



## PLANNING COMMISSION STAFF REPORT

<b>Originator</b> <b>Kris Aaker</b> <b>Assistant Planner</b>	<b>Meeting Date</b> <b>April 24, 2013</b>	<b>Agenda #</b> <b>B-13-12</b>
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**Recommended Action:** Approve the front yard setback variance.

### Project Description

A 138.9 foot front yard setback Variance to rebuild a home with the same nonconforming front yard setback as the existing home, (See property location, aerial photos, photos of the subject and neighboring homes on pages A.1–A.9). The project is a teardown – rebuild on an existing single dwelling unit lot for property located at 6905 Valley View Road, for Jim and Deb Ryman.

### INFORMATION/BACKGROUND

The subject property is located on the south side of Valley View Road consisting of a rambler with a tuck-under two car garage built in 1955. The lot is 26,634 square feet in area with existing lot coverage of 6.6%. The owners are hoping to tear down the existing structure and replace it with a rambler with an attached three car garage. The owners would like to locate the new home near the existing front yard setback.

The current home is located 29.7 feet from the front lot line. The zoning ordinance requires that the new home maintain the average front yard setback of the homes on either side. The home to the east is located 29.7 feet from Valley View Road right-of-way and the home to the west is located 308 feet from Valley View resulting in an average front yard setback for the property of 168.85 feet. The new home will be setback from the front lot line approximately 34.89 feet, which is a greater distance from the front lot line than the existing home. The front west corner of the new home will be the closest building point to the street with the remainder of the front façade angled away from Valley View and farther from the front lot line than the existing home (see A.10 – A.16, surveys and house plans).

The new home is proposed to be a walk-out with back yard views angled towards a pond located west of the property.

**Surrounding Land Uses**

- Northerly: Single dwelling units, zoned R-1, single dwelling unit district and guided residential.
- Easterly: Single dwelling units, zoned R-1, single dwelling unit district and guided residential.
- Southerly: Single dwelling units, zoned R-1, single dwelling unit district and guided residential.

**Existing Site Features**

The subject property is a 26, 632 square foot lot with a single story home that has a tuck-under two car garage built in 1955.

**Planning**

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

**Building Design**

The proposed home will be a rambler with stone and stucco finish on the front façade and siding on the side a rear elevations. (See pictures on pages A–A.)

**Compliance Table**

	<b>City Standard</b>	<b>Proposed</b>
Front -	168.85 feet	<b>*34.89 feet</b>
Side-	10+ height, (living)	10.81/10 feet
Rear -	25 feet	122 feet
Building Height	2 1/2 stories 30 feet to midpoint 35 feet to the ridge,	1 story, 29 feet to the ridge
Lot coverage	25%	13.7%

**\* Variance Required**

**Primary Issue:**

- **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 setback from Valley View Road.
2. The home is appropriate in size and scale for the ½ acre lot. The improvements will enhance the property and not detract from the neighborhood. The neighbor to the west is well behind the proposed home, (similar to the existing home). The homes located to the east of the subject property have their rear yards adjacent to the side yard of the subject property. Spacing between the new home and the east lot line will increase. The current home is located 6 feet from the east lot line with the new home approximately 11 feet from the east lot line.
3. The improvements will provide a reasonable use of a rather large lot that is virtually unbuildable given the current front yard setback requirement and allow for a new home to be built at the same distance from Valley View as the existing home.
4. The new home simply matches an existing nonconforming front yard setback that has been in place since 1955. The required average front yard setback reduces the buildable area of the lot to a small triangular fraction of buildable area.

- **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 new home will be farther back from the street than the nonconforming setback of the existing home on the property which has been located on the property since 1955, pre-dating the home to the west that was built in 1968 and was located much farther back from Valley View at 308 feet from the front lot line. The practical difficulties in complying with the ordinances are created by the required front yard setback that is dictated by adjacent properties.

Staff believes the proposed variance is reasonable given that the required front yard setback renders the 26,634 square foot lot unbuildable. The practical difficulty is therefore, caused by the existing location of the adjacent home to the west. A practical difficulty is the average front yard setback requirement that takes into account the setback of the home to the west.

The lot is large, with generous spacing between the new home and adjacent structures. The purpose behind the ordinance is to maintain an established front yard sight line and street scape. The ordinance is meant to prevent a continual erosion of the established front yard setback pattern in an existing neighborhood by holding all new construction to the existing neighborhood standard and to avoid new structure build-out beyond existing conditions. Duplicating the front yard setback of the existing home will not compromise the intent of the ordinance. The new home will maintain the existing pattern of setback on the block and will be no closer to the street.

**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 circumstances are that the existing lot is subjected to an average front yard setback that is deeper than the location of the existing home. The required setback reduces the buildable area dramatically creating an unbuildable lot which is not a self-imposed condition.

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

No. The proposed home is a one story rambler and will be consistent with the location of the existing home and will not change the streetscape along Valley View. The character of the neighborhood consists of a variety of housing styles. The applicant is asking to preserve a setback pattern along the block that has included the nonconforming setback of the subject property.

### **Staff Recommendation**

Approve the requested variance based on the following findings:

1. The proposal meets the required standards for a variance, because:
  - a) The practical difficult is caused by the location of the home to the west that is actually located south of the subject property's rear lot line.
  - b) The encroachment into the setback improves upon an existing nonconforming setback that was established when the original home was built in 1955 and was conforming at that time.

Approval of the variance is subject to the following condition:

1. The home must be construction per the proposed plans date stamped, March 29, 2013.

**Deadline for a City decision: May 28, 2013**



# VARIANCE APPLICATION

CASE NUMBER B-13-12 DATE 3/29/2013  
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: Pay Leay (Signature required on back page)

ADDRESS: 15012 Hwy 7 PHONE: (952) 944-9499

EMAIL: PayLeay@LeayBros.com

### PROPERTY OWNER:

NAME: Jim: Bob Ryman (Signature required on back page)

ADDRESS: 6905 Valley View Road PHONE: (62) 968-4975

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

LOT 1, Block 2 Pioneer Oaks

\*\*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: 6905 Valley View Road

PRESENT ZONING: \_\_\_\_\_ P.I.D.# 06-116-21-43-042

### EXPLANATION OF REQUEST:

SEE ATTACHED

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Leay Bros Homes PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

SURVEYOR: NAME: Dennis Gabriel PHONE: (763) 539-0908  
EMAIL: dgc@qwestoffice.net

PLANNING DEPARTMENT  
MAR 29 2013  
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

FRONT YARD SET BACK DUE TO DISTANCE OFF VALLEY VIEW FOR NEIGHBOR TO WEST.

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  
MAR 29 2013  
CITY OF EDINA

Ryman residence  
6905 Valley View Road  
Edina, MN

**Explanation of request**

Our intent is to tear down the existing home and build a new rambler .  
The new home will be located further off Valley View Road than the existing home.

The home to the West is located so far back on their property that we would be unnable to adhere to the current rules regarding the front yard setbacks that require an average of the adjoining properties.

Our request for a variance is to allow for a change to the front yard setback rules.

PLANNING DEPARTMENT  
MAR 29 2013  
CITY OF EDINA

**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.

3/27/13

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.)

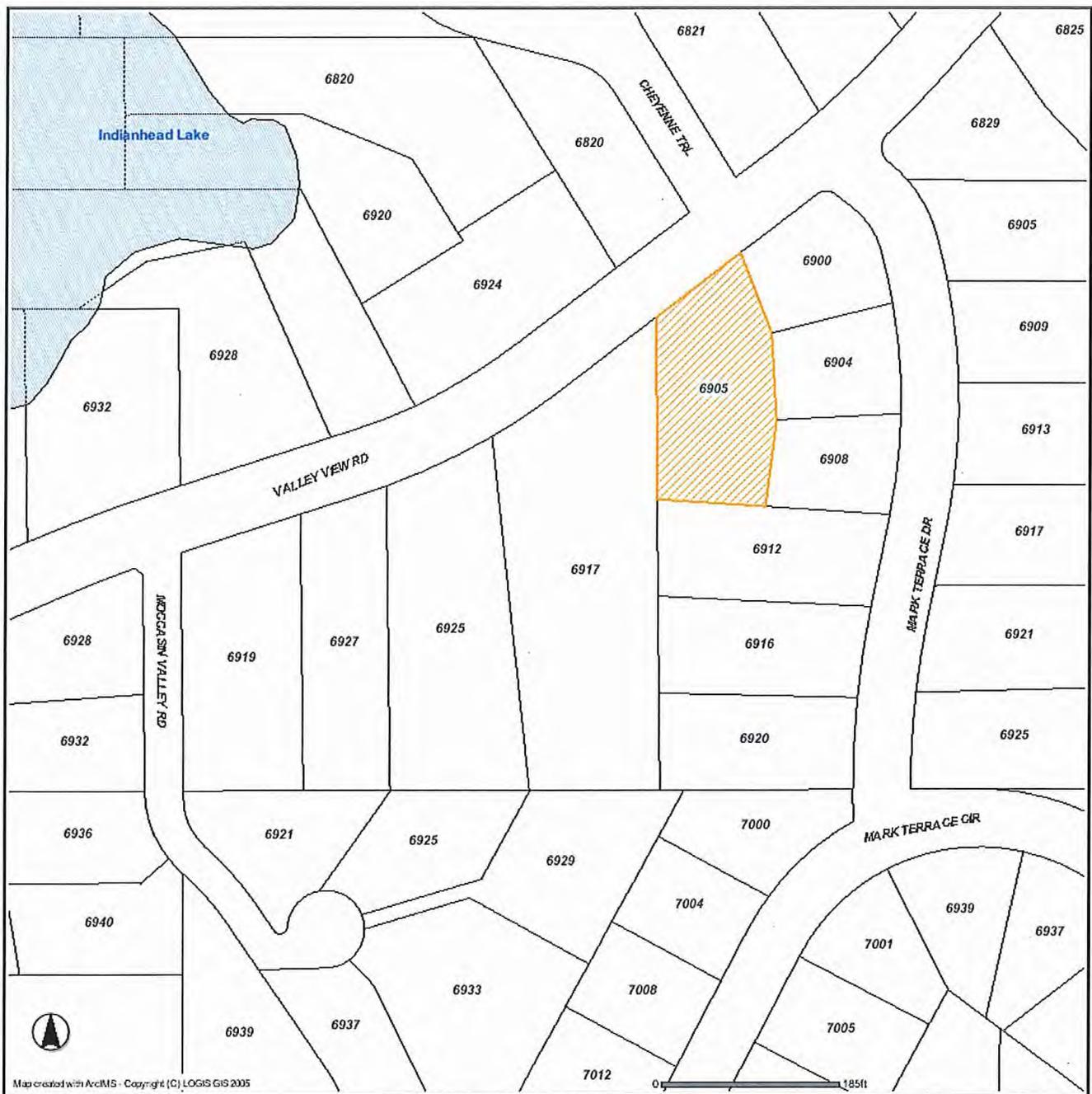
*Janna G. Seymour* / *Walter J. Ryan*      3/27/2013

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  
MAR 29 2013  
CITY OF DENVER



*5.46 Location*

*A.1*



A.Z

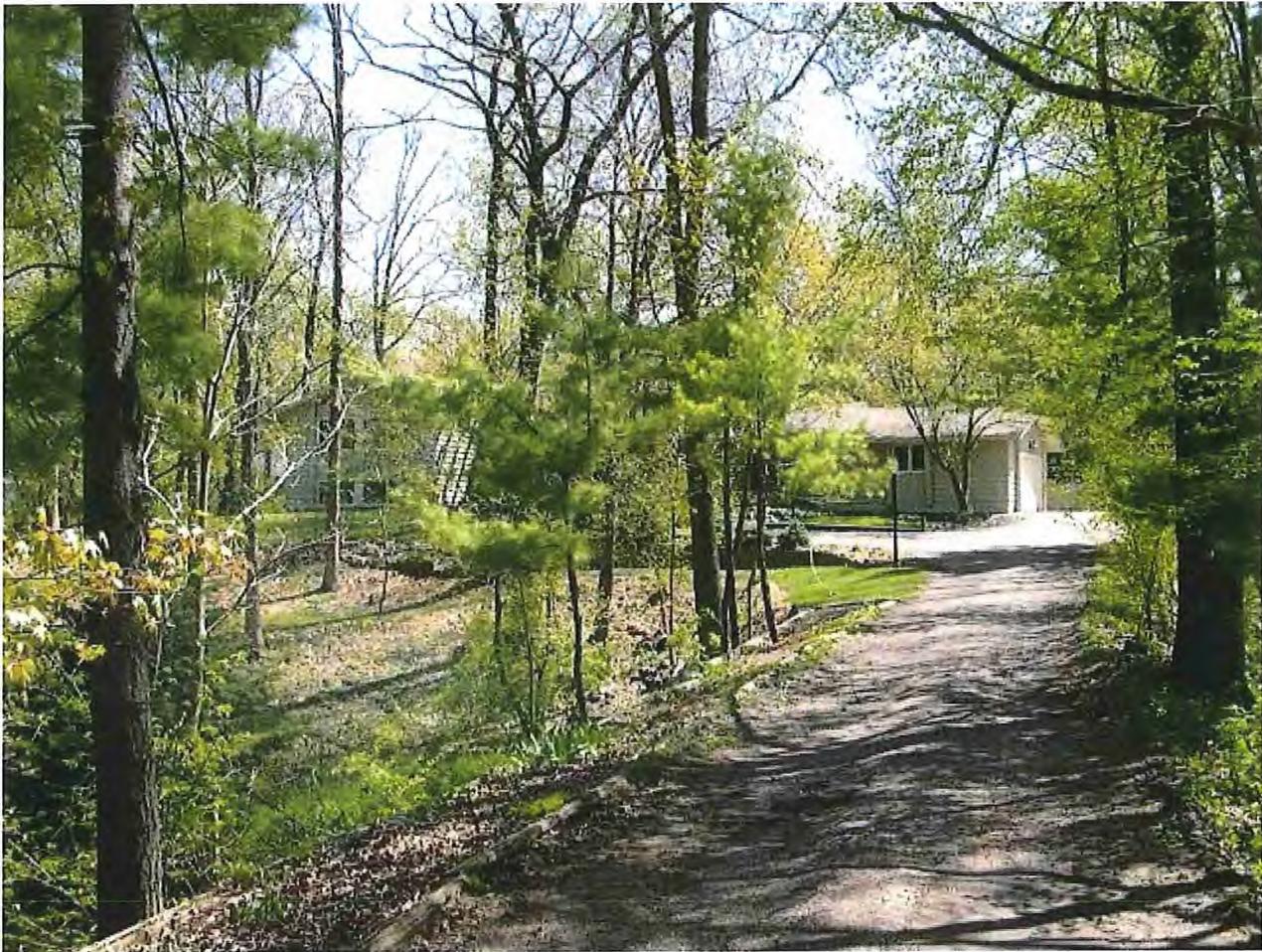


A.3



6905 Valley View  
subject property

A.4



6917 Valley View  
Home adjacent to the  
west.

A.5



6300 MAUL TERRACE  
HOME ADJACENT TO THE EAST  
ON VALLEY VIEW

A. Co



*6904 MARK TERRACE*

*A HOME TO THE EAST*

*A.7*



*6908 MARK TERRACE  
A HOME TO THE EAST*

*A.B*



6912 MARK TERRACE  
A HOME TO THE EAST

A.9

VALLEY VIEW RD.  
N 53°46'58" E  
109.66

S 20°04'24" E  
89.02

18.68

S 8°11'26" E  
89.98

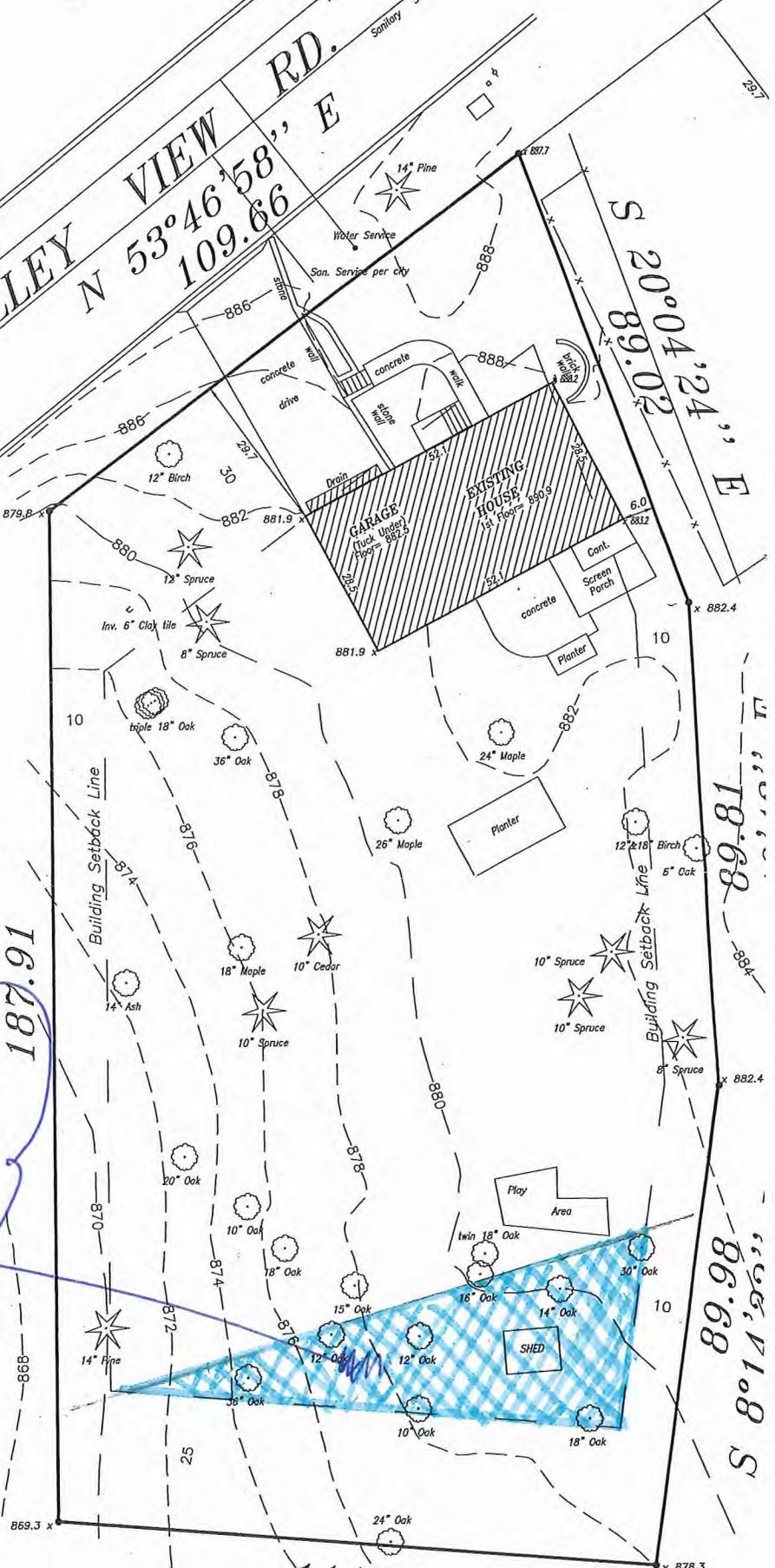
111.70  
N 85°01'52" W

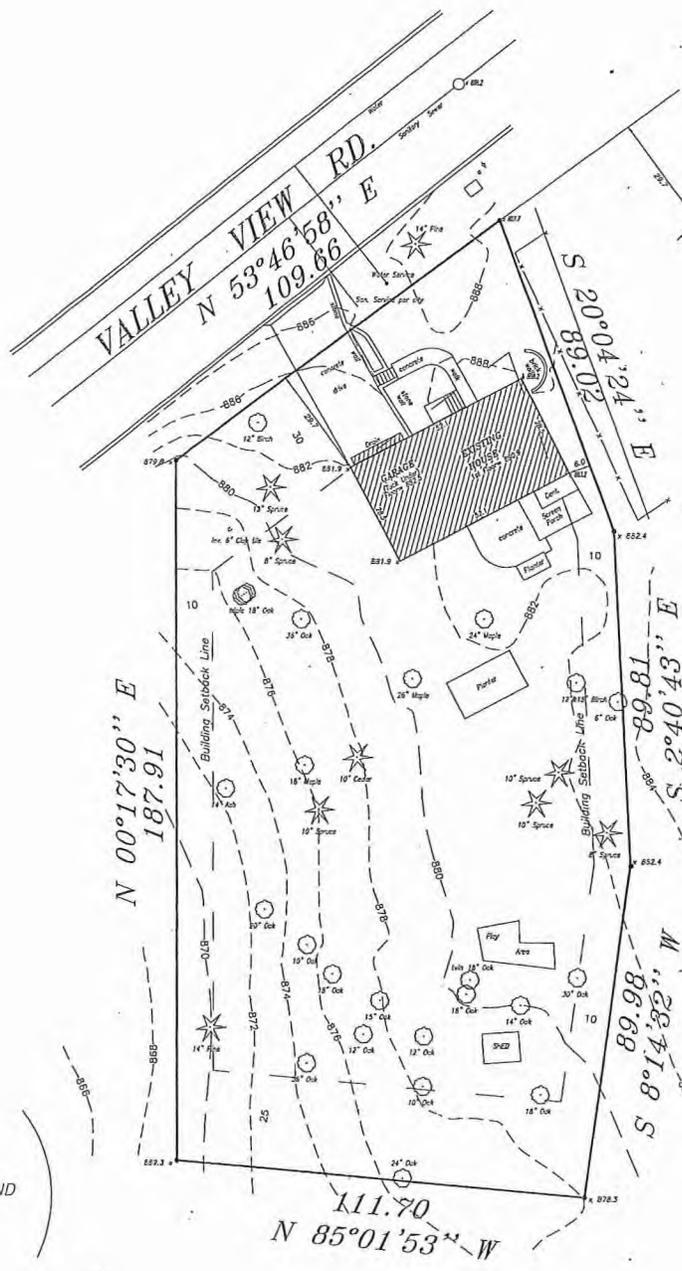
Buildable AREA OF 10+  
N 00°17'30" E  
187.91

EXISTING SURVEY

POND

A.10





**LEGAL DESCRIPTION:**

Lot 1, Block 2, PIONEER OAKS

SITE ADDRESS:  
6509 Valley View Rd.  
Edina, MN 55439

ZONING:  
Single Dwelling Unit District R-1

**EXISTING BUILDING COVERAGE**

House & porches	1,703 Sq.Ft.
Patio (192-150)	42 Sq.Ft.
Total Coverage	1,745 Sq.Ft.
Lot Area	26,634 Sq.Ft.
% of Coverage	= 6.6 %

EXISTING SURVEY

POND

MAR 20 2013

o Denotes iron monument  
 \* Denotes found monument  
 x 000.0 Denotes existing elev.  
 (000.0) Denotes proposed elev.  
 --- Denotes surface drainage

DEMARS-GABRIEL  
 LAND SURVEYORS, INC.  
 6875 Washington Ave. So.  
 Suite 209  
 Edina, MN 55439  
 Phone: (952) 559-0908  
 Fax: (952) 767-0490

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.  
**D.E.C.**  
 David E. Crook  
 Date: JAN.29, 2013 Minn. Reg. No. 22414

File No.  
14060 C  
 Book-Page  
 Scales  
1"=20'

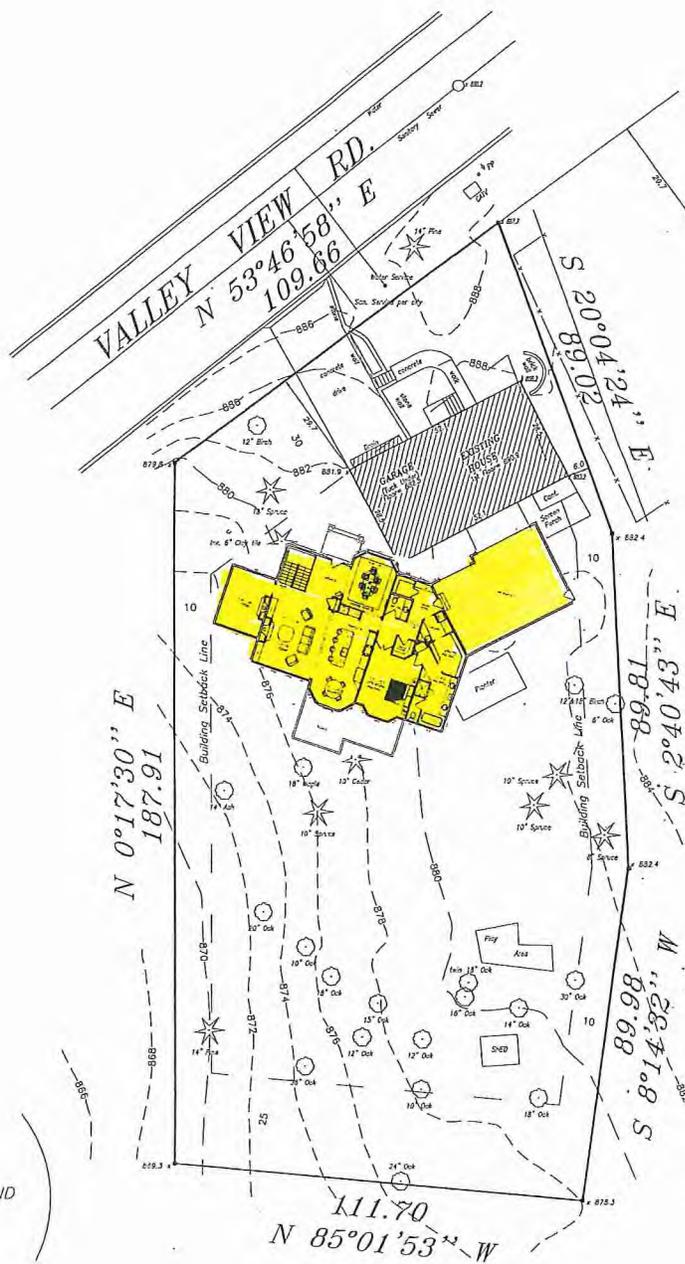
**CERTIFICATE OF SURVEY**

PREPARED FOR:

LECY BROTHERS HOMES

EXISTING HOMES

A-11



**LEGAL DESCRIPTION:**

Lot 1, Block 2, PIONEER OAKS

**SITE ADDRESS:**  
6905 Valley View Rd.  
Edina, MN 55439

**ZONING:**  
Single Dwelling Unit District R-1

**EXISTING BUILDING COVERAGE**

House & porches	1,703 Sq.Ft.
Patio (192-150)	42 Sq.Ft.
<b>Total Coverage</b>	<b>1,745 Sq.Ft.</b>
Lot Area	26,634 Sq.Ft.
<b>% of Coverage</b>	<b>= 6.6 %</b>

- o Denotes iron monument
- Denotes found monument
- x 000.0 Denotes existing elev.
- (0000.0) Denotes proposed elev.
- - - Denotes surface drainage

**DEMARS-GABRIEL  
LAND SURVEYORS, INC.**  
6875 Washington Ave. So.  
Suite 209  
Edina, MN 55439  
Phone: (952) 559-0908  
Fax: (952) 767-0490

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

*David E. Crook*  
David E. Crook Rev. Feb. 4, 2013  
Date: JAN.22, 2013 Minn. Reg. No. 22414

File No.  
14060 C  
Book-Page  
Scale  
1"=20'

**CERTIFICATE OF SURVEY**

PREPARED FOR:

**LECY BROTHERS HOMES**

Proposed location of

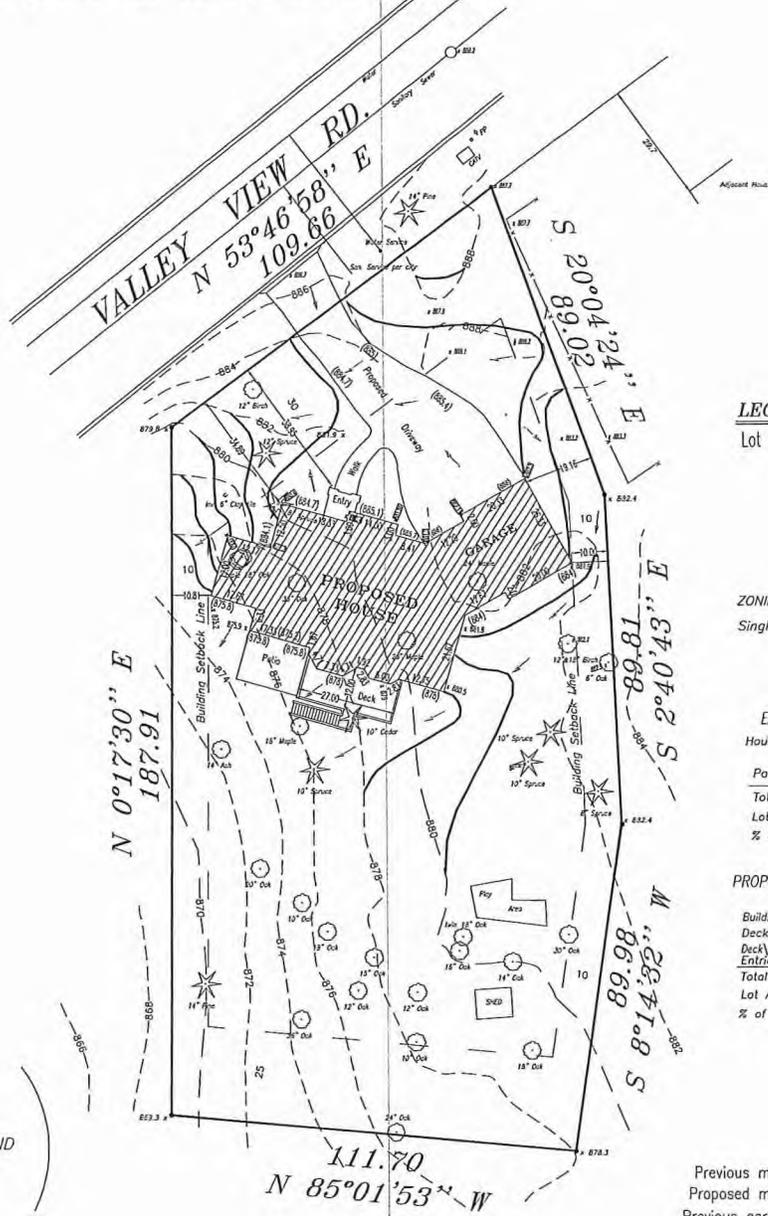
POND

*Proposed +  
existing home*

*A.12*

# RYMAN RESIDENCE

6905 Valley View Rd. Edina, MN 55439



**LEGAL DESCRIPTION:**  
Lot 1, Block 2, PIONEER OAKS

**ZONING:**  
Single Dwelling Unit District R-1

**EXISTING BUILDING COVERAGE**

House & porches	1,703 Sq.Ft.
Patio (192-150)	42 Sq.Ft.
<b>Total Coverage</b>	<b>1,745 Sq.Ft.</b>
Lot Area	26,634 Sq.Ft.
<b>% of Coverage</b>	<b>= 6.6 %</b>

**PROPOSED BUILDING COVERAGE**

Building (incl. porch)	3,130 sq. ft.
Deck & Patio	522 sq. ft.
Deck/Patio Allowance	-150
Entries 3(-50)	-150
<b>Total Coverage</b>	<b>3,652 sq. ft.</b>
Lot Area	26,634 sq. Ft.
<b>% of Coverage</b>	<b>= 13.7%</b>

Previous main floor elev.=890.9  
Proposed main floor elev.=887.3  
Previous garage floor elev.=882.5  
Proposed garage floor elev.=886.0  
Proposed top of foundation elev.=886.4  
Previous basement floor elev.=882.5  
Proposed basement floor elev.=876.2

Average existing front grade = 880.4  
Proposed roof height to ridge = 24.51

Proposed roof height to ridge from existing front grade = 29.0

- Denotes iron monument
- Denotes found monument
- x 000.0 Denotes existing elev.
- (x00.0) Denotes proposed elev.
- Denotes surface drainage
- 882.4 Denotes existing elev. used to calculate "average, existing, front grade."

Revised: 4/17/13  
Revised: 4/22/13 - correct proposed basement floor elev.  
Revised: 4/25/13 - bldg, etc.  
Revised: 4/26/13 - deck, patio

<b>DEMARS-GABRIEL LAND SURVEYORS, INC.</b> 6875 Washington Ave. So. Suite 209 Edina, MN 55439 Phone: (952) 559-0908 Fax: (952) 767-0490	I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  David E. Crook Rev. Feb. 4, 2013  Date: JUN 29, 2013 Minn. Reg. No. 22414	File No. 14060 C	PREPARED FOR:  <b>LECY BROS. HOMES</b>
		Block-Page  <b>CERTIFICATE OF SURVEY</b>	

*Proposed Home*

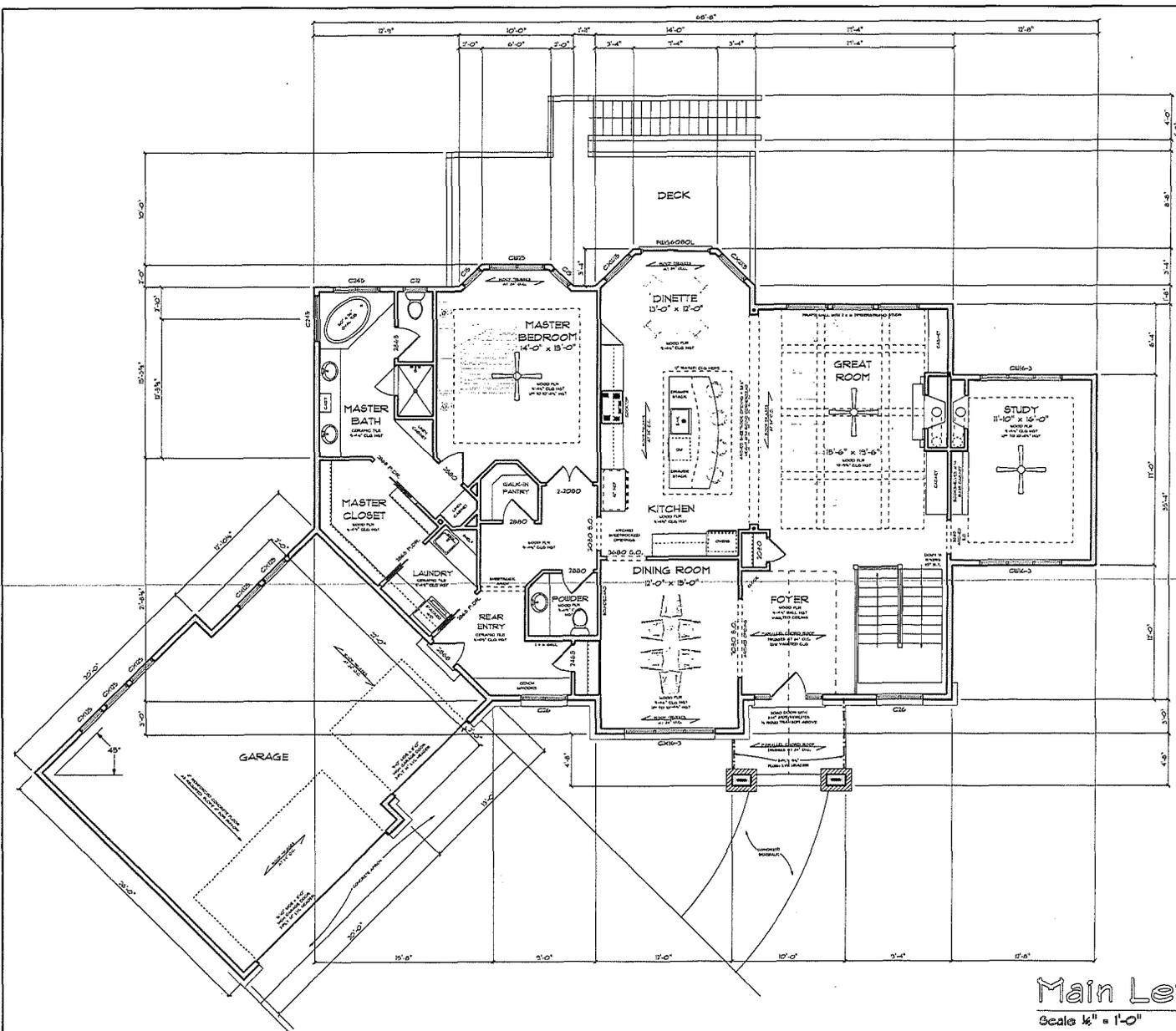
A.13







A-114



WINDOW HEAD HEIGHT AT 56" UNLESS OTHERWISE NOTED

DOOR SCHEDULE SYMBOL 3600 REPRESENTS A 3'-4" WIDE X 8'-0" HIGH DOOR

**GENERAL NOTES**

- ALL FINISHES AND MATERIALS TO BE DETERMINED BY THE CLIENT.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL PLUMBING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL WORK IS TO BE ACCORDING TO THE LATEST EDITIONS OF THE NATIONAL MECHANICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.

**LAUNDRY NOTES**

- ALL LAUNDRY CABBETS TO BE 36" HIGH.
- ALL LAUNDRY CABBETS TO BE 24" DEEP.
- ALL LAUNDRY CABBETS TO BE 18" WIDE.
- ALL LAUNDRY CABBETS TO BE 18" DEEP.

**KITCHEN NOTES**

- ALL KITCHEN CABBETS TO BE 36" HIGH.
- ALL KITCHEN CABBETS TO BE 24" DEEP.
- ALL KITCHEN CABBETS TO BE 18" WIDE.
- ALL KITCHEN CABBETS TO BE 18" DEEP.

**BATH NOTES**

- ALL BATH CABBETS TO BE 36" HIGH.
- ALL BATH CABBETS TO BE 24" DEEP.
- ALL BATH CABBETS TO BE 18" WIDE.
- ALL BATH CABBETS TO BE 18" DEEP.

RECEIVED NOV 14 2010

Main Level Plan Scale 1/4" = 1'-0" 2234 Square Feet

