



AGENDA OF THE PLANNING
COMMISSION
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
April 25, 2019
7:00 P.M.

CALL TO ORDER

APPROVE AGENDA

REGULAR AGENDA

- A. Review/Approve March 28, 2019 Meeting Minutes* (p. 3)
- B. Discuss Request to Change Hall Avenue Addresses* (pp. 5-6)
- C. Discuss Amending Permit Requirements (203.040)* (pp. 7-14)

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Approve March 28, 2019 Meeting Minutes

Dear Commissioners,

The March 28 meeting minutes are not yet available. Once I have received the minutes I will email them to you and provide hard copies at the meeting. Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Request to Change Hall Avenue Addresses

Dear Commissioners,

Jason Gray, the owner of 708 Hall Avenue, has requested that his address be changed to a Birchwood Avenue address as it physically abuts Birchwood Avenue.

At the time 708, 710, & 712 Hall Avenue were built, Birchwood Avenue did not exist. Access was made to these three properties by a long shared driveway off of Hall Avenue. Once Birchwood Avenue was put it, all three of these properties immediately abutted the new street and that has become the primary access point for these properties.

Upon Mr. Gray's request, staff notified the owners of 710 & 712 Hall Avenue about the request and to gauge interest in including their respective properties in the change request. Jim Rupert, the owner of 710 has responded with support and interest in also changing his address.

After speaking with the owner of 708 & 710, the Deputy Fire Chief of the White Bear Fire Dept., and a survey technician at Washington County, I support the request and encourage Commissioners to make a recommendation to City Council to approve the request.

Changing the addresses for 708, 710, & 712 Hall Avenue not only makes logical sense because they physically abut Birchwood Avenue but the change will eliminate confusion in locating the homes and will increase response time by emergency personnel.



This map shows the existing numbering system for Birchwood Avenue, with odd numbering on the north and even numbering on the south. 706 Hall does not abut Birchwood Avenue and only has an access point from Hall Avenue so it makes sense to keep that address as currently assigned. Accordingly, only 708, 710, & 712 Hall should be changed.

To be consistent with existing numbering along Birchwood Avenue, the following numbering options are recommended: 723, 725, 727, 729, 731. Please select three (3) with the lowest number being assigned to 708 Hall and the highest number being assigned to 712 Hall.

Request/Recommendation

Staff recommends Commissioners approve the above address change request by:

- 1) Selecting a proper Birchwood Avenue number to 708, 710, & 712 Hall; and
- 2) Recommend that City Council approve the request and number assignments made by Commissioners.

Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Amending Permit Requirements

Dear Commissioners,

Last month Commissioners were given existing code language in Section 203 and asked to make a recommendation on where the new language approved by Commissioners last month should be placed in Section 203. Should the new language replace all of existing 203.040? Should any other parts of Section 203 be amended due to the new language? Please review and discuss then amend your recommendation accordingly.

Request/Recommendation

Staff requests Commissioners:

- 1) Review existing Section 203;
- 2) Discuss how to place new language for 203.040 into Section 203; and
- 3) Amend recommendation for City Council consideration and approval.

Thanks!

Regards,
Tobin Lay

1300.0120 PERMITS.

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

~~Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.~~

~~Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.~~

Subp. 4. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed ~~200~~ square feet (60,960 mm²); 144

(2) fences ~~not over seven feet (2,134 mm) high;~~ (ZONING PERMIT IS REQUIRED)

~~(3) oil derricks;~~

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

(6) sidewalks and driveways ~~that are not part of an accessible route;~~ (ZONING PERMIT IS REQUIRED)

~~(7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;~~

FLOORING FINISHES (NON-STRUCTURAL)

(8) painting, papering, ~~tiling, carpeting,~~ cabinets, countertops, and similar finish work;

(9) temporary motion picture, television, and theater stage sets and scenery;

(10) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity (18,925 L) and a 24-inch (610 mm) depth;

(11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height; and

(13) swings and other playground equipment.

(14) NON-STRUCTURAL

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (13).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances;

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and

(3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

C. Mechanical:

(1) portable heating appliances;

(2) portable ventilation appliances and equipment;

(3) portable cooling units;

(4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;

(5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

(6) portable evaporative coolers;

- ~~(7) self-contained refrigeration systems containing ten pounds (4.5 kg) or less of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less; and~~
- ~~(8) portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.~~

~~D. Electrical: a municipality must not require an electrical permit if the work falls under the jurisdiction of the commissioner or if the work is exempt from inspection under Minnesota Statutes, section 326B.36, subdivision 7. This exemption does not exempt the work from other State Building Code requirements relating to electrical equipment.~~
All electrical permits must be obtained through the Minnesota Dept of Labor & Industry.

Subp. 5. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the opening or removal of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

F. state the valuation of the proposed work;

G. be signed by the applicant, or the applicant's authorized agent; and

H. give other data and information required by the building official.

Subp. 8. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.

Subp. 11. **Expiration.** Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Information and placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project. Pursuant to Minnesota Statutes, section 15.41, the permit shall specify the name and address of the applicant, and the general contractor, if one exists. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code. The person, firm, or organization securing the permit is responsible for code compliance for the work being performed.

203 CITY BUILDING REGULATIONS

203.010. STATE BUILDING CODE ADOPTED. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Sections 326B.01 through 326B.16, including all optional chapters hereinafter specifically adopted by the City Council and including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division, is hereby adopted by reference and incorporated in this ordinance as if fully set out herein, and shall be known as the Birchwood Building Code.

203.015. SELF-PERPETUATING ORDINANCE.

203.020. BUILDING CODE OPTIONAL CHAPTERS. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for Birchwood Village:

Chapter 1305, Grading Appendix chapter J of the 2006 International Building Code.

203.030. APPLICATION, ADMINISTRATION AND ENFORCEMENT. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The City Council shall appoint a Building Official who shall attend to all aspects of Building Code administration including enforcement. The Birchwood Building Code shall be enforced within the incorporated limits of the City.

203.035. EXTERIOR COMPLETION. The exterior finish on all residential dwellings and/or their accessory buildings shall be completed within six months of the date the permit is issued. Refinishing of existing buildings shall be completed within six months of the start of the work. Any owner of a dwelling who does not comply with this section shall have six months from the date of written notification of such to bring the dwelling to compliance. Tarpaper, unfinished plywood, fiberboard insulation, foam insulation, brown coat or scratch coat of stucco, plastic sheeting and other similar materials not designed to be an exterior finish shall not be considered an acceptable exterior finish. The building official may grant a 90-day extension if there is an unusual hardship, such as bad weather. Further time extensions must be approved by the city council.

AMENDED BY ORDINANCE 2018-01-01; February 13, 2018.

203.040. PERMITS REQUIRED.

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the City or cause the same to be done, without first obtaining from the city a separate building permit for each such building or structure.

2. It shall be unlawful for any person, partnership, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the City of Birchwood Village or cause the same to be done contrary to, or in violation of any of the provisions of this Code. Any person, partnership, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of the provisions of this Code is committed, continued or permitted.

203.050 PERMIT FEES. The city is authorized pursuant to Minnesota Statutes, section 326B.121, and the Minnesota State Building Code , Minnesota Rules part 1300.0160, to establish fees for the consideration and issuance of building permits under the Birchwood Building Code.

1. PERMIT FEES. The City shall establish appropriate permit fees for the various activities conducted under the Birchwood Building Code by resolution and promulgate such fees in a fee schedule.

2. VALUATION. The Chart of Estimated Construction Cost as annually provided by the Minnesota Department of Administration State Building Codes and Standards Division shall be utilized to compute building valuations for the purposes of establishing the appropriate permit fee. Permit valuation shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Permit fees for prefabricated structures shall be based on a valuation of on-site work only.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

****AMENDED BY ORDINANCE 2004-5, APRIL 13, 2004; AMENDED BY ORDINANCE 2012-02, APRIL 10, 2012; AMENDED BY ORDINANCE 2018-01-01, FEBRUARY 13, 2018.****