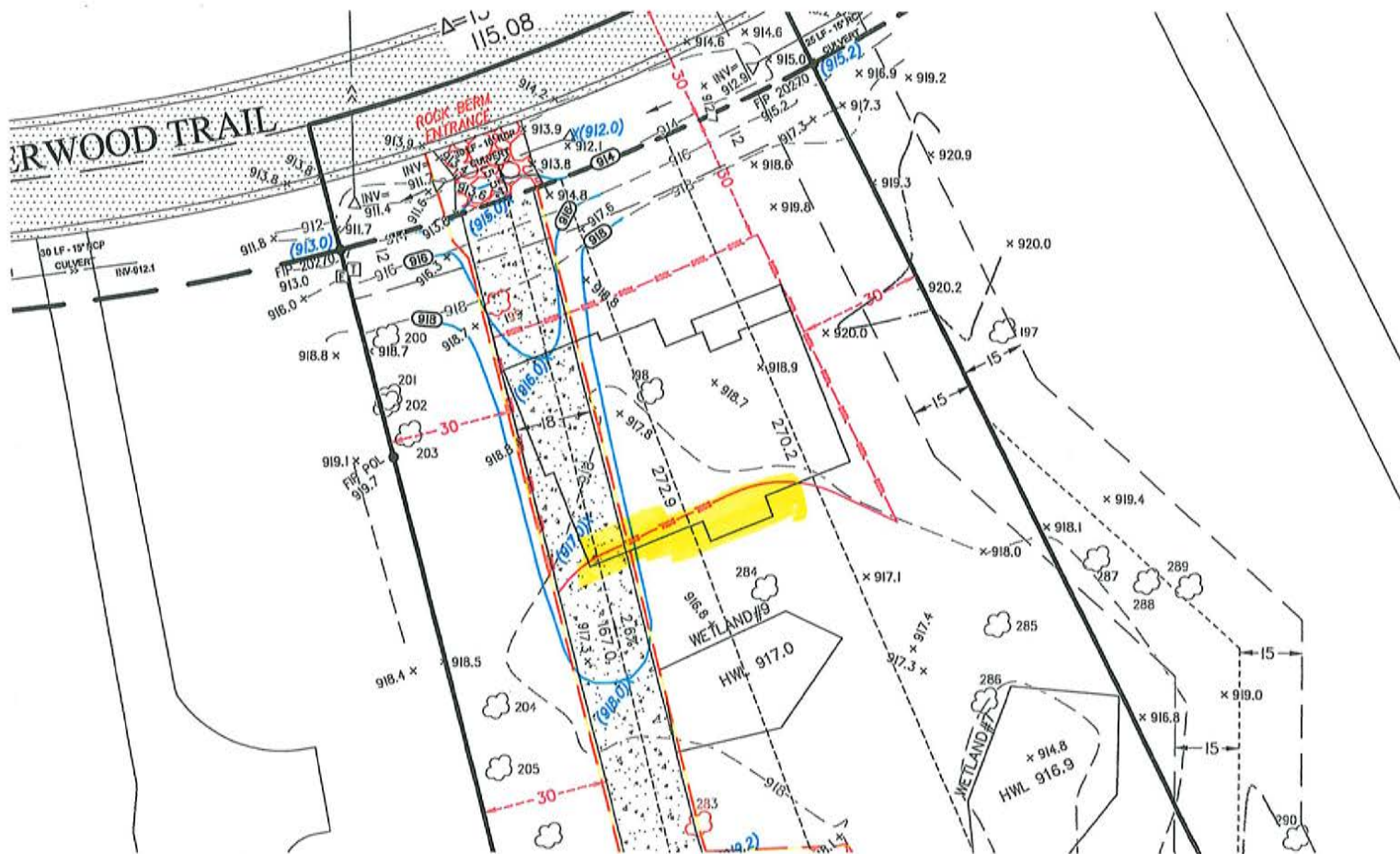
Plan of 10 Sherwood Trail

Shows the home placed on the forward Building area of lot 8 does not fit the buildable area. Does not fit inside the setbacks of the wetland, street, and sides.



Plan of 14 Sherwood Trail

Shows the home placed on the forward Building area of lot 8 does not fit the buildable area. Does not fit inside the setbacks of the wetland, street, and sides.



April 16, 2024 Narrative

Variance Request

8 Sherwood Trail, Tract G
North Oaks, MN

Description of Variance Requested:

Hanson Builders (license BC0004568) on behalf of Mr and Mrs Becker (future homeowners for this property), are respectfully requesting a variance to the 30-foot buffer setback from an wetland area to a driveway based upon the 2 proposed layouts below

Specific Location of the Variance request:

As of the planning commission meeting on 3/28/24, the members wanted to see two options for the proposed driveway location:

#1 initial submitted layout was with a 12' wide driveway between wetland #9. 25' setback from the westerly property line and 11' buffer to wetland and utilizing wetland buffer averaging

#2 recent submitted layout is with the driveway between wetland #7 & wetland #9 reducing the driveway to 10' in the wetland area, utilizing wetland buffer averaging and the VLAWMO's minimum buffer of 12'

Reasoning for the Variance Request. We will address the code section 151.078 Variances and Appeals, specifically subsection (E,2):

(a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size shape, topography, or other circumstances over which the owners of the land have no control.

1. If the home were placed on the front section of the buildable area between the wetland and the road, it would be very out of character for the rest of the development. Even though it is technically allowed to be that close to the road, no other home in Sherwood is placed that close on these deep lots (lot 8 is over 600 feet deep). The existing home to the west (6 Sherwood) is setback, roughly 150 feet, the home to the east (10 Sherwood) is setback, roughly 300 feet. Placing a house in front of the two small wetlands would make the house only 48 feet from the street.
2. No other lot in this development has two very small wetlands placed right in the middle of the typically usable lot space thus making it impossible to move the home a little further back on the lot, unless it is moved all the way back behind the wetlands.
3. The elevation makes putting a home on this smaller front section unsafe. The elevation of the street is 914.0. In conforming with the rules of staying within existing grade, and wetland rules require the home to be 3' above the high water line. That would make the garage floor at 920.7. With the distance being 48 feet from the front of the garage to the street, the average grade for the driveway would be 13.8%. Since you cannot draw a straight line from point to point for a driveway installation, the steep side of the driveway would be upwards of 18.7%. The guideline for the city of North Oak is a maximum of 10%. Guidelines in many other cities and the professional pledge of the builder is 8%. Much over that, a driveway can become rather

dangerous from a safety standpoint in the winter time in Minnesota. A 13.8% average grade is pretty much impossible.

12. A grading plan for each "custom" lot shall be submitted with each building permit application. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code. Staff recommends that a minimum driveway slope of 3 percent, and a maximum of 10 percent. Details of proposed driveway sections over drainage ditch with proposed culverts shall be included in plans for building permit review to ensure grading and drainage plan is maintained.

(b) The proposed uses are reasonable:

The front building area is small at only about 65 feet wide and 50 feet deep. The entire lot is about 180 feet wide by 600+ deep. We had engineering verify that no other home, built or planned, in this development would fit within the building setback lines of the front buildable area as shown on lot 8. See attached exhibits for the floor plans of Sherwood 1, 2, 6, 8, 10, and 14. The only reasonable location for a home of this caliber in this neighborhood would be to have the home positioned behind the two small wetlands in question.

(b) That the unique circumstances do not result from the actions of the applicant:

Hanson Builders was not involved in the original platting or lot layouts of this development. We are trying to resolve the issues of the constraints for this lot.

(c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or building in the same district:

The requested variance is only applicable on this lot. None of the other lots that Hanson Builders has purchased in the community will have this same or similar situation.

(e) That the requested variance is the minimum variance which would alleviate the practical difficulties:

We are trying to be very sensitive to propose the minimum amount of variance that will resolve the difficulties of this lot.

We believe this latest proposal has the most minimal impact.

1. Reduce the driveway in this area next to the wetland down to 10 feet.
2. Apply the wetland buffer averaging principle to the wetland setbacks. The total amount of wetland buffer zone would be equal to our greater than the existing wetland buffer zone area. The wetlands themselves are not affected, and the total amount of buffer area surrounding the two small wetlands would slightly increase.
3. We would install wetland buffer zone signs around the buffer areas.

(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

4 Narrative

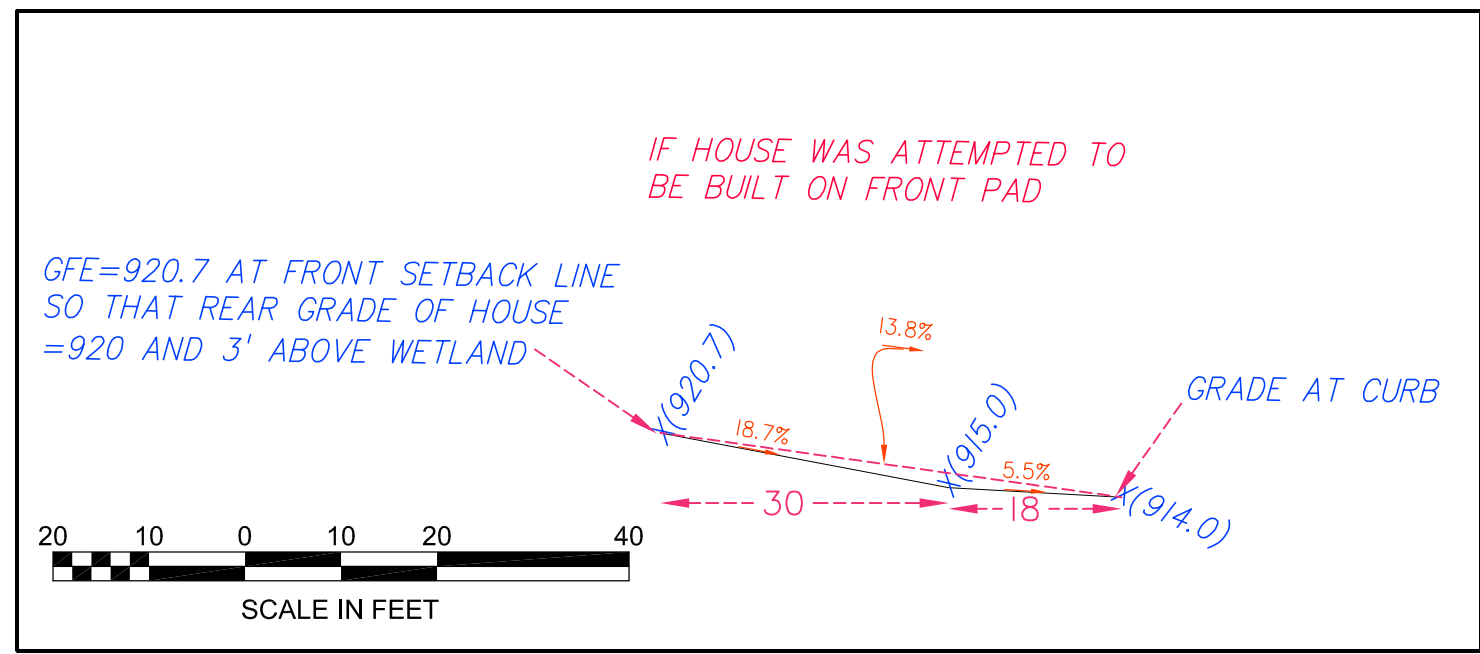
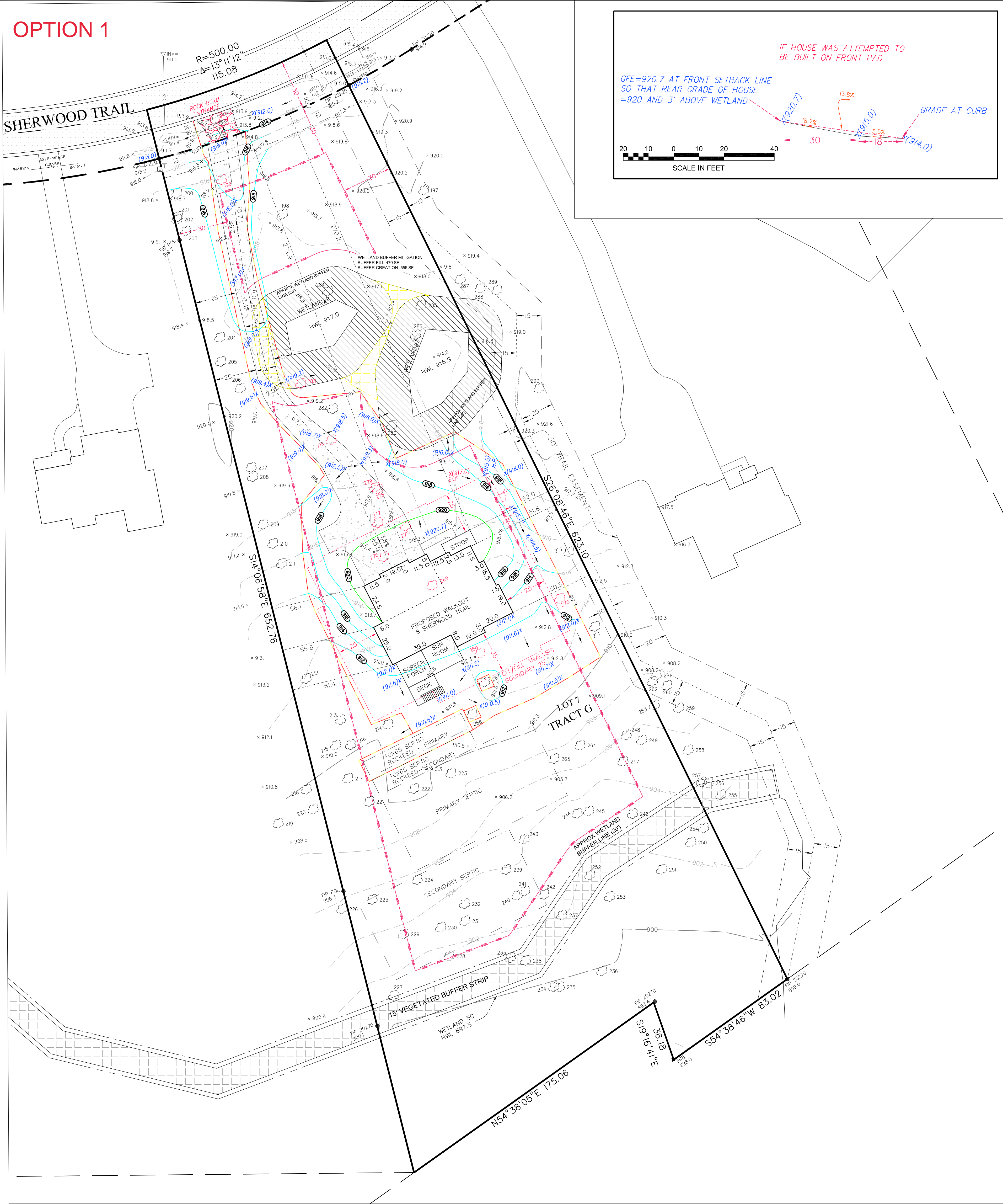
We do not feel a driveway placement will affect any of the above concerns for air, light, congestion, fire danger. If anything, having the home setback further will increase the appeal of the neighborhood.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

Hanson Builders purchased this lot in Sept '23 so we are not aware of any issues with the above statement. Initial home placement that was submitted (with home on rear/southern building pad) was initially reviewed with no concerns. First awareness of non-compliance was brought up on 2/9/24. A purchase agreement was written on 12/7/23 between Hanson Builders, Inc. and our clients Jeremiah and Andrea Becker.

Thank you for your consideration,
Hanson Builders Inc.

OPTION 1



DESCRIPTION OF PROPERTY SURVEYED

Tract G, REGISTERED LAND SURVEY NO. 634, according to the recorded plat thereof, Ramsey County, Minnesota.

Tract G, #8 Sherwood Trail

An easement, for purposes of a roadway for ingress and egress, over the northwesterly 30.00 feet thereof and being adjacent to Tract L, REGISTERED LAND SURVEY NO. 634.
 An easement for utility purposes over the southeasterly 12.00 feet of the northwesterly 42.00 feet thereof.
 An easement for trail purposes lying 15 feet each side of the following described line:
 Beginning at the southeast corner of Tract G, thence on a bearing of North 11 degrees 00 minutes 00 seconds East, assuming the most southeasterly line of said Tract G bears South 54 degrees 38 minutes 09 seconds West, a distance of 85.00 feet;
 thence North 22 degrees 22 minutes 00 seconds West, a distance of 76.00 feet;
 thence North 64 degrees 27 minutes 40 seconds West, a distance of 83.14 feet;
 thence North 26 degrees 09 minutes 36 seconds West, a distance of 169.00 feet;
 thence North 00 degrees 40 minutes 00 seconds East, a distance of 55.00 feet;
 thence North 48 degrees 00 minutes 54 seconds West, a distance of 80.11 feet to a point on the northeasterly line of said Tract G, distant 122.00 feet from the most northeast corner of said Tract G;
 thence North 26 degrees 09 minutes 36 seconds West, a distance of 122.00 feet to said northeast corner.

GENERAL NOTES

- Site Address:** 8 Sherwood Trail, North Oaks, Minnesota 55127
- Flood Zone Information:** This property appears to lie in Zone X (Areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) per Flood Insurance Rate Map, Community Panel No. 27123C0030G, effective date of June 4th, 2010.
- Parcel Area Information:** Gross Area: 113,362 s.f. ~ 2.60 acres
 Roadway Easement Area: 3,547 s.f. ~ 0.08 acres
 Lot Area To Roadway Easement: 109,815 s.f. ~ 2.52 acres
 Wetland Area: 23,404 s.f. ~ 0.49 acres
- Principal Structure Setbacks -** Front: 30 feet from roadway easement
 Side: 30 feet
 Rear: 30 feet

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

- Utilities:** We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.

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

Dated this 25th day of January, 2024.

Daniel L. Schmidt
 Daniel L. Schmidt, PLS
 schmidt@sathre.com

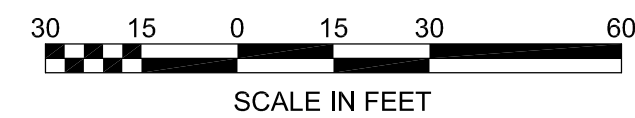
Minnesota License No. 26147

Proposed Elevations - WO
 Proposed Garage Floor Elevation = 921.0
 Proposed Top of Foundation Elevation = 921.3
 Proposed Basement Floor Elevation = 912.6

Offset Irons
 (elevations are to the top of pipe)
 OS #1 = 914.07 OS #2 = 916.85
 OS #4 = 910.60 OS #3 = 913.24

Grading Quantities (CY)

Fill	
Cut	31.98
House Footing	0
Garage Footing	0
Porch Footing	0
Driveway	0
Egress Pit	0
Total Fill	0
Total Cut	31.98
Total (+/-)	31.98



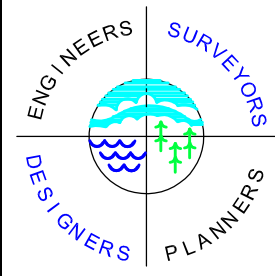
Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.).

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	⊕ GARAGE FLOOR ELEVATION
⊕ DRILL HOLE FOUND	⊕ ROOF DRAIN	⊕ 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	⊕ CABLE TV
⊕ PK NAIL W/ ALUMINUM DISC	⊕ CATCH BASIN	⊕ CONCRETE CURB
⊕ SURVEY CONTROL POINT	⊕ FLARED END SECTION	⊕ CONTOUR EXISTING
⊕ A/C UNIT	⊕ TREE DECIDUOUS	⊕ CONTOUR PROPOSED
⊕ CABLE TV PEDESTAL	⊕ TREE CONIFEROUS	⊕ GUARD RAIL
⊕ ELECTRIC TRANSFORMER	⊕ TREE CONIFEROUS REMOVED	⊕ DRAIN TILE
⊕ ELECTRIC MANHOLE	⊕ TREE DECIDUOUS REMOVED	⊕ ELECTRIC UNDERGROUND
⊕ ELECTRIC METER	⊕ FIBER OPTIC MANHOLE	⊕ FENCE
⊕ ELECTRIC OUTLET	⊕ UTILITY PEDESTAL	⊕ FIBER OPTIC UNDERGROUND
⊕ LIGHT POLE	⊕ UTILITY VAULT	⊕ GAS UNDERGROUND
⊕ FIBER OPTIC MANHOLE	⊕ WATERMAIN MANHOLE	⊕ OVERHEAD UTILITY
⊕ FIRE DEPT. HOOK UP	⊕ WATER METER	⊕ TREE LINE
⊕ FLAG POLE	⊕ WATER SPOGOT	⊕ SANITARY SEWER
⊕ FUEL TANK	⊕ WELL	⊕ STORM SEWER
⊕ PROPANE TANK	⊕ MONITORING WELL	⊕ TELEPHONE UNDERGROUND
⊕ GAS METER	⊕ CURB STOP	⊕ RETAINING WALL
⊕ GAS VALVE	⊕ GATE VALVE	⊕ UTILITY UNDERGROUND
⊕ GAS MANHOLE	⊕ HYDRANT	⊕ WATERMAIN
⊕ GENERATOR	⊕ IRRIGATION VALVE	⊕ TRAFFIC SIGNAL
⊕ GUARD POST	⊕ POST INDICATOR VALVE	⊕ RAILROAD TRACKS
⊕ HAND HOLE	⊕ SIGN	⊕ RAILROAD SIGNAL
⊕ MAIL BOX	⊕ SOIL BORING	⊕ RAILROAD SWITCH
		⊕ SATELLITE DISH
		⊕ WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
JD	1	ML	1/24/2024	HOUSE STAKE IN FIELD
DRAWN	2	ML	2/16/2024	DRIVEWAY
ML	3	ML	2/16/2024	HOUSE MOVED WEST
CHECKED	4	ML	3/4/2024	DRIVEWAY
DLS	5	ML	3/5/2024	BUFFER AVERAGING
DATE	6	ML	3/6/2024	DRIVEWAY - CROSS SECTION
01-12-2024	7	ML	3/29/2024	PRIMARY/SECONDARY SEPTIC AREA

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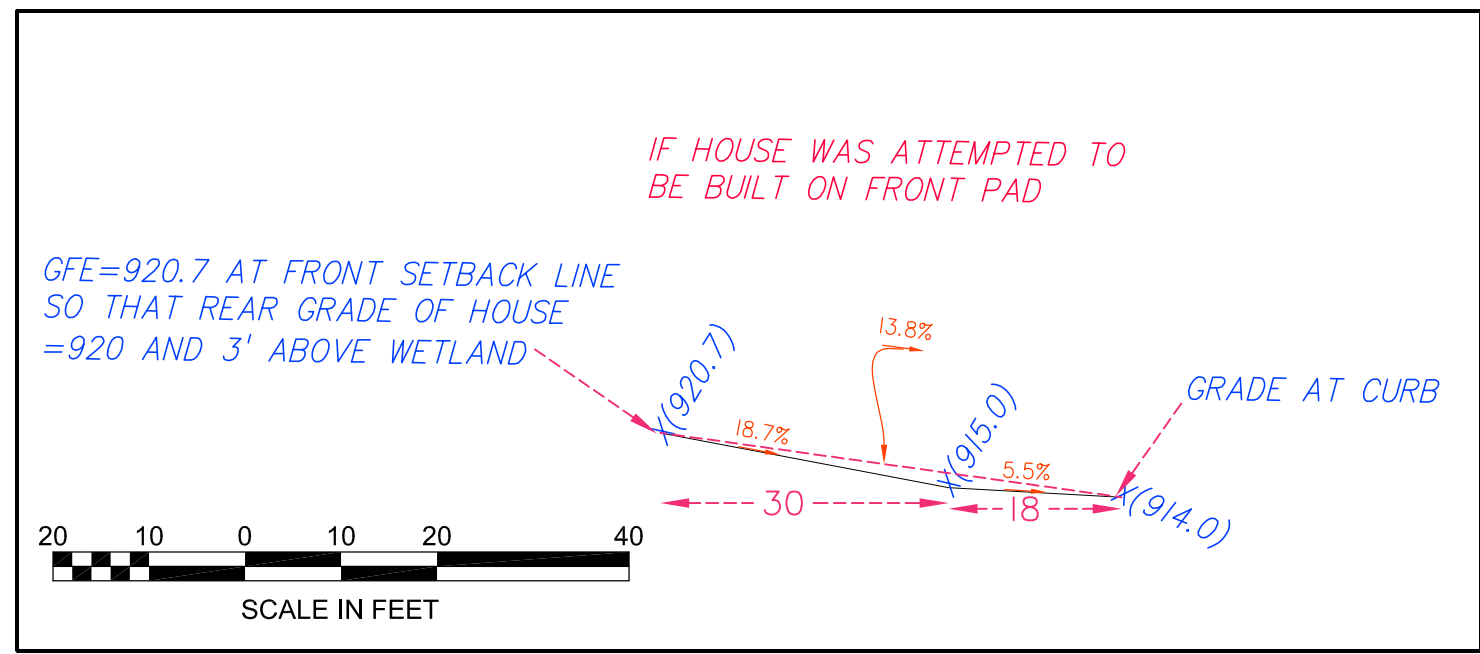
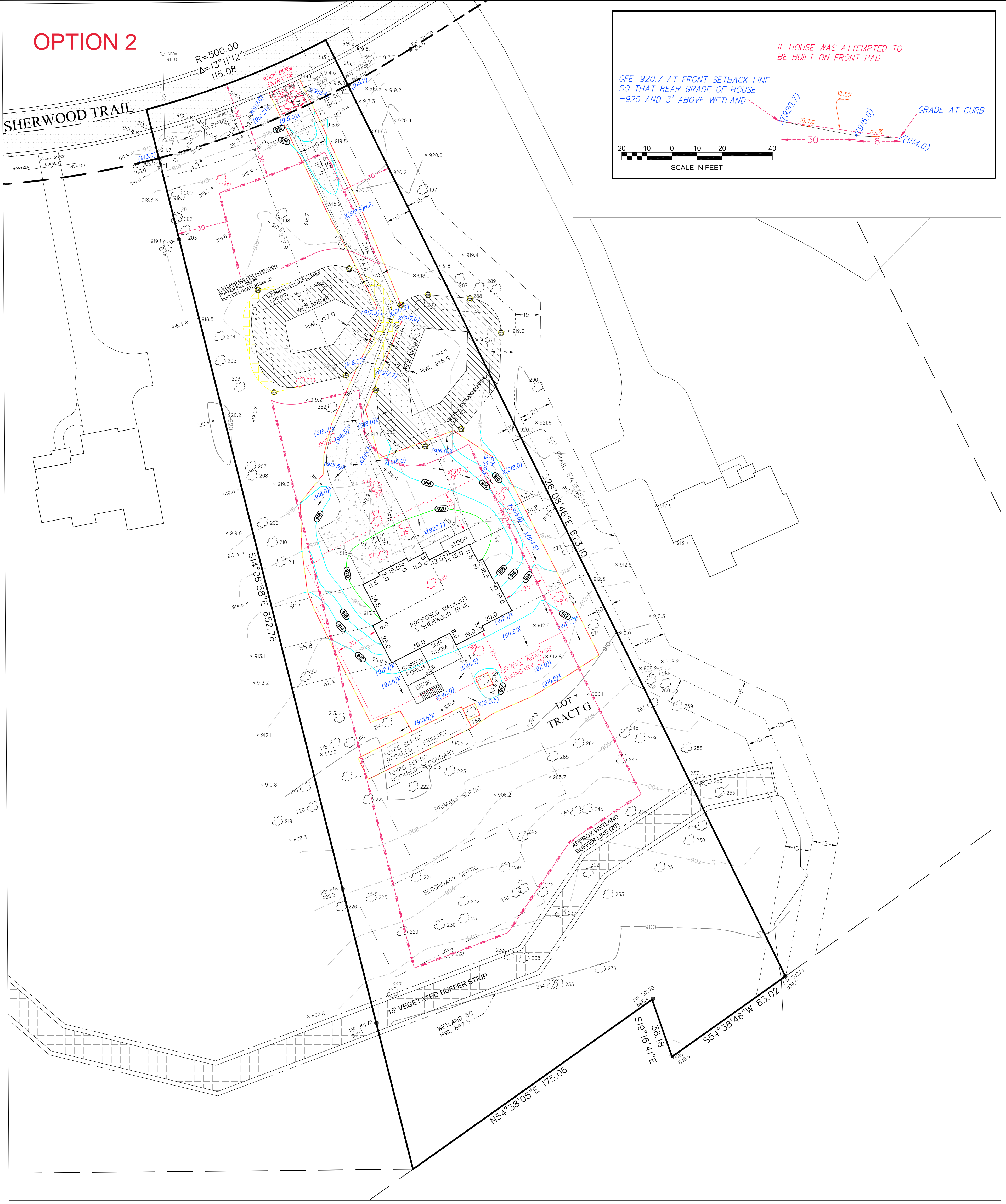
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 14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH MN 55447
 (952) 476-8000 WWW.SATHRE.COM

TWP:030-RGE 22-SEC 06
 Ramsey County
NORTH OAKS, MINNESOTA

CERTIFICATE OF SURVEY
 PREPARED FOR:
HANSON BUILDERS

FILE NO.
 3279-1538
1
2

OPTION 2



DESCRIPTION OF PROPERTY SURVEYED

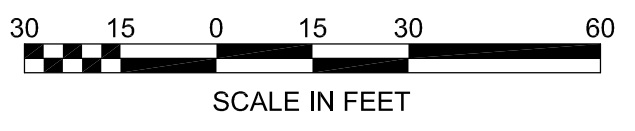
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Rear: 30 feet

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An easement for trail purposes lying 15 feet each side of the following described line:
Beginning at the southeast corner of Tract G, thence on a bearing of North 11 degrees 00 minutes 00 seconds East, assuming the most southeasterly line of said Tract G bears South 54 degrees 38 minutes 09 seconds West, a distance of 85.00 feet;
thence North 22 degrees 22 minutes 00 seconds West, a distance of 76.00 feet;
thence North 64 degrees 27 minutes 40 seconds West, a distance of 83.14 feet;
thence North 26 degrees 09 minutes 36 seconds West, a distance of 169.00 feet;
thence North 00 degrees 40 minutes 00 seconds East, a distance of 55.00 feet;
thence North 48 degrees 00 minutes 54 seconds East, a distance of 80.11 feet to a point on the northeasterly line of said Tract G, distant 122.00 feet from the most northeast corner of said Tract G;
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Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.).

SURVEY LEGEND

<ul style="list-style-type: none"> CAST IRON MONUMENT IRON PIPE MONUMENT SET IRON PIPE MONUMENT FOUND DRILL HOLE FOUND CHISELED "X" MONUMENT SET CHISELED "X" MONUMENT FOUND REBAR MONUMENT FOUND PK NAIL MONUMENT SET PK NAIL MONUMENT FOUND PK NAIL W/ ALUMINUM DISC SURVEY CONTROL POINT A/C UNIT CABLE TV PEDESTAL ELECTRIC TRANSFORMER ELECTRIC MANHOLE ELECTRIC METER ELECTRIC OUTLET LIGHT POLE LIGHT POLE FIBER OPTIC MANHOLE FIRE DEPT. HOOK UP FLAG POLE FUEL PUMP FUEL TANK PROPANE TANK GAS METER GAS VALVE GAS MANHOLE GENERATOR GUARD POST HAND HOLE MAIL BOX 	<ul style="list-style-type: none"> PIEZOMETER POWER POLE GUY WIRE ROOF DRAIN LIFT STATION SANITARY MANHOLE SANITARY CLEANOUT STORM MANHOLE STORM DRAIN CATCH BASIN FLARED END SECTION TREE CONIFEROUS TREE DECIDUOUS TREE CONIFEROUS REMOVED TREE DECIDUOUS REMOVED WATER MAIN MANHOLE WATER METER WATER SPIGOT WELL MONITORING WELL CURB STOP GATE VALVE HYDRANT IRRIGATION VALVE POST INDICATOR VALVE SIGN SOIL BORING 	<ul style="list-style-type: none"> W/OE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV. LOE LOWEST OPENING ELEV. CONCRETE BITUMINOUS BUILDING SETBACK LINE CABLE TV CONCRETE CURB CONTOUR EXISTING CONTOUR PROPOSED GUARD RAIL DRAIN TILE ELECTRIC UNDERGROUND FENCE FIBER OPTIC UNDERGROUND GAS UNDERGROUND OVERHEAD UTILITY TREE LINE SANITARY SEWER STORM SEWER TELEPHONE UNDERGROUND RETAINING WALL UTILITY UNDERGROUND WATERMAIN TRAFFIC SIGNAL RAILROAD TRACKS RAILROAD SIGNAL RAILROAD SWITCH SATELLITE DISH WETLAND BUFFER SIGN
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Proposed Elevations - WO
Proposed Garage Floor Elevation = 921.0
Proposed Top of Foundation Elevation = 921.3
Proposed Basement Floor Elevation = 912.6

Offset Irons
(elevations are to the top of pipe)
OS #1 = 914.07 OS #2 = 916.85
OS #4 = 910.60 OS #3 = 913.24

Hardcover
Lot Area = 113,362 S.F.
House Area = 3,734 S.F.
Driveway Area = 6,029 S.F.
Stoop Area = 159 S.F.
Sidewalk Area = 95 S.F.
Screen Porch Area = 281 S.F.
Deck Area = 203 S.F.
Total Area = 10,501 S.F.
Coverage = 9.3 %

Grading Quantities (CY)	
Fill	
Cut	31.98
House Footing	0
Garage Footing	0
Porch Footing	0
Driveway	0
Egress Pit	0
Total Fill	0
Total Cut	31.98
Total (+/-)	31.98

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

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

Dated this 25th day of January, 2024.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
schmidt@sathre.com

Minnesota License No. 26147

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TWP:030-RGE 22-SEC 06
Ramsey County
NORTH OAKS, MINNESOTA

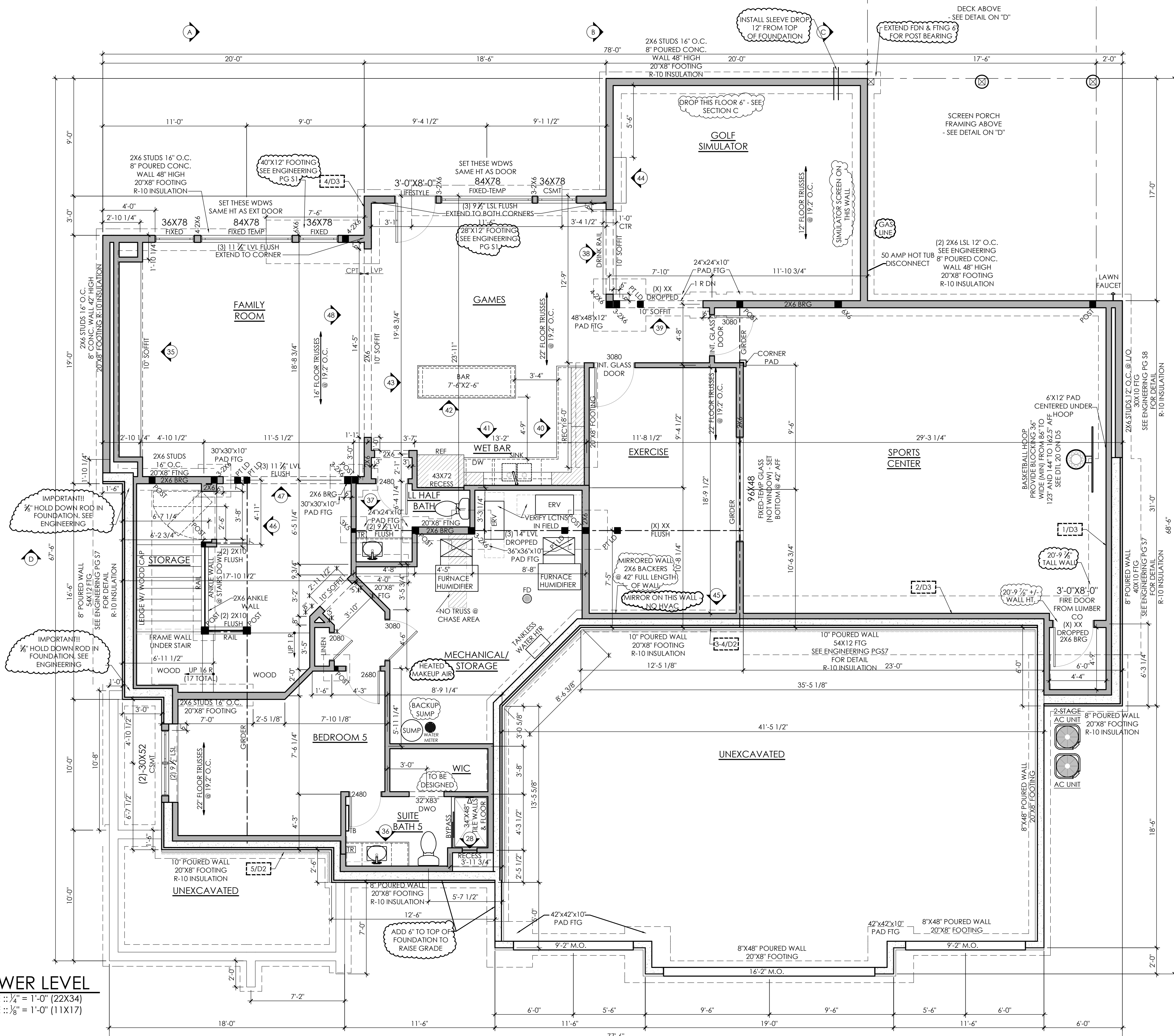
CERTIFICATE OF SURVEY
PREPARED FOR:
HANSON BUILDERS

FILE NO.
3279-1538
1
2

FIELD CREW	NO.	BY	DATE	REVISION
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ML	3	ML	2/16/2024	HOUSE MOVED WEST
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DLS	5	ML	3/5/2024	BUFFER AVERAGING
DATE	6	ML	3/6/2024	DRIVEWAY - CROSS SECTION
01-12-2024	8	ML	4/5/2024	DRIVEWAY MOVED - BUFFER AVERAGE

PLOT DATE: 1/31/2024 11:37 AM - © COPYRIGHT HANSON COMPANIES, LLC - C:\Users\Chris Vonesh\Hanson Builders\Dropbox\Garrison_Groustra\05_Drafting\01_HBI_Plans\1_2023_HBI_Projects\East_Preserve\8_Sherwood_Trail - Oakmont - Becker - Becken & Sherwood Trail - Oakmont - Becker

LOWER LEVEL
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/8" = 1'-0" (11X17)



- LOWER FLOOR PLAN NOTES**
- 8'-10" CEILING HEIGHT UNO
 - 7'-8" WINDOW HEADER HEIGHT @ WALKOUT UNO
 - INTERIOR WALLS @ 24" OC EXCEPT AT BEARING WALLS
 - 2X6 BEARING WALLS UNO
 - ALL INT DOORS PLACED 4 1/2" FROM CORNER FRAMING (4" FROM CORNER ON PLAN)

HANSON
 BUILDERS

BUILDERS LICENCE #BC004568
 13432 HANSON BLVD. NW
 ANDOVER, MINNESOTA 55304
 763-421-5435

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DISCLAIMER - ALL MEASUREMENTS AND LOCATIONS OF OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS.

BECKER RESIDENCE
8 SHERWOOD TRAIL
 TRACT G
 EAST PRESERVE
 NORTH OAKS, MN
OAKMONT
 CUSTOM

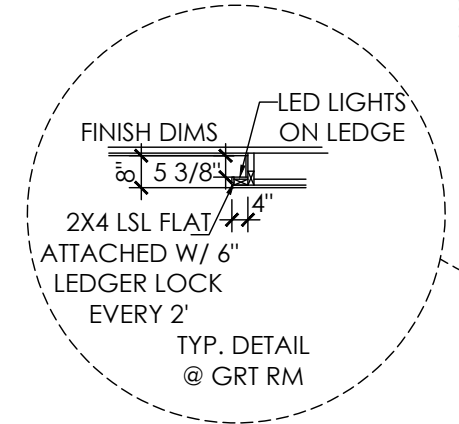
WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE:	1/31/2024	

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
 LOWER FLOOR

SHEET NUMBER
A1

PLOT DATE: 1/31/2024 11:37 AM - © COPYRIGHT HANSON COMPANIES, LLC - C:\Users\Chris Vonesh\Hanson Builders\Dropbox\Garrison_Groustra\05_Drafting\01_HBI_Plans\1_2023_HBI_Projects\East Preserve\8 Sherwood Trail - Oakmont - Becker - Becken & Sherwood Trail - Oakmont - Becker - Becken & Sherwood Trail - Oakmont - Becker



- MAIN FLOOR PLAN NOTES**
- 10'-1 1/2" CEILING HEIGHT UNO
 - 8'-7 1/2" WINDOW HEADER HEIGHT UNO
 - 2X6 BEARING WALLS UNO
 - INTERIOR WALLS @ 24" OC EXCEPT AT BEARING & KITCHEN WALLS
 - 20 MINUTE FIRE DOOR @ GARAGE TO HOUSE
 - ALL INT DOORS PLACED 4 1/2" FROM CORNER FRAMING (4" FROM CORNER ON PLAN)

HANSON BUILDERS

BUILDERS LICENCE #BC004568
 13432 HANSON BLVD. NW
 ANDOVER, MINNESOTA 55304
 763-421-5435

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BECKER RESIDENCE
8 SHERWOOD TRAIL
 TRACT G
 EAST PRESERVE
 NORTH OAKS, MN
OAKMONT
 CUSTOM

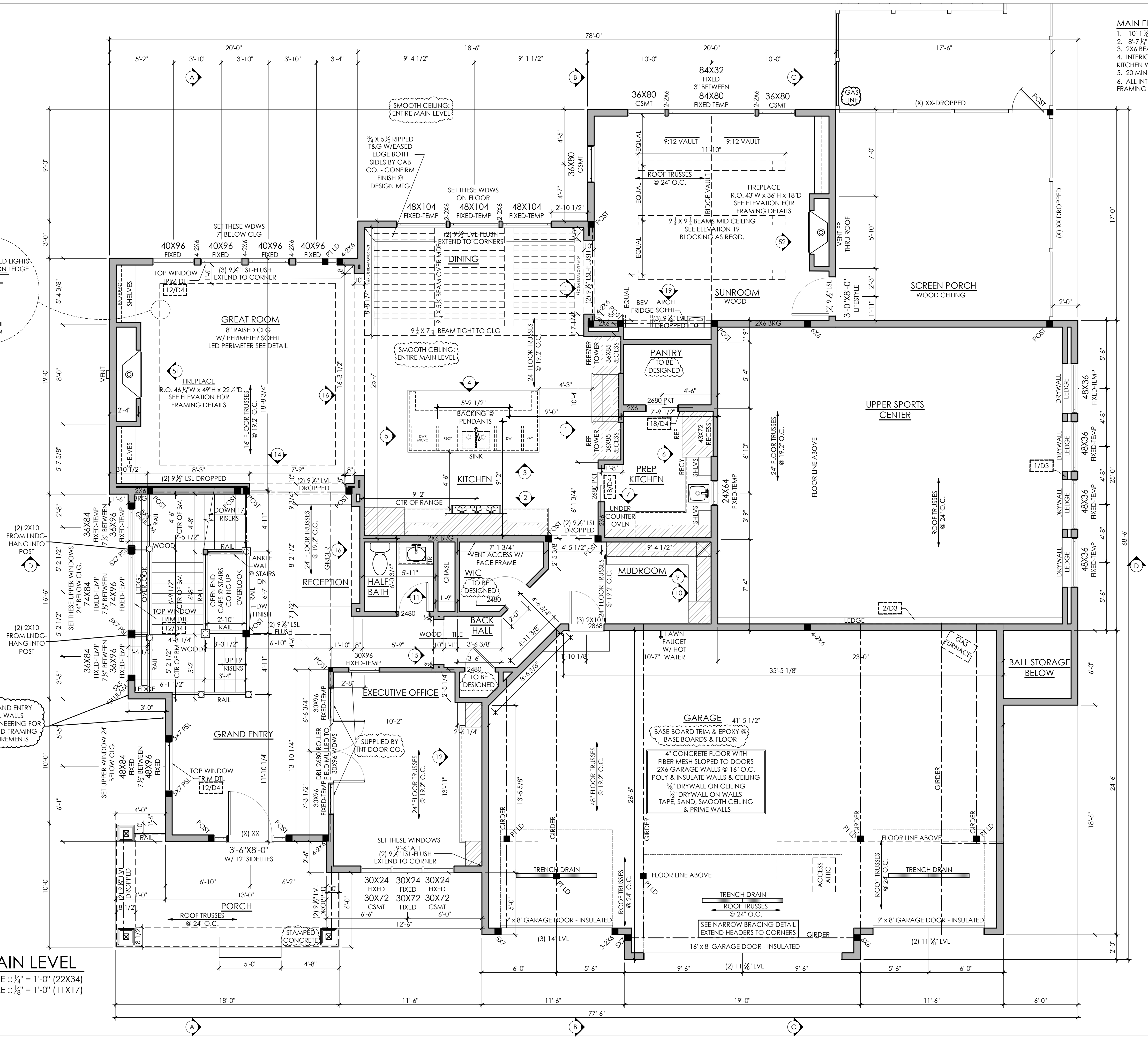
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AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
 MAIN FLOOR

SHEET NUMBER
A2

MAIN LEVEL
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/8" = 1'-0" (11X17)



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- UPPER FLOOR PLAN NOTES**
- 8'-1 1/2" CEILING HEIGHT UNO
 - 6'-11 3/4" WINDOW HEADER HEIGHT UNO
 - INTERIOR WALLS @ 24" OC EXCEPT AT BEARING WALLS
 - ALL INT DOORS PLACED 4 1/2" FROM CORNER FRAMING (4" FROM CORNER ON PLAN)

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BUILDERS

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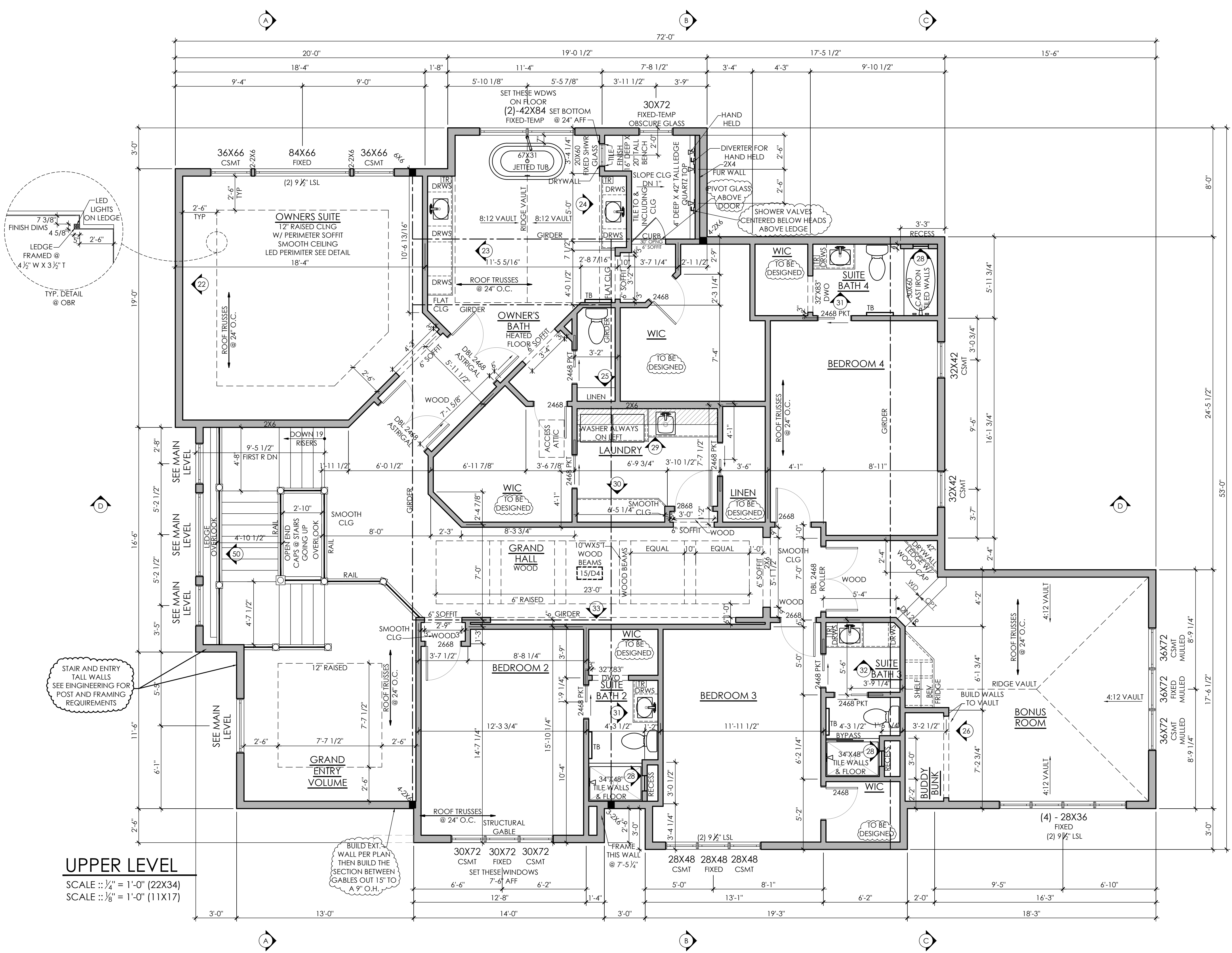
BECKER RESIDENCE
8 SHERWOOD TRAIL
TRACT G
EAST PRESERVE
NORTH OAKS, MN
OAKMONT
CUSTOM

WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
UPPER FLOOR

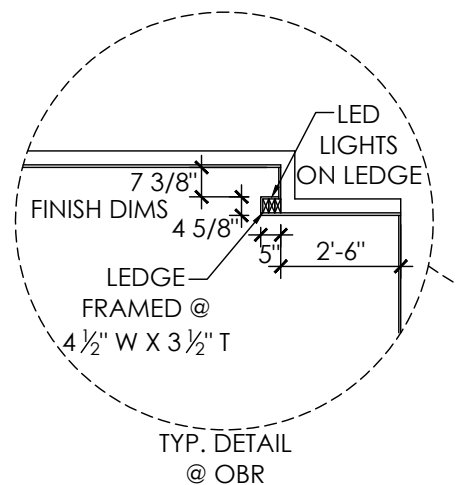
SHEET NUMBER
A3



UPPER LEVEL
SCALE :: 1/4" = 1'-0" (22X34)
SCALE :: 1/8" = 1'-0" (11X17)

BUILD EXT. WALL PER PLAN THEN BUILD THE SECTION BETWEEN GABLES OUT 15" TO A 9" O.H.

STAIR AND ENTRY TALL WALLS SEE ENGINEERING FOR POST AND FRAMING REQUIREMENTS



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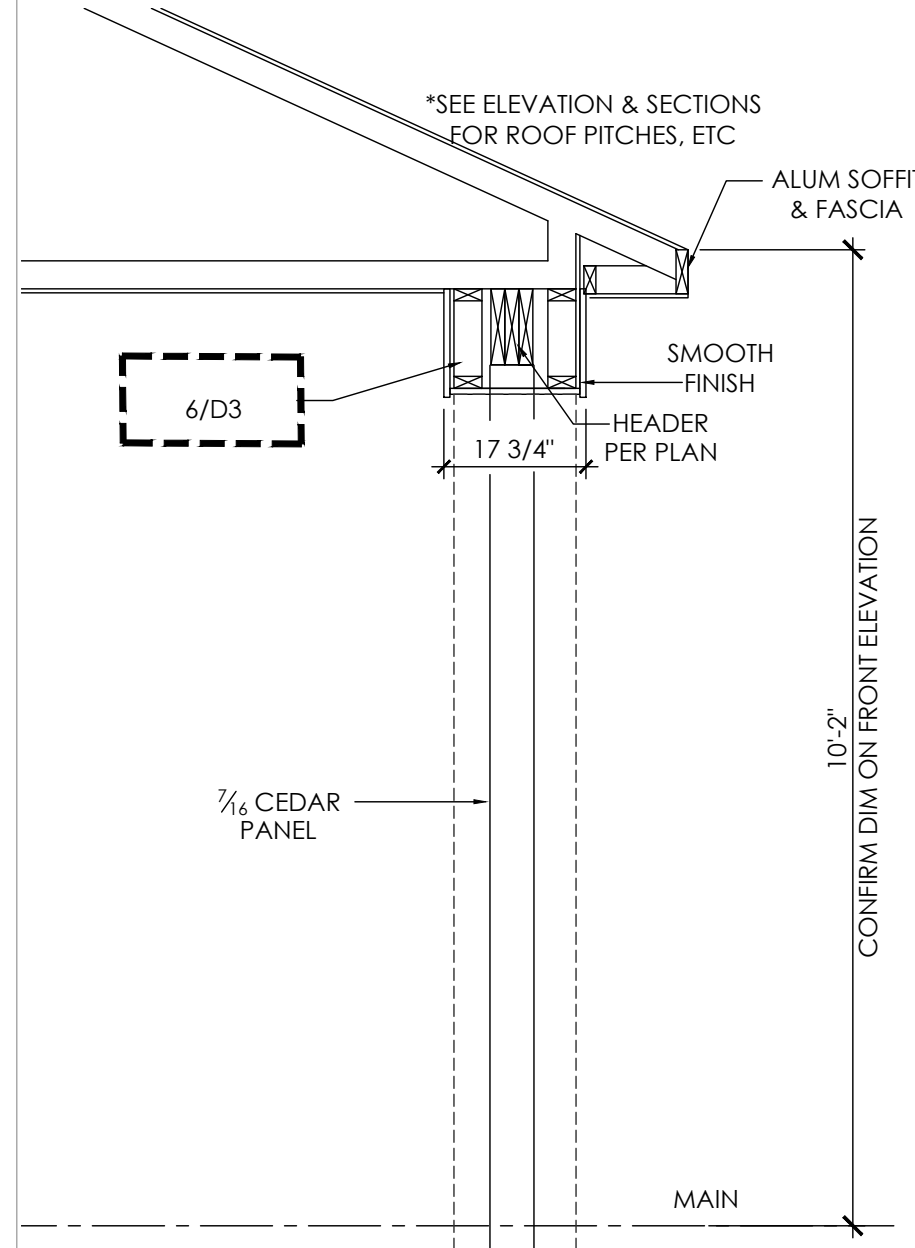
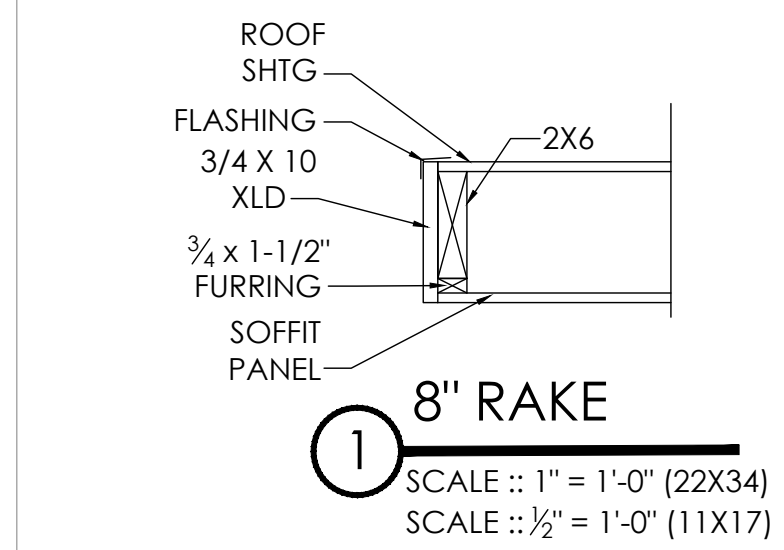


REAR ELEVATION
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/2" = 1'-0" (11X17)



SIDE ELEVATION
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/2" = 1'-0" (11X17)

- ELEVATION NOTES**
- FRONT:**
1. 8 1/2" CEMENT BOARD SIDING (7" REVEAL)
 2. 3/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. SEE DETAIL 10/D4 FOR CORNERS U.N.O.
 4. NOTE: FILL IN OPENINGS OVER ALL BRACKETS
 5. SHIP FRONT DOOR W/ NO BRICK MOULD
 6. BOARD & BATTEN @ 24" OC SPACING U.N.O.
- SIDES AND REAR (PER NEIGHBORHOOD):**
1. 8 1/2" CEMENT BOARD SIDING (7" REVEAL)
 2. 3/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. METAL CORNERS @ BACK U.N.O.



FRONT ELEVATION
 SCALE :: 1/4" = 1'-0" (22X34)
 SCALE :: 1/8" = 1'-0" (11X17)

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BECKER RESIDENCE
8 SHERWOOD TRAIL
 TRACT G
 EAST PRESERVE
 NORTH OAKS, MN
OAKMONT
 CUSTOM

WORKFLOW	DATE	BY
MATCH CONTRACT	01/26/24	KW
AMENDMENTS	XX/XX/XX	XX
FILE CHECK	XX/XX/XX	XX
PERMIT PLAN	XX/XX/XX	XX
FINAL PLANS	03/21/23	KW
PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
 ELEVATIONS

SHEET NUMBER
A4



SIDE ELEVATION

SCALE: 1/8" = 1'-0" (22X34)
SCALE: 1/4" = 1'-0" (11X17)

ELEVATION NOTES

- FRONT:**
1. 8 1/4" CEMENT BOARD SIDING (7" REVEAL)
 2. 1/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. SEE DETAIL 10/D4 FOR CORNERS U.N.O.
 4. NOTE: FILL IN OPENINGS OVER ALL BRACKETS
 5. SHIP FRONT DOOR W/ NO BRICK MOULD
 6. BOARD & BATTEN @ 24" OC SPACING U.N.O.

- SIDES AND REAR (PER NEIGHBORHOOD):**
1. 8 1/4" CEMENT BOARD SIDING (7" REVEAL)
 2. 1/2"x4" TRIM BOARDS @ OPENINGS U.N.O.
 3. METAL CORNERS @ BACK U.N.O.

HANSON
BUILDERS

BUILDERS LICENCE #BC004568

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BECKER RESIDENCE
8 SHERWOOD TRAIL
TRACT G
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PLOT DATE: 1/31/2024		

REVISIONS	DATE	BY
REVISION 1	XX/XX/XX	XX

SHEET TITLE
ELEVATIONS

SHEET NUMBER

A4.1

FLOOR AREA RATIO (FAR) WORKSHEET JOB ADDRESS: 8 Sherwood Trail

- 1) Total Lot Area 113,362 Sq. Ft.
- 2) Total Area of Road Easement(s) 3,547 Sq. Ft.
- 3) **Adjusted Total Lot Area** 109,815 Sq. Ft.
(Subtract Line 2 from Line 1)
- 4) DNR-Designated Wetland 23,404 Sq. Ft. X .66 = 15,447 Sq. Ft.
- 5) **Gross Lot Area** 94,368 Sq. Ft.
(Subtract Line 4 from Line 3)
- 6) Floor Area of Existing or Proposed House
- A) First Floor 2,558 Sq. Ft.
- B) Second Floor 2,679 Sq. Ft.
- C) Basement 3,072 Sq. Ft.
Exposed Basement Walls 50 %
1) Adjusted Basement Area 1,536 Sq. Ft.
(Multiply Line 6C by 6C1)
- D) Garage 1,039 Sq. Ft.
- E) Add Lines A, B, C2, D** **Sub-Total: 7,812 Sq. Ft.**
- 7) Additional Floor Area
- A) Additions - Sq. Ft.
- B) Detached Accessory Buildings - Sq. Ft.
- C) Add Lines A and B** **Sub-Total: - Sq. Ft.**
- 8) **Total Floor Area TOTAL:** 7,812 Sq. Ft.
(Add Lines 6E and 7C)
- 9) **FLOOR AREA RATIO** .0828
(Divide Line 8 by Line 5)

Note: For Lots where the combined square footage of all Buildings thereon exceeds 4,000 square feet, then the combined total Floor Area Ratio (FAR) of all Buildings on such Lots shall not exceed 0.12

Date: 3/22 Phone: 952.482.4793 Signature: 

Print Name: Scott Hockett

12/10

February 14, 2024

Kendra Lindahl, AICP
City Planner

Via E-mail: KLindahl@landform.net

RE: **8 Sherwood Trail**
Sambatek Project No. 51986

Dear Kendra:

I have reviewed the Conditional Use Permit request for the overall building height for this parcel.

The proposed home location requires the driveway to be located between 2 existing wetlands. City Ordinance requires a 30-foot setback from all wetlands. This condition cannot be met and I am recommending denial of this request.

Sincerely,
Sambatek, LLC



Michael J. Nielson, PE
City Engineer

CC: Kevin Kress, Administrator

March 28, 2024

Planning Commission Members
City of North Oaks

Via E-mail C\O Kevin Kress, City Administrator
kkress@northoaksmn.com

Re: **8 Sherwood Trail - Variance Request**
Sambatek Project No. 51986

Dear Commission Members:

I have reviewed the information provided by the applicant regarding the low floor elevation of 920.7 to meet the 3' High Water Separation and concur that elevation is necessary. This does create a significant slope on the driveway of 13.8% as noted on the plan sheet. The applicant is showing a 5.5% grade adjacent to the roadway as a landing or stopping area before entering the roadway to account for icy or snow-covered conditions. While this helps with the stopping condition before entering the roadway, it also creates an 18.7% grade approaching the garage. From my experience this is unsafe during winter conditions.

The industry standard for an acceptable driveway is a maximum of 10% with appropriate landing areas adjacent to the garage and roadway and we would not recommend a driveway with a 13.8% average grade.

Respectfully Submitted,
Sambatek, Inc.



Mike Nielson, PE
Municipal Practice Leader

Cc: Kevin Kress, City Administrator
Kendra Lindahl, City Planner

April 18, 2024

Kendra Lindahl, AICP
City Planner

Via E-mail: KLindahl@landform.net

RE: **8 Sherwood Trail**
Sambatek Project No. 51986

Dear Kendra:

I have reviewed the request for Variance to the 30-foot wetland buffer setback and concur that this option provides a reasonable alternative use of this parcel.

My previous review memo dated March 28, 2024, outlined the difficulties and safety concerns with the home located near the street due to the excessively steep driveway required for his alternative. This alternative has been reviewed by the watershed (see memo from Brian Corcoran, Vadnais Lake Area WMO (VLAWMO)). Mr. Corcoran has not objection to either option presented.

Based on the revised plan set reducing the width of the driveway located between wetland #7 & #9, I have no objection to the proposed home and driveway location.

Sincerely,
Sambatek, LLC



Michael J. Nielson, PE
City Engineer

CC: Kevin Kress, Administrator



TO: Kevin Kress
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: March 9, 2023
SUBJECT: Comments – 8 Sherwood Trail - Driveway

Please find below, per your request, the VLAWMO “advisory” comments for 8 Sherwood Trail – Driveway, received 3-8-2023. These comments are advisory only given that VLAWMO does not operate a regulatory program for development review with exception of the Wetland Conservation Act (WCA). Our Water Management policy and standards have been adopted and are enforced by our respective City’s and Township.

- A MN Routine Assessment Method (MNRAM) worksheet was completed on 4/6/2020, which identifies management classes for each wetland on site. 8 Sherwood Trail wetlands (W9 & W7) are Manage 2 wetlands. Base buffer width of 30ft, Applied buffer with of 24ft. See below table:

Management Class	Base Buffer Width (ft)	Minimum Applied Buffer Width (ft)
Manage 3: Storm Ponds	20	16
Manage 2	30	24
Manage 1	40	34
Preserve	75	67

- Per the Buffer section in the Water Management Policy (chapter 11 “Buffers” starting on pg 26) The buffer width may vary based on demonstrated site constraints, provided that a width of at least 50 percent of the applied buffer width is maintained (in this case that would be 12ft). See section 5 in chapter 11 Buffers.

Brian Corcoran



TO: Scott Hockert
FROM: Brian Corcoran Vadnais Lake Area WMO (VLAWMO)
DATE: April 12, 2024
SUBJECT: Comments – Variance Request Narrative– 8 Sherwood Trail

Please find below, per your request, the VLAWMO “advisory” comments for the Variance Request Narrative– 8 Sherwood Trail received 4-12-2024. These comments are advisory only given that VLAWMO does not operate a regulatory program for development review with exception of the Wetland Conservation Act (WCA). Our Water Management policy and standards have been adopted and are enforced by our respective City’s and Township.

Two options have been proposed for providing driveway access to the back portion of Lot 8:

- Option #1 initial submitted layout was with a 12’ wide driveway between wetland #9. 25’ setback from the westerly property line and 11’ buffer to wetland and utilizing wetland buffer averaging.
 - Per buffer rules adopted by the City Option #1 will work. Buffer width may vary based on demonstrated site constraints, provided that a width of at least 50 percent of the Applied Buffer Width is maintained at all points; there is no reduction in total buffer area; and the buffer provides wetland and habitat protection at least equivalent to a buffer of uniform Applied Buffer Width. For this option it is recommended that a minimum of 12’ buffer be utilized from driveway edge to wetland line to follow adopted buffer rules. Plan sheet Option #1 TRACT G, L7, EAST PRESERVE, 8 SHERWOOD TRAIL - COS 032924[100]
- Option #2 recent submitted layout is with the driveway between wetland #7 & wetland #9 reducing the driveway to 10’ in the wetland area, utilizing wetland buffer averaging and the VLAWMO’s minimum buffer of 12’
 - Per buffer rules adopted by the City Option #2 will work. Buffer width may vary based on demonstrated site constraints, provided that a width of at least 50 percent of the Applied Buffer Width is maintained at all points; there is no reduction in total buffer area; and the buffer provides wetland and habitat protection at least equivalent to a buffer of uniform Applied Buffer Width. This option follows adopted rules and slightly increases overall buffer around both wetlands. Plan sheet Option #2 TRACT G, L7, EAST PRESERVE, 8 SHERWOOD TRAIL - COS 040524
- It is recommended that Wetland Buffer Zone signs be placed around buffer areas.

VLAWMO has no issues with either option outlined above for driveway access to the back portion of Lot 8.

Thank you,

Brian Corcoran

WETLAND BUFFERS: THE BASICS



A buffer is an area surrounding a wetland, pond, stream, or lake where plants are allowed to grow. When turfgrass or only rock surround a waterbody, pollution and sediment are easily washed into them. Buffers help trap sediments and nutrients, keeping them on land before they can get to the waterbody. This benefits people in the form of clean, secure water resources and replenished groundwater for the future. If you live next to a waterbody, you're the first and best protector of that resource for everyone downstream.

VLAWMO staff and grant programs are available to help design and install buffers that beautify your property while also supporting the greater watershed.

Why maintain a buffer?

- Provide clean water by filtering and storing pollutants such as phosphorus.
- Support efficient drainage systems from culverts to streets. Buffers help reduce sediment build-up downstream and the need for costly dredging.
- Help prevent flood damage by enhancing storage during large rain events.
- Promote groundwater recharge instead of sending runoff to a neighbor.
- Enhance aesthetics and property value.
- Provide pollinator habitat and support the aquatic food chain.

BUFFER SIZES:

Wetlands have different classifications depending on vegetative diversity and size. These factors create different recommendations for buffer sizes.

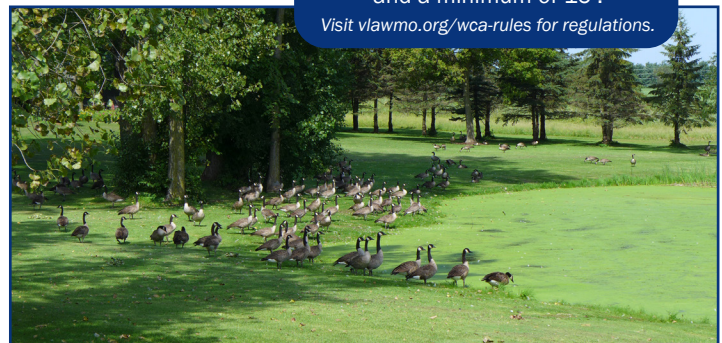
EXAMPLE:

Most small wetlands and stormponds call for a buffer with an average of 20' vegetative width and a minimum of 16'.

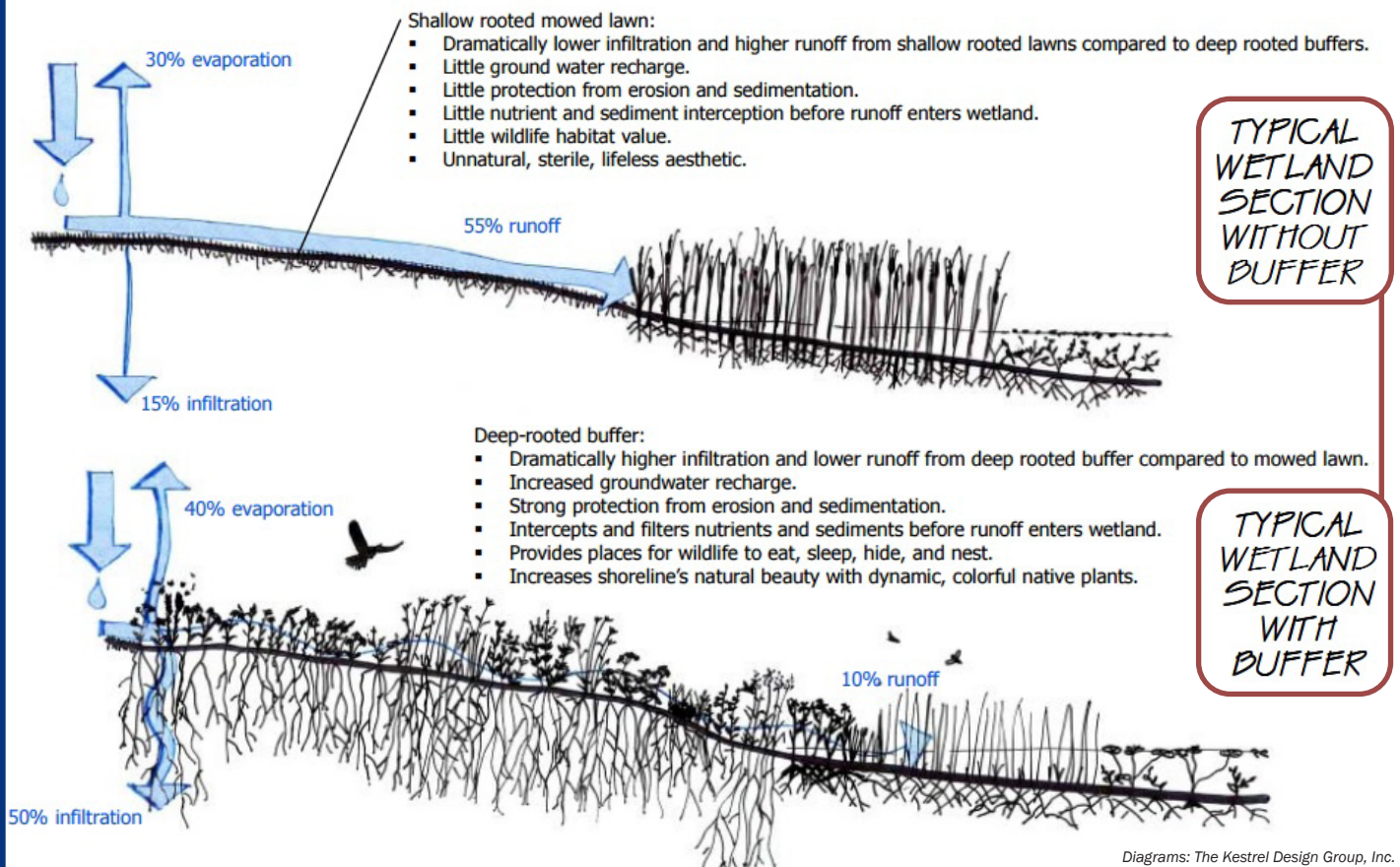
Visit vlawmo.org/wca-rules for regulations.



Buffers and shoreline restorations are great ways to protect water quality.



With a clear view and easy access to water, Geese can become a nuisance when no buffer exists.



Sherwood. We followed your suggested format of addressing code section 151.078 pertaining to variances and provided as much supporting information and visuals as we thought necessary to address the practical difficulties of building on this lot.

Take a look and let us know if you have any questions or suggestions before compiling this packet for the next planning commission meeting

Thanks for your help so far

SCOTT HOCKERT

VP of Production

HANSON
■■■ BUILDERS ■■■

952.452.4793 | hansonbuilders.com

13432 Hanson Blvd NW, Andover, MN 55304



From: Scott Hockert <Scott@hansonbuilders.com>

Date: Tuesday, March 5, 2024 at 2:25 PM

To: Kendra Lindahl, AICP <KLindahl@landform.net>

Cc: Kevin Kress (kkress@northoaksmn.gov) <KKress@northoaksmn.gov>

Subject: Re: 8 Sherwood

Below is the email communication from Bill Long pertaining to the tree agreement. I'll follow up with the revised narrative

Good Afternoon Everyone,

I want to update you on the plan that NOHOA has agreed to with Hanson Builders in the Sherwood Trail area.

1. NOHOA and Hanson Builders have agreed that Hanson will plant a total of twenty trees, each of a minimum 2.5 inch diameter at breast height, on the five lots that Hanson acquired from the North Oaks Company on Sherwood Trail in North Oaks.
2. Tentatively, these trees will be planted on Sherwood lots 1,2, 8 and 12. Taking a closer look at the topography of the area and where the most ash trees were lost, we think planting along the west side of lots 1 and 2 along Sherwood Road will improve screening for the entire area. Planting trees on the south sides of lots 8 and 12 will ensure some screening of the homes on Red Maple Lane. Since lot 4 basically backs up to a wetland, we didn't feel the need to screen that area.
3. Hanson to consult with Steve Nicholson, a certified forester, of TreeBiz LLC on species selection and exact locations of the plantings to optimize their benefit. The locations, but not the total number of trees to be planted, may be modified based on Mr. Nicholson's input.
4. Neighbors on Sherwood Trail and Red Maple Lane are encouraged to collaborate with Hanson in

planting additional trees at the neighbors' expense on their own properties to help mitigate the loss of so many ash trees in the area to Emerald Ash Borer.

5. NOHOA (Bill Long and Julia Hupperts,) can assist in coordinating a walkthrough of the area with Hanson, TreeBiz and neighbors in the area as the tree plan is finalized.

Also, though this wasn't part of the agreement, NOHOA is trying to find a way to get better pricing on trees to be planted in this area. With such a large number going in to a single neighborhood, we may be able to get a discount. Please let me know if you have any questions or concerns. I will keep you posted as to next steps and timing.

Bill

Bill Long
NOHOA Secretary
BODLong@nohoa.org
651-276-4392

SCOTT HOCKERT
VP of Production

HANSON
■■■ BUILDERS ■■■

[952.452.4793](tel:952.452.4793) | hansonbuilders.com

13432 Hanson Blvd NW, Andover, MN 55304



From: Kendra Lindahl, AICP <KLindahl@landform.net>

Date: Tuesday, March 5, 2024 at 1:43 PM

To: Scott Hockert <Scott@hansonbuilders.com>

Cc: Kevin Kress (kkress@northoaksmn.gov) <KKress@northoaksmn.gov>

Subject: RE: 8 Sherwood

Scott,

Yes, please share whatever information you have about the tree removal and restoration agreement. It may help head off further discussion at the Council.

If you can get your narrative in by the end of the week, that would be great.

We are only going to have 3 council members at the 3/14 meeting, so we will push all of the planning items to the April 11th Council meeting.

Kendra Lindahl, AICP

Subject: FW: 8 Sherwood Trail Variance - March 28th Planning Commission Meeting

From: Guanzini, Amanda <aguanzini@deloitte.com>

Sent: Tuesday, March 26, 2024 10:29 AM

To: Kevin Kress <kkress@northoaksmn.gov>

Cc: guanzini.steven@gmail.com

Subject: 8 Sherwood Trail Variance - March 28th Planning Commission Meeting

You don't often get email from aguanzini@deloitte.com. [Learn why this is important](#)

Caution: This email originated outside our organization; please use caution.

Hi Kevin – Thanks for your voicemail. Can you give this to the chair to read as part of the planning commission documents for the March 28, 2024 meeting as it relates to the variance request for 8 Sherwood Trail?

Thank you,
Amanda Guanzini

We understand that there has been a variance request for the home to be built at 8 Sherwood Trail. As residents that recently built at 6 Sherwood Trail, we had also previously requested a variance in order to build a house with a walkout basement. Our variance request was denied and we modified our building plans so that it was more naturally suited to the lot as requested by the Planning Commission and City Council.

In addition, we understand that there is a variance requested for the driveway to be within 25 feet of the property line on the side of the property adjacent to our lot. After all of the trees and brush have been removed from the property at 8 Sherwood Trail, there is less of a buffer between the properties. The previously wooded lots in the Nord development, and North Oaks in general, was a significant draw to the purchase of our lot. An approved variance to the current set back requirements, would amplify the loss of that privacy due to the recent tree and brush removal.

Amanda Guanzini

Audit Partner | Audit & Enterprise Risk Services
Deloitte & Touche LLP
Tel: 612 397 4635
www.deloitte.com

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v.E.1

Variance Request

8 Sherwood Trail, Tract G
North Oaks, MN

Description of Variance Requested:

Hanson Builders (license BC0004568) on behalf of itself and Mr. and Mrs. Becker (future homeowners for this property), are respectfully requesting a variance to allow a driveway upon a portion of the 30-foot buffer setback from a wetland area based upon practical difficulties caused by the features of the property. The project will be completed according to one of the two proposed layouts.

Description of the Property and the Need for a Variance:

The property is located at 8 Sherwood Trail and is one of several lots in a single-family residential development with large lots and homes set far back from the road. The property includes two wetlands in the center and front 1/3 of the lot where a home would ordinarily be constructed. The property is narrow in the front and expands to be wider in the back. The front 1/3 of this lot is narrower than the front areas of other properties in the neighborhood. The property also includes a significant grade change and rising up from the street.

Due to the grade change, a home constructed in the front 1/3 of the property would have a driveway with an average slope of 13% and a maximum slope over 18%. This is a dangerous feature, particularly during Minnesota winters. It is also uncharacteristically steep for the neighborhood and would be a bulky visual feature from the road. The home would also be placed much closer to the road than others in the neighborhood and will disrupt the front yard setback established by the homes immediately next to the property.

The wetlands have a 30’ buffer area that prevents placing the driveway through the center of the lot and, because the front of the lot is narrow, a driveway cannot be built outside the wetland buffer without encroaching into the side yard setback. Granting this variance will allow the home to be constructed in a manner consistent with the neighborhood, preserve natural views and privacy among neighbors, and not be harmful to the wetlands.

Specific Location of the Variance request:

We have two proposals for the driveway location. We initially worked with the city planner to create Proposal #1, which includes a 12’ wide driveway running along the western edge of the wetland #9 buffer (the westernmost of the two wetlands) and the western property line. This proposal meets the 25’ side yard setback and provides an 11’ buffer between the driveway and wetland #9. Vadnais Lake Area Water Management Organization (“VLAWMO”), the entity with technical expertise over wetlands in the City, expressed no concerns with the 11’ buffer in Proposal #1 in its 3/20/24 letter.

After discussion at its meeting on 3/28/24, the planning commission members wanted to see an additional option that would place the proposed driveway between the two wetlands in order to increase privacy along the lot line. In response, we prepared Proposal #2, which provides a larger wetland buffer average of 12’ and keeps the driveway far outside the side yard setback areas. The driveway width is reduced to 10’ in the area between the wetlands. As with Proposal #1, VLAWMO has no concern about the wetland buffer average in its letter dated 4/12/24 and finds both proposals to be

acceptable in light of its water management policies. We ask the City to adopt VLAWMO's determination that the variance provides enough buffer space to protect the wetlands.

Reasoning for the Variance Request. We will address the code section 151.078 Variances and Appeals, specifically subsection (E,2):

- (a) Unique circumstances apply to the which do not generally apply to other land in the same zone or vicinity, and result from lot size shape, topography, or other circumstances over which the owners of the land have no control.**

The location of the two small wetlands is a unique condition that does not exist on any other lot in this development. While wetlands are not uncommon in this area, they are rarely located in the center-front of a buildable residential lot. In this instance, the location, size, and shape of the wetlands prevent construction in the middle of the lot, where it would normally occur, and requires the home to be moved either forward into the typical front yard area or all the way behind the wetlands.

In this case, the challenges posed by the wetlands are exacerbated by the topography of the property and the fact that the front 1/3 of the lot is narrower than other lots in the area, which causes the side yard setback to have a greater impact on the property as compared to other lots in the surrounding area. This combination of conditions does not exist on the other properties in the area and, as discussed more in section (b) below, the other homes in the neighborhood *would all require at least one setback variance* place them on the front portion of this lot. Not only are these characteristics unique to this property and beyond the applicant's control, but they prohibit the reasonable use of the property.

Additionally, the significant elevation change from the road makes it unsafe to construct a home in the front of the property because it would result in an average driveway slope in excess of the City's maximum guideline of 10% (see below) and what we, in our professional judgement, believe to be safe.

The calculation is straightforward. The street elevation is 914.0 and complying with the requirement to stay within existing grade and the wetland rules (requiring the home to be 3' above the high-water line) results in a garage floor at 920.7 and over a distance of 48' from the front of the garage to the street results in *an average driveway slope of 13.8%*. Importantly, a driveway cannot be sloped uniformly from the low point to the high point, and here the *steepest portion of the driveway will be sloped upwards of 18.7%*! This creates an unsafe condition year-round because it limits visibility in an out of the driveway, but this will be particularly dangerous during icy Minnesota winters. This also requires a slope in the front yard that increases the potential for erosion and runoff into the road.

Granting the variance will allow the home to be located in the rear of the property and will allow a driveway to more gradually adjust to the topography. This will be safer for the property owner, allow better visibility when entering the street, reduce runoff, and maintain a similar appearance to other driveways from the street.

12. A grading plan for each "custom" lot shall be submitted with each building permit application. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code. Staff recommends that a minimum driveway slope of 3 percent, and a maximum of 10 percent. Details of proposed driveway sections over drainage ditch with proposed culverts shall be included in plans for building permit review to ensure grading and drainage plan is maintained.

(b) The proposed use is reasonable:

It is reasonable to seek a variance to allow a driveway for this single-family home in this zoning district. This property is constrained by the location of two wetlands along with the topography and the available front building area is small at only about 65 feet wide and 50 feet deep.

The requested variance is reasonable from the perspective of the local watershed agency with technical expertise over these wetlands. VLAWMO has reviewed the proposed variance and both proposed driveway layouts. It has determined that sufficient wetland buffer protections will exist to meet the requirements of its water management policy and City ordinance requirements. In arriving at this conclusion, VLAWMO notes that the strict buffer requirements can be relaxed when site constraints exist, as they do here, and that buffer averaging is an acceptable calculation method.

For context, we wanted to see if the other homes in the neighborhood could be built in the front building area without encroaching into setback areas so we had engineering place the building footprints within front buildable area of the property. See attached exhibits for the floor plans of Sherwood 1, 2, 6, 8, 10, and 14. All of the neighboring homes needed a setback variance to be constructed in the front building area. The only reasonable location for a home consistent with the caliber of homes in this neighborhood is behind the two small wetlands.

Granting this variance will create a front yard setback that is uniform with the immediate neighbors and consistent with the essential character of the surrounding area. The lots on Sherwood are particularly deep and the homes have large front yard setbacks and it is unreasonable to shoehorn a home into the front lot in the neighborhood, particularly when the lot is more than 600' deep and about 180 feet wide at the rear for a total of 2.6 acres. The home immediately to the west (6 Sherwood) is set back roughly 150' and the home immediately to the east (10 Sherwood) is set back roughly 300'. Without a variance, this home would be set back only 48 feet from the street; this is out of character with the surrounding area. This will also provide more privacy to the future property owners as well as their neighbors at both 6 and 10 Sherwood and better preserve natural views of the undeveloped portions of the property rather than force those owners to look at the backside of this home.

Granting the variance will have a beneficial impact on the septic system. Building the home in the front area will require an exceptionally long pipe for the septic system, which increases the opportunity for a pipe failure over time. It is reasonable to build the home behind the wetlands so that a more reasonable sized septic pipe can be used and there will be more flexibility in siting the location and ensuring adequate sloping without disturbing the wetlands to install septic piping.

(c) That the unique circumstances do not result from the actions of the applicant:

Hanson Builders was not involved in the original platting or lot layouts of this development. The wetlands, topography, and development setbacks were not created by Hanson Builders. We are trying to resolve the issues of the constraints for this lot.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or building in the same district:

The requested variance does not provide a special privilege on the applicant to allow the property to be developed in a manner that is different from the single-family homes on other properties within the

district. Rather, the variance will allow for a typical driveway and enable the property to be developed in the same manner as other properties in the district.

In this context, special privileges would be to allow an increase in FAR or the ability to develop a multi-family building; moving the home back from the front portion of the lot is not a special privilege. As discussed during the prior planning commission meeting, several of the homes in Sherwood are constructed further into the rear of the lot than initially shown on proposed buildings pads at subdivision approval. Granting this variance does not provide any special privileges not enjoyed by other properties and will encourage development that is consistent with the existing character of the neighborhood.

(e) That the requested variance is the minimum variance which would alleviate the practical difficulties:

We are trying to be very sensitive to the natural environment, the character of the surrounding neighborhood, and the ordinance. We have proposed the minimum amount of variance that will resolve the difficulties of this lot and we believe that Proposal #2 is the least impactful. The minimal nature of the variance is shown by:

1. Building a modest driveway and further reducing it to 10' in the area next to the wetland;
2. Increasing the total amount of wetland buffer zone to be equal to or greater than the wetland buffer zone area in the initial proposal, as calculated by the wetland buffer averaging principle;
3. Understanding that the driveway will not reduce the size of or physically contact the wetlands;
4. The total amount of buffer area surrounding the two wetlands is increased;
5. Agreeing to install wetland buffer zone signs around the buffer areas;
6. Increasing privacy between neighboring properties; and
7. Eliminating the need to construct a dangerously steep driveway.

(f) The proposed variance will not impair an adequate supply of light and air to adjacent land, or substantially increase the congestion of the roads and streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

The proposed variance does not affect any of the above concerns for air, light, congestion, fire danger, public safety, or property values. The requested variance will have a positive impact on each of the criteria and make it possible to use a front yard setback that is more consistent with the surrounding neighborhood, thereby eliminating building bulk in the front of a lot and increasing the appeal of the neighborhood. Granting the variance will also eliminate the need for a dangerous and excessively steep driveway that would be highly visible to the neighborhood and uncharacteristic of the surrounding area.

(g) At no time after the land became nonconforming was the property under common ownership with contiguous land, the combination of which could have been used to reduce or avoid the nonconformity of the land.

Hanson Builders purchased this lot in September 2023 as currently platted and there have neither been any changes to the property boundaries during our ownership nor the common ownership of contiguous land. We did not create the wetlands, alter the elevation, or establish the lot boundaries. The initial home placement (with home on rear/southern building pad) was reviewed by the City, which expressed

no concerns about using the rear portion as opposed to the front portion of the lot. The current issue was discovered only recently and we are working to resolve this issue as delicately as possible.

Hanson Builders is trying to build a single-family home on the property. This is consistent with the Comprehensive Plan and a permitted use in applicable zoning district. The proposed home is of similar size and scale as other homes in the development and surrounding area. The circumstances that impact this property are unique and were not created by us and, as we've demonstrated, the other homes in the neighborhood could not be constructed on this lot without a similar setback variance. Constructing the home in the rear portion of the lot is reasonable and consistent with the essential character of the area, which generally maintains large front yard setbacks. Finally, extending the driveway into the typical wetland buffer is technically and environmentally acceptable according to the VLAWMO policies.

For all the reasons stated above, we ask that you grant the variance as requested.

Thank you for your consideration,
Hanson Builders Inc.

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