



PLANNING COMMISSION STAFF REPORT

| | | |
|--|------------------------------------|----------------------------|
| Originator Kris Aaker Assistant Planner | Meeting Date May 8, 2013 | Agenda # B-13-14 |
|--|------------------------------------|----------------------------|

Recommended Action: Approve the variances as requested.

Project Description:

A 5.9 and a 14.9 foot front yard setback variance request to tear down an existing home and rebuild a new home in it's place at the same nonconforming and deeper front yard setbacks from property located at 5501 Lakeview Drive for property owner Christopher Drazan.

INFORMATION/BACKGROUND

The subject property is a corner lot located south and east of Lakeview Drive consisting of a one story rambler with an attached 2 car garage built in 1952. The applicant is hoping to tear-down the existing home and replace it with a two story home with an attached 3 car garage. The new home will conform to all of the ordinance requirements with the exception of the required setbacks from Lakeview Drive. On a corner lot any new home or addition to an existing home must match the front yard setback of the adjacent homes.

The home adjacent to the east is located 40.8 feet from their front lot line. The adjacent home to the south is located 47.8 feet from Lakeview right-of-way. The existing home is nonconforming and is located 19.5 feet from the north lot line and 41.9 feet from the west lot line along Lakeview Drive. The existing home is forward of both adjacent homes with the neighboring homes originally built farther back on the lots from Lakeview Drive.

The new home is proposed to match the nonconforming 41.9 foot front yard setback of the existing home along the west lot line and increase the setback from the north lot line to 25.9 feet from the existing nonconforming setback of 19.5 feet, (see attachments: A.1 – A.8 site location, aerial photos, house photos and surveys).

The purpose of the front yard setback requirement is to maintain adequate spacing from the street and maintain continuity along a developed street scape. The proposal will improve upon an existing nonconforming situation.

The character of the neighborhood includes single story ramblers, 1 ½ story homes and two story homes. There have been a number of homes that have been teardown/re-builds in the neighborhood. The proposed home has been designed to conform to all of the other Zoning Ordinance requirements including height, setback and coverage.

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 15,395 square feet in area. The existing home is a one story rambler and was built in 1952.

Planning

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

Building Design

The proposal is to rebuild on the property with a two story single dwelling unit with an attached garage, (see new home plans attachments: A.9 – A.12).

Compliance Table

| | City Standard | Proposed |
|-----------------|---------------------------------|-------------------------|
| Front - | Match adjacent homes 40.8/47.8: | * 25.9/41.9 feet |
| Side- | 10 feet + height | 11.0 feet |
| Rear - | 25 feet | 25feet |
| Building Height | 2 ½ stories/38 feet | 2 stories/35 feet, |
| Lot coverage | 25% | 20.4% |

*** 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 setbacks from Lakeview Drive.
2. The home is appropriate in size and scale for the 15,395 sq. ft. lot. The building wall of the impacted neighbor to the east is approximately 30 feet from the side wall of the proposed garage. The home to the south is approximately 4 feet from the proposed home.
3. The improvements will provide a reasonable use of the corner lot and allow for a new home to be built at the same distance from the west lot line and from a greater distance from the north lot line than the existing home.
4. The new home simply matches and improves upon existing nonconforming front yard setbacks that have been in place since 1952. The required front yard setbacks limit design opportunity within the lot.

- **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 match and improve upon the existing nonconforming setbacks of the original home on the property which has been located on the corner since 1952. The practical difficulties in complying with the ordinances are created by the required front yard setback that is dictated by adjacent properties which are located farther back on their respective lots.

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 back 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 and increasing the front yard setbacks 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.

The amount of boulevard area between the front lot lines and the edge of the streets increases from approximately 10 feet to 30 feet at the intersection. The lot appears to be much larger and spacing from the street greater given the right-of-way area.

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 adjacent front yard setbacks that are deeper than the location of the existing home. The required setbacks reduces the buildable area, pushing a new home farther back on the lot.

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

No. The proposed home will be consistent with the location of the existing home and will not change the distances along the streetscape. The character of the neighborhood consists of lots with homes located on properties based on topography, orientation to the street and lot shape. The applicant is asking to preserve a setback pattern along the block that has included the nonconforming setbacks of the subject property.

Staff Recommendation

Recommend that the Planning Commission approve the variances.

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:
 - a. The proposed use of the property is reasonable; as the proposed home will uphold the established front setback pattern already existing on the block.
 - b. The practical difficulties in complying with the ordinance include the deep required front yard setbacks, the orientation of the home towards the streets and the angle of the east lot line.

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 in terms of house location, mass and over-all height with the following plans, unless modified by the conditions below:

Survey date stamped: April 24, 2013

Building plans/ elevations date stamped: April 24, 2013.

Deadline for a City decision: June 21, 2013

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

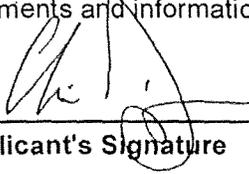
Be in harmony with the general purposes and intent of the zoning ordinance

Not alter the essential Character of a neighborhood

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.



5-3-13

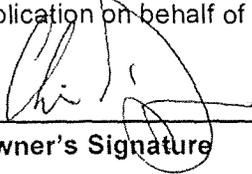
Applicant's Signature

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.)



5.3.13

Owner's Signature

Date

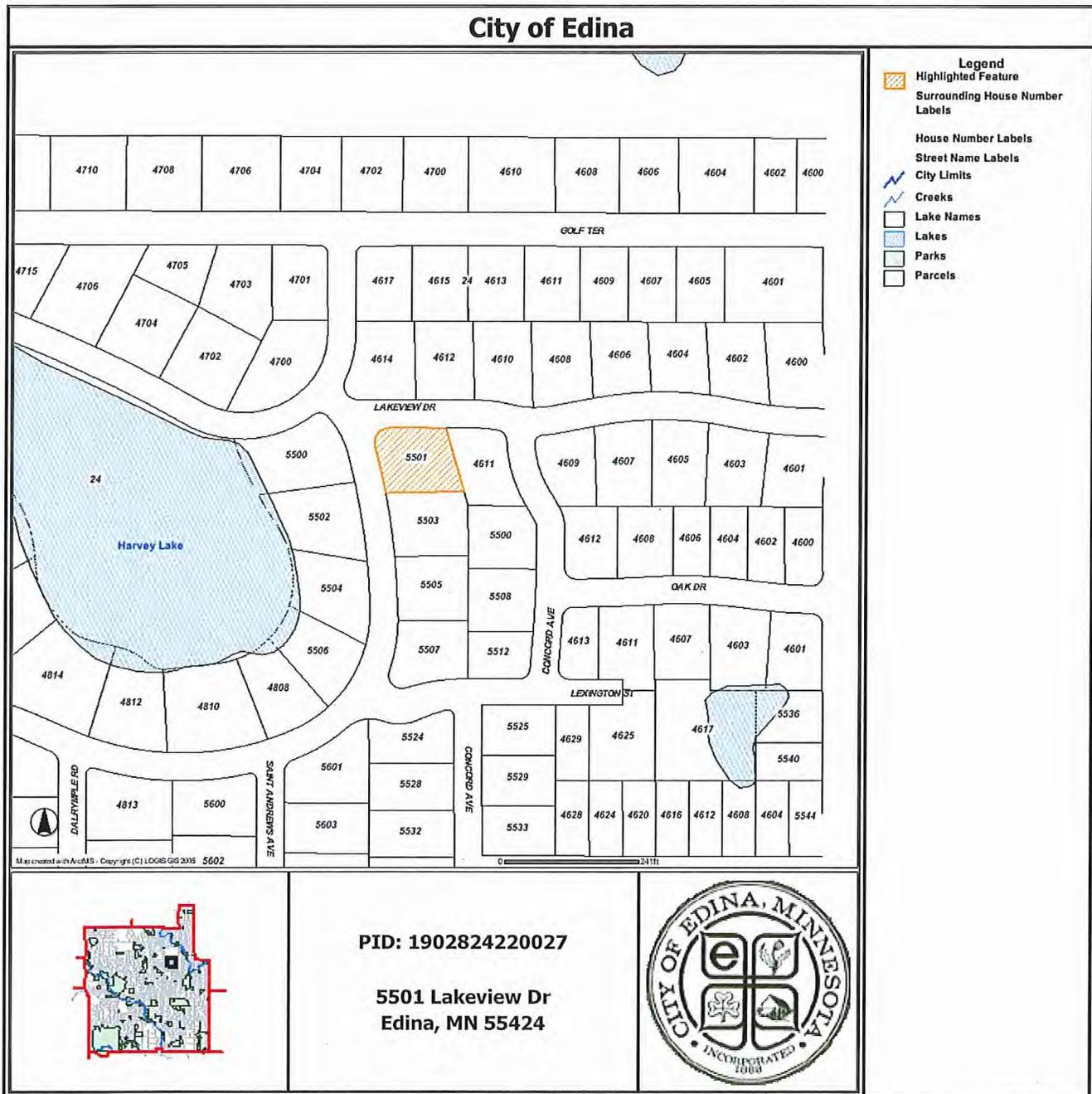
Note. Both signatures are required (if the owner is different than the applicant) before we can process the application, otherwise it is considered incomplete.

To: Edina Variance Board,

We are requesting two variances related to the lot line set backs at 5501 Lakeview. Currently the house has a North lot line set back of 19.5' and the West lot line has a setback of 41.9'. With a tear down and new house construction, the set backs would be determined by the houses to the East and South. Both those house setback create a practical difficulty with a small available building envelope. To correct these circumstances we request a variance on the West lot line of 5.9' and the North lot line of 15.5'. As noted the current house sits at 19.5' from the North lot line and we will be improving that setback to 25' but still need the 15.5' variance since the house to the East has a setback of 40.5', which is abnormally high.

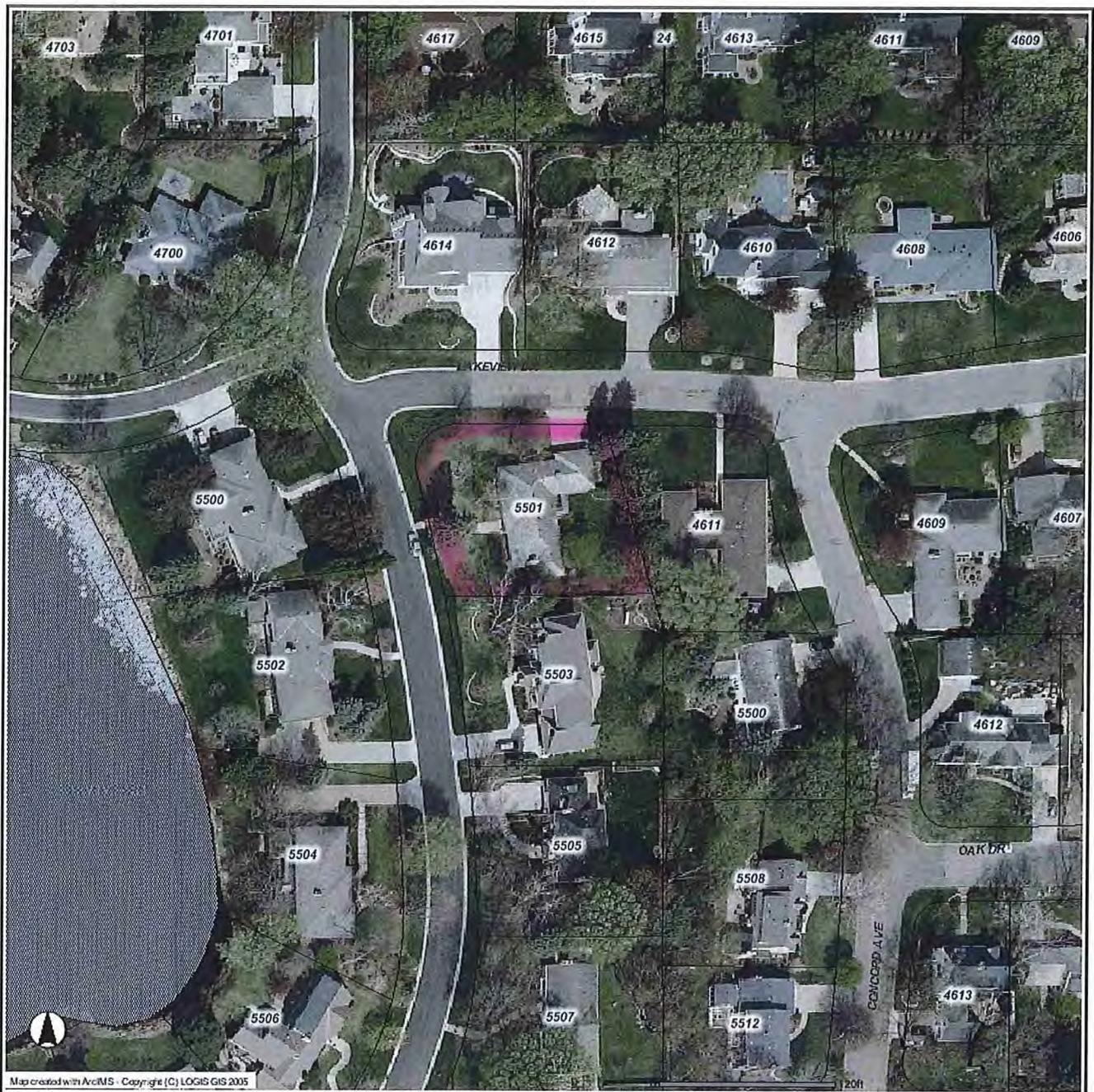
The proposed design definitely fits in with the character of the neighborhood. It is approximately 5,000 finished square feet traditional two story design. The exterior is planned to be cedar shakes with a little stone. Both fit in well with the other houses in the neighborhood. The neighborhood ranges from 4,500 finished square feet to over 6,000 finished square feet so the design is neither larger nor smaller than the neighborhood.

This is a five bedroom, five bathroom house located in a beautiful area of Edina. It is being designed and built for a family to move and live for many years.



| | |
|-----------------|------------------|
| Property | Assessing |
|-----------------|------------------|

A.I.



A.2



A.3



A.4



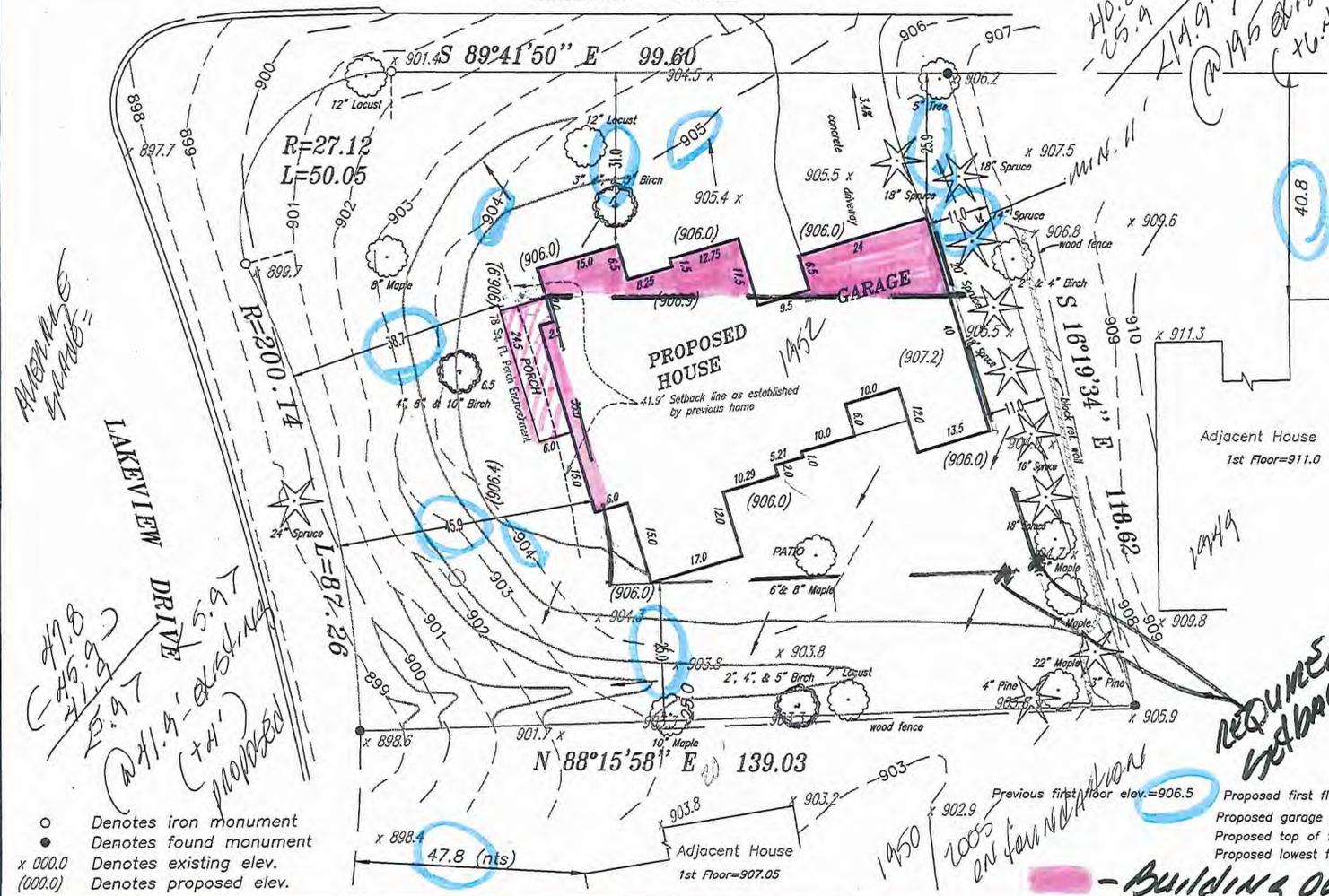
A5



A.G

Proposed

LAKEVIEW DRIVE



LEGAL DESCRIPTION:

Lot 2, Block 8, GOLF TERRACE HEIGHTS
 5501 Lakeview Drive Edina, Mn 55424

EXISTING BUILDING COVERAGE

| | |
|-----------------------|---------------------|
| House & porches | 2,708 Sq.Ft. |
| Patio (810 -200) | 610 Sq.Ft. |
| Total Coverage | 3,318 Sq.Ft. |
| Lot Area | 15,395 Sq.Ft. |
| % of Coverage | = 21.6 % |

PROPOSED BUILDING COVERAGE

| | |
|-----------------------|---------------------|
| House & porches | 3,138 Sq.Ft. |
| Total Coverage | 3,138 Sq.Ft. |
| Lot Area | 15,395 Sq.Ft. |
| % of Coverage | = 20.4 % |

- Denotes iron monument
- Denotes found monument
- x 000.0 Denotes existing elev.
- (000.0) Denotes proposed elev.

DEMARS-GABRIEL
LAND SURVEYORS, INC.
 6875 WASHINGTON AVE. SO.
 SUITE 209
 Edina, MN 55439
 Phone: (952) 767-0487
 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.
 Rev. Apr. 17, 2013
 Rev. Oct. 28, 2012
 As surveyed by me this 27th day of September, 2012.
 David E. Crook
 Minn. Reg. No. 22414

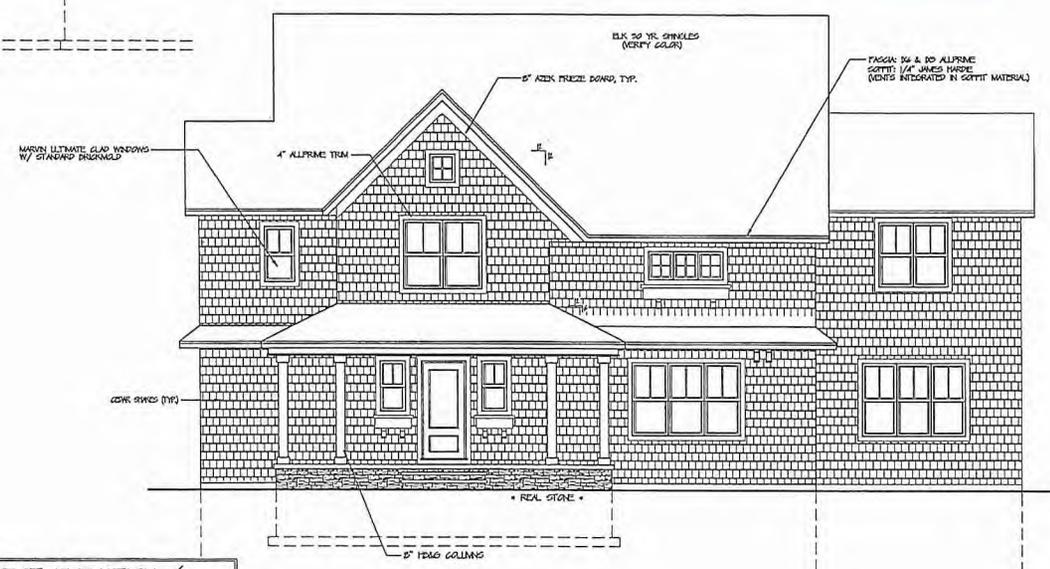
File No.
 14042
 Book-Page
 Scale
 1"=20'

Certificate of Survey
 for:
Building Concepts & Design, Inc.

LAKEVIEW AVENUE HOUSE
 5501 LAKEVIEW AVENUE
 EDINA, MN



NORTH ELEVATION
 1/4" = 1'-0"



WEST ELEVATION
 1/4" = 1'-0"

DESCRIPTION:
 NEW CONST.
 REMODEL
 ADDITION

PROJECT INFO:

SQUARE FOOTAGE BREAKDOWN:

| | |
|---------------------|-------------|
| MAIN FLOOR | 2120 |
| UPSTAIRS | 1849 |
| BASMENT FFO | T.B.D. |
| FUTURE FINISH BONUS | [546] |
| MISC. | - |
| *TOTAL* | 3969 |

MISC. SQ. FT.

| | |
|-------------------|---|
| DECK, FOOTPRINT | - |
| SCREENED SPACE | - |
| CAR, FOOTPRINT | - |
| FRONT PORCH/STOOP | - |

PRELIM. PLANS

| | |
|----------------|---------|
| 4-17-13 | |
| REVISION DATES | |
| 1 | 4-24-13 |
| 2 | - |
| 3 | - |
| 4 | - |
| 5 | - |
| 6 | - |
| 7 | - |
| 8 | - |
| 9 | - |
| 10 | - |
| 11 | - |
| 12 | - |
| 13 | - |
| 14 | - |
| 15 | - |

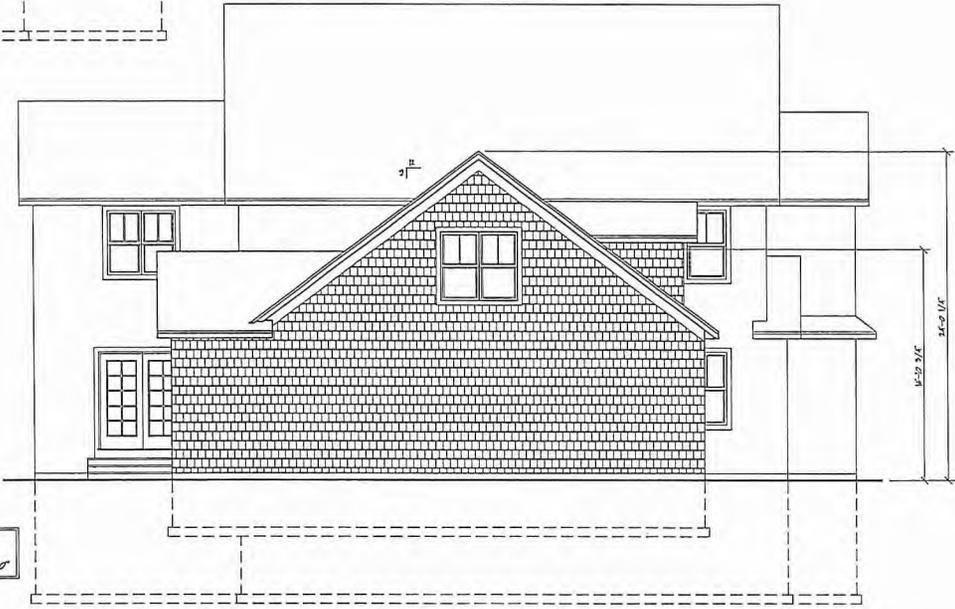
N.G.

LAKEVIEW AVENUE HOUSE
 5501 LAKEVIEW AVENUE
 EDINA, MN

RECEIVED
 4/24/13



SOUTH ELEVATION
 1/4" = 1'-0"



EAST ELEVATION
 1/4" = 1'-0"

DESCRIPTION:
 NEW CONST.
 REMODEL
 ADDITION

PROJECT INFO:

SQUARE FOOTAGE BREAKDOWN:

| | |
|-------------------|--------|
| MAN FLOOR | 2120 |
| UPSTAIRS | 1849 |
| BASEMENT FIN | T.B.D. |
| FUTURE FINSH BDRM | 1540 |
| MISC. | - |
| *TOTAL* | 3969 |

MISC. SQ. FT.

| | |
|-------------------|---|
| BASE FOOTPRINT | - |
| CRAWLSPACE | - |
| GAR FOOTPRINT | - |
| FRONT PORCH/STOOP | - |

PRELIM. PLANS
 4-17-13

REVISION DATES

| | |
|----|---------|
| 1 | 4-24-13 |
| 2 | - |
| 3 | - |
| 4 | - |
| 5 | - |
| 6 | - |
| 7 | - |
| 8 | - |
| 9 | - |
| 10 | - |
| 11 | - |
| 12 | - |
| 13 | - |
| 14 | - |
| 15 | - |

A.I.D

LAKEVIEW AVENUE HOUSE
 5501 LAKEVIEW AVENUE
 EDINA, MN

DESCRIPTION:
 NEW CONST.
 REMODEL
 ADDITION

PROJECT INFO:

SQUARE FOOTAGE BREAKDOWN:

| | |
|--------------|------|
| MAIN FLOOR | 2120 |
| UPSTAIRS | 3849 |
| BASEMENT FFO | 1910 |
| FINISH FLOOR | 5861 |
| MISC. | - |
| *TOTAL* | 3969 |

MISC. SQ. FT.

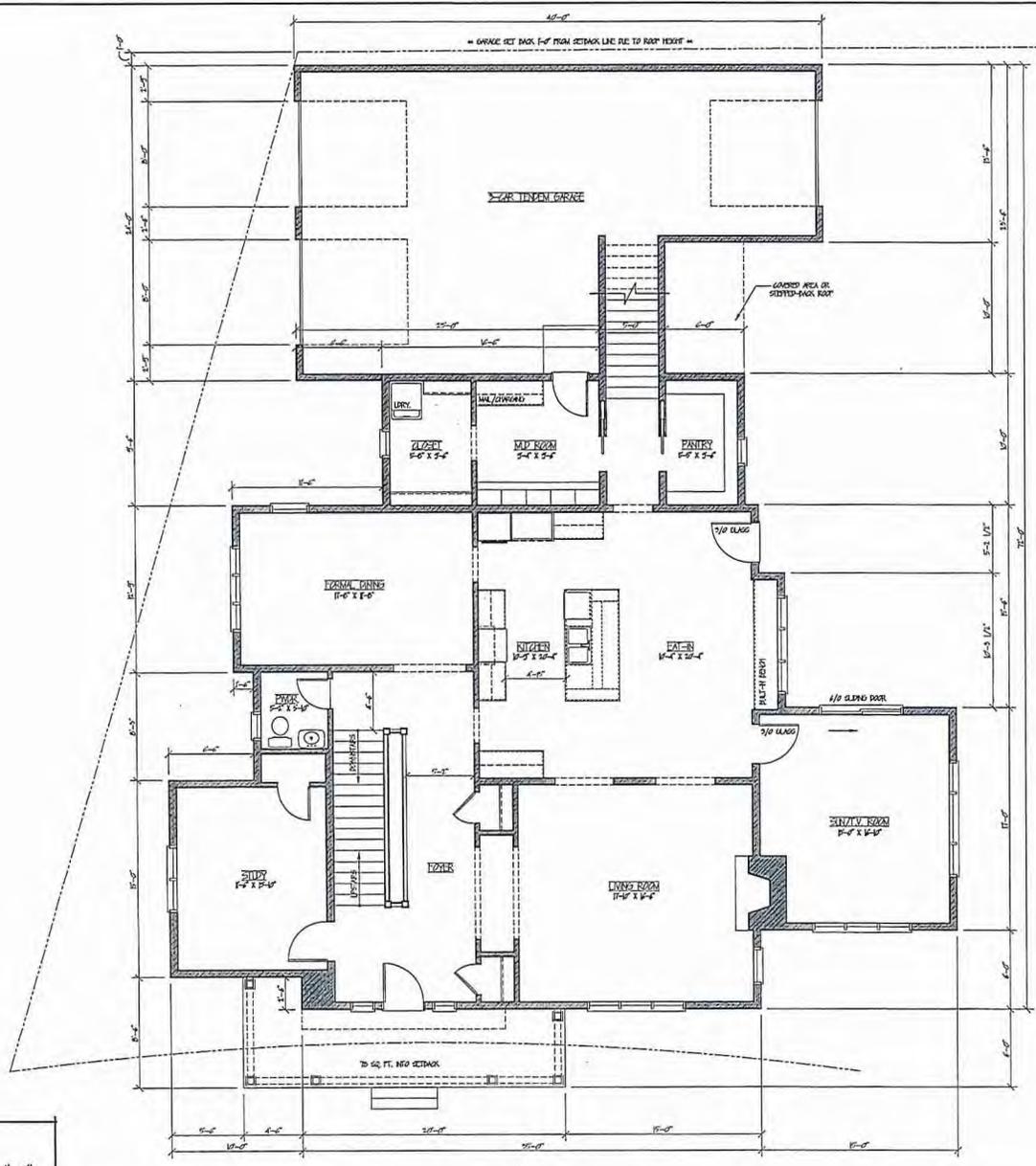
| | |
|-------------------|---|
| EDGE FOOTING | - |
| CRAWLSPACE | - |
| GAR. FOOTING | - |
| FRONT PORCH/STEEP | - |

PRELIM. PLANS
 4-17-13

REVISION DATES

| | |
|----|---|
| 1 | - |
| 2 | - |
| 3 | - |
| 4 | - |
| 5 | - |
| 6 | - |
| 7 | - |
| 8 | - |
| 9 | - |
| 10 | - |
| 11 | - |
| 12 | - |
| 13 | - |
| 14 | - |
| 15 | - |

SHEET **3** OF 4



RECEIVED
 APR 24 2013

A111

MAIN FLOOR PLAN
 1/4" = 1'-0"

LAKEVIEW AVENUE HOUSE
 5501 LAKEVIEW AVENUE
 EDINA, MN

RECEIVED
 753 24311

DESCRIPTION:
 NEW CONST.
 REMODEL
 ADDITION

PROJECT INFO:

SQUARE FOOTAGE BREAKDOWN:

| | |
|---------------------|--------|
| MAIN FLOOR | 2120 |
| UPSTAIRS | 1849 |
| BASEMENT FRO. | T.B.D. |
| FUTURE FINISH DOMS. | 549 |
| MISC. | - |
| *TOTAL* | 3969 |

MISC. SQ. FT.

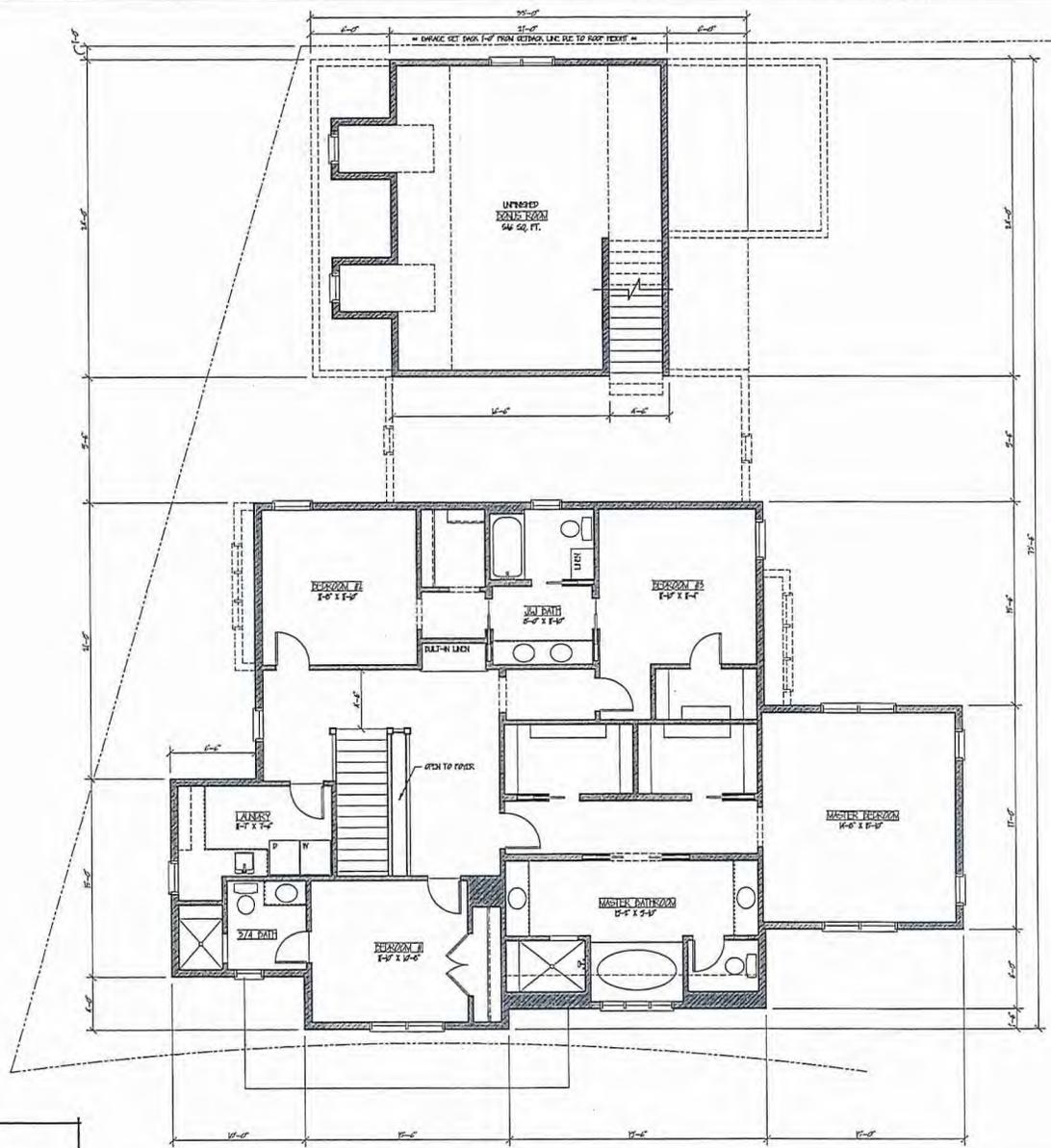
| | |
|-------------------|---|
| EDGE FOOTPRINT | - |
| CRAWLSPACE | - |
| CAR FOOTPRINT | - |
| FRONT PORCH/STOOP | - |

PRELIM. PLANS
 4-17-13

REVISION DATES

| | |
|----|---|
| 1 | - |
| 2 | - |
| 3 | - |
| 4 | - |
| 5 | - |
| 6 | - |
| 7 | - |
| 8 | - |
| 9 | - |
| 10 | - |
| 11 | - |
| 12 | - |
| 13 | - |
| 14 | - |
| 15 | - |

SHEET
 4 OF 4



UPSTAIRS FLOOR PLAN
 1/4" = 1'-0"

M.I.C.