



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date February 27, 2013	Agenda # B-13-09
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Recommended Action: Approve the variance as requested.

Project Description

A 12.17 foot rear yard setback variance to allow an 11.83 foot addition to expand the existing garage to accommodate a mud room to 4011 44th street for Bob Ganser/Dorene and Alan Wernke.

INFORMATION/BACKGROUND

The subject property is a corner lot located south of 44th Street and west of Grimes Ave. It consists of a split level home with an attached two car garage built in 1958, (see attached Fig. A.1-A.6, site location, aerial photographs, photos of subject and adjacent properties).

The property owners are hoping to add a garage extension west of the existing side wall of the garage. The owners would like to convert an area within the garage to accommodate a mud room. The existing garage does not have direct access into the house. Access into the garage is through two exterior doors over an open deck behind the home. The existing garage is narrow at 19.33 feet in width. The owners would like a more usable, 24 foot garage width while incorporating a mudroom for access to the house. The owners are also proposing a screened porch addition behind the home in place of an existing deck. The porch conforms to all ordinance requirements.

The existing garage is slightly nonconforming regarding rear yard setback. The minimum rear yard setback is 25 feet with the garage side wall located 24.5 feet from the west lot line. Any addition to the side of the garage requires a setback variance.

The property is subjected to two front yard setbacks. The property must match the front yard setback of the home to the west fronting west 44th Street and the

front yard setback of the home to the south fronting Grimes Ave.

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 8,620 square feet in area. The existing home was built in 1958. The subject lot was platted from the old street car line that ran along west 44th Street, with the lots in the plat nonconforming regarding lot depth. The minimum lot depth required by ordinance is 120 feet with the lots in the street car plat providing 66 foot lot depths.

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 be consistent the existing materials on the home.

Compliance Table

	City Standard	Proposed
Front -	15/14.91feet	14.59/39.78 feet
Side-	7+ height, (living)	9.25 feet
Rear -	25 feet	*13.02 feet
Building Height	2 1/2 stories 35 feet to ridge,	Split level, 19 feet to the ridge
Lot coverage	30% or 2,250 Sq Ft	29%/2,250 Sq Ft

*** 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 rear yard setback.
2. The addition 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 allow for a wider standard garage that is a typical width within the neighborhood. The improvements will allow a mud room that will provide direct access from the garage into the house. Currently there is no direct access from the garage into the house.
3. The improvements will provide additional garage space and a mud room without drastically changing conditions on the property. Spacing between the garage addition and adjacent home will be in excess of 39 feet.
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. The front of the home is oriented toward west 44th Street with the west rear yard functioning more like a side yard, however, a 25 foot rear yard setback is required.

- **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 change slightly with sight lines along both streets remaining the same. Practical difficulties present on the property include the required setback from both streets and orientation of the house towards west 44th Street and limited design opportunity given those conditions. The street car lots are a challenge given their narrow lot depth and given the required street setbacks in this instance.

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 orientation of the house and the street setback requirements limiting design opportunities for adding onto the home 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 setbacks along both streets will remain the same with the addition blending seamlessly with the existing garage.

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:

- 3) The proposed use of the property is reasonable; as it is consistent with surrounding properties and will not alter the character or street views.
- 4) The imposed setback limits design opportunity. The intent of the ordinance is to provide adequate spacing between structures and lot lines. Spacing will remain generous between the west wall of the garage and the adjacent home to the west. The unique circumstance is the original placement of the home relative to the lot configuration and orientation to the street.

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 and building plans date stamped February 12, 2013.

Deadline for a city decision: April 12, 2013.



VARIANCE APPLICATION

CASE NUMBER B-13-09 DATE 2/12/2012
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: BOB GANSER, AIA (Signature required on back page)

ADDRESS: 900 6TH AVENUE S.E. SUITE 215 PHONE: 612.872.2398

EMAIL: BGANSER@CITYDESKSTUDIO.COM

PROPERTY OWNER:

NAME: DORENE & ALAN WERNKE (Signature required on back page)

ADDRESS: 4011 W 44TH STREET PHONE: 612.865.6750

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):
Certificate of Title No. 1338799/Lot 1, Block 1, Arden Park/Subject to utility easement as shown on plat.

**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: 4011 W 44TH STREET

PRESENT ZONING: R-1 **P.I.D.#** 07-028-24-44-0001

EXPLANATION OF REQUEST:
REQUEST TO REDUCE REAR YARD SETBACK OF 25' (W/CURVE AVENUE FRONT YARD)

(BY 12'-2 1/8" to 12'-9-7/8") TO EXPAND EXISTING 2-CAR GARAGE (PER ATTACHED DRAWINGS).
(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: BOB GANSER, AIA **PHONE:** 612.872.2398

EMAIL: BGANSER@CITYDESKSTUDIO.COM

SURVEYOR: NAME: MARK D. KEMPER, PLS, PE **PHONE:** 651.631.0351

EMAIL: KEMPER@PRO-NS.NET

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDINA

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

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDNA

**VARIANCE APPLICATION
SUPPORTING INFORMATION – 4011 W 44TH Street**

February 12, 2013

LEGAL DESCRIPTION OF PROPERTY

Certificate of Title No. 1338799
Lot 1, Block 1, Arden Park
Subject to utility easement as shown on plat

EXPLANATION OF REQUEST

Request to reduce rear yard setback of 25' (w/Curve Avenue front yard) by 12'-2 1/8" to 12'-9-7/8" to expand existing 2-car garage (per attached drawings).

VARIANCE CONDITIONS

The proposed variance will relieve practical difficulties created by an atypical single dwelling unit corner lot -133' x 66' and 8,778 sf instead of 120' x 75' and 9,000 sf. Also, the current dwelling has a very narrow 2-car garage (19'-2" wide clear interior width). Even though the garage is attached to the home, entry into the home is not directly to the residential interior, but through two exterior doors over an open deck. The proposed variance is a reasonable use - it would allow for a wider standard garage (24' wide clear interior width) and would also add a new mudroom with internal entrance directly into the home.

The proposed variance will correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity of the zoning district. The residence is located on a non-standard corner lot -133' x 66' and 8,778 sf instead of 120' x 75' and 9,000 sf. It has an existing garage of smaller than current standard size for a 2-car garage and even though it is attached to the residence, entry from the garage is not directly into the residential interior. The existing home also lacks any kind of garage-entry storage / closet / mud room accommodations.

The proposed variance will be in harmony with the general purposes and intent of the zoning ordinance. The use of the home will remain a typical single family dwelling unit use. Intent of the proposed variance and of the proposed renovation in general is to update the existing home to more current residential standards. The proposed renovation meets all other setback requirements (other than the requested rear yard decrease to 12'-9 7/8") and meets the maximum zoning lot coverage requirement.

The proposed variance will not alter the essential character of the neighborhood. As a corner lot, both interior side yards will be greater than the required minimum interior side yard setback. The existing dwelling unit exterior and interior will be improved and updated.

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.

Bob Loman

FEBRUARY 12, 2013

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.)

Donald White

[Signature]

FEBRUARY 12, 2013

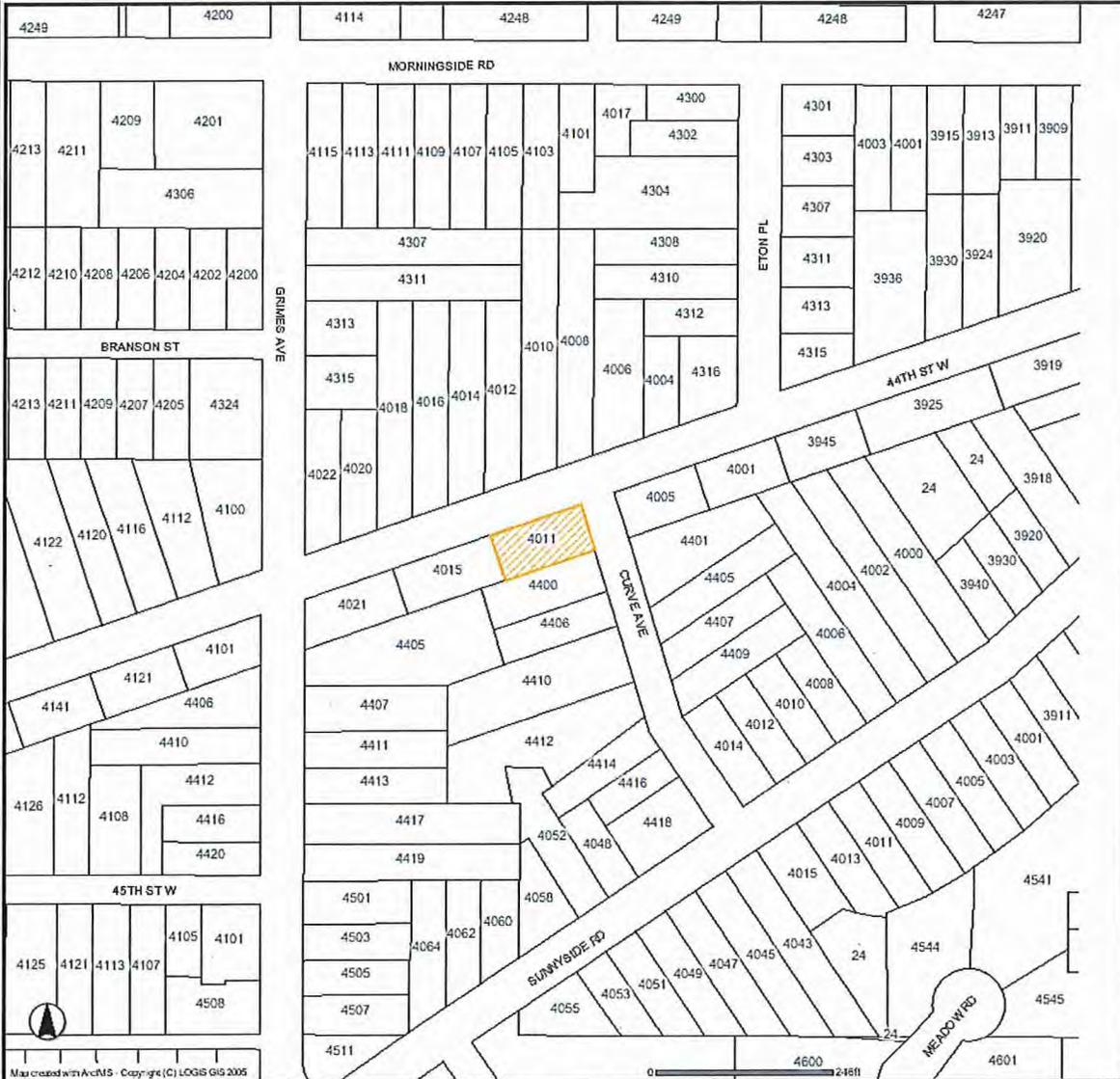
Owner's Signature

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.

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

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

B-13-09

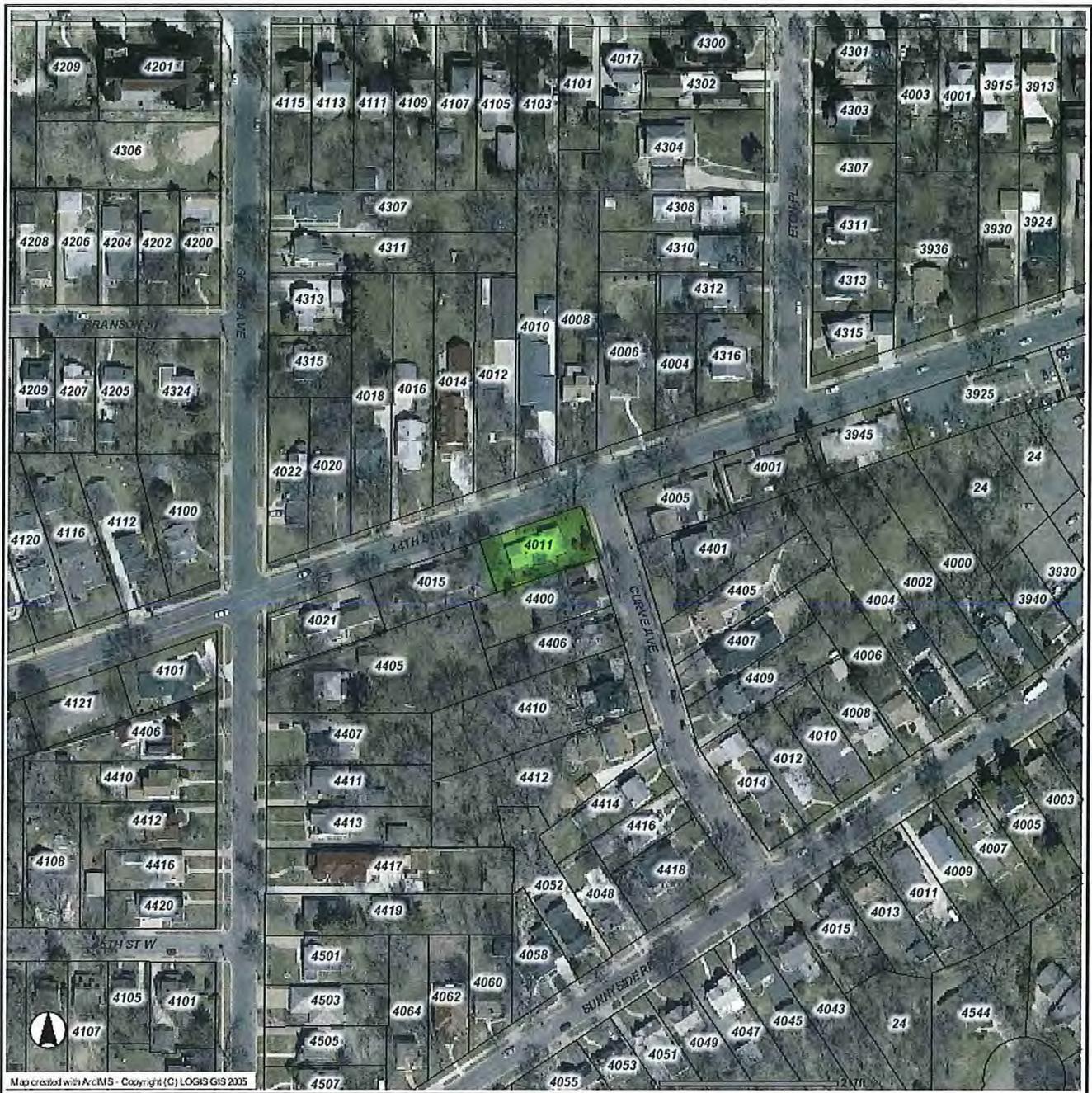


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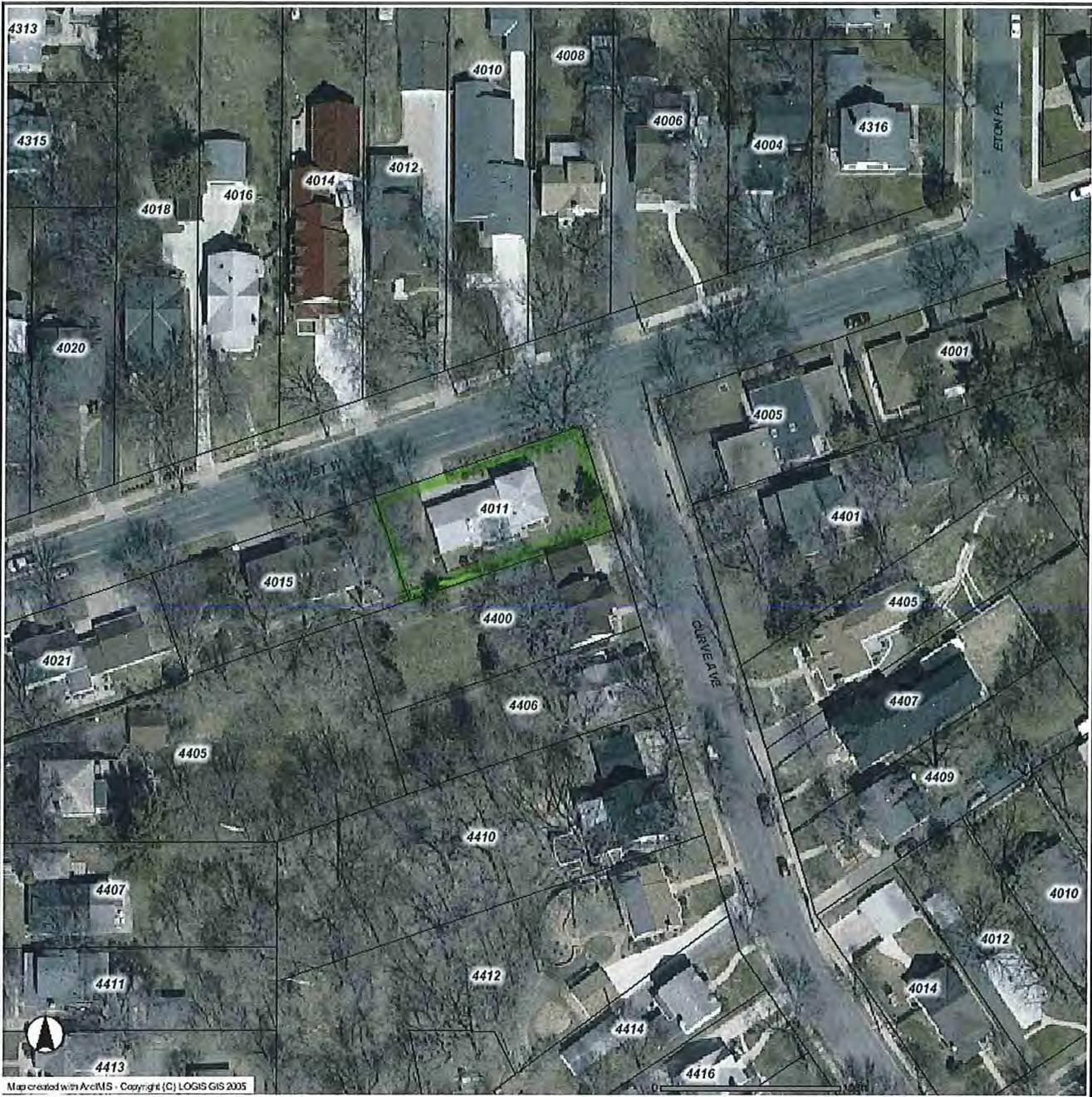
4011 44th St W
Edina, MN 55424



A.1



A.2



A.3



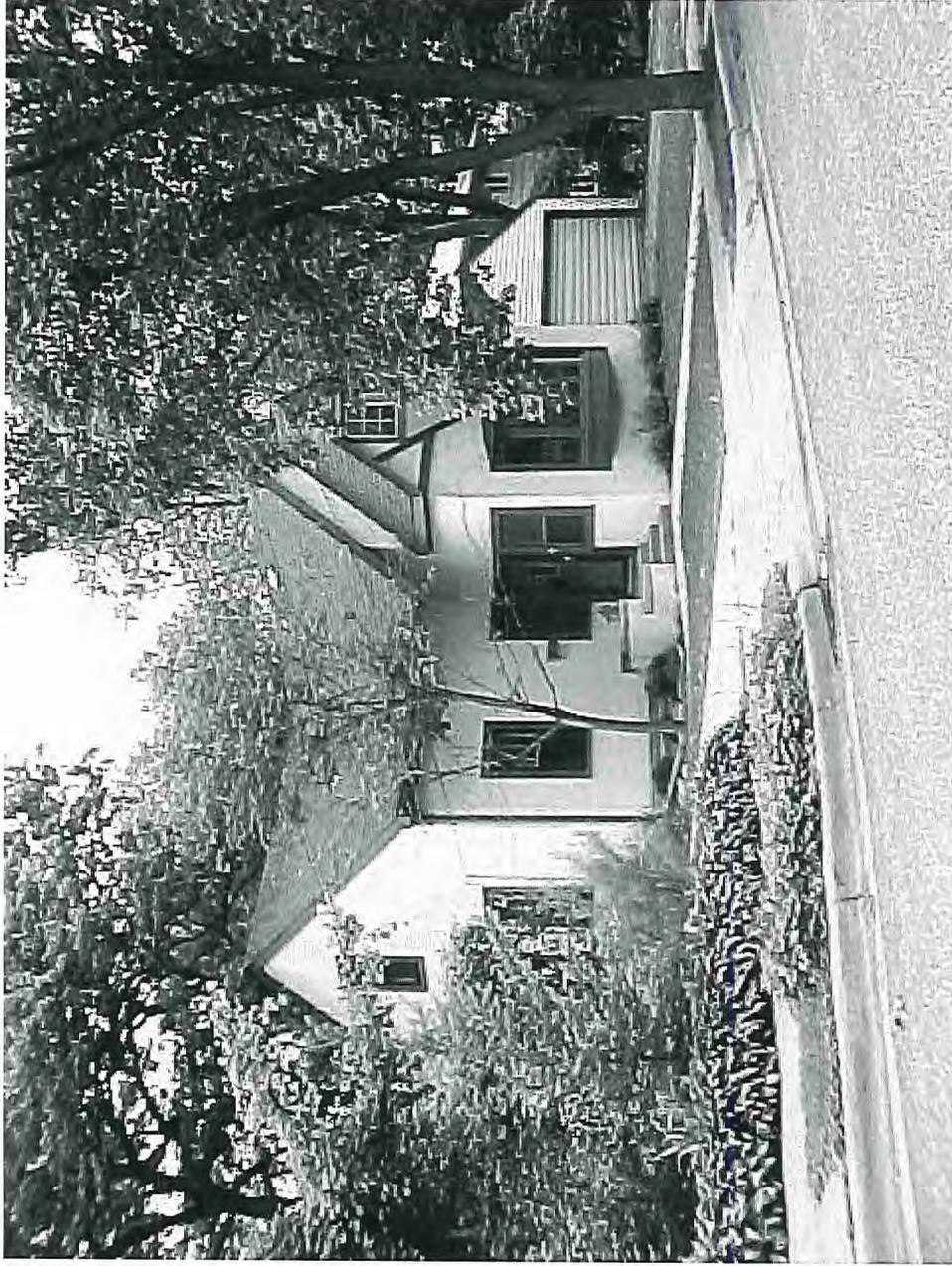
subject property
@ 4011 W. 44th St.

A. 4



Property 404th
West of 4015 W. 44th St.

A.5



Property 404NE
South @ 4400 Curves