



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date February 27, 2013	Agenda # B-13-08
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Recommended Action: Deny a 5.9 foot front yard setback variance to allow 108.8 square feet of porch area beyond the 80 square feet allowed as an encroachment into the front yard area.

Project Description

A 5.9 foot front yard setback variance to allow 108.8 square feet of front porch area into the front yard beyond the 80 square feet allowed by ordinance at 3915 Morningside Road for Nicole and Ryan Williams.

INFORMATION/BACKGROUND

The subject property is located south of Morningside Road and west of France Ave. consisting of a two story home with a detached two car garage. (see attached pages: A1-A.6, site location, aerial photographs, photos of subject and adjacent Properties). The property owner is planning an addition to the back and east side of the home to include a new basement, 1st and 2nd floor area. The plan also includes a front porch addition which requires a front yard setback variance. The front porch is proposed to be 6' x 32', or 192 square feet in area, and run the full length of the front facade. The zoning ordinance requires that the front yard setback is established by averaging the front yard setbacks of the homes on either side. The average front yard setback for the subject property is 35.8 feet. The existing home provides a 35.9 foot front yard setback which is slightly farther back than the average. The ordinance allows a porch to encroach into the front yard setback area by a maximum of 80 square feet. The porch would extend the length of the façade and is proposed to be 6 feet deep. The porch exceeds the allowable encroachment of 80 square feet in the front yard area by 108.8 square feet.

The home was built in 1923 and has had no improvements with the exception of the installation of airconditioning and maintenance. The plan improves upon an existing structure and provides needed space with an addition without a complete teardown-rebuild of the home. If the existing home were removed, a conforming

plan could be designed with a front porch. Retrofitting the existing structure can be difficult given the current code requirements.

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 7,536 square feet in area and is a 50' x 150' lot.

Planning

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

Building Design

The proposal is to build a

Compliance Table

	City Standard	Proposed
Front -	35.8 feet	*29.9 feet
Side-	5 feet + height	7.1 feet
Rear -	25 feet	75.3 feet
Building Height	2 1/2 stories 30 feet to midpoint 35 feet to ridge,	2 stories, 26 feet to midpoint, feet to the ridge
Lot coverage	2,250 square feet	2,250 square feet

** Variance Required*

Primary Issues

- Is the proposed development reasonable for this site?

Staff struggles with the proposal is not reasonable given that an 80 square foot porch in any configuration is allowed to overlap setback by ordinance, however, agrees that it will not alter the character of the neighborhood or disrupt the rhythm on the block. Staff outlines the following:

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. The ordinance was changed a number of years ago to allow 80 square feet of porch as an encroachment.
2. The home and proposed porch is appropriate in size and scale for the lot and the improvements will enhance the property. The owner would like to have a porch deep enough for sitting and to extend the full length of the façade. Given the eclectic nature of Morningside with varying setbacks and housing styles, the porch would blend in with the surrounding area.
3. The porch does not comply with the average front yard setback of the homes on either side; however, it will not be the closest home on the south side of the block. The double dwelling unit at 3902 Morningside is 25 feet from the right-of-way. The subject porch would be 29.9 feet from the right-of-way. The home at 4003 Morningside is within the same front yard setback range at 31.5 feet from the right-of-way.

- **Is the proposed variance justified?**

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 difficult to support because the ordinance accommodates porch area, but not to the extent that the homeowner desires. "Practical difficulties" may, however, include functional and aesthetic concerns. Perhaps it may be said that the allowable encroachment of 80 square feet does not allow for a functional porch and one that aesthetically enhances the existing home façade.

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

The variance accommodates the preference of the homeowner and could be viewed as self- created and would not change character.

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

The proposed home will not alter the essential character of the neighborhood. The character of Morningside is eclectic with varying housing styles, setbacks and lot configurations. The porch would be an enhancement.

Staff Recommendation

It is difficult for staff to support the variance given the porch allotment afforded by ordinance.

Staff puts forth 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. The additions are to an existing home and must conform regarding current conditions. A porch would be easily attainable with all new construction, (tear-down/re-build).
- 2) The proposed porch will blend well with the eclectic nature of the Morningside neighborhood.
- 3) The imposed setback limits design opportunity for a porch. The intent of the ordinance is to provide adequate spacing from the street. The

proposed porch will be no closer to the street than one home located on the block and within 1.5 feet of another.

Deadline for a City Decision: April 13, 2013.



VARIANCE APPLICATION

CASE NUMBER B-13-08 DATE 2/12/13
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

PLANNING DEPARTMENT
FEB 12 2012
CITY OF EDINA

APPLICANT:

NAME: Nicole + Ryan Williams (Signature required on back page)
ADDRESS: 3915 Morningside Rd PHONE: 952 926 0175
EMAIL: nmw nmw@comcast.net

PROPERTY OWNER:

NAME: Nicole + Ryan Williams (Signature required on back page)
ADDRESS: 3915 Morningside Rd PHONE: 952 926 0175
612 751 0548

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

**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: 3915 Morningside Rd Edina 55416
PRESENT ZONING: R1 P.I.D.# _____

EXPLANATION OF REQUEST:

Addition of open front porch across front of home (6 ft wide, 32' long)
(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Larson Design + Build PHONE: 952 922-2142
EMAIL: vita@larsondesignbuild.com

SURVEYOR: NAME: Harry S Johnson Co. Inc PHONE: 952 884-5341
EMAIL: tom@hsjsurveyors.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.

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

 yes

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 EDINA

by [Signature]

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.

Nicole Williams Rynette 2.5.11
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.)

Nicole Williams Rynette 2.5.11
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 ...

Scott & Gwen Smith
3913 Morningside Road
Edina, MN, 55344

February 21, 2013

RE: Variance Request / 3915 Morningside Road, Edina, MN

Kris Aaker
City of Edina
4801 West 50th Street
Edina, MN

Dear Kris:

We received a notice from the City of Edina indicating that Nicole and Ryan Williams have applied for a variance to the front yard setback requirements so they can build an unenclosed porch onto the front of their home.

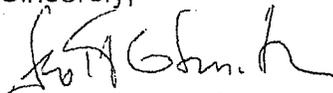
My wife, Gwen, and I live next door to the William's on the east side. We have reviewed the detailed plans that were provided to us for the porch and a planned addition that apparently does not require a variance.

We fully support Ryan & Nicki William's request for this variance. A front porch will be a fine addition to their home.

Please support them with a favorable recommendation to the Planning Commission.

If you have any questions, feel free to contact me.

Sincerely,



Scott Smith
Cell: 612-802-7358
E-mail: Ssmith8857@gmail.com

Kris Aaker

From: Nicki Williams <nmwnmw@comcast.net>
Sent: Wednesday, February 13, 2013 5:57 PM
To: Kris Aaker
Subject: Re: Variance application for a front porch/3915 Morningside Road

Hi Kris,

I received your emails and voicemail message. Before I could return your call, I heard from Rita and it sounds like everything is basically the same; we're just applying for the front porch variance. I know she's working on getting the updated drawings to you ASAP and here are the answers to the 4 questions:

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

Our front porch addition has been kept minimal as although we want it to run the width of the house for esthetic reasons, we matched the existing depth of the front stoop. We find it's use reasonable as it will provide shelter to anyone arriving at our front door. We have a very flat facade to our home, and although lovely, we do want to enhance the visual curb appeal as well as provide protection from rain and snow for ourselves and our visitors.

We are also directly across from the bus stop, and it will create a pleasant place to wait for our children's return from school. Our main reason for the design and desire to add it, however, is the neighborly message it will send. Creating a sheltered spot for neighbors to stop and visit will be appealing and important to the environment we want to live in.

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

Although a bit deeper than either home's facade to our east and west side, it will not be the deepest structure on our block. Plus, the openness of the porch will keep sight lines running through, if anyone wants to look that way, as well as lightening the mass of an enclosed addition of any type.

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

We do acknowledge the intent of the law is to be fair to the neighbors, but as mentioned above, we want to create an inviting spot to *share* with our neighbors. We are social people, and host parties and get together quite often. This allows for a space we do not currently have that is both protected from some elements and visible to our friends in the neighborhood. Sociologists talked about the "cocooning" that happened after 9-11; hunkering down and staying put. Now, some 10+ years later we want "connecting", which is what a porch can do better than any other structure of a home.

Not alter the essential Character of the a neighborhood.

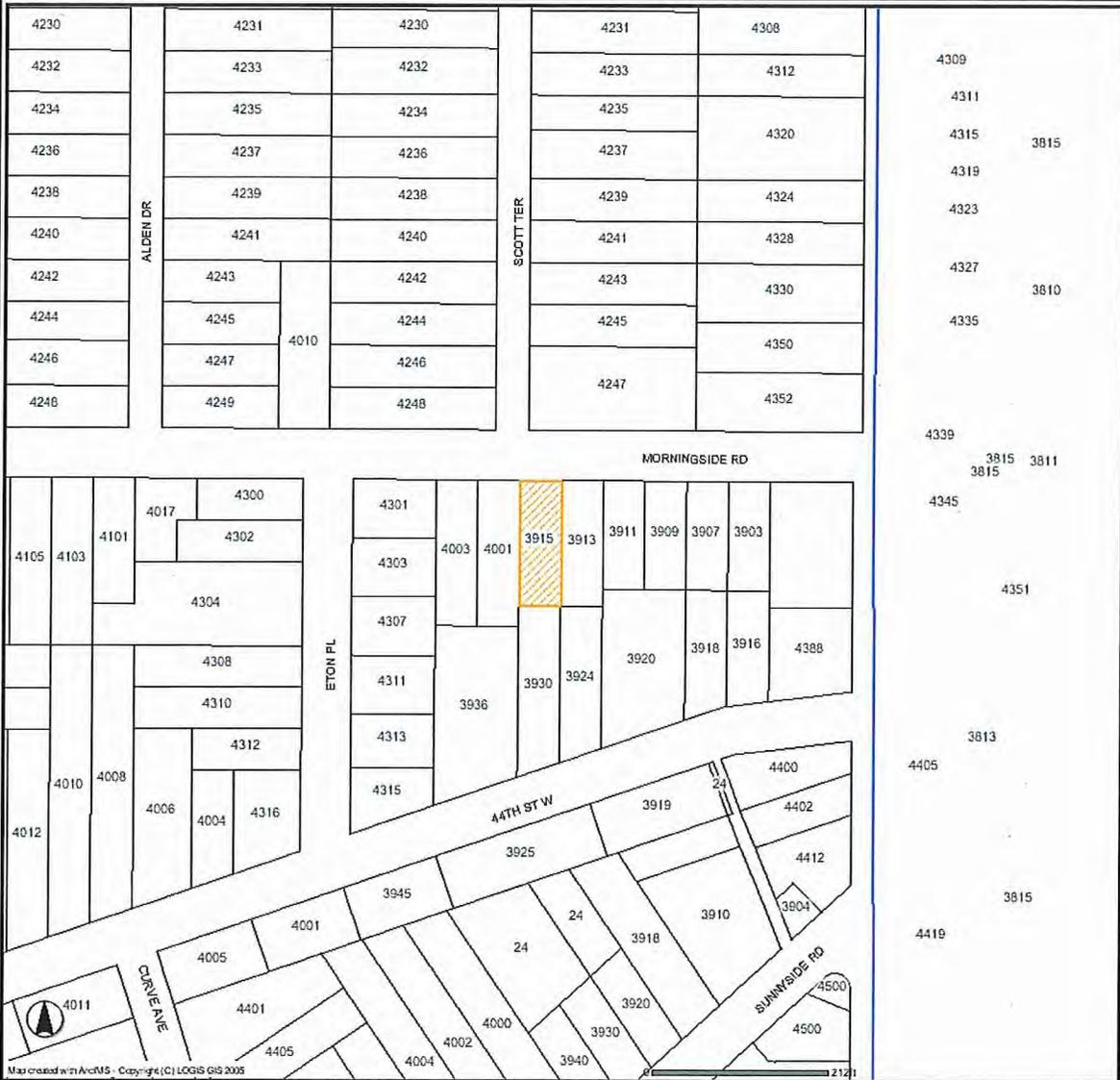
Again, we're all about reaching out and sharing our lives and our children's lives with Morningside. This porch will truly help us do that.

Thanks!

Nicki Williams

From: Kris Aaker
Sent: Wednesday, February 13, 2013 11:35 AM
To: <mailto:rita@larsondesignbuild.com> ; <mailto:nmwnmw@comcast.net>
Cc: <mailto:tom@hsjsurveyors.com> ; Jackie Hoogenakker

LOCATION MAP



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

B-13-08

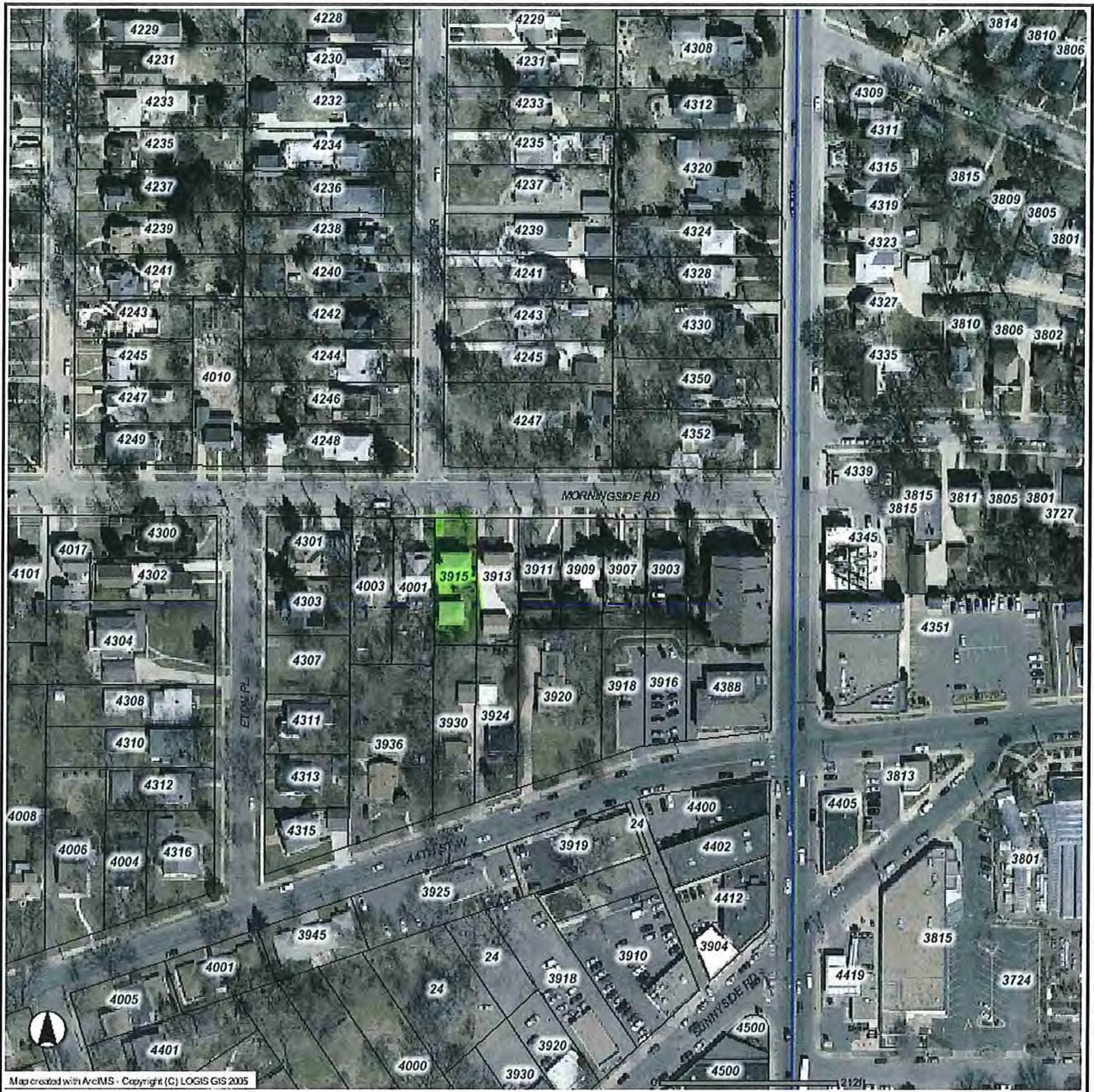


PID: 0702824440085

3915 Morningside Rd
Edina, MN 55416



A.1



A.2



A.3



A. H



A.5



A. G