



PLANNING COMMISSION STAFF REPORT

| | | |
|--|--|----------------------------|
| Originator Kris Aaker Assistant Planner | Meeting Date February 27, 2013 | Agenda # B-13-07 |
|--|--|----------------------------|

Recommended Action: Approve the variance as requested.

Project Description

A 5.15 foot side yard setback variance at 5601 Countryside Road to increase the ridge height of the roof above the garage for a second floor to accommodate bedroom space 8.1 feet from the side lot line for property owners Jim and Crissy Field.

INFORMATION/BACKGROUND

The subject property is located on the south side of Country side Road consisting of a 2 story home with an attached two car garage, (see attachments A.1 – A.3, site location, Ariel photos). The property owners would like to expand the back wall of the garage by 4.9 feet and add a second floor to include bedroom area and bathroom over the garage. The existing garage is located 8.1 feet from the south lot line and conforms to the minimum 5 foot side yard setback requirements for a garage. Currently there are storage trusses above the garage; however, it is not convertible to living space given the low roofline. The homeowners are proposing to increase the roof height in order to accommodate a bedroom area. The second floor area will be setback and indented from the front wall of the garage to reduce impact from the street view.

The zoning ordinance requires a minimum 10 foot side yard setback for living space, however, six inches of setback must be added for each twelve inches the side wall height exceeds 15 feet. The height of the addition from grade to mid-point of the gable roof is 21.5 feet requiring a side yard setback of 12.5 feet. The existing garage provides a side yard setback of 8.1 feet therefore a 5.15 foot side yard setback variance is required.

The neighboring house adjacent to the expansion area has their garage next to the improvement so the neighbor's living space is not directly affected, (see

attachments A.4 – A.6 photos of subject and adjacent properties). Spacing between structures will remain the same at 13.35 feet between the two garages. It should be noted that a similar room space above a garage at a nonconforming setback is just down the block at 5525 Countryside, (see attachment A.7).

SUPPORTING INFORMATION

Surrounding Land Uses

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

Existing Site Features

The subject property is 10,800 square feet in area. The existing home was built in 1960.

Planning

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

Building Design

The proposal is to construct.

Compliance Table

| | City Standard | Proposed |
|-----------------|--|--|
| Front - | 35.15 feet | 35.2 feet |
| Side- | 10+ height | *8.1 feet |
| Rear - | 25 feet | 72.5 feet |
| Building Height | 2 ½ stories 30 feet to midpoint 35 feet to ridge, | 2 stories, feet to midpoint, feet to the ridge |
| Lot coverage | 25% | 12.4% |

** 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 second floor side yard setback. If the home had been centered on the lot, a variance would not have been necessary and ample setback would have been provided for the bedroom addition .
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property and not detract from neighborhood. The footprint of the home would increase slightly by only 99 square feet.
3. The improvements will provide a reasonable use of the site and improve on the existing conditions. Spacing between the proponent's and neighboring structures will remain the same.
4. The home improvement and height increase would provide enough space to accomplish the bedroom without having to completely reconfigure the property, (no tear-down/re-build).

- **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. A practical difficulty is the original placement of the home. The addition would not have required a variance if the home had originally been centered on the lot.

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 inability to increase the roof height to provide living space. An addition to the back of the home, (which is not a solution considered by the owners), would require the removal of two mature trees and would impact views of the neighbor to the west.

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

No. The proposed improvements will not alter the essential character of the neighborhood. The footprint of the home will remain almost the same and spacing between structures will remain the same. The addition will be recessed from the front wall of the garage to reduce impact from the street.

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 side yard setback variance, 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 slightly alters existing conditions without reducing setback or impacting the surrounding neighbors.
 - b. The imposed setback and existing house location does not provide opportunity for an increase in roof pitch or adequate room space above the existing garage.

- c. The original placement of the home closer to the west lot line makes it difficult to adjust living spaces within the existing structure.

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: 5/31/2012.
 - Building plans/ elevations date stamped: February 12, 2013.

Deadline for a city decision: April 14, 2013



VARIANCE APPLICATION

CASE NUMBER B-13-07 DATE 2/13/2013
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: Jamie Hemberger (Signature required on back page)
ADDRESS: 5601 Countryside Rd PHONE: 612-281-9633
EMAIL: JHemberger_MN1@Comcast.net

PROPERTY OWNER:

NAME: Jamie Hemberger (Signature required on back page)
ADDRESS: 5601 Countryside Rd PHONE: 612-281-9633

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):
Lot 9, Block 3, Edina Countryside, Hennepin County, Minnesota

**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: 5601 Countryside Rd, Edina MN 55436
PRESENT ZONING: Residential P.I.D.# 32-117-21-42-0022

EXPLANATION OF REQUEST:

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: _____ PHONE: _____
EMAIL: _____
SURVEYOR: NAME: _____ PHONE: _____
EMAIL: _____

} see next page

PLANNING DEPARTMENT
FEB 12 2013
CITY OF EDINA

ARCHITECT

Greg Wagner
Sales Representative
Lamperts - Lake Elmo
9220 Hudson Blvd.
Lake Elmo, MN 55042
Office : 651-287-6970
Cell : 763-568-1669
Fax : 651-739-0267
greg.wagner@lampertyards.com

SURVEYOR

Joshua P. Schneider, Owner
Acre Land Surveying, Inc.
9140 Baltimore Street NE, Suite 100
Blaine, MN 55449
P.L.S. #44655
Phone# (763) 238-6278
Fax# (763) 445-2203
Email: js.acrelandsurvey@gmail.com

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.

SEE ATTACHED

The Proposed Variance will:

YES

NO

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

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

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

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

PLANNING DEPARTMENT
FEB 1 8 2012
EDINA



CUSTOM RENOVATIONS, LLC

2817 Anthony Lane South
Minneapolis, MN 55418
612-788-9608 O
612-788-9630 F
Craig@CustomRMN.com
License # 20636095

Reference: 5601 Country Side Road Edina, MN

I am writing this letter in reference to the above listed address. I have been contracted by the owners Jamie and Amber Hemeberger, to construct a new master bedroom and master bathroom addition. The reason that the Hemebergers have contracted with us is to create some more room for their growing family. Some of the concerns we have on the setbacks are

(1.) That with the current zoning requirements that we would have to set back off of the current load bearing foundation would be 5'6" in from the outside perimeter, this would cause new footings, beams and posts in the middle of their current garage western stall. The current setback requirements also cause the existing home and the proposed addition to not be asymmetrical with the surrounding homes in the neighborhood and make the home look disproportionate within the surroundings. This would also affect the space below and cause them to lose their capacity of a current 2 car garage.

(2.) The space that they would be losing from the setback would cost them over 150 sq.ft. of livable space. This would make the new proposed bedroom extremely small and cause the Hemebergers to probably question the necessity of the space that they desperately need and force them to look for another place that can accommodate their needs. They have stressed to me that they love the area of Edina, decided to purchase a home in this area and were hoping that we could make this dream a reality for them to stay.

PLANNING DEPARTMENT
FEB 13 2012
CITY OF EDINA

Please review the attachment and let me know if any other information might be needed. If you might have any additional questions please feel free to call me direct @ 651-341-2421.

Sincerely,
Craig Peterson
Co-Owner
Custom Renovations, LLC

LEGAL DESCRIPTION

Lot 9, Block 3, Edina Countryside. Hennepin County, Minnesota.

Torrens Cert. No. 1137496

SEND TAX STATEMENTS TO:

5601 Countryside Road
Edina, Minnesota 55436

Our File Number: 12MN00812

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDINA

October 10th, 2012

Dear Neighbors,

We are writing this letter to ask for your input regarding a proposed addition to our home.

Currently, we have 4 bedrooms and 1.5 baths. With only one shower/bath, it is not sufficient for our 4 person family. We hired a contractor to help us in finding the best way to incorporate an additional full bath. The plans drawn by the architect show an extension of the second floor of the house, over the existing garage. This will allow us to keep four bedrooms on the second floor, along with adding a second full bath and minimizing any additional footprint to the home. In addition to meeting the needs of our family, we feel this addition will help keep our home in line with others in our neighborhood by updating it with another bathroom, without drastically changing the Countryside neighborhood look of the home.

Unfortunately, when the plans were reviewed by the city of Edina, they proved to be inconsistent with city ordinances and were denied. The only way to move forward with our plans is to submit an application for a variance for our situation. Once submitted, the variance will be taken to a public hearing for which you will receive notice.

Since moving in to our home in 2004, we have fallen in love with our neighborhood. We have many wonderful neighbors that we have been fortunate enough to develop relationships with. We feel this is truly unique to our Countryside area and want to stay here for a very long time.

We ask that you please consider our situation and respond to the question on the next page as soon as practical. We would like to include your input when we submit the variance on October 21st. We recognize this puts you in an uncomfortable position, but we will understand and respect however you answer. If you have any questions feel free to call us at (952)922-8992.

Your neighbors,

Jamie, Amber, Joe and John Hemberger

5601 Countryside Rd

Edina, MN 55436

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDINA

October 10th, 2012

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Your neighbors,

Jamie, Amber, Joe and John Hemberger

5601 Countryside Rd

Edina, MN 55436

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDINA



No objection to the variance

___ Not comfortable with the variance

Signature/Date: Yasmin Oueli

Name/Address: 5600 Highland Rom
Edina, mn 55436

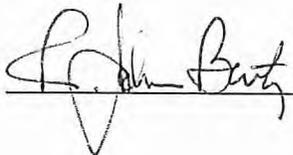
PLANNING DEPARTMENT

FEB 12 2012

CITY OF EDINA

No objection to the variance

Not comfortable with the variance

Signature/Date:  11.3.12 Lori Bartz

Name/Address: R. John & Lori J. Bartz
5605 COUNTERSIDE RD
EDINA MN 55436
952.925.5825

PLANNING DEPARTMENT

FEB 12 2012

CITY OF EDINA

No objection to the variance

Not comfortable with the variance

Signature/Date: Jully Keeler Mays

Gary Mays
Name/Address: Jully Keeler Mays
Gary L Mays
5529 Countryside Rd
Edina, MN 55436-2503

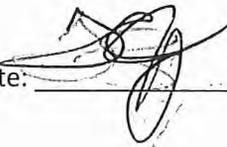
PLANNING DEPARTMENT

FEB 12 2012

CITY OF EDINA

No objection to the variance

Not comfortable with the variance

Signature/Date:  10/14/12

Name/Address: Trent C. Jaeger
5604 Countryside Rd
Edina 55436

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDINA

LOCATION MAP



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

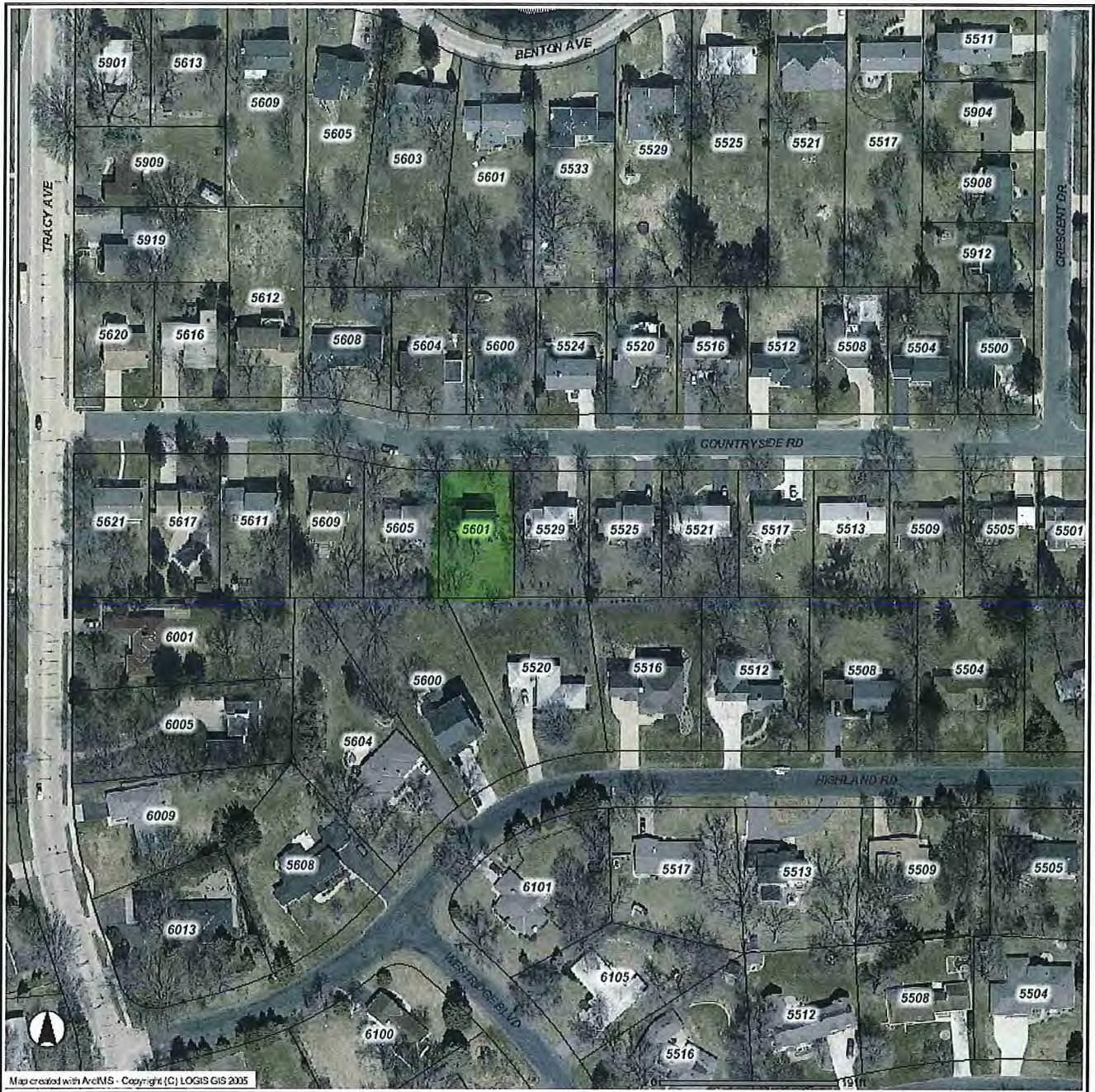
B-13-07

PID: 3211721420022

5601 Countryside Rd
Edina, MN 55436

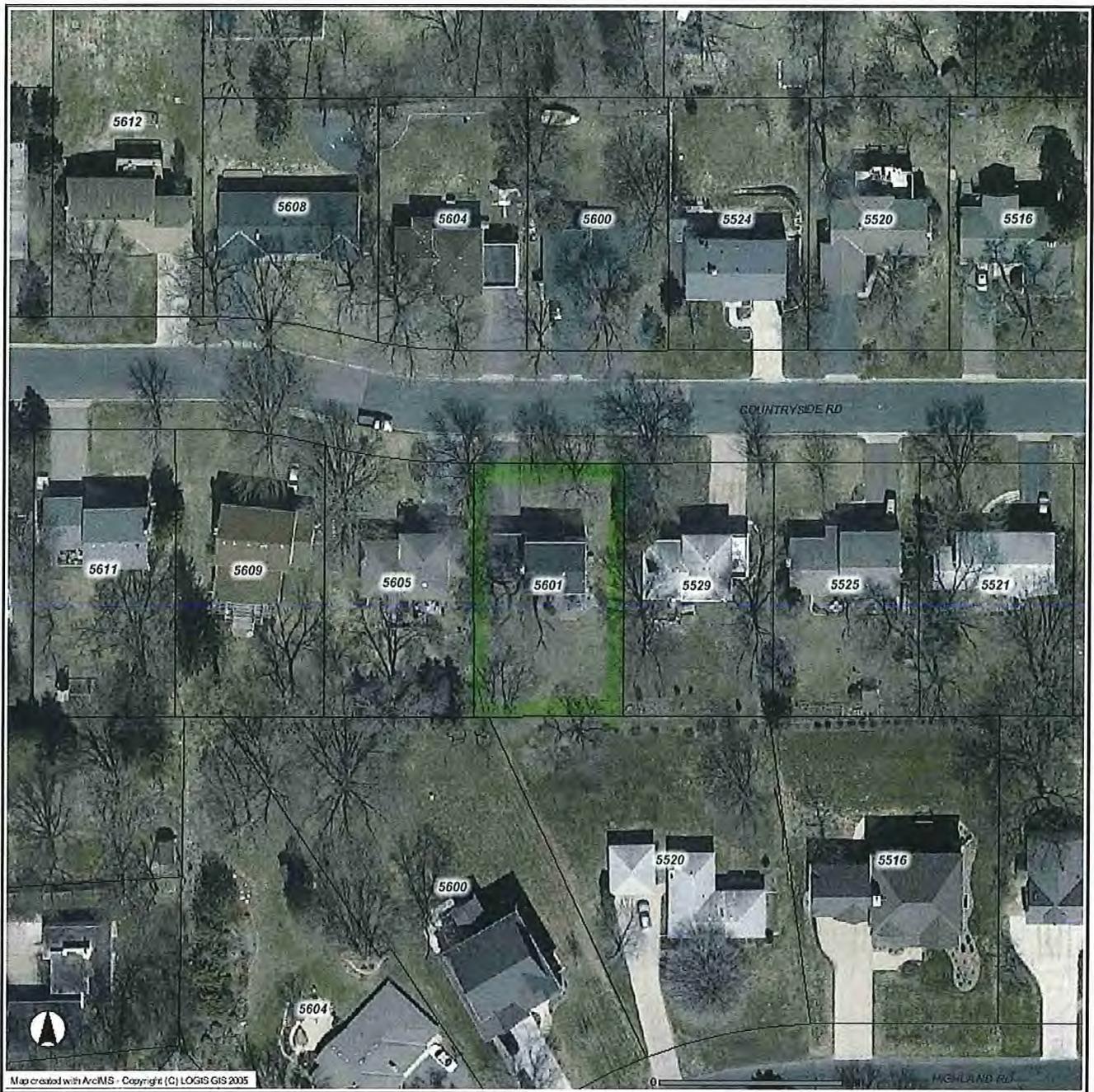
side plan

A.1



*subject property
5601 Countryside*

A. Z



5601 Countryside

A.3



*subject property
5601 Country, Suite*

A. A

A.S

Neighborhood to the
West of
5605 County Road





Neighborhood
The East At
5529 Countrybule

ALG



*Property At
5525 Countryside
with similar living space
above the garage*

A.7