



REPORT/RECOMMENDATION

To:	MAYOR AND COUNCIL	Agenda Item	<u>Item No. VI.A.</u>
From:	Kris Aaker Assistant Planner	<input checked="" type="checkbox"/>	Action
		<input type="checkbox"/>	Discussion
Date:	September 19, 2012	<input type="checkbox"/>	Information
Subject:	PUBLIC HEARING – Appeal of a Variance at 5000 Schaefer Road, Resolution No. 2012-108.		
Deadline for a City Decision:	December 5, 2012		

ACTION REQUESTED:

Adopt the attached resolution No. 2012-108, upholding the 38.6 foot front yard setback Variance approved by the Planning Commission at their August 22, 2012, meeting.

INFORMATION/BACKGROUND:

The subject property, owned by Daniel Wagner and Lindsey Gerrity, is a corner lot located south of Interlachen Boulevard and west of Schaefer Road. It consists of a one story home with an attached two car garage built in 1954. The property owners are proposing to add a garage stall and mud room onto the west side of the existing garage. The existing garage is nonconforming regarding setback from Interlachen Boulevard. The property is subjected to two front yard setbacks. The property must match the front yard setback of the home to the west fronting Interlachen Boulevard at 6405 Interlachen Boulevard that was built one year later than the subject home. The property must also match the front yard setback of the home to the south at 5004 Schaefer Road. The proposed garage and mudroom addition will be located approximately 84 feet from Interlachen, or 7.8 feet farther back from Interlachen than the existing garage.

On August 22, 2012, the Planning Commission Voted 6 – 1 to approve the requested variance based on limited opportunity for expansion on the property given the required setbacks. On september 4, 2012, Deena Allen Fruchtman, 6405 Interlachen

Boulevard, submitted an appeal of the variance approval.

ATTACHMENTS:

- Resolution No. 2012-108
- Appeal of variance approval
- Draft minutes from the August 22, 2012 Edina Planning Commission meeting
- Staff report with attachments



**RESOLUTION NO. 2012-108
APPROVING A FRONT YARD SETBACK VARIANCE
AT 5000 SCHAEFER ROAD**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

Section 1. BACKGROUND.

- 1.01 Daniel Wagner and Lindsey Gerrity, are requesting a 38.6 foot front yard setback variance to building an addition to their home at 5000 Schaefer Road.
- 1.02 The following described tract of land is requested for variance:

Lot 4, Block 1 Harold Addition, Hennepin County, Minnesota.
- 1.03 City Code Section 850.11, requires a front yard setback to match the front yard setback of the home to the west. The adjacent home to the west is setback 122.6 feet from Interlachen Boulevard.
- 1.04 The applicant is proposing an addition that is located 84 feet back from Interlachen Boulevard.
- 1.05 On August 22, 2012, the Planning Commission approved the Variances on a Vote of 6-1.
- 1.06 On September 4, 2012, Deena Allen Fruchtman, 6405 Interlachen Boulevard, appealed the Planning Commission decision to the City Council.

Section 2. FINDINGS

2.01 Approval is based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with surrounding properties is deeper than the nonconforming setback that has historically been provided by the existing garage.
- 3) The imposed setback limits design opportunity. The intent of the ordinance is to provide adequate spacing between structures and the street. Spacing will not change from Interlachen. The unique circumstance is the original placement of the home relative to the neighbor's home construction that occurred at a later date than the subject home.

Section 3. APPROVAL

CITY OF EDINA

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, upholds the Planning Commission decision and approves the Variance for the property located at 5000 Schaefer Road.

Approval is subject to the following Conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Survey date stamped March 30, 2012/ revised July 27, 2012.
 - Building plans and elevations date stamped August 3, 2012

Adopted this 19th day of September, 2012.

ATTEST: _____
Debra A. Mangen, City Clerk

_____ James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of September 19, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2012.

City Clerk

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
AUGUST 22, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting to order at 7:00 PM

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Platteter, Carpenter, Staunton, Grabiell.

Absent from the roll: Fischer and Potts

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. APPROVAL OF CONSENT AGENDA

The minutes of the July 25, 2012, meeting were filed as submitted.

V. COMMUNITY COMMENT

None

VI. PUBLIC HEARINGS

A Front Yard Setback Variance for Daniel Wagner & Lindsey Gerrity, 5000 Schaefer Road, Edina, MN

Staff Presentation

Planner Aaker informed the Commission the subject property owned by Daniel Wagner and Lindsey Gerrity is a corner lot located south of Interlachen Boulevard and west of Schaefer Road. It consists of a one story home with an attached two car garage built in 1954.

The property owners are hoping to add a garage stall and mud room onto the west side of the existing garage. The existing garage is nonconforming regarding

setback from Interlachen Boulevard . The property is subjected to two front yard setbacks. The property must match the front yard setback of the home to the west fronting Interlachen Boulevard at 6405 Interlachen Boulevard that was built one year later than the subject home and the front yard setback of the home to the south fronting Schaefer Road at 5004 Schaefer Road.

Aaker explained the adjacent home to the west is setback 122.6 feet from Interlachen establishing the setback from Interlachen for the subject property. The garage of the existing home on the subject property is located 76.2 feet from Interlachen and is therefore nonconforming regarding the required 122.6 foot setback. The proposed garage and mudroom addition will be located approximately 84 feet from Interlachen or 7.8 feet farther back from Interlachen than the existing garage. Setback of the garage will remain the same with the addition farther from Interlachen than the front wall of the garage.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with surrounding properties is deeper than the nonconforming setback that has historically been provided by the existing garage.
- 3) The imposed setback limits design opportunity. The intent of the ordinance is to provide adequate spacing between structures and the street. Spacing will not change from Interlachen. The unique circumstance is the original placement of the home relative to the neighbor's home construction that occurred at a later date than the subject home.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans. Survey date stamped March 30, 2012/revised July 27, 2012. Building plans and elevations date stamped August 3, 2012

Appearing for the Applicant

Daniel Wagner

Discussion/Comments

Commissioner Staunton asked for clarification on the reason a variance is required. Planner Aaker explained that the Ordinance was recently amended to require that front yard setbacks are determined by the front yard setbacks of the homes on either side. Aaker

explained in this instance because this is a corner lot the house must meet the setback of the adjacent home on Schaefer Road and Interlachen Boulevard respectively. Continuing, Planner Aaker explained that previous to this amendment an applicant could either average the front yard setbacks of all the houses on the same side of the street between intersections or match the adjoining.

Chair Grabiell asked what the required setback would be from Interlachen Boulevard if there wasn't a house facing Interlachen. Planner Aaker responded either a 15-foot side street setback or a 20-foot side street setback (depending on garage door placement) would be required. Grabiell noted that this house is being penalized because it was built prior to construction of the adjoining house fronting Interlachen Boulevard. Aaker acknowledged that point; however, explained the City established a 25-foot rear yard setback and minimum front yard setback but is silent on how far back one could build on a deep lot.

Applicant Presentation

Mr. Wagner addressed the Commission informing them their desire was to retain and add minimal space to the existing house; not tear it down. Wagner said because of the placement of the adjoining house fronting Interlachen Boulevard a variance is needed for his renovations. Continuing, Wagner noted that his home was actually built prior to the neighboring house and the additions he proposes are minimal and in keeping with the character of the house and neighborhood. Concluding Wagner thanked staff for their help with this request.

Comments/Discussion

Commissioner Staunton noted the recent materials placed in front of them, adding receiving materials this "late in the game" has been common practice; however, the amount of information received regarding the Wagner/Gerrity request from their adjoining neighbor is substantial and difficult to read during the hearing. Staunton said in his opinion it may be best to table this item until the next meeting. That will give everyone more time to read through everything provided by both applicant and neighbor. Staunton asked Mr. Wagner his feelings on tabling his request.

Mr. Wagner responded during the construction phase he and his wife and daughter are living in a one bedroom apartment, adding this hearing fits into the October time line to complete the projects. Continuing, Wagner explained that he did share his plans with Ms. Fruchtmann, adding he was very surprised to receive her objections yesterday.

Commissioner Scherer acknowledged the magnitude of the materials received; however pointed out there is no guarantee the neighbor would be available to attend the next Planning Commission meeting. Chair Grabiell agreed, adding in his opinion it's not good practice to delay hearings. There is a process; notice was given and the applicant spoke with the neighbor.

Commissioner Staunton said his concern is that he hasn't had enough time to read through the materials received this evening, adding he doesn't want to make a decision until he has read all the materials. Continuing, Staunton said it's not that he doesn't think this variance is reasonable; it is, reiterating he just hasn't had enough time to digest the materials before him.

Motion

Commissioner Staunton moved to table the variance request for 5000 Schaefer Road to the next meeting of the Planning Commission on September 12, 2012. Commissioner Schroeder seconded the motion.

Commissioner Schroeder pointed out that even if the neighbor at 6405 Interlachen Boulevard were present at the next meeting the Commission closed the public hearing; pointing out he's not sure if she or the applicant could speak to the issue.

Chair Grabiell called for the vote; Ayes; Staunton, Schroeder. Nays; Scherer, Forrest, Platteter, Carpenter, Grabiell. Motion failed. 2-5

Commissioner Platteter moved variance approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. Ayes; Scherer, Forrest, Schroeder, Platteter, Carpenter, Grabiell. Nay; Staunton. Motion to approve carried 6-1.

Chair Grabiell reminded everyone of the 10-day appeal process; adding Ms. Fruchtmann can appeal their decision to the City Council.

B. Lot Area Variance for Mike and Matt Knodt, 3928 49th Street West, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is a 12,468 square foot lot developed with a double dwelling unit located north of 49th Street and is zoned R-2, Double Dwelling Unit District. The property owner is hoping to demolish the existing double for the construction of a new double dwelling home.

Planner Aaker explained that the ordinance requires a double dwelling unit lot consist of no less than 15,000 square feet. The lot consists of 12,468 square feet, so is therefore 2,532 square feet short of the minimum 15,000 square foot requirement. The existing double dwelling unit was built in 1954 and pre-dates the current lot area requirements.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

Jackie Hoogenakker

From: ncjohnson88@comcast.net
Sent: Friday, September 07, 2012 5:27 PM
To: Jackie Hoogenakker
Subject: DANIEL WAGNER AND LINDSEY GERRITY HEARING

To Whom It May Concern,

I am absolutely appalled that someone is appealing the addition of a garage for our new neighbors, Daniel Wagner and Lindsey Gerrity, 5000 Schaefer Road, Edina, MN 55436. This couple have been working diligently to remodel this home and make it a beautiful addition to Schaefer Road and I just cannot understand why someone would want to prevent them from adding a garage onto their property. Please take this into consideration and allow them to build this garage.

Thanking you in advance,

Nancy Johnson
5004 Schaefer Road
Edina, MN 55436

Jackie Hoogenakker

From: martha schultz <marthaschultz@yahoo.com>
Sent: Monday, September 10, 2012 9:10 PM
To: Jackie Hoogenakker
Subject: Regarding Case B-12-08

Hi,

I am writing in support of the property development of a third car garage at 5000 Schaefer Road, Edina 55436.

We believe the addition will increase the value of the property at that location and will not interfere with the property next door.

Thank you for your consideration.

Scott and Martha Schultz
5011 Schaefer Road
Edina 55436

Kris Aaker

From: Deena Allen <deena.allen@ymail.com>
Sent: Tuesday, September 04, 2012 4:28 PM
To: Kris Aaker
Subject: Revised Wagner Gerrity Variance Set Back Appeal
Attachments: Revised Edina Variance Appeal.pdf; Edina Variance Original Email Comment Wagner.pdf; Edina Planning Commission Notice 2012.08.12.jpg

Dear Ms. Aaker,

Please submit the attached to the City Council members as my appeal of the Planning Commission's approval action on the Wagner-Gerrity Front Yard Set Back Variance. The email I sent to you on August 22, during which I requested a delay or rejection of the variance is in your files, and I did not attach it here again. Please forward it as part of this packet of information. I sent it to you and the Planning Commission member in response to Mr. Wagner's email of August 21 in which he responded to the comments I sent to you on August 21.

There are three items attached:

1. Variance appeal request
2. Original Email to you with comments sent on August 21. (I have saved the email to a word doc). You have the original email.
3. Work document of the notice sent to me by my neighbor which he received from your office via US mail I assume.

Sincerely,

Deena A. Fruchtman
6405 Interlachen Blvd.
Edina, MN 55436
612-840-6600

TO: Edina City Council Members

FROM: Deena Allen Fruchtman, Homeowner
6405 Interlachen Blvd.
Edina, MN 55436

RE: Ten Day Appeal Regarding Planning Commission Approval of
Wagner-Gerrity Front Yard Set Back Variance

I am submitting this appeal regarding the approval of the subject variance at the August 22, 2012 meeting of the Planning Commission. As noted in my previous correspondence (which the Planning Office has), I request that the City Council review the variance request and deny this request for the reasons stated in my original comment document supplemented with the following issues that have surfaced regarding your imprecise and unclear processes.

1. The Planning Commission members ignored my rights as an Edina residence and deliberately did not review the correspondence I submitted requesting a delay or rejection of the stated variance request. My reasons were clearly stated in the correspondence.
2. I was out of town when the notice of this variance was apparently mailed to homeowners impacted by this proposed construction action. I was informed of the variance request by a neighbor on August 16 when he emailed me a copy of a one-page notice dated August 10. It seems that a resident out of the state for a two-week vacation, for example, could entirely miss a city planning office notice.
3. The notice in question is attached and according to this notice, comments may be submitted via several methods for review at the August 22 meeting. But this one page notice contains no substantive information that can be used for submitting comments. **A deadline for submittal of comments is not included in the notice.** I submitted an email to Ms. Aaker at 4:10 p.m. CST on August 21, 2012 – more than 24 hours in advance of the August 22, 7 p.m. Planning Commission Meeting. *I talked with Ms. Aaker on Friday August 17, and she sent me information on the proposed variance later that day at 5:10 EST after first telling me she had nothing in a format that she could send to me. Thus, the first time a resident who is not in the state can be provided a copy of the substance of a variance notice is the Friday prior to the Planning Commission Meeting. This is not adequate notice.*
4. I find it a surprising failure of your process if you do not have mechanisms for emailing citizen comments immediately to Planning Commission members or have some process for review of documents that are submitted in advance of meetings. I will note that Ms. Aaker immediately emailed my

comments to Mr. Wagner on August 21 since he responded to my email to the Planning Commission Members at 6:16 p.m. EST on August 21. Ms. Aaker apparently did not send my comments to the Planning Commission members according to the statements made at the August 22 meeting indicating that they had just received my comments minutes prior to the 7 p.m. meeting.

5. I was informed by Ms. Aakers that comments could be submitted via email until 4:30 pm prior to the Planning Commission meeting of the same day. It is clear that the Planning Commission, while chastising me during the August 22 meeting for what they consider to be a late response, may not be aware of the information that staff provide to those making comments. They also may not be aware that their own process does not allow citizens to have the documents detailing the variance request until late on Friday afternoon prior to the meeting the following Wednesday. In fact, given the delay in availability of the packet of information on the variance request (provided on Friday August 17, 2012), I consider my response the following Tuesday afternoon to be quite timely.
6. I have attached my original request re the variance in question, and ask that you review it.
7. I also request, as a citizen of Edina, that you review your processes and revise them to provide clear and adequate information (notices and full packets as requested) on variance requests and responses and provide adequate time for comments so your residents do not fear that they will miss something if they leave town for even a two-week vacation.
8. And finally, I also request that you review and adjust the processes employed by the Planning Commission (and other commissions) to allow for adequate review of resident comments when, in fact, the comments are received prior to the meeting date and time printed in your notice and prior to the time staff indicate comments should be received. It is a responsibility of the City Council to assure that adequate processes are established and enforced that allow residents to feel assured that they a fair opportunity to comment on actions that directly affect them. The processes you currently have in place are not adequate.

Wagner-Gerrity Front Yard Set-Back Variance

[Hide Details](#)

FROM:

- [Deena Allen](#)

TO:

- [Kris Aaker](#)

[Message flagged](#)

Tuesday, August 21, 2012 5:10 PM

To: Ms. Aker and Edina City Council Planning Commission Members

From: Deena A. Fruchtman
6405 Interlachen Blvd
Edina, MN 55436

Re: Item IV Public Hearings A. Wagner-Gerrity Front Yard Set-Back Variance Request

I was informed last Thursday (August 16) by a neighbor of the variance request which was just sent out last week to property owners impacted by the referenced request. I am out of state and will not be back for the city council meeting at which time this variance request will be reviewed. I respectfully submit this statement as my objection to this variance request, and request that the planning commission deny this request.

I am the neighbor directly to the west of the Wagner-Gerrity residence and the neighbor and property most directly affected by the variance request. My property faces Interlachen Blvd and is set back 122.6 feet from the boulevard. I request that the council deny this request and uphold the existing building code which was established to protect the property of homeowners from building projects like the one in question. I am objecting to this variance request for the following reasons:

1. The current set back for the existing Wagner-Gerrity structure is already significantly out of compliance with the established front yard set back on Interlachen Blvd. Extending the existing two car garage to the west exacerbates the existing noncompliance situation. Adding a second wrong to an existing wrong does not create a correct situation. Furthermore, this variance request causes me, as a neighbor and Edina residence and property owner, to have to object to something that I should not have to address if the existing code were complied with.
2. Allowing this variance to exist will create a situation where my view to the east will be further obstructed -- looking out both of my kitchen windows and my den window. The existing Wagner-Gerrity garage creates a major, unsightly obstruction to my view and line of sight to the east. Approving this request will cause my rights as an Edina residence and property owner to be violated. Allowing a variance for one Edina residence that harms another residence is not an action that the commission should look kindly on or should approve.
3. Contrary to the letter submitted by Ms. Gerrity and Mr. Wagner, I have not voiced my support of (or lack of objection) their plans to add a third garage. Nor have I had a discussion where I was informed of their plans other than a brief discussion about a tree (the roots) possibly being in the area where a garage was being considered. This extremely brief discussion (a minute or less) occurred in the

presence of my arborist who was doing some work in my yard several months ago. I find the Wagner-Gerrity letter does not represent the facts regarding my interaction regarding their construction/expansion plans. In this fleeting conversation, I was not asked if I objected to anything and absolutely do not concur with the conclusion about discussion with the neighbors.

4. The houses in the immediate vicinity on the south side of Interlachen in the block to the west of the intersection of Schaefer and Interlachen Blvd are set back in compliance with the existing code. One of the layout conditions that attracted my husband and I to this area and to our home was the distance the structures were set back from the boulevard. This set back condition was a MAJOR criterion in our consideration of potential homes. We would not have purchased our home if it had been as close to the boulevard as the Wagner-Gerrity home is.

5. The lot size of the Wagner-Gerrity residence is significantly smaller than several of the lots to the west on Interlachen Blvd and other lots in the area. Allowing this variance on a small lot (in comparison to mine and those to my west as well as those across the pond) will negatively impact the value of my property and will impact the aesthetic conditions of my lot. I do not want to look out my window or walk into my yard and see a garage even closer to my property than it is now -- when the building code that exists to protect my property may be compromised.

6. While the set-back and general house plans proposed would fit in nicely in an area such as country club where the lot sizes are smaller and the homes are close to the streets and quite close to their neighbors, the character of this part of Edina is quite different. The difference is that the lots are substantially larger and the charm of this road and this neighborhood is that homes are protected and private from their neighbors and from passing traffic. Set-back variances severely jeopardize these characteristics.

If you have questions about my concerns or wish to speak with me, please contact me at deena.allen@ymail.com or call me on my cell at 612-840-6600.

Sincerely,

Deena A. Fruchtman

deena.allen@ymail.com
612-840-6600 cell



MEETING OF THE EDINA PLANNING COMMISSION

CASE FILE: B-12-08

TO: Property Owners Within 200 Feet

APPLICANT: Daniel Wagner and Lindsey Gerrity

PROPERTY ADDRESS: 5000 Schaefer Road, Edina, MN

LEGAL DESCRIPTION: Lot 4, Block 1, Harold Woods

PURPOSE: A 38.36' front yard setback variance for
An addition to the side of the garage

DATE OF HEARING: Wednesday, August 22, 2012

TIME OF HEARING: 7:00 P.M.

PLACE OF HEARING: Council Chambers
Edina City Hall
4801 West 50th Street

HOW TO PARTICIPATE: *Submit a letter expressing your views,
*Attend the hearing and give testimony,
*Fax your views/952/826-0389 or,
*E-Mail to jhoogenakker@ci.edina.mn.us

FURTHER INFORMATION: Write City Hall Planning Department
at 4801 West 50th Street, Edina, MN 55424
or call (952) 826-0369

DATE OF NOTICE: August 10, 2012



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date August 22, 2012	Agenda # B-12-08
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Recommended Action: Approve the variance as requested.

Project Description

A 38.6 foot setback variance from Interlachen Blvd for property located at 5000 Schaefer Road to extend the existing garage by an additional stall and add a mud room.

INFORMATION/BACKGROUND

The subject property owned by Daniel Wagner and Lindsey Gerrity is a corner lot located south of Interlachen Boulevard and west of Schaefer Road. It consists of a one story home with an attached two car garage built in 1954, (see attached Fig. A.1-A.7, site location, aerial photographs, photos of subject and adjacent properties and photos).

The property owners are hoping to add a garage stall and mud room onto the west side of the existing garage. The existing garage is nonconforming regarding setback from Interlachen Boulevard. The property is subjected to two front yard setbacks. The property must match the front yard setback of the home to the west fronting Interlachen Boulevard at 6405 Interlachen Boulevard that was built one year later than the subject home and the front yard setback of the home to the south fronting Schaefer Road at 5004 Schaefer Road.

The adjacent home to the west is setback 122.6 feet from Interlachen establishing the setback from Interlachen for the subject property. The garage of the existing home on the subject property is located 76.2 feet from Interlachen and is therefore nonconforming regarding the required 122.6 foot setback. The proposed garage and mudroom addition will be located approximately 84 feet from Interlachen or 7.8 feet farther back from Interlachen than the existing garage. Setback of the garage will remain the same with the addition farther from Interlachen than the front wall of the garage, (see attached Fig. A.8 -A.12., existing/proposed survey, photos and plans).

SUPPORTING INFORMATION

Surrounding Land Uses

Northerly: Single-family homes.
Easterly: Single-family homes.
Southerly: Single-family homes.
Westerly: Single-family homes

Existing Site Features

The subject lot is 33,664 square feet in area. The existing home was built in 1954 and pre-dates the current setback requirements and is closer to the north lot line than currently allowed.

Planning

Guide Plan designation: Single-family detached
Zoning: R-1, Single Dwelling Unit District

Building Design

The proposal is to extend the garage by an additional stall and add a mud room. Finish materials will match the existing materials on the home.

Compliance Table

	City Standard	Proposed
Front -	122.6 feet	*76.20 feet
Side-	10+ height, (living)	11.5 feet
Rear -	25 feet	45.04
Building Height	2 1/2 stories 35 feet to ridge,	1 story, 20 feet to the ridge
Lot coverage	25%	15.4%

** Variance Required*

Primary Issues

- Is the proposed development reasonable for this site?

Yes. Staff believes the proposal is reasonable for four reasons:

1. The proposed use is permitted in the R-1, Single Dwelling Unit Zoning District and complies with all requirements with the exception of north (street), setback. Setbacks will not change and building footprint on the property will be to the side yard or rear yard and not affect existing street sight lines.
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property and not detract from or impact the neighborhood. The addition of garage and mud room area will be less than 350 square feet. The home will remain a one story rambler.
3. The improvements will provide additional garage and living space without drastically changing conditions on the property.
4. The home would maintain the character of the neighborhood and would remain the same with the exception of an enhanced garage and mud room.

- **Is the proposed variance justified?**

Yes. Per the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

Section 850.0.Subd., requires the following findings for approval of a variance:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

- 1) *Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.***

Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

Staff believes the proposed variance is reasonable. The setback of the existing garage will not change with sight lines along the streets remaining the same. Practical difficulties present on the property include the existing nonconforming street setback and limited design opportunity. The design is limited given that the required setback from Interlachen bisects the house severely reducing opportunity for expansion.

2) *There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?*

Yes. The unique circumstance is the nonconforming status of the home and garage, limiting design opportunities for adding onto the home. The home to the west, built at a later date than the subject home, dictates the required setback which is not a self-imposed condition.

3) *Will the variance alter the essential character of the neighborhood?*

No. The proposed addition will not alter the essential character of the neighborhood. The setback along Interlachen will remain the same.

Staff Recommendation

Recommend the Planning Commission approve the variance.

Approval is based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with surrounding properties is deeper than the nonconforming setback that has historically been provided by the existing garage.
- 3) The imposed setback limits design opportunity. The intent of the ordinance is to provide adequate spacing between structures and the street. Spacing will not change from Interlachen. The unique circumstance is the original placement of the home relative to the neighbor's home construction that occurred at a later date than the subject home.

Approval of the variance is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Survey date stamped March 30, 2012/revised July 27, 2012.
Building plans and elevations date stamped August 3, 2012

Deadline for a city decision: October 6, 2012.



VARIANCE APPLICATION

CASE NUMBER B-12-08 DATE 8/3/2012
FEE PAID

City of Edina Planning Department * www.cityofedina.com
4801 West Fiftieth Street * Edina, MN 55424 * (952) 826-0369 * fax (952) 826-0389

FEE: RES - \$350.00 NON-RES - \$600.00

APPLICANT:

NAME: Daniel Wagner, Lindsey Gerrity (Signature required on back page)
ADDRESS: 5000 Schaefer Road, Edina, MN PHONE: 617-216-8170
EMAIL: daniel.wagner@bestbuy.com

PROPERTY OWNER:

NAME: Daniel Wagner, Lindsey Gerrity (Signature required on back page)
ADDRESS: 5000 Schaefer Road, Edina, MN PHONE: 617-216-8170

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Lot 4, Block 1, Harold Woods

**You must provide a full legal description. If more space is needed, please use a separate sheet.
Note: The County may not accept the resolution approving your project if the legal description does not match their records. This may delay your project.

PROPERTY ADDRESS: 5000 Schaefer Road, Edina, MN 55436

PRESENT ZONING: _____ P.I.D.# 3011721420018

EXPLANATION OF REQUEST:

please see attached/enclosed description

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Jeff Lindgren - Jalin Design PHONE: 763-464-4401

EMAIL: jlindgren@jalin-design.com

SURVEYOR: NAME: David Crook Demas-Gabriel PHONE: 952-767-0487
EMAIL: _____



Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

NO

Relieve an undue hardship which was not self-imposed or a mere inconvenience:

see attached

Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district.

see attached

Preserve a substantial property right possessed by other property in the vicinity and zoning district.

see attached

Not be materially detrimental to the public welfare or injurious to other property in the vicinity or zoning district.

see attached

APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the City should contact about this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the City by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other City approvals that have been granted to me for any matter.

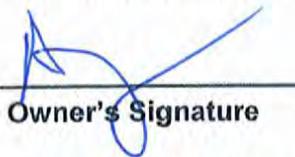
I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

 Lindsey Gay 8/2/12
Applicant's Signature Date

OWNER'S STATEMENT

I am the fee title owner of the above described property, and I agree to this application.

(If a corporation or partnership is the fee title holder, attach a resolution authorizing this application on behalf of the board of directors or partnership.)

 Lindsey Gay 8/2/12
Owner's Signature Date

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



August 2, 2012

Daniel Wagner
Lindsey Gerrity
5000 Schaefer Road
Edina, MN 55436
daniel.wagner@bestbuy.com

City of Edina Planning Commission
c/o Kris Aaker, Assistant City Planner
4801 West Fiftieth Street
Edina, MN 55424

Dear Ms. Aaker:

Please accept this statement to satisfy the Minnesota Statutes and Edina Ordinances for zoning variance application. We are the owners of the home located at 5000 Schaefer Road in Edina. We closed on our purchase of the property in May 2012 after relocating to the Minneapolis area for Dan's job (he accepted a leadership position with Best Buy) in February 2012 from Charlotte, North Carolina with our then three month old daughter (Ashley). Lindsey continues in her role in the Global HR division at Bank of America - working remotely out of our home.

When we arrived in the Minneapolis area in February, our search very quickly led us to Edina. We consider ourselves so lucky to have found (and fallen in love with) the 5000 Schaefer property as a place where we could raise our daughter, and our dog "Buzzard" could enjoy a yard with critters at every turn to keep him entertained. We were told the prior Homeowners, owners of the Old Dutch Potato Chip company who lived at the home for more than 40 years, turned down a handful of other buyers whom all wanted to tear the existing home down and start fresh - as is apparently quite common across Edina. Our proposal, however, was accepted as we had no intention of raising the structure, instead seeing the character of the home and its place in the history of this magnificent neighborhood. We envisioned putting our own touch on the home, updating (it hadn't been updated since it was built in the 1950s) and improving it to more closely resemble the features of the homes in our surrounding neighborhood.

After closing, as we began to formulate our plans to enhance the structure, we learned from our designer that some aspects of our desired improvements (adding a third car garage and mud room to connect our garage area to the main floor of the home) might require zoning approval. We were certainly not experts in this area, but thought it seemed odd given the size of our the lot (.77 acres), distance away from the nearest neighbor (55+ ft) and a seemingly small improvement to the existing structure along the same setback footprint that was constructed in 1954. We subsequently met with Kris Aaker from the Planning Commission and she confirmed that as a result of our west-side neighbor's housing setback, even though our home was constructed prior (thereby establishing the initial setback boundary) we would need to seek a variance to move forward.

There are two aspects of our desired updates that require variance approval. First, the existing garage is a standard two car garage, while almost every home in the neighborhood has (at a minimum) a third garage stall. We wish to add a third garage stall to the existing structure. Second, there is currently no garage access from the main level of the home, which therefore requires garage access either from the lower level (basement) or via the outdoors. We wish to add a mudroom that enable the main floor and garage area to be connected and enable main floor access to the garage space. To accomplish these updates, we respectfully request a decrease in the side yard property setback found on the North side of the property. We request that the setback line be equal to the

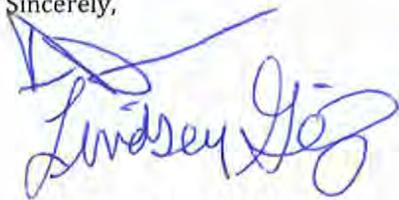
APPROVED
AUG 03 2012

North existing garage corner which is 76.2' from said property line, rather than basing the setback off the existing adjacent home.

We have discussed the proposed enhancements with our neighbors along both property lines and neither expressed opposition to our plans. In fact, our neighbor to the south added a third car garage, however was not subject to variance restrictions given the conforming setbacks created when the homes were originally constructed. Additionally, our extended neighbors in every direction have made it a point to visit us and offer how happy they are that we are not tearing the existing house down, instead choosing to make practical and prudent improvements that preserve the original character of the property and its place in the neighborhood, yet offer us the ability to bring the structure more in line with its surrounding peers and the needs of a growing, modern day family.

Please find enclosed our Variance Application.

Sincerely,



Dan Wagner & Lindsey Gerrity
5000 Schaefer Road
Edina, MN 55436

Relieve an undue hardship which was not self-imposed or a mere inconvenience:

As a corner lot, with approximately .77 acres, the current zoning setback restrictions based on the setbacks of neighboring properties to the west and south render approximately 75% (1/2 acre) of the property off-limits for modification, even though the current house has ~50% of its structure located in front of the setback of the neighbor to the west. The reason for this is due to the fact that the neighboring property was constructed after our house and sits on a larger land area bordered by a pond to the rear. The neighboring house was constructed to take advantage of the pond view, and in doing so created a substantial setback on the front side - while at the same time rendering 50% of our housing structure in non-compliance with the current zoning restrictions preventing even simple updates and enhancements in the non-compliant area.

Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district.

The 5000 Schaefer lot is a corner lot, which imposes two setbacks with which it must conform in order to be in compliance with zoning restrictions. In most cases, the homes on either side of a corner lot are constructed along the same setbacks as the corner lot home. However, 5000 Schaefer and its neighboring properties are an exception. The lots in this neighborhood area are, in most cases, more than an acre and our neighbor to the west (with 1.42 acres) also backs up to a pond. Our home was built in 1954, while our neighboring home was built in 1955. As such, while our home's construction established the initial setback, the subsequent construction of the neighboring property significantly behind our structure (~40% of our existing home is set in front of the neighboring setback to the west) has created a unique setback situation that creates extra-ordinary, non-self-imposed hindrances to our property and structure.

Preserve a substantial property right possessed by other property in the vicinity and zoning district.

Our neighbor to the South added a third garage stall without the same setback challenges that we

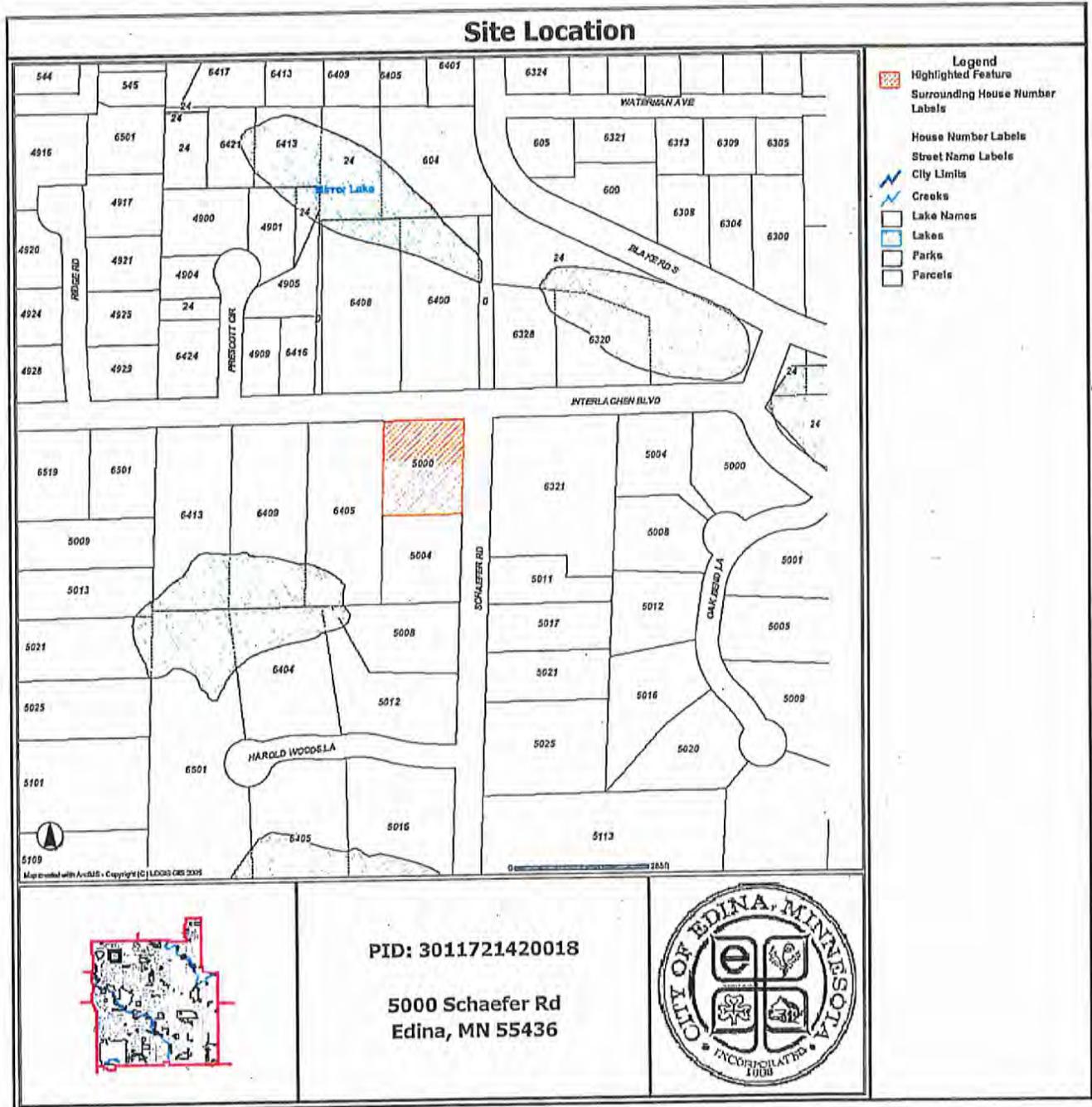


face at 5000 Schaefer. Properties in the vicinity and zoning district are able, while maintaining the appropriate distances from neighboring property lines, to enhance/add on to their property as their setbacks lines are typically aligned with their neighbors on either side. In our situation, extending backwards along our current footprint setback is prohibited given the neighboring property structure setback (even though it sits more than (70 ft away). Had our neighboring property to the West been constructed (in 1955) along the same setback as our property was constructed (in 1954) we would not be inhibited as our distance to neighboring property line is sizable (~55 ft at current structure). This represents a substantial right that other properties in the vicinity and zoning district have, that we do not without a variance.

Not be materially detrimental to the public welfare or injurious to other property in the vicinity or zoning district.

Our property is ~.77 acres with our neighbor's property line to the West sitting ~57 ft away from the current garage structure. Our plans will decrease the distance by ~12 feet, yet still maintain ~45 foot separation between the end of our desired third garage stall addition and the neighboring property line, and an even greater distance to the neighboring structure. This area is, and will continue to be, populated by large oak and other trees preserving privacy and the current look and feel of the neighborhood.





Property

Assessing

A.1



A.2



A.3



A.4



*Subject property
5000 Schaefer Rd*

A.5



Neighbouring Property
to the west
@ 6405 Interlachen

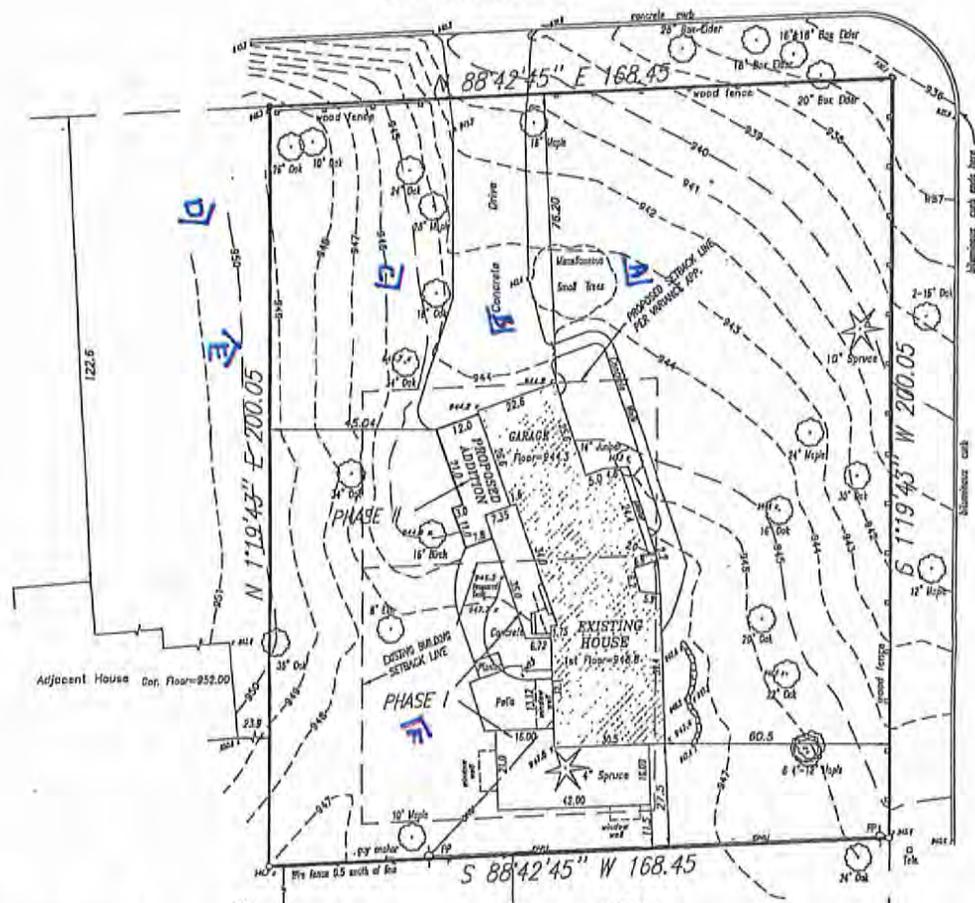
A.C



Neighboring Property
to the south
@ 5004 Schneider

A.7

INTERLACHEN RD.



SCHAEFER RD.

EXISTING BUILDING COVERAGE

Buildings	2,698 Sq./L.
Patios & Decks	273 Sq./L.
Total Coverage	2,971 Sq./L.
Lot Area	33,684 Sq./L.
% of Coverage	= 8.8 %

PROPOSED BUILDING COVERAGE

Buildings	4,128 Sq./L.
Patios & Decks	1,045 Sq./L.
Total Coverage	5,174 Sq./L.
Lot Area	33,684 Sq./L.
% of Coverage	= 15.4 %



LEGAL DESCRIPTION:

Lot , Block 1, HAROLD ADDITION

SITE ADDRESS:
5000 SCHAEFER RD.
EDINA, MN 55436

DEMARS-GABRIEL
LAND SURVEYORS, INC.
8875 Washington Ave. So.
Suite 203
Edina, MN 55439
Phone: (952) 767-0487
Fax: (952) 767-0480

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. Creek
David E. Creek
Date: March 30, 2012 Minn. Reg. No. 32414

File No.
13978 D
Book-Page
Scale
1"=20'

CERTIFICATE OF SURVEY

PREPARED FOR:
DANIEL WAGNER

A. B

Pictures of the Existing Site Conditions

Wagner Residence
5000 Schaefer Road
Edina, Mn 55436

RECEIVED
MAY 1 2011



F



D



B



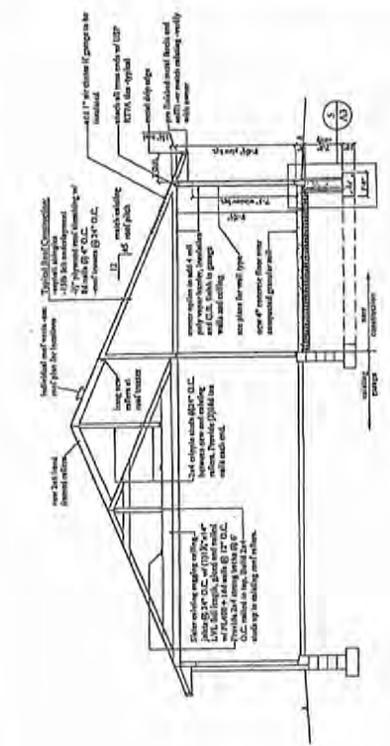
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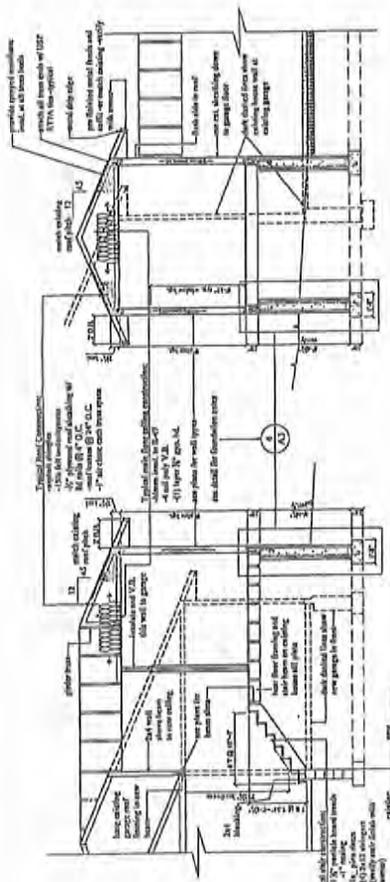
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A

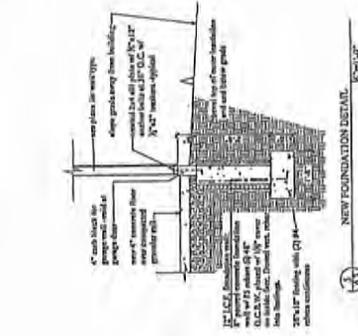


SECTION AT GARAGE

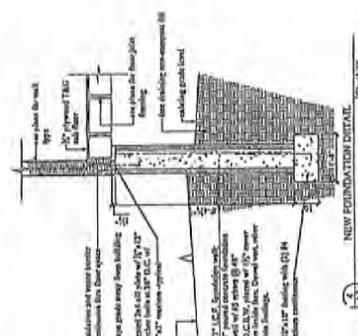


SECTION AT MUD ROOM

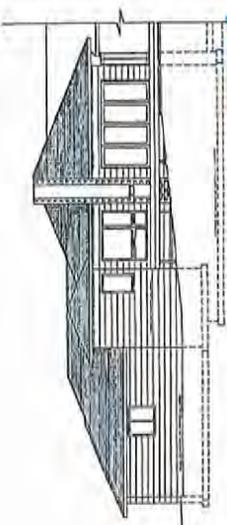
Typical Joint Connections:
 • 2x12 rafter to 12x12 post
 • 12x12 post to 12x12 post
 • 12x12 post to 12x12 post
 • 12x12 post to 12x12 post



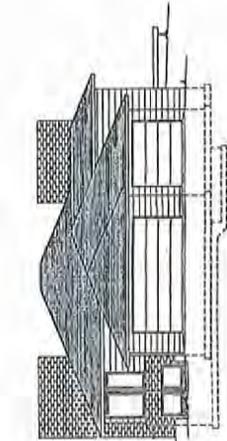
NEW FOUNDATION DETAIL



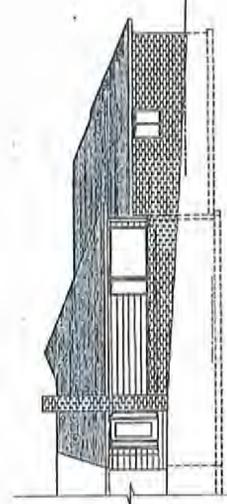
NEW FOUNDATION DETAIL



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



Kris Aaker

From: Deena Allen <deena.allen@ymail.com>
Sent: Wednesday, August 22, 2012 4:10 PM
To: Kris Aaker
Subject: Re: Wagner-Gerrity Front Yard Set-Back Variance

To: Kris Aaker and Planning Commission Members (Kris, please confirm receipt)
From: Deena Fruchtman
6405 Interlachen Blvd

Re: August 22 Planning Council Meeting 7 p.m.
Item VI. A. Wagner-Gerrity Front Yard Set-Back Variance Request

In response to Mr Wagner's note below, I have lived at 6405 Interlachen since 1977, and I am well aware of when my house was build, well aware of the set-back conditions, and well aware of the current appeal of my lot and the desirable distance my house (and most of those on the south side of Interlachen) is from the boulevard. The front yard set-back conditions in many of the lots in this area of Edina are what gives it its appeal. The front yard set-back is one of most appealing and desirable characteristics of these lots along with the lot sizes which are close to 1 1/2 acres for several in the immediate vacinity. It is not wise to allow variances which do not maintain the intent and purpose of the front yard set-back.

Both my kitchen and den windows face North (face Interlachen Blvd) and one set of kitchen windows faces east; they are at the front of the house, and the primary structure that I currently see when I look east (toward Schafer Rd) out of my kitchen and den windows is the existing garage at 5000 Schafer Rd (formerly 6401 Interlachen). The addition to the existing garage, which the variance would allow, will further obstruct my view which is at an angle looking east toward the Schafer/Interlachen intersection.

Mr Wagner's contention that I am wrong about MY VIEWS from MY kitchen windows is puzzling at best since he says he has pictures which show that my objections are incorrect. He has never been in my house, and I assume that he was not standing in my shrubs under my kitchen window taking pictures so I am not sure how he can make this statement. He is incorrect.

As I noted previously in correspondence to you, I am not in the state and in an attempt to resolve this issue (which I did not create might I remind you) in a positive way, and given the limited time provided to neighbors to consider this variance (about a week), and given the major fact that I am the neighbor adjacent to the east directly impacted by this variance request, and given the fact that the building codes are clear, and given the fact that the new owners should have fully and adequately explored the lot conditions prior to purchasing, ***I respectfully request that you delay your action one month during which time I will review the situation with Mr. Wagner and Ms. Gerrity. If you are not willing to delay your action, then I request that you protect my rights and deny the variance. I understand that you have until sometime in October to act on this request.***

Thank you for your consideration. I do appreciate the time and attention you dedicate to considering these issues.

From: Kris Aaker <KAaker@EdinaMN.gov>
To: 'Deena Allen' <deena.allen@ymail.com>
Sent: Wednesday, August 22, 2012 3:29 PM
Subject: RE: Wagner-Gerrity Front Yard Set-Back Variance

Dear Deena,
I have not seen an alternate plan as proposed by Mr. Wagner's e-mail.

Sincerely,
Kris Aaker



Kris Aaker, Assistant Planner

952-826-0461 | Fax 952-826-0389

K.Aaker@EdinaMN.gov | www.EdinaMN.gov/Planning

...For Living, Learning, Raising Families & Doing Business

From: Deena Allen [mailto:deena.allen@ymail.com]
Sent: Wednesday, August 22, 2012 2:24 PM
To: Kris Aaker
Subject: Fw: Wagner-Gerrity Front Yard Set-Back Variance

Hi Kris,
If you have not seen this last note from Daniel Wagner, please look it over. I have a couple of questions to ask you about his alternate proposed plan as noted in this email.

Thanks.

Deena

Deena Allen Fruchtman
612-840-6600

----- Forwarded Message -----

From: "Wagner, Daniel" <Daniel.Wagner@bestbuy.com>
To: Deena Allen <deena.allen@ymail.com>
Sent: Wednesday, August 22, 2012 9:18 AM
Subject: RE: Wagner-Gerrity Front Yard Set-Back Variance

Deena,
Thank you for your reply. You are certainly entitled to your opinion and, in this case objection. I did want to share with you some photos and respective notes I took of the properties in response to your objections. I have submitted these to the planning commission in response to your objection correspondence. You will see, hopefully, that the photos factually contradict some of the contention you make in your objections. It is our hope that with the additional information from last evening and with these photos showing the factual impacts (or lack thereof) that you might reconsider your objection.

Regardless, in the end it is also our hope the Planning Commission reviews the information we have provided and the facts of the request favorably. There is quite a lot of addition detail regarding grandfathering, etc. that you may not be aware of, for example, that your home was built (1955) after others on the block (west corner in 1947), including ours (east corner in 1954), where these homes (including ours) initially established the setback for the Interlachen block we both share and therefore your home and that of 6409 (both of which were built subsequently) forced our homes into a non-compliance situation? This is something that the planning commission typically takes into consideration, in addition to the setbacks of the surrounding homes (all of which are in front of your setback and that of 6409).

Regardless our hope is that the variance is approved. If it isn't, Lindsey and I see that our only alternative would be to convert the existing garage into a storage space and then build a completely new three car garage behind the current setback line – said line is established by the front most point of your property (not your garage corner). This alternative would not require planning commission approval. The new structure would unfortunately extend, in addition to the poured concrete required for access to the new structure in the currently untouched grassy area (your "east view"), well beyond the 12 feet currently proposed (a new three car garage is approximately 30-35 ft in) and come much closer to your property line as permitted by the current setback. This would not be our desired option, but would be the only option we would be left with without variance approval for our current proposed plan. Certainly this option is less favorable to you, given your noted concerns, than the currently proposed third stall addition.

Thank you for your correspondence.

Regards,
Dan W.

From: Deena Allen [mailto:deena.allen@ymail.com]
Sent: Wednesday, August 22, 2012 12:51 AM
To: Wagner, Daniel
Cc: KAaker@EdinaMN.gov
Subject: Re: Wagner-Gerrity Front Yard Set-Back Variance

Hello Dan,

I received all of the info you attached this evening from Kris Aaker last Friday. I think that your master bedroom expansion plans are well designed; however still a large expansion for a small lot in relation to most of the other lots in the area.

The garage addition is my concern and will add 12 feet to the west (toward my lot and house) that is still exceeding (as is the original garage) the allowable set-back from Interlachen and will absolutely contribute to obstructing my view even further than the existing garage does. The existing garage is out of compliance and may be grandfathered; *however, adding on to a noncomplying garage provides one thing: a garage that is further out of compliance with the existing codes and violates my rights as an Edina residence by obstructing my line of sight.*

Please note that I am clear on your plans as the attachments show, and I am crystal clear and accurate on my concerns regarding the impact of adding another 12 feet of garage which will be excessively out of compliance with the set-back from Interlachen. For you to characterize the situation as not creating an expanded obstruction of my view is completely inaccurate. A three car garage that exceeds the set back requirements to the extent that this will is definitely more obstructive than the existing non complying two car garage.

What you have misinterpreted is that your information to me on your garage plans in an informal, brief discussion did not and does constitute my approval, agreement or acceptance of these plans. It is unfortunate that you purchased a property without indepth understanding of the construction/building and regulations codes; however, that is not my responsibility or issue and it is inappropriate for you to expect me to solve this problem by harming my rights.

I need to reiterate that your problem (and I am sorry for you that this has occurred) is not to be transferred to me. I am not the culprit here, I did not create this issue, I am not asking for a variance, I am not the problem, I am not being uncooperative, I am not being mean-spirited, and I resent being characterized as the "bad guy." **I am only protecting my interest in requesting that the Edina Planning Commission adhere to the existing and established set-back criteria and not allow for an additional violation of the code just because there is an existing non compliance situation. As I stated in my original email to the commission, two wrongs do not create a right --only a larger wrong situation. The set back codes were established for a reason -- to maintain consistency, privacy, maintain aesthetic standards, and to protect the property owners from inappropriate construction plans.**

While I am sure you are not pleased with my objection, it is the only response that I can offer in defence of my property. I cannot willingly concur with something that the Edina City Council put in place for a good and logical reason. I expect them to honor their existing codes.

Kind regards,

Deena

Deema A. Fruchtman
6405 Interlachen Blvd.
Edina, MN 55436

From: "Wagner, Daniel" <Daniel.Wagner@bestbuy.com>
To: "deena.allen@ymail.com" <deena.allen@ymail.com>

Cc: "KAaker@EdinaMN.gov" <KAaker@EdinaMN.gov>
Sent: Tuesday, August 21, 2012 6:16 PM
Subject: FW: Wagner-Gerrity Front Yard Set-Back Variance

Deena,

I hope all is well. I wanted to reach out as I was taken aback by the correspondence I was forward by the city regarding our variance application. I don't intend to get into a he said/she said discussion, but I did have the impression after multiple conversations with you (you did stop by a number of times while you were in town) that you were not opposed to our plans. The variance notice is likely not very clear so I did want to share with you the actual schematics. It sounded like you were concerned that we might be proposing to extend the garage to the north (or move it closer to the street). This is not the case. I have attached the survey plans which show the location of the proposed garage. As you can see it does not include building out anything that would have any impact on your line of site to the east.

Deena, As you are aware, we have already begun phase I of our renovation work which includes building an addition to the south and west (master suite) and to the main body of the house to the west (expanding the living/family areas). The living and family area is being expanded by approximately 8 ft to the west (you can see this on the survey/plan I have attached). This work is underway as it does not require city variance approval. Our plans to add a garage stall simply extend the phase I addition an extra 4ft to the west (coming out 12 feet vs. 8ft.) along the current garage line – which you can see in the survey/plan. You and I chatted about this, as we discussed how we would be saving the trees that currently block your view of the existing garage and therefore would continue to block your view of the newly extended garage. We would be more than willing to add additional landscaping in the area to further block your view of the garage wall, however it would be the same view as it is today without the variance (just 12 feet closer to the west, no closer to the north and still 45 ft from your property line).

You see, we currently don't have access to the garage from the main living area and this was the only way to enable such a thing. We are not extending the garage any further to the north that would block your view to the east, and as you contend infer in your correspondence.

I can appreciate your concerns, but wanted to make sure you had all the information. Please let me know if I can offer any additional explanation. I sincerely hope this information assuages your concerns, we had no intention of causing concern or imposing unreasonable plans and would value building a neighborly relationship with you going (as I believed we had begun based on your multiple genial visits to our home where we discussed our plans while you were in town.) My apologies for not reaching out with this additional information earlier, I do have all your contact information that you gave me during one of your visits, but felt we were already on the same page.

Thanks
Dan and Lindsey
617-216-8170

From: Kris Aaker [mailto:KAaker@EdinaMN.gov]
Sent: Tuesday, August 21, 2012 4:18 PM
To: Wagner, Daniel
Cc: Cary Teague; Jackie Hoogenakker; Jeffrey A. Lindgren (jlindgren@jalin-design.com)
Subject: FW: Wagner-Gerrity Front Yard Set-Back Variance

Dear Daniel,

I received this correspondence regarding the variance requested for your property. So far I have not received any other letters/e-mails. I will forward them if received.

Sincerely,
Kris Aaker



Kris Aaker, Assistant Planner

952-826-0461 | Fax 952-826-0389

KAaker@EdinaMN.gov | www.EdinaMN.gov/Planning

...For Living, Learning, Raising Families & Doing Business

From: Deena Allen [<mailto:deena.allen@ymail.com>]
Sent: Tuesday, August 21, 2012 4:11 PM
To: Kris Aaker
Subject: Wagner-Gerrity Front Yard Set-Back Variance

To: Ms. Aker and Edina City Council Planning Commission Members

From: Deena A. Fruchtman
6405 Interlachen Blvd
Edina, MN 55436

Re: Item IV Public Hearings A. Wagner-Gerrity Front Yard Set-Back Variance Request

I was informed last Thursday (August 16) by a neighbor of the variance request which was just sent out last week to property owners impacted by the referenced request. I am out of state and will not be back for the city council meeting at which time this variance request will be reviewed. I respectfully submit this statement as my objection to this variance request, and request that the planning commission deny this request.

I am the neighbor directly to the west of the Wagner-Gerrity residence and the neighbor and property most directly affected by the variance request. My property faces Interlachen Blvd and is set back 122.6 feet from the boulevard. I request that the council deny this request and uphold the existing building code which was established to protect the property of homeowners from building projects like the one in question. I am objecting to this variance request for the following reasons:

1. The current set back for the existing Wagner-Gerrity structure is already significantly out of compliance with the established front yard set back on Interlachen Blvd. Extending the existing two car garage to the west exacerbates the existing noncompliance situation. Adding a second wrong to an existing wrong does not create a correct situation. Furthermore, this variance request causes me, as a neighbor and Edina residence and property owner, to have to object to something that I should not have to address if the existing code were complied with.
2. Allowing this variance to exist will create a situation where my view to the east will be further obstructed -- looking out both of my kitchen windows and my den window. The existing Wagner-Gerrity garage creates a major, unsightly obstruction to my view and line of sight to the east. Approving this request will cause my rights as an Edina residence and property owner to be violated. Allowing a variance for one Edina residence that harms another residence is not an action that the commission should look kindly on or should approve.
3. Contrary to the letter submitted by Ms. Gerrity and Mr. Wagner, I have not voiced my support of (or lack of objection) their plans to add a third garage. Nor have I had a discussion where I was informed of their plans other than a brief discussion about a tree (the roots) possibly being in the area where a garage was being considered. This extremely brief discussion (a minute or less) occurred in the presence of my arborist who was doing some work in my yard several months ago. I find the Wagner-Gerrity letter does not represent the facts regarding my interaction regarding their construction/expansion plans. In this fleeting conversation, I was not asked if I objected to anything and absolutely do not concur with the conclusion about discussion with the neighbors.
4. The houses in the immediate vicinity on the south side of Interlachen in the block to the west of the intersection of Schaefer and Interlachen Blvd are set back in compliance with the existing code. One of the layout conditions that attracted my husband and I to this area and to our home was the distance the structures were set back from the boulevard. This set back condition was a MAJOR criterion in our consideration of potential homes. We would not have purchased our home if it had been as close to the boulevard as the Wagner-Gerrity home is.
5. The lot size of the Wagner-Gerrity residence is significantly smaller than several of the lots to the west on Interlachen Blvd and other lots in the area. Allowing this variance on a small lot (in comparison to mine and those to my west as well as those across the pond) will negatively impact the value of my property and will impact the aesthetic conditions of my lot. I do not want to look out my window or walk into my yard and see a garage even closer to my property than it is now -- when the building code that exists to protect my property may be compromised.

6. While the set-back and general house plans proposed would fit in nicely in an area such as country club where the lots sizes are smaller and the homes are close to the streets and quite close to their neighbors, the character of this part of Edina is quite different. The difference is that the lots are substantially larger and the charm of this road and this neighborhood is that homes are protected and private from their neighbors and from passing traffic. Set-back variances severely jeopardize these characteristics.

If you have questions about my concerns or wish to speak with me, please contact me at deena.allen@ymail.com or call me on my cell at 612-840-6600.

Sincerely,

Deena A. Fruchtman

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