



## PLANNING COMMISSION STAFF REPORT

Originator <b>Kris Aaker</b> Assistant Planner	Meeting Date <b>February 13, 2013</b>	Agenda # <b>B-13-05</b>
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**Recommended Action:** Approve the variance as requested.

### **Project Description:**

**A 21 foot and a 19.67 foot front yard setback variance for a garage and mud room addition on property located at 6717 Rosemary Lane for Jeff and Kristi Einhorn.**

### **INFORMATION/BACKGROUND**

The subject property, is a corner lot located in the north east corner of Rosemary Lane and Valley View Road. The existing home on the property was built in 1967 and consists of a one story rambler with an attached two car garage, (see attachments: A.1 – A.6., site location, aerial photos and photos of neighboring properties). The property is subjected to two front yard setbacks, along Rosemary Lane and Valley View Road. The homeowners would like to add a small mudroom north of their existing garage and add a third garage stall south of the existing garage.

The front yard setback required from Rosemary Lane is approximately 51 feet with the subject home providing a 30 foot setback, (21 feet in front of the home to the north). The setback required from Valley View Road is 39.7 feet with the subject home providing a setback from Valley View of 36.2 feet, (3.5 feet closer to Valley View). The existing home is nonconforming regarding setbacks from both streets and while not in the area of proposed construction, the existing rear yard setback of 13.3 feet is also nonconforming regarding the required 25 foot rear yard setback, (see attachments A.7 – A.13, site surveys and building plans).

The ordinance allows for 200 square feet of additional encroachment as long as it is no closer than the existing nonconforming setback, which would allow for expansion along Rosemary Lane, however, the mudroom and garage addition total 375 square feet so a 21 foot setback variance is required from Rosemary

Lane. In addition to the to the variance from Rosemary Lane, the garage expansion will reduce the nonconforming setback from Valley View Road from 36.2 feet to 22.2 feet. The required setback on a typical side street lot is 15 feet for the side wall of the garage. The proposed garage will be 22.2 feet from Valley View which would be 7.5 feet farther from the street than required for a typical side street lot. The garage addition would be approximately 75 feet from the adjacent home at 6772 Valley View so spacing between properties remains the same.

The subject lot was subdivided off from the lot to the north in 1966, and received a depth variance to allow a lot depth of 110 feet instead of 120 feet and to allow the home to front Rosemary Lane with the side street along Valley View Road. Front yard setback variances were not required to locate the house at the time it was built, so it is presumed that the nonconforming setbacks from both streets must have complied with the ordinances at the time. The home is currently nonconforming along both street frontages and from the rear lot line. Based on buildable area, there is very little opportunity for expansion with the exception of perhaps adding a second floor, (see attachment A.8, illustrating the buildable area of the lot). The homeowner desires to maintain the structure as a rambler and not alter the character of the neighborhood.

## **SUPPORTING INFORMATION**

### **Surrounding Land Uses**

Northerly: Single-family homes  
Easterly: Single-family homes  
Southerly: St Patrick's Church  
Westerly: Single-family homes

### **Existing Site Features**

The subject property is 12,619 square feet in area. The existing home is a one story rambler built in 1967.

### **Planning**

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

### **Building Design**

The proposal maintains the rambler and upholds the existing neighborhood character and appearance. The additions will blend seamlessly with the existing home

### Compliance Table

	City Standard	Proposed
Front -	Match adjacent homes:51 feet/39.7 feet	<b>30 feet/22.2 feet*</b>
Side	10 feet + height	19.1feet
Rear -	25feet	13.3 feet
Building Height	2 ½ stories 30 feet to midpoint 35 feet to ridge,	1 story 17 feet to midpoint, 27 feet to ridge
Lot coverage	25%	24.17%

\* **Variance Required**

### Primary Issues

- **Is the proposed development reasonable for this site?**

Yes. Staff believes the proposal is reasonable:

1. The proposed use is permitted in the R-1, Single Dwelling Unit Zoning District and would comply with all requirements with the exception of setback from the streets.
2. The home owners are trying to maintain the integrity of the rambler with slight modifications that keep it appropriate in size and scale for the lot and neighborhood.
3. The improvements will provide modest upgrades with no direct impact on neighboring property owners. Both adjacent property owners to the north and east are over 75 feet away from the improvements and the use across Valley View Road to the south is St. Patrick’s Church.
4. There is limited opportunity given the required setbacks to add onto the house in a conforming fashion.

- **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 the required setbacks and given that the existing home is already nonconforming regarding setbacks from three sides of the lot. The shallow lot depth and original placement of the home prevent reasonable use and are a practical difficulty.

**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 required setbacks are meant to protect the front yard setback/street scape. The proposed setback will be less of an encroachment than the existing setback along Rosemary Lane and along Valley View Road will only impact a Conditional Use, (St. Patrick's Church), across the street.

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

No. The proposed home will maintain the integrity of the existing rambler and will not alter the visual character of the neighborhood.

### **Staff Recommendation**

Recommend that the Planning Commission approve the variance.

Approval is based on the following findings:

- 1) With the exception of the variances 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 will allow slight modifications to an existing nonconforming structure and will have little if any impact on surrounding properties.
  - b. The practical difficulties in complying with the ordinances are the existing nonconforming setbacks of the current home and original orientation of the home on the lot with a nonconforming lot depth.

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 27, 2012

Building plans and elevations date stamped: December 19, 2012.

**Deadline for a City decision:**

**March 19, 2013**



# VARIANCE APPLICATION

CASE NUMBER B-13-05 DATE Jan 23, 2013  
FEE PAID 350.00

City of Edina Planning Department \* [www.cityofedina.com](http://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: Jeff and Kristi Einhorn (Signature required on back page)

ADDRESS: 6717 Rosemary Lane PHONE: 952-229-4176

Jeff 612-860-5726  
Kristi 612-600-6597

EMAIL: jmeinhorn@gmail.com

**PROPERTY OWNER:**

NAME: Jeff and Kristi Einhorn (Signature required on back page)

ADDRESS: 6717 Rosemary Lane, Edina PHONE: 952-229-4176

**LEGAL DESCRIPTION OF PROPERTY (written and electronic form):**

See attached survey

\*\*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: 6717 Rosemary Lane, Edina

PRESENT ZONING: R1 P.I.D.# \_\_\_\_\_

EXPLANATION OF REQUEST: See attached letter

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Sicora Design/Build PHONE: 952-929-0098

EMAIL: www.Sicora.com

SURVEYOR: NAME: Gronberg And Associates, Inc. PHONE: 952-473-4141

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 practical difficulties in complying with the zoning ordinance and that the use is reasonable**

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

**Be in harmony with the general purposes and intent of the zoning ordinance**

**Not alter the essential Character of a neighborhood**

January 19, 2013

City of Edina Planning Department  
City of Edina  
4801 West Fiftieth Street  
Edina, MN 55439

RE: Variance request for 6717 Rosemary Lane; Garage Addition

To Whom It May Concern:

I am writing you to request your consideration of a zoning variance that I am pursuing for my home at 6717 Rosemary Lane.

***The current conditions that I have at my home include the following:***

1. Currently there is a 2 stall garage that is attached to my home, which is a conforming structure

***I am seeking permission to complete the following work at my home:***

Remove the existing, attached 2 stall garage, and replace with an attached 3-stall garage that is located closer to the Valley View facing property lines. This construction would be placed closer to Valley View Road than is currently allowed under the Edina Zoning Ordinance.

***Conditions for Your Consideration:***

1. *Consistent with the General Intent and Purpose of the Zoning Code and Comprehensive Plan:* The addition that I would like to complete is in keeping with the general intent and purpose of the Edina Zoning Code. We have designed the proposed garage addition with a strong architectural aesthetic so as to not negatively impact the use and enjoyment for my neighbors and their properties.
2. *Practical Difficulties with Complying with the Current Zoning Code and Unique Circumstance with My Property:* The current two stall garage is close enough to the Valley View side property line that an expansion to a wider, three stall garage is not possible. The only opportunity for creating a 3-stall garage is to then move the structure closer to the Valley View side road. The size of the addition that we are proposing is at the same front yard setback and will be built at the same height as what the existing garage is. Preserving the privacy of my property and respecting the neighbor's privacy are of the utmost importance to us.
3. *Acceptable Use in This Zoning District.* The use of this garage is strictly for standard, residential storage and is an acceptable use in this zoning district.
4. *Curb Appeal and Architectural Integrity:* The two stall garage will be designed to be architecturally compatible not only with my home, but with the neighboring properties as well. Please review the elevation drawings of the garage to see that there will be nice garage door installed (detailed, fiberglass door with windows is currently proposed). The setback of my property from Valley View road will still provide a significant buffer and thus the extension of the garage towards the street will not be an obstruction to any traffic site lines or site line of Valley View Road for any of my neighbors.

I appreciate your consideration of our variance request and look forward to discussing this in greater detail with you at the February Planning meeting.

Thank you,

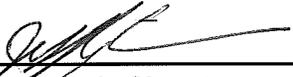
A handwritten signature in black ink, appearing to read "JEFF & KRISTI", with a long horizontal flourish extending to the right.

Jeff & Kristi Einhorn  
6717 Rosemary Lane

**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.

  1-23-13  
\_\_\_\_\_  
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.)

  1-23-13  
\_\_\_\_\_  
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.**

January 9, 2013

City of Edina Planning Department  
City of Edina  
4801 West Fiftieth Street  
Edina, MN 55439

RE: Variance request for 6717 Rosemary Lane; Garage Addition

Edina Planning Commission:

Our family has resided at 6717 Rosemary Lane for over 8 years. Our family has grown since moving in 8 years ago as we now have 4 active and growing boys; Aidan age 9, Lance age 6 and identical twins Wyatt and Trystan age 2.

We love our community and are fortunate that our location makes it possible for our family to be active in our neighborhood schools and church, all within walking distance from our home. It is important to us that our design maintains the structure of our home, aligns with the look and feel of our neighborhood, and provides adequate vehicle storage for our family.

We believe in good environmental stewardship and with our growing family and love for our neighborhood our preferred option is to work with our existing home and structure to accommodate our family's needs.

We appreciate your consideration.

Respectfully,



Jeff & Kristi Einhorn  
6717 Rosemary Lane

January 19, 2013

City of Edina Planning Department  
City of Edina  
4801 West Fiftieth Street  
Edina, MN 55439

RE: Variance Request for 6717 Rosemary Lane; Garage Addition

To Whom It May Concern:

We have seen the proposed addition at 6717 Rosemary Lane to add a 3<sup>rd</sup> garage stall and mudroom. We understand the garage addition will be set back 2 feet from the existing garage that faces Rosemary Lane and will be 22.2 feet from the sidewalk on Valley View Road.

As neighbors, we approve of the proposed addition at 6717 Rosemary Lane.

Caroline Clausel  
Jan Durdak  
6713 Rosemary Ln.  
Edina, MN 55439

Dan Putman  
6728 Rosemary Ln.

Jeff Hayward  
Beth Hayward  
6709 Rosemary Lane  
6732 Rosemary Lane

Joyce Myers  
Jan Myers  
6724 Rosemary Ln  
Edina MN 55439

Jane Keller  
Robert A. Keller  
6772 Valley View Road  
Edina, MN 55439

## Jackie Hoogenakker

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**From:** Jeff Morre <jmoore55439@yahoo.com>  
**Sent:** Tuesday, February 05, 2013 1:11 PM  
**To:** Jackie Hoogenakker  
**Subject:** Jeff and Kristi Einhorn Variance Request; Case File #B-13-05

Dear Planning Commission,

This correspondence serves as our support for the Einhorn's variance request. They are wonderful neighbors and we encourage the approval of their request. Without such approval, we fear that they may choose to live elsewhere.

We have talked with them regarding their plans and have no problems with their vision.

We encourage you to grant approval of their request.

Respectfully,

Jeff and Cappy Moore  
6768 Valley View Rd.

## Jackie Hoogenakker

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**From:** Dave Dahlgren <dahlg123@gmail.com>  
**Sent:** Monday, February 04, 2013 9:44 AM  
**To:** Jackie Hoogenakker  
**Subject:** Case File B-13-05

To Edina Planning Commission:

We recommend that you approve the setback variance for the Einhorns. We're sure that the addition will be constructed tastefully. The Einhorns are good neighbors, and we hope that they will stay right where they are for many years to come.

Regards,

Dave and Merrie Dahlgren  
6705 Rosemary Lane  
Edina, MN 55439

# LOCATION MAP



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

**B-13-05**  
**Front Yard Setback Variances**



**PID: 0611621410059**

**6717 Rosemary La**  
**Edina, MN 55439**



*side location*



A.2



6717 ROSEMARY LANE  
SUBJECT HOME

A.3



6713 ROSEMARY LANE  
HOME ADJACENT TO THE NORTH

A. A



6772 Valley View Road  
Home adjacent to the  
east

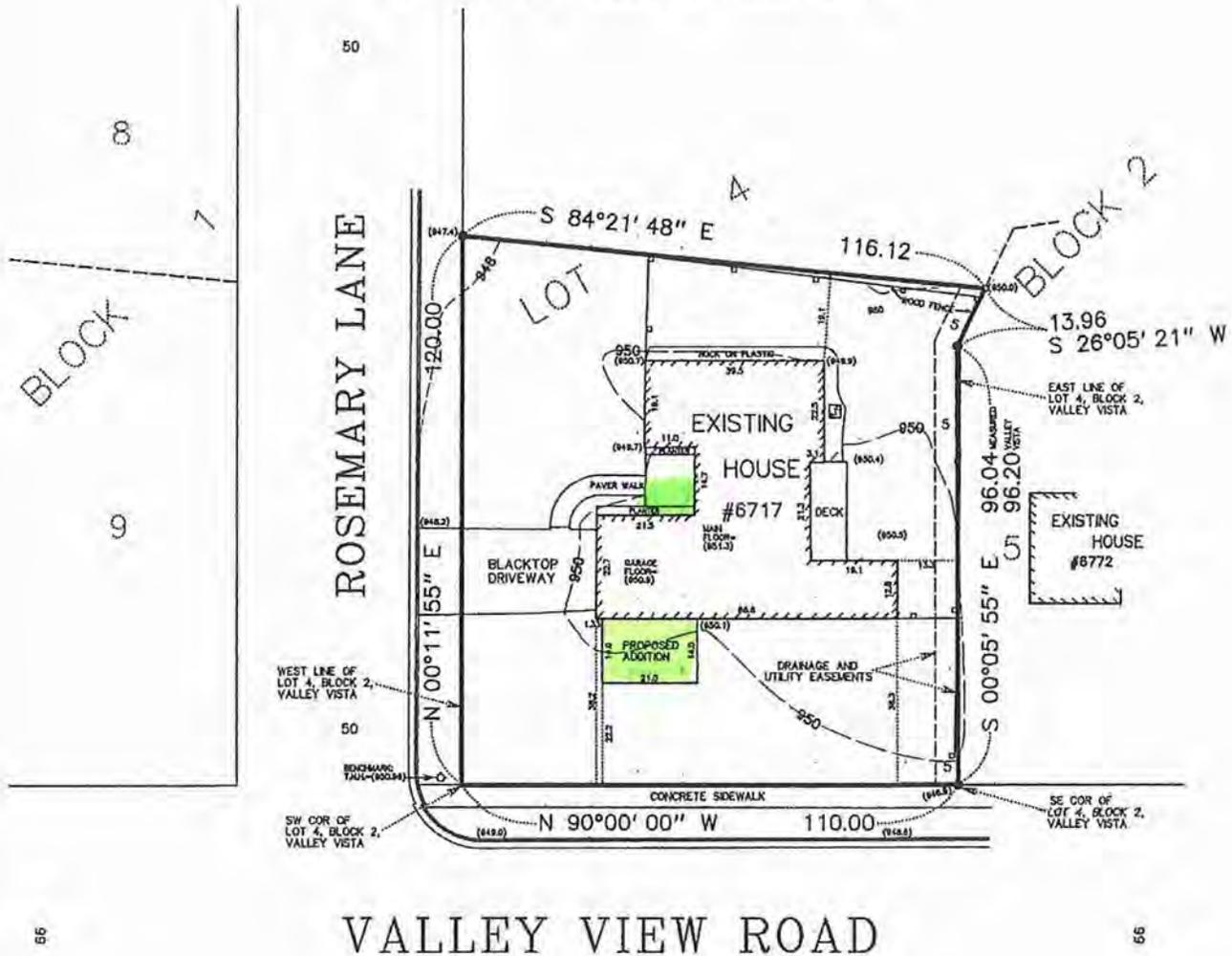
A.5



*St. Patrick's Church  
Neighbor to the south  
Across Valley View Road*

*A.G.*

CERTIFICATE OF SURVEY FOR  
**JEFFREY M. EINHORN**  
 IN LOT 4, BLOCK 2, VALLEY VISTA  
 HENNEPIN COUNTY, MINNESOTA



**LEGAL DESCRIPTION OF PREMISES :**

That part of Lot 4, Block 2, VALLEY VISTA lying southerly of the following described line:  
 Beginning at a point on the West line of said Lot 4 distant 120.00 feet north, as measured along said West line, from the Southwest corner of said Lot 4; thence running southeasterly to a point on the east line of said Lot 4 distant 110.0 feet northerly, as as measured along said East line from the southeast corner thereof, and there terminating.

o : denotes iron marker set

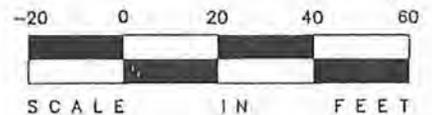
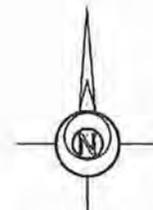
● : denotes iron marker found

(908.3) : denotes existing spot elevation, mean sea level datum

---g17--- : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, the location of an existing house, hardcover, spot elevations and topography, and the proposed location of a proposed addition thereon. It does not purport to show any other improvements or encroachments.



*A.7*

**GRONBERG AND ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS  
 445 NORTH WILLOW DRIVE  
 LONG LAKE, MINN. 55358  
 952-473-4141

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

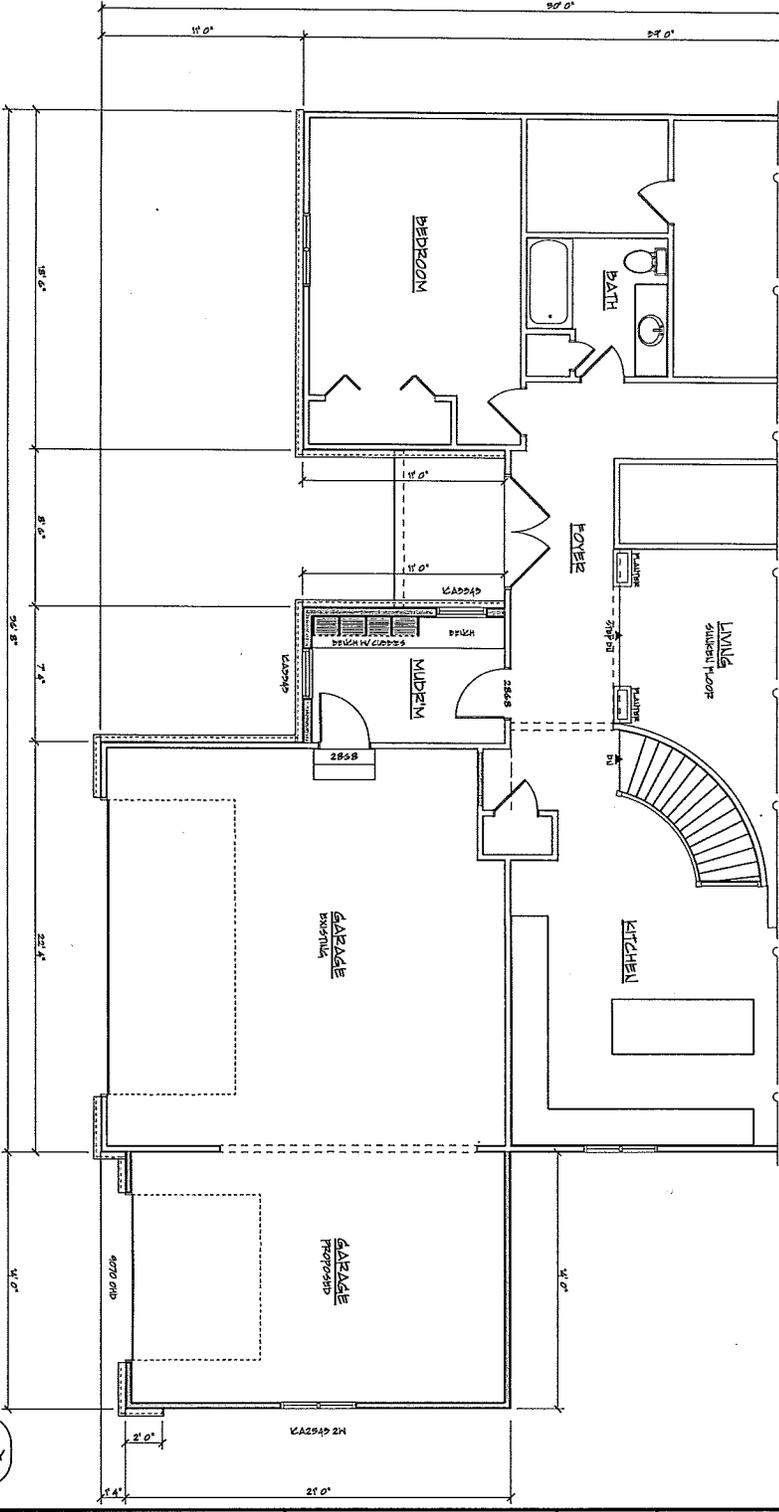
*Mark S. Gronberg*  
 Mark S. Gronberg Minnesota License Number 12755

SCALE	1"=20'
DATE	12-27-12
JOB NO.	12-379

DRAWN	REVISION	DATE	DATE REVISION	DESCRIPTION	BY
ECD	1	1-13-13			
CHECKED					
MSG					
JOB NO.					
12-379					



A.9



1  
1  
MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

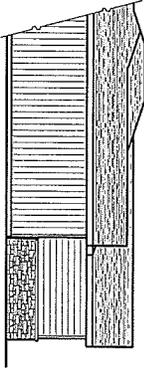
**PRELIMINARY DESIGN**  
FOR BIDDING AND REVIEW PURPOSE ONLY  
DO NOT USE FOR CONSTRUCTION

December 19, 2012

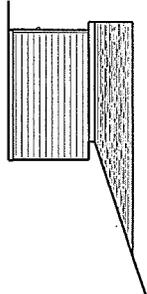
<p>2012 1 1 1 1</p>	<p>MAIN FLOOR</p>	<p><b>EINHORN RESIDENCE</b></p> <p>6717 ROSEMARY LANE EDINA, MN</p>	<p> <b>SICORA</b> Design/Build</p> <p>5901 Wew Lake Street Edina Park, MN 55116 Telephone: 952.872.0008 Fax: 952.265.5500</p> <p>www.sicora.com Lic. # RCS1425</p>	<p>DATE: 10/12 24 NOV 12 14 DEC 12</p>	<p><b>RDR</b></p> <p><b>RESIDENTIAL DESIGN RESOURCES INC.</b></p> <p>2000 East 22nd Street Plymouth, Minnesota 55337</p> <p>Phone 952.890.0417 Fax 952.223.1155 www.RDRinc.com</p> <p><b>All BID</b></p>
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A.10

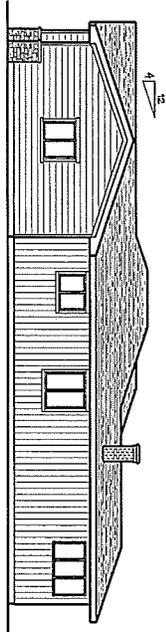
② LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



④ REAR ELEVATION  
SCALE: 1/8" = 1'-0"

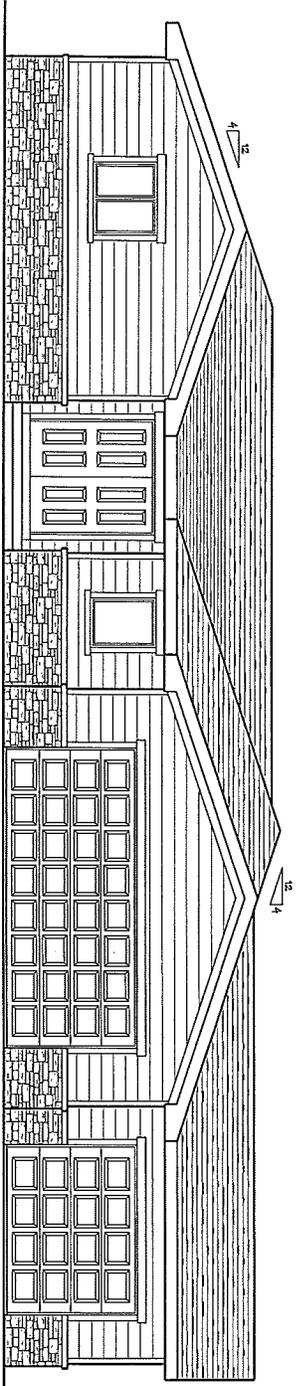


② RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"



① FRONT ELEVATION

SCALE: 1/4" = 1'-0"



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December 19, 2012

<p>SHEET <b>2</b> OF 5</p>	<p>EXHIBIT RESOLUTIONS</p>	<p><b>EINHORN RESIDENCE</b></p> <p>6717 ROSEMARY LANE EDINA, MN</p>	<p> <b>SICORA</b> Design/Build</p> <p>5671 West Lake Street St. Louis Park, MN 55416 Telephone: 952.223.2098 Fax: 952.265.5550</p> <p>www.sicora.com fax: 800.344.25</p>	<p>DATE ISSUED 28 JUN 12 54 DEC 12</p>	<p><b>RDR</b> <span style="float: right;">ALL BID</span></p> <p><b>RESIDENTIAL DESIGN RESOURCES INC.</b></p> <p>2000 East 53rd Street   Burnsville, Minnesota 55337 Voice 952.896.6417   Fax 952.223.1514   www.RDRinc.com</p>
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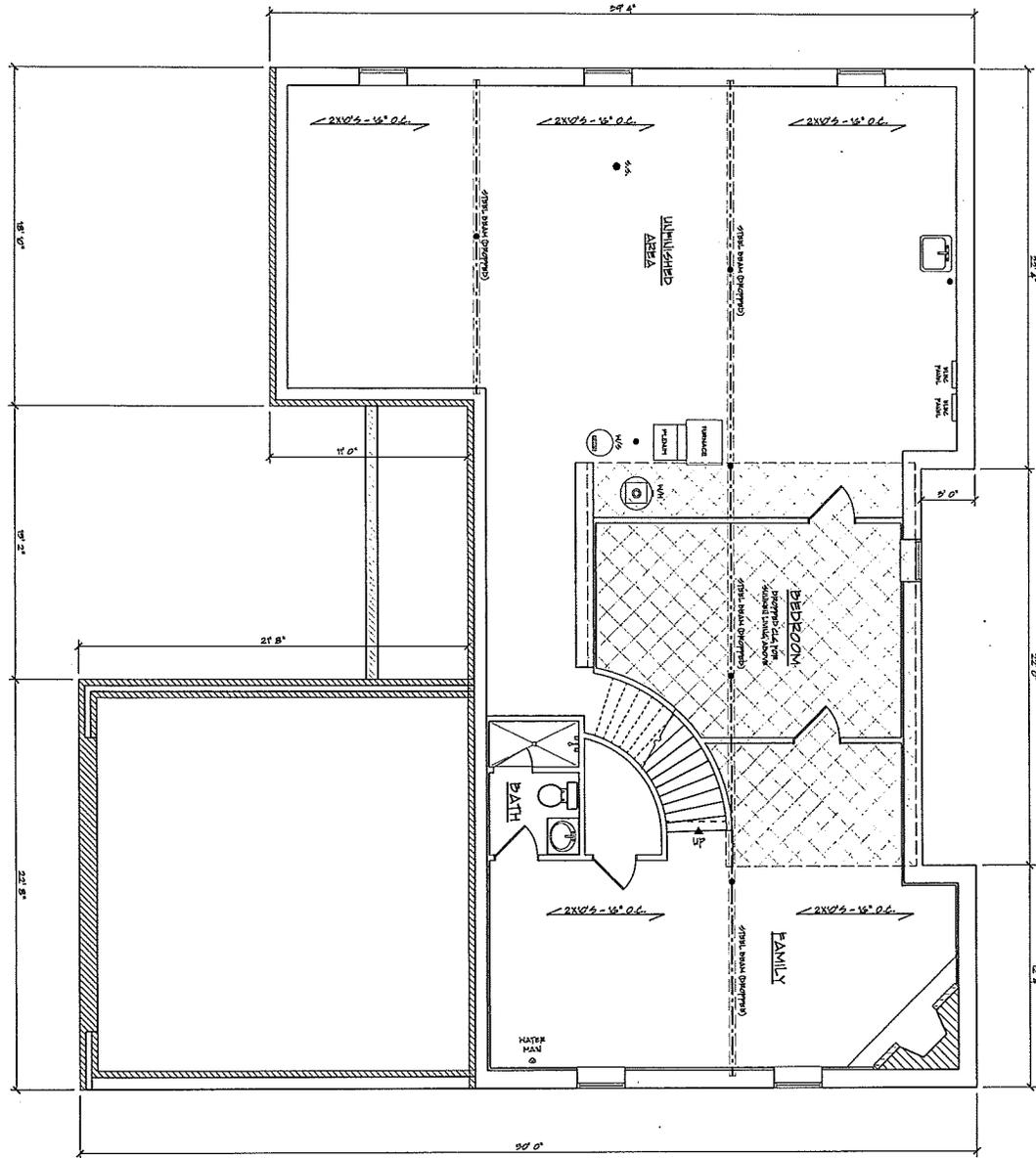
A.11



1  
X1

EXISTING BASEMENT PLAN

SCALE: 1/4" = 1'-0"

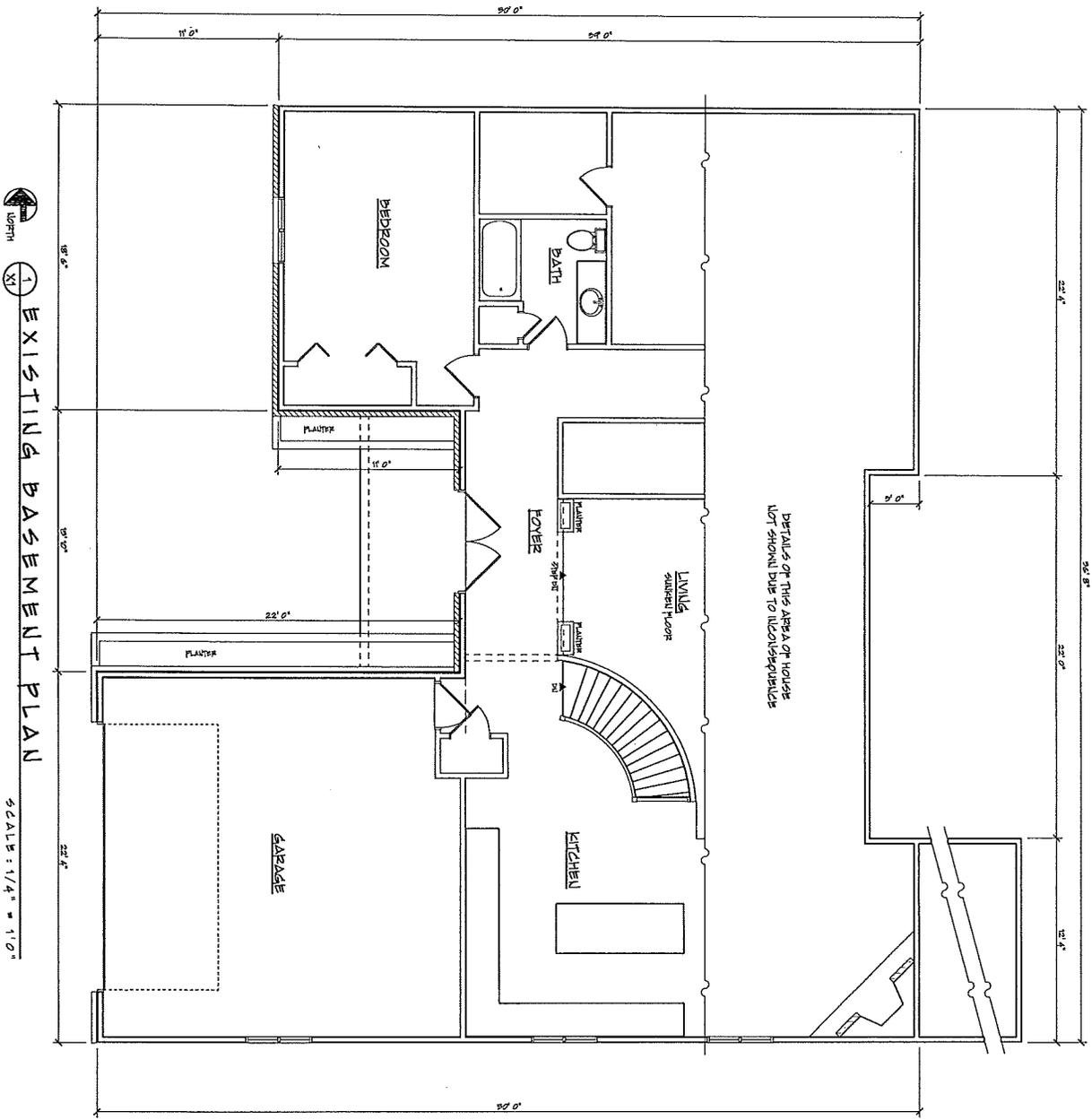


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December 19, 2012

<p>DATE 28 JUN 12 JOB 58 DKT 12</p>	<p>PROJECT 1 X1 1 OF 5</p>	<p><b>EINHORN RESIDENCE</b></p> <p>6717 ROSEMARY LANE EDINA, MI</p>	<p> <b>SICORA</b> Design/Build</p> <p>5601 West Lake Street St. Louis Park, MN 55416 Telephone: 952.919.0098 Fax: 952.265.5590</p> <p>www.sicora.com Tel: +8 65 3425</p>	<p><b>RDR</b></p> <p><b>RESIDENTIAL DESIGN RESOURCES INC.</b> 2000 East 523rd Street Wayzata, Minnesota 55327 Voice 952.890.0417 Fax 952.232.1155 www.RDRinc.com</p>	<p><b>ALL BID</b></p>
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A.12



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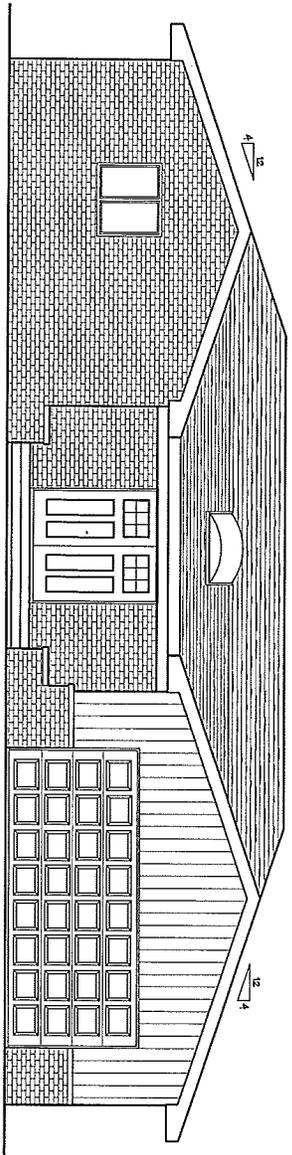
December 19, 2012

SHEET <b>X2</b> 2 OF 3	EXISTING MAIN FLOOR	<p align="center"><b>EINHORN RESIDENCE</b></p> <p align="center">6717 ROSEMARY LANE          EDINA, MN</p>	 <p>5601 West Lake Street          St. Louis Park, MN 55416          Telephone: 952.929.0593          Fax: 952.264.5150</p> <p>www.sicora.com          1st - 855.5133</p>	DATE 29 JUN 12 TIME 10:00 AM	<p align="center"><b>RDR</b></p> <p align="center">ALL          BID</p> <hr/> <p align="center"><b>RESIDENTIAL DESIGN RESOURCES, INC.</b></p> <p>2902 East 52nd Street      Burnsville, Minnesota 55337          Yvonne 812.890.8417      Fax 912.223.1115      www.RDRinc.com</p>
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A.13

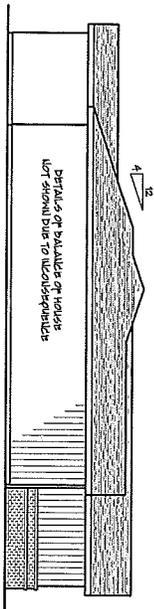
1 FRONT ELEVATION

SCALE: 1/4" = 1'-0"



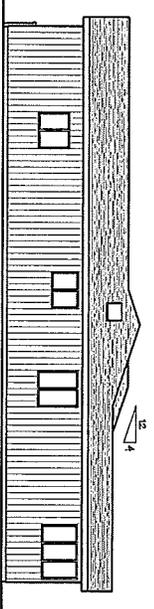
3 LEFT ELEVATION

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



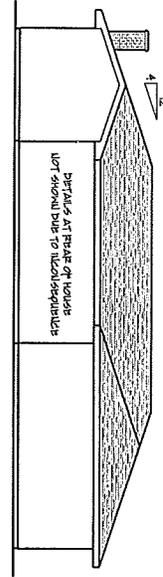
2 RIGHT ELEVATION

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



4 REAR ELEVATION

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



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December 19, 2012

3 of 5

**EINHORN RESIDENCE**  
  
6717 ROSEMARY LANE  
EDINA, MN

**SICORA**  
Design/Build  
501 West Lake Street  
St. Louis Park, MN 55416  
Telephone: 952.839.0055  
Fax: 952.835.9580  
www.sicora.com  
Tel. # 6551225

DATE: 28 JUN 12  
DRAWN BY: [signature]

**RDR** All Bid  
**RESIDENTIAL DESIGN RESOURCES, INC.**  
2000 East 123rd Street, Burnsville, Minnesota 56337  
Voice: 952.892.0417 Fax: 952.233.1185 www.RDR-eb.com