



## PLANNING COMMISSION STAFF REPORT

Originator <b>Kris Aaker</b> Assistant Planner	Meeting Date <b>January 9, 2013</b>	Agenda # <b>B-13-01</b>
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**Recommended Action:** Approve the 46 foot front yard setback variance as requested.

### Project Description

**A 46 foot front yard setback variance to match the existing nonconforming setback for a garage stall and hall on the main floor and to add a second story addition to a home located at 6844 Point Drive for Matt Cooke.**

### INFORMATION/BACKGROUND

The subject property is a corner lot located north of Dunberry Lane and west of Point Drive consisting of a rambler with an attached two car garage. (see attached pages: A.1-A.5, site location, aerial photographs, and photos of subject and adjacent Properties). The property owner is hoping to add a garage stall to the west, a small addition to the back of the home and a second story addition above the first floor, (see attached pages: A.6 – A.13, building plans and surveys).

The property is subjected to two front yard setbacks because there are adjacent homes fronting both Dunberry Lane, (south), and Point Drive, (east). The subject home is "lined up" with the home to the north along Point Drive, however, is much farther south towards Dunberry Lane than the home to the west.

The ordinance allows 200 square feet of additional encroachment per built floor at the existing nonconforming setback. The ordinance requires that additions in excess of 200 square feet must maintain the required setbacks. The home conforms to all of the setback requirements with the exception of the required setback from Dunberry Lane. The first floor requires a variance to allow 231 square feet of additional encroachment beyond the 200 square feet allowed by ordinance, however, all of the second floor is required to comply with setback since there is no 2<sup>nd</sup> floor currently. The front yard setback of the home to the west is 77.5 feet from Dunberry Lane. The subject home provides 31.5 foot

setback from Dunberry Lane. Any improvement on the subject property to within the existing nonconforming 31.5 foot setback from Dunberry requires a 46 foot setback variance.

The property is 13,007.7 square feet in area with the home and proposed additions occupying less than 19% of the lot area. The required setback from Dunberry Lane unreasonably limits the building area of the lot given the existing nonconforming setback provided by the original home built in 1957. Staff believes it is reasonable for the owner to duplicate the nonconforming setback from Dunberry of the existing home to allow additions in excess of 200 square feet on the main level and to allow the expansion to include a second story.

## **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 13,007.7 square feet in area; is a corner lot required to respect two front yard setbacks.

### **Planning**

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

### **Building Design**

The proposal is to add a second floor to the home to include an attached garage stall and hallway connection.

## Compliance Table

	City Standard	Proposed
Front - Side- Rear -	77.5/35.9 feet 10+ height, (living) 25 feet	*31.5 feet 12.4 feet 25feet
Building Height	2 1/2 stories 30 feet to midpoint 40 feet to ridge,	2 stories, 20 feet to midpoint, 26.5feet to the ridge
Lot coverage	25%	18.2%

\* **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 front yard setback.
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property.
3. The improvements will provide the same setback from the street as the existing home.
4. The home will be a two story with an attached three car garage and should complement the character of the neighborhood. The home is well within the coverage requirements.

- **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 given that historically the existing home has provided the nonconforming setback since built in 1957. The practical difficulty for the subject property is that the adjacent home was built with a deeper setback from the street. The lot is unbuildable without the benefit of a variance, (see the buildable area of the lot on figure A.14 ).

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

Yes. A unique circumstance is that the existing home has maintained setback from both streets since 1957. The location of the other two homes affecting setback from the streets is not self-created. The applicant is asking to maintain an existing nonconforming setback from the south lot line.

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

No. The proposed home will not alter the essential character of the neighborhood. The setback will mimic the front yard setback of the existing home.

Requiring the additions to maintain the south street setback would push them unreasonably farther back from the street frontage given that the existing home is already much closer to Dunberry Lane.

### **Staff Recommendation**

Recommend that 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 existing conditions and matches the nonconforming setback of the existing home.
- 3) The imposed setbacks severely limit design opportunity. The intent of the ordinance is to provide adequate spacing from the street. The proposed home will match the setback of the existing home that has been located on the lot since 1957.

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: December 17, 2012

Building plans and elevations date stamped: December 11, 2012.

**Deadline for a City Decision: February 12, 2013.**

# LOCATION MAP



- Legend**
- Highlighted Feature
  - Surrounding House Number Labels
  - House Number Labels
  - Street Name Labels
  - City Limits
  - Creeks
  - Lake Names
  - Lakes
  - Parks
  - Parcels

Map created with ArcGIS - Copyright (C) Locus GIS 2005

**B-13-01  
Front Yard Setback Variance**



**PID: 3002824430088**

**6844 Point Dr  
Edina, MN 55435**







*subject Home*



*4420 Dunberry Lane  
Home to the west*

*A. 4*

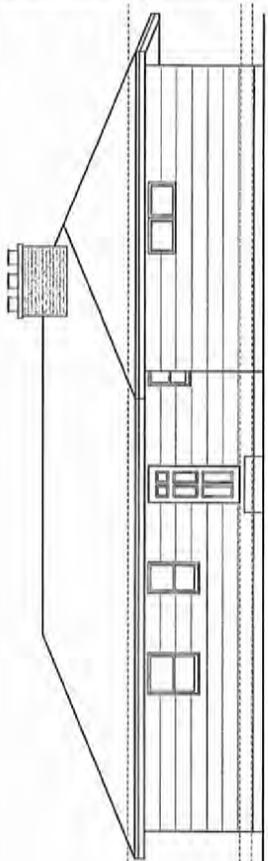


6840 Point Drive  
Home to the North

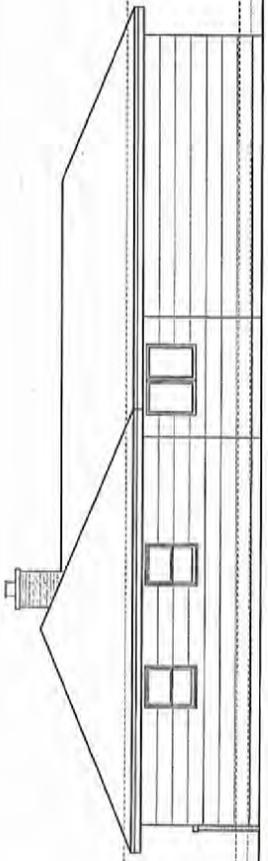
A.5



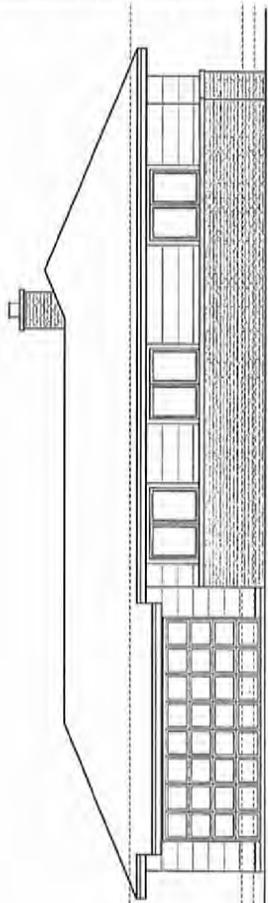




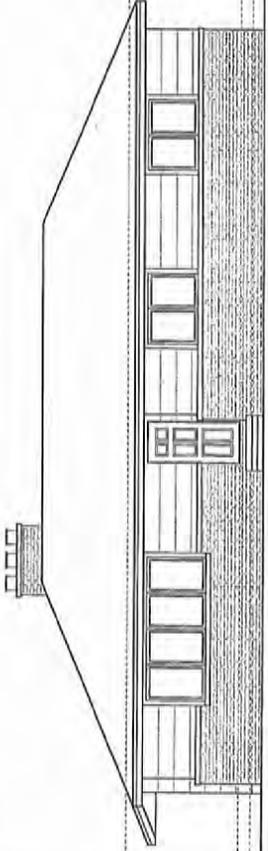
WEST ELEVATION  
SCALE: 1/8" = 1'-0"



NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



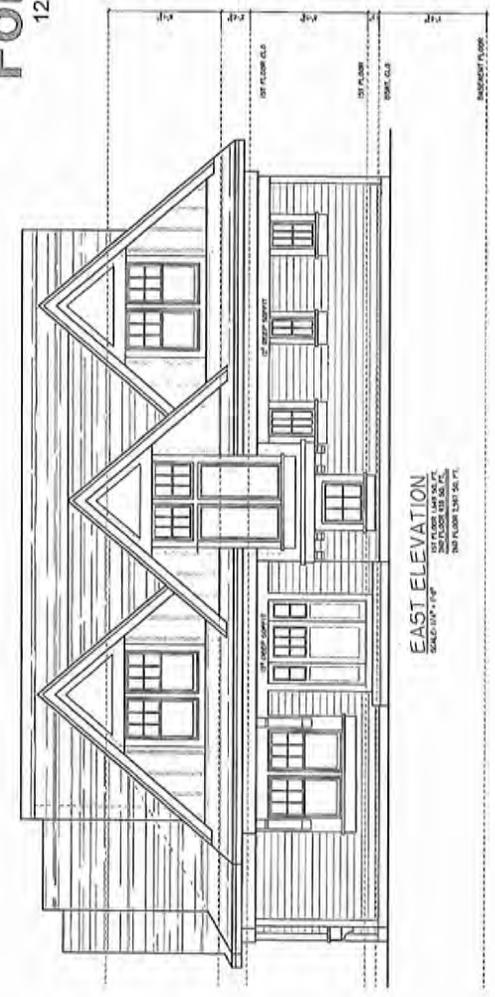
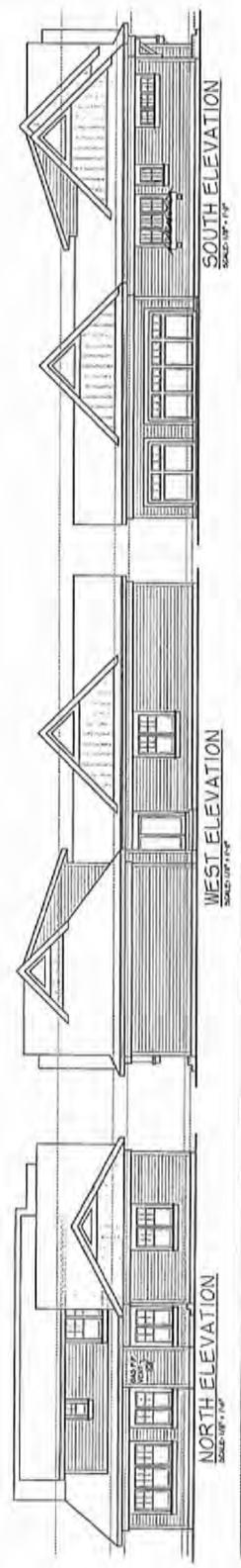
SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



EAST ELEVATION  
SCALE: 1/8" = 1'-0"

*Existing Home*

*A-8*



**For Review**  
 12/06/2012 4:47:26 PM

*Proposed improvements*

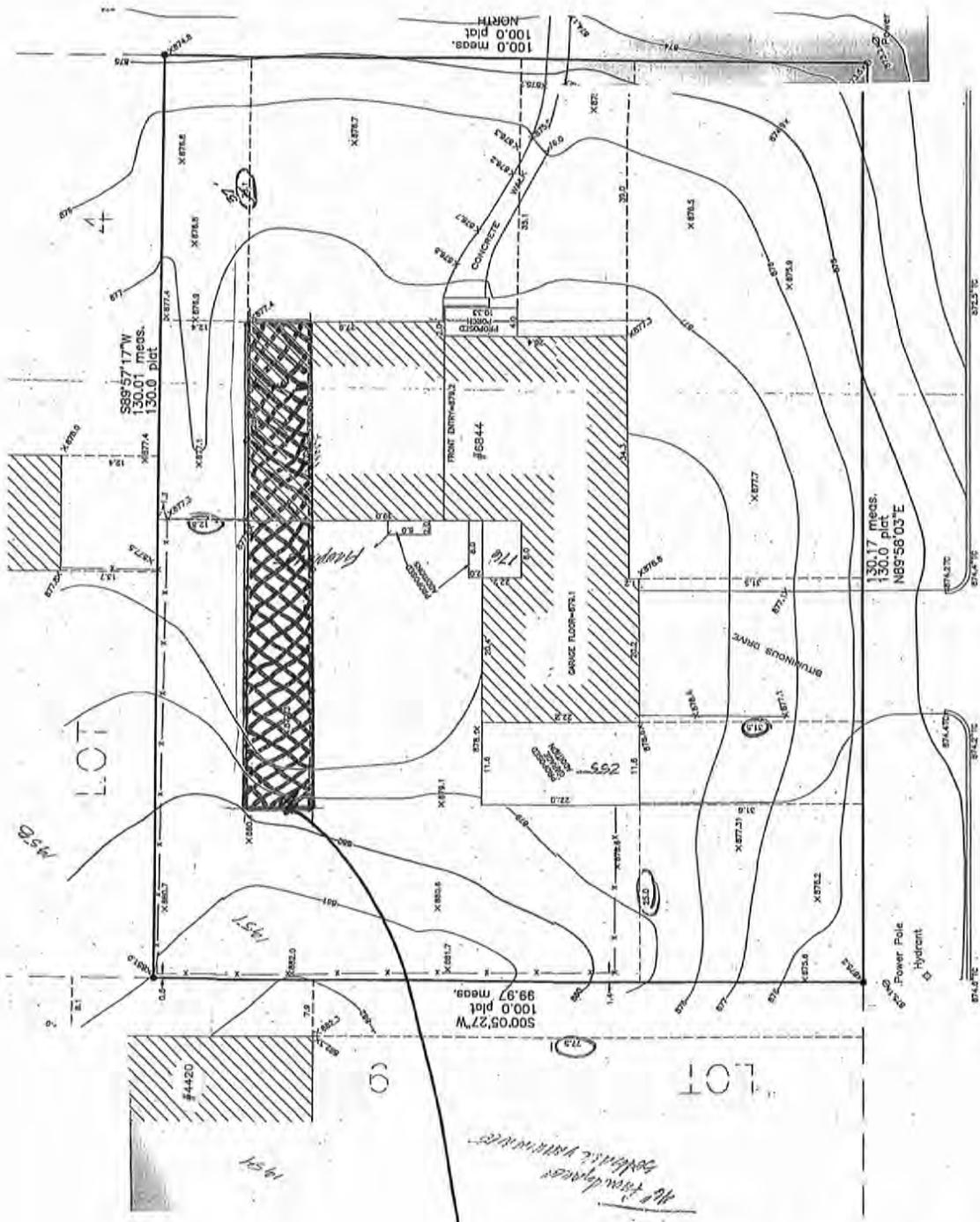
*A. 9*











DUNBERRY LANE

SF 148 SF  
 41.33 SF  
 = 28.0 SF  
 DITION = 255.2 SF  
 = 2,372.53 SF

*Buildable AREA  
 of the lot  
 given required  
 setbacks*

A. 14