



**Agenda Date: 05-12-14
CITY COUNCIL STAFF REPORT**

Agenda Item: Request of Lecy Brothers Homes and Remodeling, 2515 Cedar Point Drive, for variances to exceed the maximum permitted grade alteration and maximum permitted structure height in the conjunction with the construction of a new single family home.

Summary: Lecy Borthers Homes and Remodeling are requesting variances to exceed the maximum permitted grade alteration and maximum permitted structure height in conjunction with the construction of a new single family home.

- **Ordinance Section 900.17(4)(a) permits a maximum grade alteration of three (3) feet. The applicant is proposing to alter the grade a maximum of five (5) feet and is seeking a variance to alter the grade two (2) feet above the permitted alteration.**

The property is low lying with the low elevation in the building pad area of approximately 931. Section 900.13(2) requires the lowest floor elevation of a structure to be three feet above the Ordinary High Water Level (OHWL). The minimum required lowest floor elevation for the property is 932.4. The applicant proposes a high grade elevation at the southwest corner of the garage of 936.

- **Ordinance Section 900.13(1) permits a maximum structure height of thirty-five (35) feet as measure by Ordinance Section 900.02(19), which requires the measurement be based on the grade of the lot on June 14, 2010. Based on the measurement procedure outlined in the ordinance, the applicant must seek a variance of three (3) feet of the required structure height.**

The structure height measured from the proposed grade is thirty-three feet, four inches (33'-4"), but the overall height measurement is taken from the grade as it existed on June 14, 2010 and must take into account the additional grade added to the property. With these factors considered, the proposed structure height would be thirty-eight (38) feet. A portion of the grade change accounts for the need for a variance.

The proposed single family home complies with the required setbacks outlined in Section 900.09(4) and the maximum permitted structure coverage and impervious surface area permitted in Section 900.10.

STAFF RECOMMENDATION:

1. *Staff recommends **Approval** for the application of Lecy Brothers Homes and Remodeling for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration of three (3) feet by two (2) feet, for a total alteration of five (5) feet and of Woodland Ordinance Code section 900.13(1) to permit a variance to exceed the maximum permitted structure height of thirty-five (35) feet, by three (3) feet, for a total height of thirty-eight (38) feet for the new single family structure located at 2515 Cedar Point, based on the following findings:*

FINDINGS BASED ON THE REVIEW AND APPROVAL PROCESS IN SECTION 900.14 OF THE ORDINANCE:

Findings:

- (a) The variances are in harmony with the purpose and intent of the ordinance?

Section 900.01(a) outlines the purpose of the ordinance as the principal means of attaining the goals and standards set forth in Woodland's Comprehensive Plan, including the preservation of open space, scenic views, natural topography and habitat, wetlands, lakes, indigenous vegetation and trees, and rehabilitation of existing housing units on their present location.

The proposal seeks to alter the topography which is currently low lying and using the alteration to create a buildable site. The alteration is done minimally and as a corrective measure to meet city standards outlined in Section 900.13(2) for lowest floor elevation.

The proposed alteration would be limited to the building area and low lying areas will remain undisturbed around the lakeside areas of the lot.

(b) Are the variance are consistent with the comprehensive plan?

The request is consistent with the Comprehensive Plan in that the alteration corrects the topography issues to permit construction of a reasonable home with all the other zoning requirements.

(c) Will the proposal put the property to use in a reasonable manner?

The proposal puts the property to a reasonable use through the restoration of the grade to permit the construction of a new home. The applicant only seeks to elevate the grade three feet above what the city would deem the lowest allowed grade level. The proposed single family use is consistent with the uses surrounding the property and the size of the proposed home is not out of character which what is permitted by the ordinance.

(d) Are there unique circumstances to the property not created by the landowner?

The plight of the homeowner is created by the need to move the proposed home into compliance with the lowest floor elevation and grade requirements. Even with the increase in grade, the applicant was able to maintain an actual structure height below the structure height they would have been permitted had the grade correction not been necessary.

(e) Will the variances, if granted, alter the essential character of the locality?

The essential character of the neighborhood is not impacted as the home is designed a two story home without any type of look out or walk out. Most of the proposed grade correction brings the property in compliance with the city ordinance, while the remaining grading will not negatively impact the surrounding area.



Agenda Date: 04-12-14
CITY COUNCIL MEMO
Lecy Variance Requests

Agenda Item: Consider Variance Requests, Lecy Brothers Homes and Remodeling, 2515 Cedar Point Drive

Summary: Copies of the application materials and staff report are attached for the City Council's reference. Notice of the public hearing was published in the Sun-Sailor newspaper on April 17, 2014. The City Council will hold a public hearing at their May 12, 2014 meeting. The Council shall consider the public comments, applicant's comments, application materials, staff report and **must** address city code Section 900.06, Subdivision 3; "Matters considered", as well as any conditions prior to taking any official action in the form of a motion.

Council Action: Action required by June 2, 2014. Potential motions ...

1. **Approval Motion:** I move the Council accept the recommendation of staff and **approve** the application of Lecy Brothers Homes and Remodeling for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration of three (3) feet by two (2) feet, for a total alteration of five (5) feet and of Woodland Ordinance Code section 900.13(1) to permit a variance to exceed the maximum permitted structure height of thirty-five (35) feet, by three (3) feet, for a total height of thirty-eight (38) feet for the new single family structure located at 2515 Cedar Point Drive, based on the following findings:
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The proposed alteration would be limited to the building area and low lying areas will remain undisturbed around the lakeside areas of the lot.
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 - (d) There are unique circumstances to the property not created by the landowner: **The plight of the homeowner is created by the need to move the proposed home into compliance with the lowest floor elevation and grade requirements. Even with the increase in grade, the applicant was able to maintain an actual structure height below the structure height they would have been permitted had the grade correction not been necessary.**

(e) The variances, if granted, alter the essential character of the locality: **The essential character of the neighborhood is not impacted as the home is designed a two story home without any type of look out or walk out. Most of the proposed grade correction brings the property in compliance with the city ordinance, while the remaining grading will not negatively impact the surrounding area.**

2. **Denial Motion:** I move the council **deny** the application of Lecy Brothers Homes and Remodeling for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration of three (3) feet by two (2) feet, for a total alteration of five (5) feet and of Woodland Ordinance Code section 900.13(1) to permit a variance to exceed the maximum permitted structure height of thirty-five (35) feet, by three (3) feet, for a total height of thirty-eight (38) feet for the new single family structure located at 2515 Cedar Point Drive, based on the following findings:

- a. The variance(s) **will NOT** be in harmony and keeping with the spirit and intent of the zoning ordinance: _____.
- b. The variance(s) **will NOT** be consistent with the comprehensive plan: _____.
- c. In proposal **will NOT** put the property to use in a reasonable manner: _____.
- d. There **are NOT** circumstances unique to the property not created by the landowner: _____.
- e. The variance(s) **WILL** alter the essential character of the locality: _____.

3. **Motion for Additional Time:** I move the Council directs staff to draft written notice to Lecy Brothers Homes and Remodeling stating the City Council will extend the 60-day time limit to take action on the request until August 1, 2014 as permitted by MN Statute 15.99 for the following reason(s) _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

City of Woodland
 20225 Cottagewood Road
 Deephaven, MN 55331
 952-474-4755
 www.cityofwoodlanmn.org

Variance Application

Applicant is (circle one) Owner Developer **Contractor** Architect Other_____

Property address for which variance is requested 2515 Cedar Point Drive

Applicant (individual or company name): Lecy Brothers Homes & Remodeling

Contact for Business: Andy Johnsrud Title: Sales

Address: 15012 Highway 7

City: Minnetonka State: MN Zip: 55345

Wk Phone: 952-944-9499 Hm Phone: 612-703-2253 (cell)

Email address: andyjohnsrud@lecybros.com Fax: 952-942-1068

Present use of property: none/vacant

Property acreage: 2 acres

Existing Variances: Yes_____ No__ X__

If yes, please explain_____

Describe Request: Build New_ X__ Add On_____ Remodel_____ Replace_____

What is the Variance being requested for: *To raise grade approximately 2 feet higher than the 3 feet in the code (for a total of 5 feet), and to construct home with roof peak approximately 3 feet higher than the 35 feet in the code (for a total of 38 feet from the existing grade).*

Variance for:

	Required	Proposed
Side Yard	_____ feet	_____ feet
Front Yard	_____ feet	_____ feet
Rear Yard	_____ feet	_____ feet
Lake setback	_____ feet	_____ feet
X (B) Building height	35 feet	38 feet
Structure height	_____ Feet	_____ feet
Wetland	_____ feet	_____ feet
Impervious Cover	_____ sq ft	_____ Sq ft
Shoreland	_____ feet	_____ feet
Massing	_____ volume	_____ volume
X (A) Other	3 feet	5 feet
If other, please explain	Raise grade around house to provide proper drainage, secondary to flood plain issue	

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, *and*, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, *and* 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing a practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

When constructed per plan, at the proposed elevation, the sloped grade away from the house will provide proper drainage to ensure a dry foundation and therefore ensuring the home's value will be maintained, thus providing another quality home for the city. Furthermore, the city code's intent is to prevent radical grade changes that negatively affect the property or surrounding properties. The proposed grade change will not have a negative impact on the property or neighboring properties.

Establishing Practical Difficulty:

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:

(A) If the grade is raised only 3 feet instead of 5 feet, there will be little to no slope away from the home. Thus rainwater and water from melting snow may flow towards the foundation, creating over time the possibility of foundation damage and/or water infiltration into the crawlspace, creating a damp condition and the possibility of mold underneath the home.

(B) Since the code for roof peak height relates to the existing grade, the need for this second variance stems from the first variance- the need to raise the grade 5 feet.

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

(A) The location of the home is dictated by the setback requirements and not by the landowner. To locate the home where dictated by city requirements means that the grade must be raised approximately 5 feet in order to have proper drainage away from the home. (A more desirable plan, but one not being pursued, would be to put the home on a walk-out basement, and submit a variance request to raise the grade 7-9 feet above the maximum rather than 2 feet.) (B) As stated above, the need for the second variance is dependent on the need for the first variance.

3. The variance, if granted, will not alter the essential character of the locality because:
(A) The request is only to raise the grade 2 feet above the maximum. This will allow for proper drainage around the home. And, the home itself is in line with the value and character of newer homes in the area. (B) When completed, the height of the peak of the roof will relate to the newly established grade height, and therefore will fit the home and the site.

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

(A & B) The intent of the proposed grade change, elevation of home, slope and peak of roof, and overall design of the home is to maximize and ensure the value of the home on this lot, and to maximize and ensure the value of the lot itself as well. When the project is completed, the drainage will be away from the home, but will not affect the neighboring properties. And the height of the peak of the roof will also not affect neighboring properties.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on the supply of light and air to adjacent properties.

Describe the effect of the variance, if granted, on traffic congestion in the public street.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on traffic congestion.

Describe the effect of the variance, if granted, on the danger of fire.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on the danger of fire.

Describe the effect of the variance, if granted, on the danger to public safety.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on the danger to public safety.

Describe the effect of the variance, if granted, on established property values in the surrounding area.

As noted above, the value and features of the home is in keeping with newer homes in the area. Furthermore, the home will include exterior finish details that will enhance the home's value. The net effect of this home on this lot, at the proposed elevation and proposed peak height will likely have a positive effect on the established property values in the surrounding area.

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.

The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will not in any way impair public health, safety or welfare. In fact, it will ensure the home's foundation, roof structure and indoor air quality meet the standards for quality home construction, thereby eliminating any danger to the home's inhabitants or visitors.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

_____ LMCD # 952-745-0789

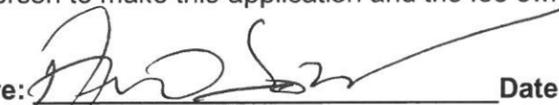
_____ Watershed District # 952-471-0590

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant with in 15 business days of application.

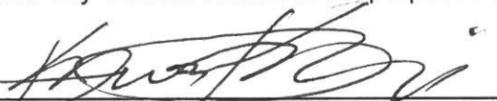
I am the authorized person to make this application and the fee owner has also signed this application.

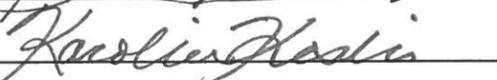
Applicant's Signature:  **Date:** 3/19/14
LEC Bros. Home's & Remodeling

Signature: _____ **Date:** _____

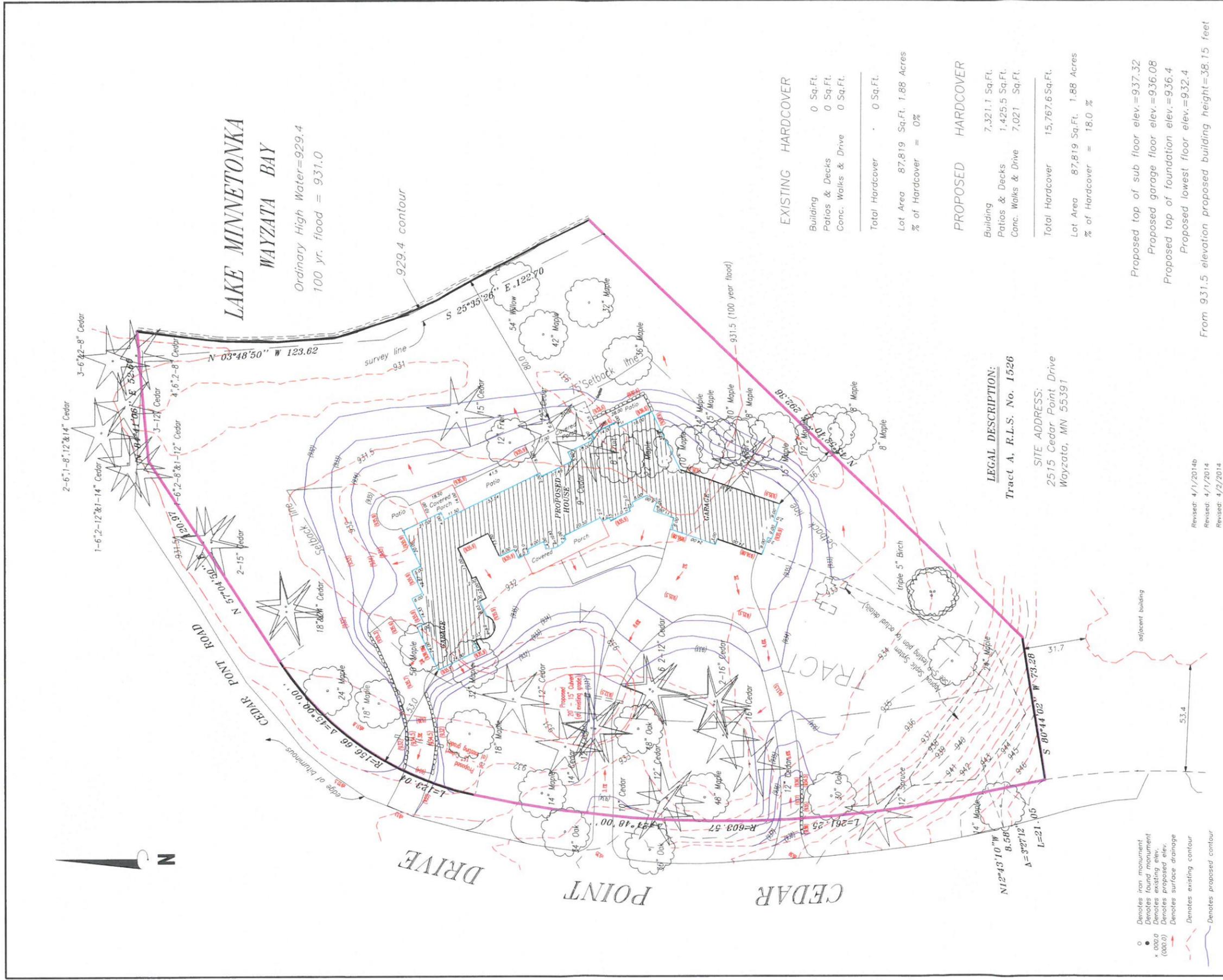
Owner's Acknowledgement & Signature(s)

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature:  **Date:** 3/19/14

Owner's Signature:  **Date:** 3/19/14

Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.



**LAKE MINNETONKA
WAYZATA BAY**

Ordinary High Water=929.4
100 yr. flood = 931.0

EXISTING HARDCOVER	
Building	0 Sq.Ft.
Patios & Decks	0 Sq.Ft.
Conc. Walks & Drive	0 Sq.Ft.
Total Hardcover	0 Sq.Ft.
Lot Area	87,819 Sq.Ft. 1.88 Acres
% of Hardcover	= 0%

PROPOSED HARDCOVER	
Building	7,321.1 Sq.Ft.
Patios & Decks	1,425.5 Sq.Ft.
Conc. Walks & Drive	7,021 Sq.Ft.
Total Hardcover	15,767.6 Sq.Ft.
Lot Area	87,819 Sq.Ft. 1.88 Acres
% of Hardcover	= 18.0 %

Proposed top of sub floor elev.=937.32
Proposed garage floor elev.=936.08
Proposed top of foundation elev.=936.4
Proposed lowest floor elev.=932.4
From 931.5 elevation proposed building height=38.15 feet

LEGAL DESCRIPTION:
Tract A, R.L.S. No. 1526

SITE ADDRESS:
2515 Cedar Point Drive
Wayzata, MN 55391

Revised: 4/1/2014b
Revised: 4/1/2014
Revised: 4/2/2014

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

David E. Crook

Date: 3/26/2014 Minn. Reg. No. 22414

CERTIFICATE OF SURVEY
PREPARED FOR:
LECY BROTHERS HOMES

File No. 14185 B
Book-Page

Scale 1"=50'

**DEMARS-GABRIEL
LAND SURVEYORS, INC.**
6875 Washington Ave, So.
Suite 209
Edina, MN 55439
Phone: (952) 559-0908
Fax: (952) 767-0490

Kasbi RESIDENCE

Lecy Bros.

HOMES & REMODELING

© 2014 Royal Oaks Design, Inc.

PRELIMINARY
DRAWINGS

ISSUE DATE:
April 1, 2014

CERTIFIED PROFESSIONAL BUILDING DESIGNER



651.765.4751



Find us on Facebook



www.royaloaksdesign.com

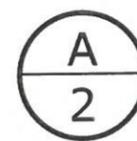


Kieran@royaloaksdesign.com

Est. 1988

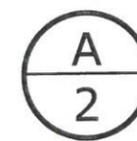
ROYAL OAKS
DESIGN

Celebrating over 20 years of design success!



REAR ELEVATION

scale 1" = 20' © 2014 Royal Oaks Design, Inc.



FRONT ELEVATION

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(d) There are unique circumstances to the property not created by the landowner: **The plight of the homeowner is created by the need to move the proposed home into compliance with the lowest floor elevation and grade requirements. Even with the increase in grade, the applicant was able to maintain an actual structure height below the structure height they would have been permitted had the grade correction not been necessary.**

(e) The variances, if granted, alter the essential character of the locality: **The essential character of the neighborhood is not impacted as the home is designed a two story home without any type of look out or walk out. Most of the proposed grade correction brings the property in compliance with the city ordinance, while the remaining grading will not negatively impact the surrounding area.**

2. **Denial Motion:** I move the council **deny** the application of Lecy Brothers Homes and Remodeling for variances of Woodland Ordinance Code section 900.17(4)(a); to exceed the maximum permitted grade alteration of three (3) feet by two (2) feet, for a total alteration of five (5) feet and of Woodland Ordinance Code section 900.13(1) to permit a variance to exceed the maximum permitted structure height of thirty-five (35) feet, by three (3) feet, for a total height of thirty-eight (38) feet for the new single family structure located at 2515 Cedar Point Drive, based on the following findings:

- a. The variance(s) **will NOT** be in harmony and keeping with the spirit and intent of the zoning ordinance: _____.
- b. The variance(s) **will NOT** be consistent with the comprehensive plan: _____.
- c. In proposal **will NOT** put the property to use in a reasonable manner: _____.
- d. There **are NOT** circumstances unique to the property not created by the landowner: _____.
- e. The variance(s) **WILL** alter the essential character of the locality: _____.

3. **Motion for Additional Time:** I move the Council directs staff to draft written notice to Lecy Brothers Homes and Remodeling stating the City Council will extend the 60-day time limit to take action on the request until August 1, 2014 as permitted by MN Statute 15.99 for the following reason(s) _____.

Note: MN statute 15.99 requires a council decision within 60 days. The council may approve or modify a request based on verbal findings of fact and the applicant may proceed with their project. However, if the council denies the request, the council must state in writing the reasons for denial at the time that it denies the request. The council may extend the 60-day time limit by providing written notice to the applicant including the reason for the extension and its anticipated length (may not exceed 60 additional days unless approved by the applicant in writing).

City of Woodland
 20225 Cottagewood Road
 Deephaven, MN 55331
 952-474-4755
 www.cityofwoodlanmn.org

Variance Application

Applicant is (circle one) Owner Developer Contractor Architect Other _____

Property address for which variance is requested 2515 Cedar Point Drive

Applicant (individual or company name): Lecy Brothers Homes & Remodeling

Contact for Business: Andy Johnsrud Title: Sales

Address: 15012 Highway 7

City: Minnetonka State: MN Zip: 55345

Wk Phone: 952-944-9499 Hm Phone: 612-703-2253 (cell)

Email address: andyjohnsrud@lecybros.com Fax: 952-942-1068

Present use of property: none/vacant

Property acreage: 2 acres

Existing Variances: Yes _____ No X _____

If yes, please explain _____

Describe Request: Build New X Add On _____ Remodel _____ Replace _____

What is the Variance being requested for: *To raise grade approximately 2 feet higher than the 3 feet in the code (for a total of 5 feet), and to construct home with roof peak approximately 3 feet higher than the 35 feet in the code (for a total of 38 feet from the existing grade).*

Variance for:

	Required	Proposed
_____ Side Yard	_____ feet	_____ feet
_____ Front Yard	_____ feet	_____ feet
_____ Rear Yard	_____ feet	_____ feet
_____ Lake setback	_____ feet	_____ feet
<u>X (B)</u> Building height	<u>35</u> feet	<u>38</u> feet
_____ Structure height	_____ Feet	_____ feet
_____ Wetland	_____ feet	_____ feet
_____ Impervious Cover	_____ sq ft	_____ Sq ft
_____ Shoreland	_____ feet	_____ feet
_____ Massing	_____ volume	_____ volume
<u>X (A)</u> Other	<u>3</u> feet	<u>5</u> feet
If other, please explain Raise grade around house to provide proper drainage, secondary to flood plain issue		

MAKING YOUR CASE FOR THE GRANT OF A VARIANCE

STATE LAW: Minnesota Statutes 462.357 controls the grant of variances to established zoning codes. Before a variance can be granted the Applicant must establish to the satisfaction of the City that: A) Strict enforcement of the applicable code would cause a practical difficulty because of circumstances unique to the individual property under consideration, *and*, B) the grant of the requested variance will be in keeping with the spirit and intent of the ordinance.

"Practical Difficulty" as used in connection with the granting of a variance means: 1) the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; 2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, *and* 3) the variance, if granted, will not alter the essential character of the locality.

NOTICE: Simple inconvenience of a landowner or occupant, including self-created situations, are not considered a practical difficulty under Minnesota case law.

Economic considerations alone shall not constitute a practical difficulty if reasonable use of the property exists under the ordinance. (MN Statutes 462.357)

If you have difficulty in establishing a practical difficulty please consider alternatives to your construction plans that may remove the need for a variance.

The Applicant must respond fully and in detail to each of the following questions and data requests or the Application may be rejected as incomplete.

Establishing that the requested variance will be in keeping with the spirit and intent of the Zoning Code:

The requested variance, if granted, will be in keeping with the spirit and intent of the City Zoning because:

When constructed per plan, at the proposed elevation, the sloped grade away from the house will provide proper drainage to ensure a dry foundation and therefore ensuring the home's value will be maintained, thus providing another quality home for the city. Furthermore, the city code's intent is to prevent radical grade changes that negatively affect the property or surrounding properties. The proposed grade change will not have a negative impact on the property or neighboring properties.

Establishing Practical Difficulty:

1. The landowner's (Applicant's) property cannot be put to a reasonable use if used under conditions allowed by the official controls because:

(A) If the grade is raised only 3 feet instead of 5 feet, there will be little to no slope away from the home. Thus rainwater and water from melting snow may flow towards the foundation, creating over time the possibility of foundation damage and/or water infiltration into the crawlspace, creating a damp condition and the possibility of mold underneath the home.

(B) Since the code for roof peak height relates to the existing grade, the need for this second variance stems from the first variance- the need to raise the grade 5 feet.

2. The plight of the landowner (Applicant) is due to circumstances unique to the property not created by the landowner property because:

(A) The location of the home is dictated by the setback requirements and not by the landowner. To locate the home where dictated by city requirements means that the grade must be raised approximately 5 feet in order to have proper drainage away from the home. (A more desirable plan, but one not being pursued, would be to put the home on a walk-out basement, and submit a variance request to raise the grade 7-9 feet above the maximum rather than 2 feet.) (B) As stated above, the need for the second variance is dependent on the need for the first variance.

3. The variance, if granted, will not alter the essential character of the locality because:
(A) The request is only to raise the grade 2 feet above the maximum. This will allow for proper drainage around the home. And, the home itself is in line with the value and character of newer homes in the area. (B) When completed, the height of the peak of the roof will relate to the newly established grade height, and therefore will fit the home and the site.

Establishing the variance, if granted, will not adversely impact the rights of others:

Describe the effect of the variance, if granted, on neighboring properties and on the neighborhood in general:

(A & B) The intent of the proposed grade change, elevation of home, slope and peak of roof, and overall design of the home is to maximize and ensure the value of the home on this lot, and to maximize and ensure the value of the lot itself as well. When the project is completed, the drainage will be away from the home, but will not affect the neighboring properties. And the height of the peak of the roof will also not affect neighboring properties.

Describe the effect of the variance, if granted, on supply of light and air to adjacent properties.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on the supply of light and air to adjacent properties.

Describe the effect of the variance, if granted, on traffic congestion in the public street.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on traffic congestion.

Describe the effect of the variance, if granted, on the danger of fire.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on the danger of fire.

Describe the effect of the variance, if granted, on the danger to public safety.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will have no effect what-so-ever on the danger to public safety.

Describe the effect of the variance, if granted, on established property values in the surrounding area.
As noted above, the value and features of the home is in keeping with newer homes in the area. Furthermore, the home will include exterior finish details that will enhance the home's value. The net effect of this home on this lot, at the proposed elevation and proposed peak height will likely have a positive effect on the established property values in the surrounding area.

Describe the effect of the variance, if granted, on the impairment of the public health, safety or welfare.
The effect of raising the grade approximately 2 feet higher than per code and constructing the peak of the roof 3 feet higher from the existing grade than per code will not in any way impair public health, safety or welfare. In fact, it will ensure the home's foundation, roof structure and indoor air quality meet the standards for quality home construction, thereby eliminating any danger to the home's inhabitants or visitors.

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

_____ LMCD # 952-745-0789

_____ Watershed District # 952-471-0590

The undersigned also acknowledges that she/he understands that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. The applicant recognizes that he/she is solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am the authorized person to make this application and the fee owner has also signed this application.

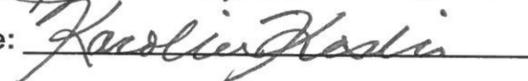
Applicant's Signature:  **Date:** 3/19/14
LECT BRG. HOMES & RENOVATIONS

Signature: _____ **Date:** _____

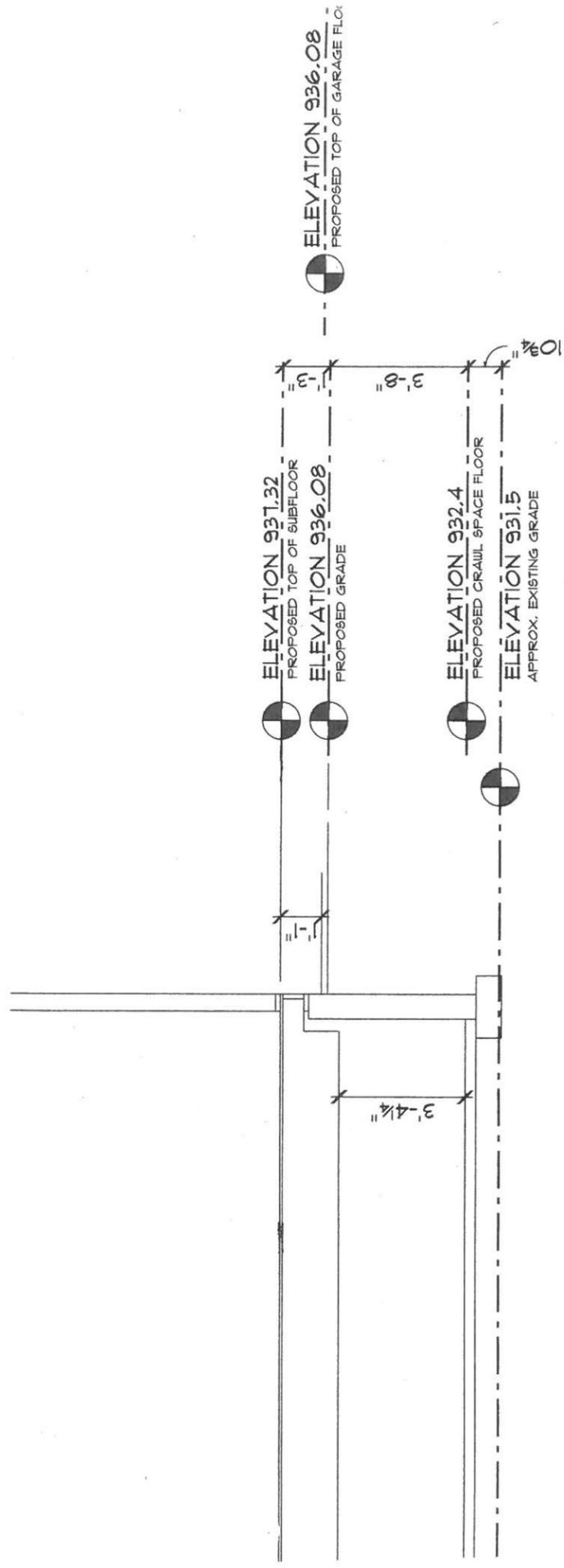
Owner's Acknowledgement & Signature(s)

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, and City Council Members for purposes of investigation and verification of this request.

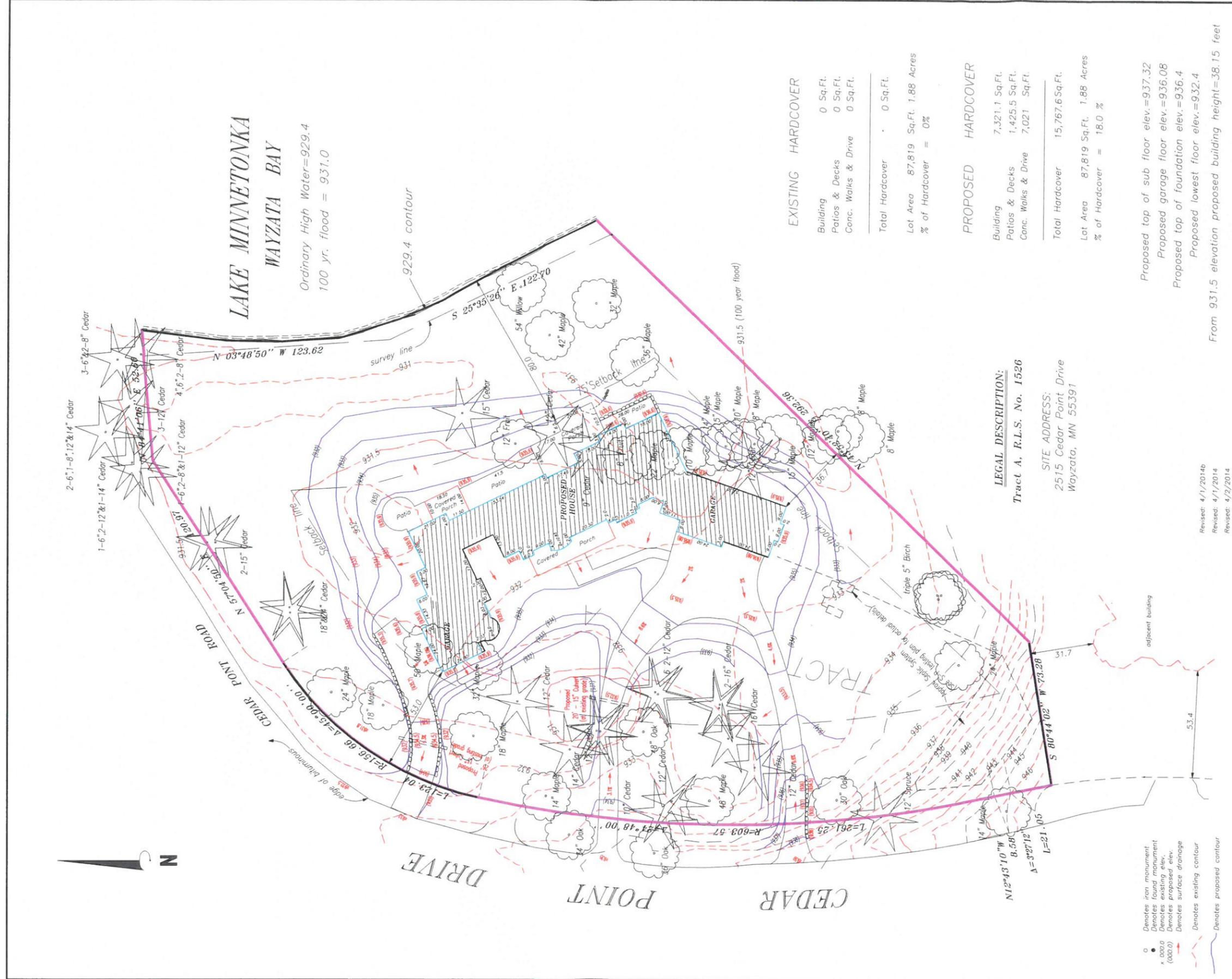
Owner's Signature:  **Date:** 3/19/14

Owner's Signature:  **Date:** 3/19/14

Note – Both signatures are required, if the owner is different than the applicant, before we can process the application, otherwise it is considered incomplete.



Kasbi Residence
 Foundation cross section



**LAKE MINNETONKA
WAYZATA BAY**

Ordinary High Water=929.4
100 yr. flood = 931.0

EXISTING HARDCOVER

Building	0 Sq.Ft.
Patios & Decks	0 Sq.Ft.
Conc. Walks & Drive	0 Sq.Ft.

Total Hardcover = 0 Sq.Ft.

Lot Area 87,819 Sq.Ft. 1.88 Acres
% of Hardcover = 0%

PROPOSED HARDCOVER

Building	7,321.1 Sq.Ft.
Patios & Decks	1,425.5 Sq.Ft.
Conc. Walks & Drive	7,021 Sq.Ft.

Total Hardcover 15,767.6 Sq.Ft.

Lot Area 87,819 Sq.Ft. 1.88 Acres
% of Hardcover = 18.0 %

Proposed top of sub floor elev.=937.32
Proposed garage floor elev.=936.08
Proposed top of foundation elev.=936.4
Proposed lowest floor elev.=932.4
From 931.5 elevation proposed building height=38.15 feet

LEGAL DESCRIPTION:

Tract A, R.L.S. No. 1526

SITE ADDRESS:

2515 Cedar Point Drive
Wayzata, MN 55391

- Denotes iron monument
- Denotes found monument
- x 000.0 Denotes existing elev.
- (000.0) Denotes proposed elev.
- - - Denotes surface drainage
- - - Denotes existing contour
- — — Denotes proposed contour

Revised: 4/1/2014b
Revised: 4/1/2014
Revised: 4/2/2014

CERTIFICATE OF SURVEY
PREPARED FOR:
LECY BROTHERS HOMES

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

David E. Crook
David E. Crook

Date: 3/26/2014 Minn. Reg. No. 22414

**DEMARS-CABRIEL
LAND SURVEYORS, INC.**
6875 Washington Ave., So.
Suite 209
Edina, MN 55439
Phone: (952) 559-0808
Fax: (952) 767-0490

File No.
14185 B
Book—Page

Scale
1"=50'

Kasbi

RESIDENCE

Lecy Bros.

HOMES & REMODELING

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PRELIMINARY
DRAWINGS

ISSUE DATE:
April 1, 2014



651.765.4751



Find us on Facebook



www.royaloaksdesign.com

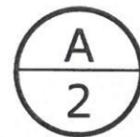


Kieran@royaloaksdesign.com

Est. 1988

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