



PLANNING COMMISSION STAFF REPORT

Originator: Kris Aaker Assistant City Planner	Meeting Date May 8, 2013	Agenda # 2013.010
Through: Cary Teague, Community Development Director		

Recommended Action:

Approve a Conditional Use Permit (CUP) with the following Variances:

1. Variance from the CUP requirements to allow the new first floor elevation of a home to exceed the 1-foot maximum increase allowed by ordinance.
2. A 4.7-foot setback Variance from Indian Hills Road to allow a small portion of a stone terrace and corner of the subgrade garage in the front yard.
3. A 12.5-foot setback Variance from Arrowhead Lake to locate the new home at approximately the same setback from the lake as the existing home.
4. A 33.92-foot setback variance from Arrowhead Lake for an on-grade terrace beyond the back wall of the new home.

Project Description & Background:

The property owner, Malcom Liepke, is proposing to tear down the existing multi-level house built in 1953 and construct a new home at 6612 Indian Hills Road. The lot Mr. Liepke owns to the east, at 6608 Indian Hills Road will remain vacant. (See site location maps, Ariel photos and photos of the existing home and neighboring homes on pages A.1 – A.9).

The property is a corner lot located north of Indian Hills Road and east of Indian Hills Circle. The property backs up to Arrowhead Lake. The existing home on site is a multi-level home that has had a series of additions over the years that resulted in a split/multi-level condition.

The new home would have a flat roof and will be contemporary in design. The proposed new home is predominantly a single story walk-out with a second floor in-set from the front walls of the home and occupying approximately 30% of the overall house length. The architect has indicated that the over-all design goal is to create a low, horizontal structure hugging the rolling landscape with portions of the structure imbedded into the topography of the site. The strategy is to be respectful of existing grades, low profile and organic. The garage would be accessed from Indian Head Circle and will be partially sub-grade with a roof garden above at entry level, (see attachments A.10 - A.18, survey, site plans, building plans and elevations).

The applicant also owns a lot to the east at 6608 Indian Hills Road which is subject to a Restrictive Covenant recorded with the County by a previous owner which prohibits the erection of any building, dwelling or other permanent structure on the lot, (see attachment A.19 – A.20) The lot to the east also had a Conservation Restriction imposed upon it when approved for subdivision by the City in 1984. As part of subdivision the City imposed a Conservation Easement upland from the Lake edge, (see attachment A.21) The owner's vacant lot at 6608 Indian Hills Road will remain undeveloped between the new home and the neighboring home to the east.

The proposed plan requires the following:

- A Conditional Use Permit with a Variance from the conditions required for a Conditional Use Permit to allow the new first floor elevation of the proposed home to be higher than one foot above the existing first floor. The applicant is proposing to raise the first floor elevation 4 feet above the entry level of the existing home. The first floor of the existing home as defined by ordinance is the entry level of a split level home. The entry level of the subject home is at 900.2 feet with an allowed increase in height by code to 901.2 feet. The proposed first floor height of the new home would be at 904 feet. As indicated, the entry level of the existing home is at 900.2, but the main level living space of the existing home is higher, at 904.3. The new first floor at 904 feet is proposed to be slightly lower than the main level of the existing multi-level house, (904.3). The ordinance does not take into consideration where the main level living area is in relation to the entry level of a multi-level home. In this instance, the main floor of the existing home is 4.3 feet higher than the entry level and would be at approximately the same level as the proposed first floor of the new home. Along with requesting a Conditional Use permit, the applicant is requesting a variance from the conditions required for granting a Conditional Use Permit because the project does not satisfy the criteria that would allow an increase in first floor height.
- A 4.7-foot setback Variance from Indian Hills Road to allow a small portion of a stone terrace and corner of the subgrade garage in the front yard.

- A 12.5-foot setback Variance from Arrowhead Lake to locate the new home at approximately the same setback from the lake as the existing home.
- A 33.92-foot setback variance from Arrowhead Lake for an on-grade terrace beyond the back wall of the new home.

Surrounding Land Uses

- Northerly: Single-Unit residential homes; zoned and guided low-density residential/Arrowhead Lake.
- Easterly: Single Unit residential homes; zoned and guided low-density residential.
- Southerly: Single Unit residential homes; zoned and guided low-density residential.
- Westerly: Single-family residential homes; zoned and guided low-density residential.

Existing Site Features

The existing 49,079 square foot lot contains a multi-level, single-family home with an attached two car garage built in 1953. The adjacent lot to the east at 6608 Indian Hills Road is owned by the applicant and will remain vacant.

Planning

- Guide Plan designation: Low-Density Residential
- Zoning: R-1, Single-Dwelling District

Grading & Drainage

The grading must not impact adjacent neighbors. Final grading and drainage plans are subject to review and approval of the City Engineer at the time of building permit application. The proposed plans may require review and approval by the Minnehaha Creek Watershed District.

Zoning Requirements:

Compliance Table

	City Standard	Proposed
Front – South	80 feet	*75 feet
Side – East	10 feet	76 feet
Rear– Arrowhead Lake (North)	75 feet	*41.08/62.5 feet
Side – West	30 feet	30 feet
Building Coverage	25%	24.9%
Building Height	40 feet/30 mid pt.	28 feet

***Variances required**

Conditional Use Permit

Per Section 850.04 Subd. 5.E, the City Council shall not grant a Conditional Use Permit unless it finds that the establishment, maintenance and operation of the use:

- 1. Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;**

The proposal for a tear down and rebuild of a new single-family home will not have an impact on governmental facilities or services. A single-family home is a permitted use on the site.

- 2. Will generate traffic within the capacity of the streets serving the property;**

The proposal to tear down and rebuild a single-family home would not have an impact on traffic or the capacity of the streets serving the property. The use, a single-family home, remains the same on the property.

- 3. Does not have an undue adverse impact on the public health, safety or welfare;**

There would be no impact, as the use of the property remains the same as exists today.

- 4. Will not impede the normal and orderly development and improvement of other property in the vicinity;**

The proposed new home would replace an existing home on the site and would not impede future development of other properties in the vicinity.

5. *Conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section; and*

The new home would simply replace an existing single dwelling unit.

6. *Is consistent with the Comprehensive Plan.*

A single-family home is consistent with the low-density residential land use designation within the Comprehensive Plan.

Additional Conditions

Per Section 850.11. Subd. 2: Additions to or replacement of single dwelling unit buildings with a first floor elevation of more than one (1) foot above the existing first floor elevation of the existing dwelling unit building. Such additions to or replacements of single dwelling unit buildings must meet one or more of the first three (3) conditions listed below, and always meet condition four (4).

- *1. The first floor elevation may be increased to the extent necessary to elevate the lowest level of the dwelling to an elevation of two (2) feet above the 100-year flood elevation, as established by the Federal Emergency Management Agency (FEMA), or the City's Comprehensive Water Resource Management Plan; or**
- *2. The first floor elevation may be increased to the extent necessary to reasonably protect the dwelling from ground water intrusion. Existing and potential ground water elevations shall be determined in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a professional civil engineer licensed under Minnesota Statutes Chapter 326 or a hydrologist certified by the American Institute of Hydrology. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval; or**
- *3. The first floor elevation may be increased to the extent necessary to allow the new building to meet State Building Code, City of Edina Code, or other statutory requirements; and**

4. An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale.

***Variance – From the first three additional conditions required for a Conditional Use Permit to allow the first floor elevation of a new single dwelling unit with a first floor higher than 1-foot above the existing home on site as per Section 850.11, Subd. 2. of the city’s zoning ordinance.**

None of the top three criteria above apply to the proposed new home. The proposed home is not in the flood zone, does not need the first floor to be elevated to the extent necessary to reasonably protect it from ground water intrusion and will meet State Building Code. The proposed home requires a variance from the first three criteria of additional conditions for a Conditional Use Permit to allow a new first floor elevation to exceed one foot above the existing dwelling unit. The applicants are asking for a variance from the first three criteria to raise the new first floor. The proposal would conform to the fourth criteria: that the new structure will fit the character of the neighborhood in height, mass and scale. Homes of similar size, height, mass and scale are currently located within the neighborhood. Adjacent homes are over 150 feet away from the proposed home.

PRIMARY ISSUE & STAFF RECOMENDATION

Primary Issue

- **Is the CUP for a proposed new home with a first floor elevation 3.8 feet higher than the existing home reasonable for this site?**

Staff believes the proposal is reasonable:

1. The proposal meets the Conditional Use Permit findings of Section 850.04, Subd. E. as demonstrated on pages 3-4 of this report, however, the request would not meet required findings for additional conditions of Section 850.11, Subd. 2. for a Conditional Use Permit to allow the new first floor to exceed one foot. The Conditional Use Permit criteria to raise the first floor higher than 1-foot does not take into consideration where the existing main floor level is in a multi-level home. The first floor of the new home will match the existing main floor elevation.
2. The home has been designed to be low-profile and to respect the existing topography of the lot.

3. Conforming to the ordinance with the plan would require removal of much of the natural topography and require a re-grading of the property.
4. The proposed home is in character within this neighborhood. There are a variety of housing styles throughout the Indian Hills neighborhood. There have been a number of properties that have had homes re-built on them that are of similar size, mass and scale. The adjacent homes would be located over 150 feet from the proposed home. Lots in this area on Arrowhead Lake are generally very large, over 1 acre in size.

- **Are the proposed variances 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 variances are reasonable. The improvements would provide a reasonable use of a corner lot subjected to two front yard setbacks. The setbacks proposed from Arrowhead Lake include matching the existing nonconforming setback of the current house and the addition of an at-grade patio, both of which are elevated approximately 18 feet above the lake edge. Because of the angle of setback from the Lake, only a triangular portion of the terrace extends beyond the setback of the existing home.

The setbacks from Indian Hills Road are for minor point intrusions of the at-grade terrace and a subgrade garage. Both intrusions are small triangular over-laps into the setback. The home is appropriate in size and scale for the 49,079 square foot lot. The home is designed to be low profile and to fit within the existing topography. The neighbor to the east

has a "no build" lot between their lot and the new home limiting impact to the east.

The practical difficulties include the steep slopes on the lot, the irregular shape of the lot, and the required setbacks based on the adjacent home which has an 80-foot front yard setback, and the 75 foot setback required from Arrowhead Lake. This lot is subjected to much deeper setbacks than a typical single dwelling lot. Additionally, the first floor is defined by the entry level of a multi-level home instead of defined by the existing main floor of the current home.

The purpose behind the ordinance is to maintain an established front yard sight line and street scape and to maintain adequate distance from water bodies. The ordinance is meant to prevent a continual erosion of both of those setback standards. The front yard setback over-laps are minor point intrusions that do not affect adjacent properties. Duplicating the Lake setback of the existing home would not compromise the intent of the ordinance to provide spacing from a natural resource. The new home is low profile with a flat roof and would be elevated above the Lake.

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 include the irregular shape of the lot, the large size of the lot and the restrictive setback from Arrowhead Lake and Indian Hills Road, pushing the new home farther back on the lot while also requiring a 75 foot setback from a water body. Additionally, the existing lot is held to a first floor elevation that is inconsistent with the existing home's main floor.

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

No. The variance will allow the home to maintain the character of the site and lot by keeping the grades near existing conditions. The home design is low profile with 70% of the mass on the main level and 30% of the mass on the second floor. The proposed home would not change the streetscape along Indian Hills Road. The character of the neighborhood consists of lots with homes located on properties based on topography, orientation to the street, lot shape and lake views. The applicant is asking to preserve a setback pattern along the block and along the Lake edge with only minor overlaps.

Staff Recommendation

Recommend that the City Council approve the Conditional Use Permit with Variance and the setback Variances for property located at 6612 Indian Hills Road. The Conditional Use Permit allows the new home to have a first floor elevation 2.8 feet above the one foot first floor increase of the existing home.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.04, Subd E.
2. The proposal will keep the new first floor at approximately the same height as the existing main level of the home.
3. The proposed home is in character within this neighborhood. There are a variety of housing styles throughout the Indian Hills neighborhood. There have been a number of properties that have had homes re-built on them that are of similar or are larger in size, mass and scale.
4. The proposal would meet the required standards for a variance, because:
 - a. The improvements would provide a reasonable use of a corner lot subjected to two front yard setbacks. The proposed home would uphold the established front setback pattern already existing on the block with only minor point intrusions. The setbacks proposed from Arrowhead Lake include would be 6 inches farther back from the Lake edge than the existing home. Because of the angle of setback from the Lake, only a triangular portion of the terrace extends beyond the setback of the existing home.
 - b. The setbacks from Indian Hills Road are for minor point intrusions of the at-grade terrace and a subgrade garage. Both intrusions are small triangular over-laps into the setback.
 - c. The home is appropriate in size and scale for the 49,079 square foot lot. The home is designed to be low profile and to fit within the existing topography. The neighbor to the east has a "no build" lot between their lot and the new home limiting impact to the east.
 - d. The practical difficulties include the steep slopes on the lot, the irregular shape of the lot, and the required setbacks based on the adjacent home which has an 80-foot front yard setback, and the 75 foot setback required from Arrowhead Lake.
 - e. This lot is subjected to much deeper setbacks than a typical single dwelling lot.

- f. The first floor is defined by the entry level of a multi-level home instead of defined by the existing main floor of the current home.
- g. The purpose behind the ordinance is to maintain an established front yard sight line and street scape and to maintain adequate distance from water bodies. The ordinance is meant to prevent a continual erosion of both of those setback standards. The front yard setback over-laps are minor point intrusions that do not affect adjacent properties. Duplicating the Lake setback of the existing home would not compromise the intent of the ordinance to provide spacing from a natural resource. The new home is low profile with a flat roof and would be elevated above the Lake.

Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance in terms of the 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.
1. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the District's requirements.
2. Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit.
3. The execution and recording of a Conservation Easement 41 feet upland from the Ordinary High Water level of Arrowhead Lake.

Deadline for a City decision: June 7, 2013



CONDITIONAL USE PERMIT APPLICATION

CASE NUMBER 2013.010 DATE 4/8/2013
FEE PAID Lpd

City of Edina Planning Department * www.cityofedina.com
4801 West Fiftieth Street * Edina, MN 55424 * (952) 826-0369 * fax (952) 826-0389

FEE: \$800.00

APPLICANT:

NAME: CHRISTIAN DEAN, AIA (Signature required on back page)
ADDRESS: 900 6TH AVENUE S.E. SUITE 215 PHONE: 612.382.2883
EMAIL: CDEAN@DEANARCH.COM

PROPERTY OWNER:

NAME: MALCOLM LIEPKE (Signature required on back page)
ADDRESS: 2544 W. LAKE OF THE ISLES PKWY., MPLS. 55405 PHONE: 612.374.1458

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):
(SEE ADDITIONAL PAGES ATTACHED)

PROPERTY ADDRESS: 6612 INDIAN HILLS ROAD, EDINA

PRESENT ZONING: R-1 P.I.D.# 06-116-21-24-0006

EXPLANATION OF REQUEST:

(SEE ADDITIONAL PAGES ATTACHED)

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: CHRISTIAN DEAN, AIA PHONE: 612.382.2883
EMAIL: CDEAN@DEANARCH.COM

SURVEYOR: NAME: DAVID PEMBERTON, P.L.S. PHONE: 952.476.6000
EMAIL: PEMBERTON@SATHRE.COM

PLANNING DEPARTMENT
MAR 09 2013

Detailed Requirements: Unless waived by the Planning Department, you must complete all of the following items with this application. An incomplete application will not be accepted.

- X Application fee (not refundable). Make check payable to "City of Edina."
- X **Three (3) large** scaleable copies, one (1) electronic copy, and **thirty (30) 11X17** copies for Commission and Council members, of the following drawings or plans:
 - X Site plans with dimensions. The plan must include the location, dimensions and other pertinent information as to all proposed and existing buildings, structures and other improvements, streets, alleys, driveways, parking areas, loading areas and sidewalks. **Changes to site plans that are made after City Council approval, require an amended Conditional Use Permit. Amended Conditional Use Permits require a public hearing to be held by both the Planning Commission and City Council. The changes from the approved plan must be specifically listed by the builder or architect.**
 - X Floor plan showing location, arrangement and floor area of existing and proposed uses.
 - X Landscape plan and schedule in accordance with Subsection 850.10. **Changes to landscape plans that are made after City Council approval, require an amended Conditional Use Permit. Amended Conditional Use Permits require a public hearing to be held by both the Planning Commission and City Council. The changes from the approved plan must be specifically listed by the builder or architect.**
 - X A Building material sample board that shows the type of building materials that will be used on the building, including the selection of colors. **Changes to building materials or color that are made after City Council approval, require an amended Conditional Use Permit. Amended Conditional Use Permits require a public hearing to be held by both the Planning Commission and City Council. The changes from the approved plan must be specifically listed by the builder or architect.**
 - X Elevation drawings of all new buildings or additions and enlargements to existing buildings including a description of existing and proposed exterior building materials. **Changes to the elevation drawings that are made after City Council approval, require an amended Conditional Use Permit. Amended Conditional Use Permits require a public hearing to be held by both the Planning Commission and City Council. The changes from the approved plan must be specifically listed by the builder or architect.**
 - X Registered survey showing existing and proposed structures, lot lines, pertinent dimensions, lot acreages and wetland delineation per the Wetland Conservation Act and City standards.
 - X Grading plan with existing and proposed two-foot contours.
 - X Drainage plan, including location and size of pipes and water storage areas.

All drawings must be to scale with pertinent dimensions shown. Fold jumbo plans in sets no larger than 8 ½" by 14" and with the print side facing out.

X A written statement describing the intended use of the property and why the City should approve your request. Include a brief description of your company and any similar projects your company has done.

___ sign plan for new or replacement signs: **two 8½" x 11"** copies

CONDITIONAL USE PERMIT GUIDELINES AND APPLICATION INFORMATION

The City of Edina Planning Department encourages healthy development within the city of Edina. Although this document is meant to serve as a guide for the application process for development through the Planning Department it is by no means comprehensive. The Planning Staff recommend that you schedule a meeting to answer any questions or to discuss issues that may accompany your project. It is much easier to tackle problems early on in the process. The office number for the Planning Staff is (952) 826-0465.

Application: Applications are submitted to the Planning Department. Offices are open Monday through Friday, 8 AM to 4:30 PM.*

Sign: The petitioner shall erect, or cause to be erected, at least one sign per street frontage on land described in the petition. Refer to City Code/Zoning Ordinance for specifics.

Meetings and Public Hearings: Applications are first considered by the Planning Commission at their regular monthly meeting (Wednesday prior to the first Tuesday of each month.) The Commission holds a public hearing and adopts a recommendation which is forwarded to the City Council for consideration. The Council also conducts a public hearing typically two and one-half weeks after the Commission meeting, and either approves or disapproves the application. A 3/5th favorable vote is required for approval.

Notice of Public Hearing: Notice of the Planning Commission and City Council hearing is mailed to all property owners (of record at City Hall) that are located within 1000 feet of the site. Notice is mailed ten (10) days prior to the hearing. You are encouraged to contact adjacent or close owners and advise them of your proposal prior to the Planning Commission meeting.

Requirements for Approval:

The Zoning Ordinance provides that a conditional use permit shall not be issued unless the use:

- Will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals and general welfare;
- Will not cause undue traffic hazards, congestion, or parking shortages;
- Will not be injurious to the use and enjoyment, or decrease the value, of other property in the vicinity, and will not be a nuisance;
- Will not impede the normal and orderly development and improvement of other property in the vicinity
- Will not create an excessive burden on parks, streets and other public facilities
- Conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by the ordinance
- Is consistent with the Comprehensive Plan.

*Application deadline dates are 31 days prior to the Planning Commission meeting or at the discretion of the City Planner.

Staff Report: Staff prepares a report and recommendation and sends it along with the application materials to the Commission in advance of the meeting. All plans, emails and written information are public information, which may be used in the staff report and distributed to the public.

Conditions and Restrictions: The Council may impose conditions and restrictions in connection with the Conditional Use Permit to protect the public interest.

Legal Fee: It is the policy of the City to charge applicants for the actual cost billed by our attorneys for all legal work associated with the application. An itemized bill will be provided which is due and payable within thirty (30) days.

Initiation of a Traffic Study:*

Generally, the following typical development and zoning applications are intended to define the need for traffic studies to be considered by the Transportation Commission.

- A. Development approvals where an increase in trip generation is anticipated:
 - 1. Development where units are needed
 - 2. Development consisting of complete demolition/redevelopment
 - 3. Development of a site (where increasing floor space by more than 10%)

- B. Development or redevelopment is proposed in an area in which there has been a previous identification of a traffic problem, including but not limited to congestion or safety issues.

In cases where certain applications are received that do not necessitate a traffic study, staff will provide a summary to the Transportation Commission of such.

*please contact the Engineering Department at 952-826-0371 for further information.

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.

03/27/2013

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.)

3/28/2013

Owner's Signature *Michelle Neaman-Ripke*

3/28/2013 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 09 2013



VARIANCE APPLICATION

CASE NUMBER 2013.010 DATE 4/8/2013
FEE PAID Vpd

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: CHRISTIAN DEAN, AIA (Signature required on back page)
ADDRESS: 900 6TH AVENUE S.E. SUITE 215 PHONE: 612.382.2883
EMAIL: CDEAN@DEANARCH.COM

PROPERTY OWNER:

NAME: MALCOLM LIEPKE (Signature required on back page)
ADDRESS: 2544 W. LAKE OF THE ISLES PKWY., MPLS. 55405 PHONE: 612.374.1458

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

(SEE ADDITIONAL PAGES ATTACHED)

**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: 6612 INDIAN HILLS ROAD, EDINA

PRESENT ZONING: R-1 P.I.D.# 06-116-21-24-0006

EXPLANATION OF REQUEST:

(SEE ADDITIONAL PAGES ATTACHED)

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: CHRISTIAN DEAN, AIA PHONE: 612.382.2883
EMAIL: CDEAN@DEANARCH.COM

SURVEYOR: NAME: DAVID PEMBERTON, P.L.S. PHONE: 952.476.6000
EMAIL: PEMBERTON@SATHRE.COM

PLANNING DEPARTMENT
MAR 09 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

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 09 2013
CITY OF EDINA

Detailed Application Requirements: Unless waived by the Planning Department, you must complete all of the following items with this application. An incomplete application will not be accepted.

- X Completed and signed application form.
- X Application fee (not refundable). Make check payable to "City of Edina."
- X One (1) Copy of drawings to scale.
- X Eleven (11) 11x17 copies of drawings, including elevations and survey, photographs and other information to explain and support the application.
- X A current survey is required. Please refer to "Exhibit A."
- X Variance requests require scale drawings to explain and document the proposal. The drawings are not required to be prepared by a professional, but must be neat, accurate and drawn to an acceptable scale. The drawings may vary with the proposal, but should include a site plan, floor plans and elevations of the sides of the building which are affected by the variance.

VARIANCE GUIDELINES AND APPLICATION INFORMATION

The City of Edina Planning Department encourages healthy development within the city of Edina. Although this document is meant to serve as a guide for the application process for development through the Planning Department it is by no means comprehensive. The Planning Staff recommend that you schedule a meeting to answer any questions or to discuss issues that may accompany your project. It is much easier to tackle problems early on in the process. The office number for the Planning Staff is (952) 826-0465.

Variance Information

The Edina Planning Commission has been established to consider exceptions (variances) from the Land Use, Platting and Zoning Ordinance (Number 850), the Antenna Ordinance (Number 815), the Sign Ordinance (Number 460) and the Parking and Storage of Vehicles and Equipment Ordinance (Number 1046).

The variance procedure is a "safety valve" to handle the unusual circumstances that could not be anticipated by these ordinances. The Commission is charged to only grant a petition for a variance if it finds:

1. That strict enforcement of the ordinance would cause practical difficulties because of circumstances unique to the petitioner's property
2. That the granting of the variance is in keeping with the spirit and intent of the ordinance.
3. Would not alter the essential character of the neighborhood.

"Practical Difficulties" means that:

1. The property in question cannot put to a reasonable use as allowed by the ordinance
2. The plight of the petitioner is due to circumstances unique to his/her property which were not created by the petitioner
3. The variance, if granted, will not alter the essential character of the property or its surroundings.

**Economic considerations alone shall not constitute an undue hardship if reasonable use for the petitioner's property exists under the terms of the ordinance.

Application: Applications are submitted to the Planning Department. Offices are open Monday through Friday, 8 AM to 4:30 PM.

Deadlines for Applications: Applications need to be submitted at least **fifteen days** before the meeting. This allows the City of Edina time to notify surrounding property owners of the date of the hearing and details of the variance. It is helpful to submit the application as soon as possible to secure an early hearing position.

Notice of Public Hearing: Notice is mailed to all property owners (of record at City Hall) that are located within 200 feet of the site. Notice is mailed ten (10) days prior to the hearing. You are encouraged to contact adjacent or close owners and advise them of your proposal prior to the notice of the hearing. You may wish to provide statements of "no objection to the variance" from the nearby property owners.

Meetings and Public Hearings: Meetings of the Planning Commission are scheduled on the first and third Wednesday of each month. The meetings are held at 7:00 pm in the Edina City Hall Council Chambers, 4801 West 50th Street. ***Each meeting is limited to five variance cases on a first come, first serve basis.*** Additional requests are delayed until subsequent meetings. Meetings are formal public hearings with a staff report, comments from the proponent and comments from the audience. It is important the owner or a representative attend the meeting to answer questions.

Staff Report: After review of the drawings submitted and a visit to the site staff prepares a report. This report, along with any supporting drawings and materials, are sent to the Zoning Board in advance of the meetings. Board members may visit the site before the meeting. All plans, emails and written information are public information, and may be used in the staff report and distributed to the public.

Board Membership: The Planning Commission serves as the Zoning Board. Five members are required for a quorum.

Decisions by the Planning Commission: The Planning Commission may approve, deny or amend the variance request and establish conditions to ensure compliance or protect surrounding property owners. The Planning Commission generally makes a decision at the scheduled hearing. Occasionally, however, a continuance to another meeting may be necessary.

Appeals: Decisions of the Planning Commission are final unless appealed to the City Council in writing within 10 days. The proponents, any owner receiving notice of the hearing or the staff may appeal decisions. Appeals are rare and they can be time consuming because a new hearing is required before the full City Council. Appeals must be filed with the City Clerk.

Legal Fee: It is the policy of the City to charge applicants for the actual cost billed by our attorneys for all legal work associated with the application. An itemized bill will be provided which is due and payable within thirty (30) days.

**** Filing an Approved Variance:** The applicant is required to file an approved variance resolution with the County. Documents necessary for filing will be provided by the Planning Department.

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.



03/27/2013

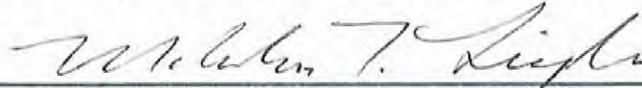
Applicant's Signature

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.)



3/28/13

Owner's Signature

Michelle Neannon-Lynch

3/28/13 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 09 2013
CITY OF EDMONT

4.08.2013
City Planning Staff
City of Edina
Planning Department
4801 W. 50th Street, Room 300
Minneapolis, MN 55424

Re: Variance Application – Application Appendix items

6612 Indian Hills Road Property Legal Description:

Lot 2, Block 1, INDIAN HILLS, and Lot 1, Block 1, INDIAN HILLS PETERSON ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.



Christian Dean, AIA
Architect of Record
CITYDESKSTUDIO, Inc.
612.382.2883

Appendix information:

Property Owner's contact info.
Malcolm Liepke
2544 W. Lake of the Isles Pkwy.
Minneapolis, MN 55405

PLANNING DEPARTMENT
MAR 09 2013
CITY OF EDINA

4.08.2013
City Planning Staff
City of Edina
Planning Department
4801 W. 50th Street, Room 300
Minneapolis, MN 55424

Re: Conditional Use Application – Statement by applicant

Dear Planning Staff

On behalf of my client, Malcolm Liepke, the property owner of 6612 and 6608 Indian Hills Road, I would like to provide your office with information regarding our request to seek a Conditional Use Permit for the property at that the 6612 address.

We are requesting that the proposed first floor of the new residence be located at 904' or more than one foot higher than the existing entry of the split-level home existing on the site which is located a 900.2' for reference. The existing home is made up of a series of additions that resulted in a 'split-level' condition. The existing entry is below much of the property's buildable yard area. Much of the buildable site is above 901'. Conforming to the ordinances' allowance to establish the new first floor elevation a maximum of 1'-0" above an existing 'split-level' entry would require removing much of the natural topography of the site and force an atypical floor to grade relationship. The proposed design keeps the first floor elevation more consistent with natural grade occurring at the primary buildable site areas. The proposed design is a predominately single-story walkout (70% of the overall length of the house is a single-story with a walk-out') with a second floor proposed deeper into the site occupying the remaining 30% of the overall house length.

The existing house main level is located at 904.3' which is higher than the new proposed first floor elevation of 904'. The proposed design and massing is an improvement to the existing condition relative to this ordinance.

Complying with this ordinance would drastically alter the natural topography and make the house and force a less conventional siting within the landscape.

Thank you for considering this request. If you require additional information, we would be happy to provide it.

Sincerely,



Christian Dean, AIA
Architect of Record
CITYDESKSTUDIO, Inc.
612.382.2883

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PLANNING DEPARTMENT
MAR 09 2013
CITY OF EDINA

4.8.2013
City Planning Staff
City of Edina
Planning Department
4801 W. 50th Street, Room 300
Minneapolis, MN 55424

PLANNING DEPARTMENT
MAR 09 2013
CITY OF EDINA

Re: Variance Application – Response to variance findings

Dear Planning Staff

On behalf of my client, Malcolm Liepke, the property owner of 6612 and 6608 Indian Hills Road, I would like to provide your office with information regarding our request to seek zoning variances for the property at that address.

****Additional consideration for all Variance Findings:** The adjacent vacant lot at 6608 Indian Hills Road will never be developed (as per the 'Restrictive Covenant' as described on the attached 'Purchase Agreement') reducing the overall density and impact of the redevelopment of this property at 6612 Indian Hills Road as related to all requested variances and conditional uses requested.

In response to the required for findings for a variance request:

1. *The proposed variance will: Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable.*

a. Variance related to reducing the setback from Indian Hills Road from 80' to 75.3':

The 2 portions of the proposed structure extending within the Indian Hills Road setback by approximately 5' are an at grade terrace off the south-east corner and part of an attached garage that is partially subgrade. The overall design goal of this proposed house is to be a low, horizontal structure hugging the rolling landscape of this property and at times embedded into the landscape. This strategy of being low and horizontal has pushed the 'edges and corners' of the structure into setbacks however not full walls and facades. We feel the proposed structure even with the small encroachments is more in keeping with the zoning ordinance than potentially larger structures fully setback from the required yards.

b. Variance related reducing the setback from Arrowhead Lake from 75' to 62.3':

The proposed new structure is located further from the lake than the furthest lakeside position of the existing structure. Only the new proposed exterior terraces are located further towards the lake than the existing structure. Considering that the proposed structure is set further back from the lake than the existing structure and that the house is predominately a relatively low slung single story structure (70% of the overall massing is a single-story with a walk-out) high above the lake, the overall exposure of this structure from the lake and other homes on the lake will be moderate. The low level terraces are visually less impactful outdoor spaces than raised deck extending toward the lake from the proposed structure. The homeowner will make every effort to provide permeable paving at the terraces.

2. *The proposed variance will: Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district.*

a. Variance related to reducing the setback from Indian Hills Road from 80' to 75.3':

b. Variance related reducing the setback from Arrowhead Lake from 75' to 62.3':

Unique to this property is the adjacent vacant lot at 6608 Indian Hills Road which will never be developed (as per the 'Restrictive Covenant' as described on the attached 'Purchase Agreement') reducing the overall density and impact of the redevelopment of this property at 6612 Indian Hills Road as related to all requested variances and conditional uses requested. This is unique to the property located in question at 6612 Indian Hills Road. The overall location of this property and unique topographic nature is unique to this property as well which shields much of the proposed structure from the public road.

3. *The proposed variance will: Be in harmony with the general purposes and intent of the zoning ordinance.*

- a. Variance related to reducing the setback from Indian Hills Road from 80' to 75.3':
- b. Variance related reducing the setback from Arrowhead Lake from 75' to 62.3':

The overall design goal of this architect designed house is to be a low, horizontal structure hugging the rolling landscape of this property and at times embedded into the landscape. This strategy of being low and horizontal has pushed the 'edges and corners' of the structure into setbacks however not full walls and facades. We feel the proposed structure even with the small encroachments is more in keeping with the goals of the zoning ordinance than potentially larger structures fully setback from the required yards.

4. *The proposed variance will: Not alter the essential character of the neighborhood.*

- a. Variance related to reducing the setback from Indian Hills Road from 80' to 75.3':
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Thank you for considering this request. If you require additional information, we would be happy to provide it.

Sincerely,



Christian Dean, AIA
Architect of Record
CITYDESKSTUDIO, Inc.
612.382.2883

Appendix information:

Property Owner's contact info.
Malcolm Liepke
2544 W. Lake of the Isles Pkwy.
Minneapolis, MN 55405

PLANNING DEPARTMENT
MAR 09 2013
CITY OF EDINA

4.8.2013
City Planning Staff
City of Edina
Planning Department
4801 W. 50th Street, Room 300
Minneapolis, MN 55424

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PLANNING DEPARTMENT
MAR 09 2013

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Sincerely,



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CITYDESKSTUDIO, Inc.
612.382.2883

Appendix information:

Property Owner's contact info.
Malcolm Liepke
2544 W. Lake of the Isles Pkwy.
Minneapolis, MN 55405

RECEIVED
MAR 09 2013

4.08.2013
City Planning Staff
City of Edina
Planning Department
4801 W. 50th Street, Room 300
Minneapolis, MN 55424

Re: Conditional Use Application – Statement by applicant

Dear Planning Staff

On behalf of my client, Malcolm Liepke, the property owner of 6612 and 6608 Indian Hills Road, I would like to provide your office with information regarding our request to seek a Conditional Use Permit for the property at that the 6612 address.

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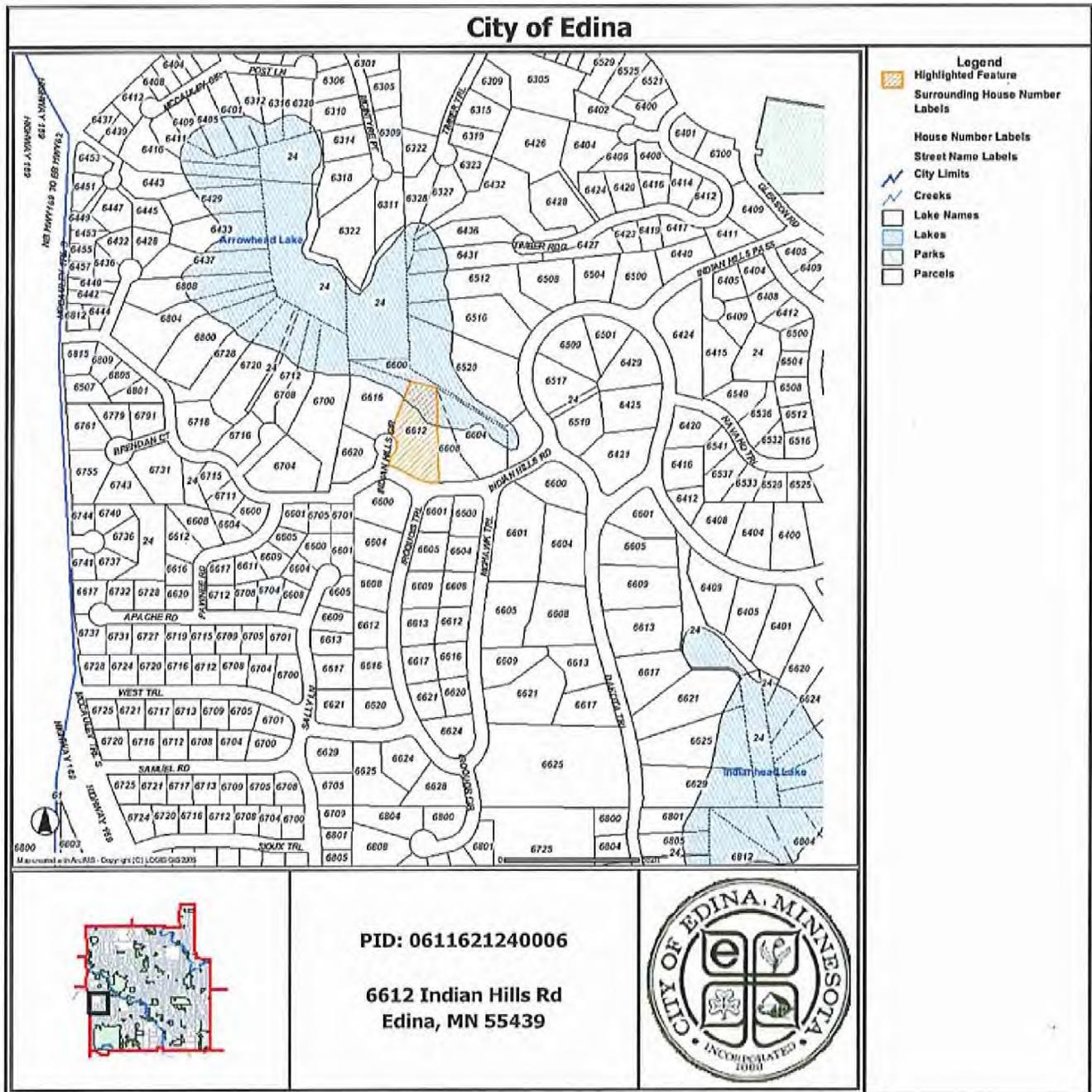


Christian Dean, AIA
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612.382.2883

Appendix information:

Property Owner's contact info.
Malcolm Liepke
2544 W. Lake of the Isles Pkwy.
Minneapolis, MN 55405

CITYDESKSTUDIO
MAR 09 2013



site location

Property	Assessing
-----------------	------------------



6612 Indian Mills
subject property
6608 part of subject
property - no-build lot

A.2



subject Home
6612 Indian Mills
Road

A.3



*Neighborhood to the
East 6604 Indian Wells*

A.4



Neighbor to the west
6616 Indian Hills
Ct. N.E.

A.5



Neighborhood across
cut-de-lane
6620 Indian Hills
Circle

A. G.



Neighbor across
the street
6600 Iniquis Tr.

A.7



Neighbor across
the street at
6601 Michigan

A. B

LIEPKE RESIDENCE

EDINA, MN



A.9



CONCEPTUAL ILLUSTRATION OF SOUTH FACADE OF PROPOSED HOUSE



CONCEPTUAL ILLUSTRATION OF NORTH FACADE OF PROPOSED HOUSE

SHEET NO.	DESCRIPTION	SCALE
01A	GENERAL NOTES	
01B	SITE PLAN	1/4" = 1'-0"
01C	CERTIFICATE OF SURVEY	1/4" = 1'-0"
A2.0	FOUNDATION FLOOR PLAN	1/4" = 1'-0"
A2.1	FIRST FLOOR PLAN	1/4" = 1'-0"
A2.2	SECOND FLOOR PLAN	1/4" = 1'-0"
A2.3	ROOF PLAN	1/4" = 1'-0"
A2.4	NORTH AND SOUTH ELEVATIONS	1/4" = 1'-0"
A2.5	EAST AND WEST ELEVATIONS	1/4" = 1'-0"

PROJECT
LIEPKE RESIDENCE
8100 BROWN HILLS TRAILS
EDINA, MN

OWNER
SKIP LIEPKE
2544 W LAKE OF THE ISLES PARK
MINNEAPOLIS, MN 55425-1318

ARCHITECT
CITYDESKSTUDIO, INC.
300 6TH AVENUE SE
SUITE 218
MINNEAPOLIS, MN 55414
612.339.0500
www.citydeskstudio.com
CONTACT: CHRISTINA DEAN, AIA

ISSUES

DESIGN REVIEW	12.21.12
CITY PERMITS	
APPLICATIONS	03.12.13

DATE: 02.25.13

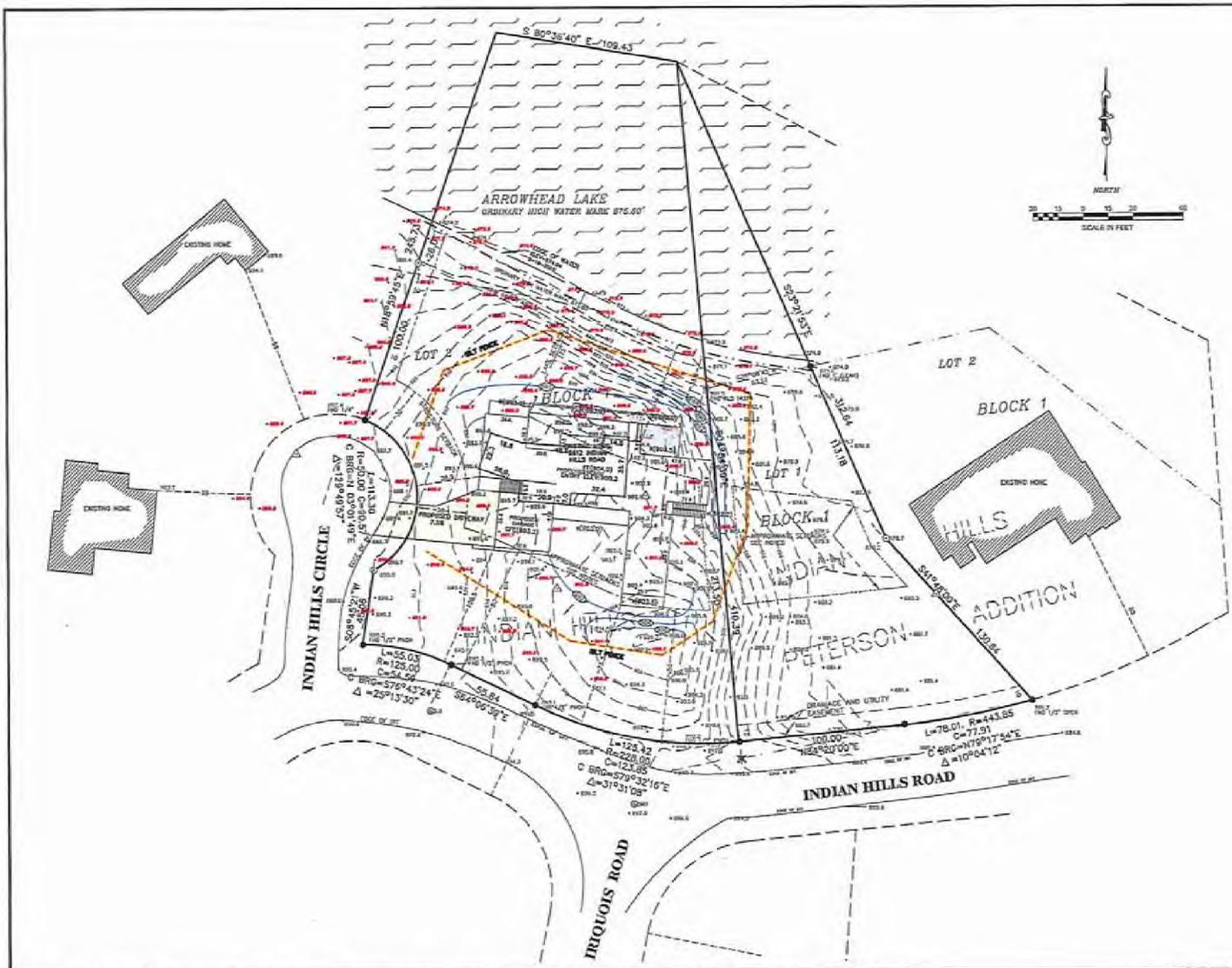
PROJECT NO.: 2012.16

DRAWN BY: COIND

SITE PLAN

G1.0

A-110



SITE ADDRESS
 5612 Indian Hills Road, Edina, Minnesota

DESCRIPTION OF SUBJECT PROPERTY
 Lot 2, Block 1, INDIAN HILLS, and Lot 1, Block 1, INDIAN HILLS PETERSON ADDITION, according to the recorded plat Record, Hennepin County, Minnesota.

NOTES
 This survey does not purport to show all underground utilities. The source of information from plans and recordings will be reviewed when observed evidence of utilities to develop a view of those underground utilities. However, liability for excavation, the exact location of underground features cannot be reasonably, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavations may be necessary.

The contractor shall determine the exact location of any and all existing utilities before commencing work. The contractor shall be fully responsible for any and all damages arising out of his failure to exactly locate and protect all existing utility facilities.

Customer: GORHAM STATE ONE CALL at 612-451-8822 for precise utility location of utilities prior to any excavation.

Area Information: Lot 1, Block 1 - 3,661 Sq. Ft. (Below Ordinary High Water)
 24,771 Sq. Ft. (Above Ordinary High Water)
 28,432 Sq. Ft. (Total)

Lot 2, Block 1 - 25,692 Sq. Ft. (Below Ordinary High Water)
 29,979 Sq. Ft. (Above Ordinary High Water)
 55,671 Sq. Ft. (Total)

Customer zoning and setback information:
 Zoning: R-1
 Building Setback: Front Yard - 20' (Average Driveway Setback)
 Rear Yard - 7' (See Ordinary High Water Line)
 Side Yard - 10'

*Zoning and Setback Information provided by the Planning Department of the City of Edina.

Survey conditions and testing bank: Assumed

No modifications to this survey or plans may be performed by any person other than the surveyor signing this certificate or person under his direct supervision, his representative and his assistants - third parties excluded as prohibited.

Horizontal Information - Lot 1, Block 2
 Section - 7,295 Sq. Ft.
 Driveway - 1,200 Sq. Ft.
 Driveway - 1,200 Sq. Ft.
 Total - 12,200 Sq. Ft. (63,771 Sq. Ft. - 51,571 (Total Lot Area)
 - 12,200 Sq. Ft. (63,771 Sq. Ft. - 51,571 (Area above Ordinary High Water Line)

PROPOSED ELEVATIONS
 PROPOSED GARAGE FLOOR ELEVATION - 816.2
 PROPOSED GARMENT FLOOR ELEVATION - 816.2

LEGEND
 MET A-1 - Existing Wetland Delineation/Flag Identifier
 - Existing Wetland Delineation
 - Existing Wetland Center
 - Existing Wetland Center
 - Existing Wetland Center - As Desired
 - Station Point (Set) - Iron - Monument
 - Corner 1/4" by 1/4" Iron Pipe Set and Marked by License No. 40244

A.11

FIELD CREW	NO.	BY	DATE	REVISIONS
SHOWN BY	1	ESP	02/20/23	UNCOVERED AREA
DESIGNED BY				
CHECKED BY				
DATE				
ISSUED				

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

Dated this 20th day of March, 2023.

David B. Fenbush, Professional Land Surveyor
 Minnesota License No. 40244

SATHRE-BERGQUIST, INC.
 123 SOUTH GINGHAM PARKWAY, MINNAPOLIS, MN 55425 (612) 476-0000

THP 116 - 952 21 - 862 22
 HENNEPIN COUNTY
 BOOK 300/PAGE 806

CERTIFICATE OF SURVEY

EDINA, MINNESOTA

SKIP LEIPKE

FILE NO.	12005201
1	1

EXISTING HOME

EXISTING HOUSE 1015 INDIAN HILLS ROAD

EDGE OF WATER ELEV. 814.64
9-16-2012

ARROWHEAD LAKE

ZONING SUMMARY
 5612 INDIAN HILLS ROAD
 PID# 95-110-21-24-009

ZONING DISTRICT - R1
 FRONT YARD SETBACK = 8'0"
 SHORELINE SETBACK = 75' (FROM ORDINARY HIGH WATER LINE)
 INTERIOR SIDE YARD = 10'

LOT 3, BLOCK 1 AREA
 = 58,815 SF (BELOW ORDINARY HIGH WATER)
 = 41,073 SF (ABOVE ORDINARY HIGH WATER)
 TOTAL = 99,771 SF

MAX ALLOWABLE LOT COVERAGE (20 X 80 FT) = 17,442.75 SF
 (FOR 80 FT SINGLE-FAMILY RESIDENCE DISTRICTS, RES. 1 - BUILDING COVERAGE)

NEW HOUSE GROUND FOOTPRINT AREA = 2,363 SF
 ATTACHED PARTIAL SUBGRADE GARAGE FLOOR AREA = 1,093 SF (NOT INCLUDED IN FOOTPRINT)
TOTAL HOUSE COVERAGE = 7,293 SF
 IMPROVED SITE AREA (TERRACES, DRIVECS, L) = 4,847 SF

TOTAL LOT COVERAGE = 12,237 SF / 99,771 SF = 12.3% (TOTAL LOT AREA)
ORDINARY HIGH WATER LINE = 12,237 SF / 46,073 SF = 26.5% (AREA ABOVE)

(INCLUDES GARDEN ROOF OVER GARAGE)

LOW SITE WALL T.O.W.
 APPROX. 852'

EXTERIOR STEPS

ASSUMED LANSIDE YARD CONTROL ESTABLISHED BY EXISTING HOUSE (CITY OPINION)
 LANSIDE YARD CONTROL AS PER ZONING ORDINANCE

EXISTING HOUSE FOOTPRINT FOR REFERENCE

EXTERIOR STEPS

5102 INDIAN HILLS RD.
 "NO BUILD OR NEARBY" OWNED BY 5102 INDIAN HILLS RD. PROPERTY OWNER

INDIAN HILLS CHRC. YARD SETBACK = 30' (DETERMINED BY CITY ATTORNEY, 12.21.12)

FRONT YARD SETBACK = 8' AS PER ADJACENT 5504 INDIAN HILLS RD. RESIDENCE

DRAINAGE AND UTILITY CEMENT

PROJECT
 MALCOLM RESIDENCE
 4925 ZENITH AVE. S.
 MINNEAPOLIS, MN

DOWNER
 PHIL AND GAYLE MALCOLM
 4925 ZENITH AVE. S.
 MINNEAPOLIS, MN

ARCHITECT
 CITYDESKS STUDIO, INC.
 366 6TH AVENUE SE
 SUITE 216
 MINNEAPOLIS, MN 55414
 112.572.2388 f
 612.258.4555 t
 www.citydesksstudio.com
 CONTACT: CHRISTIAN DEAN, AIA

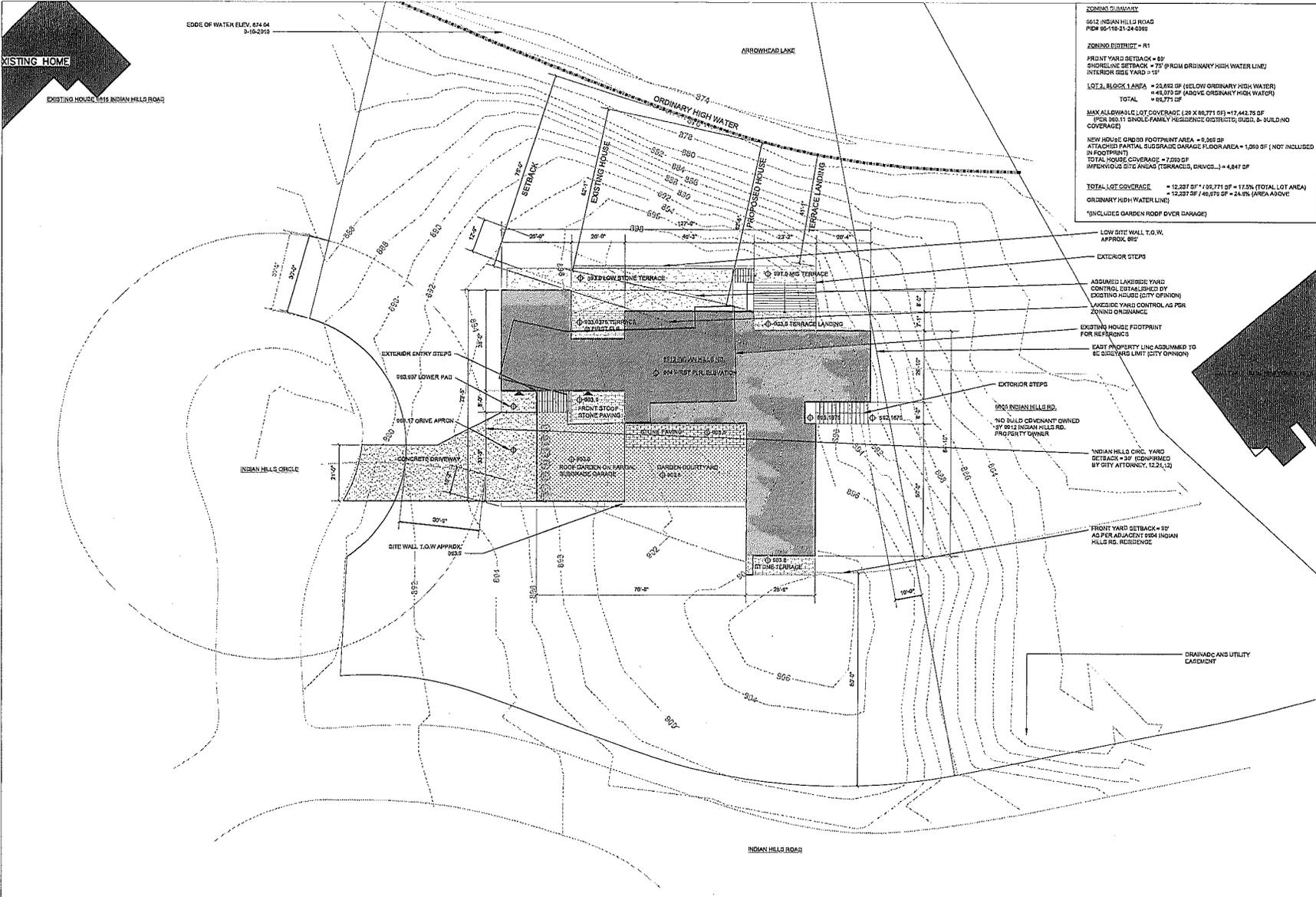
ENGINEER
 A.M. STRUCTURAL ENGINEERING
 112 EAST MAPLE ST.
 RIVER FALLS, WI 53022
 715.420.4630 f
 715.420.4630 t
 CONTACT: DAVE WADNER, P.E.

ISSUES

DESIGN REVIEW	12.05.12
DESIGN REVIEW	01.10.13

DATE: 01.10.13
 PROJECT NO.: 2012.24
 DRAWN BY: CD, ND

SITE PLAN
A1.0



1 SITE PLAN
 1/8" = 1'-0"

A.1.2



CONCEPTUAL ILLUSTRATION OF SOUTH FACADE OF PROPOSED HOUSE



CONCEPTUAL ILLUSTRATION OF NORTH FACADE OF PROPOSED HOUSE

A.13

JSB
 PLANNING DEPARTMENT
 MAR 09 2013
 CITY OF EDNA

DRAWING INDEX

SHEET NO.	DESCRIPTION	SCALE
DLS	COVER SHEET	1/8"=1'-0"
A1.0	SITE PLAN	1/8"=1'-0"
DURNEY	CERTIFICATE OF DURENY	1/8"=1'-0"
A2.0	BASEMENT FLOOR PLAN	1/8"=1'-0"
A2.1	FIRST FLOOR PLAN	1/8"=1'-0"
A2.2	SECOND FLOOR PLAN	1/8"=1'-0"
A2.3	ROOF PLAN	1/8"=1'-0"
A2.4	NORTH AND SOUTH ELEVATIONS	1/8"=1'-0"
A3.1	EAST AND WEST ELEVATIONS	1/8"=1'-0"

PROJECT
 LIEPKE RESIDENCE
 3012 INDIAN HILLS ROAD
 EDNA, MN

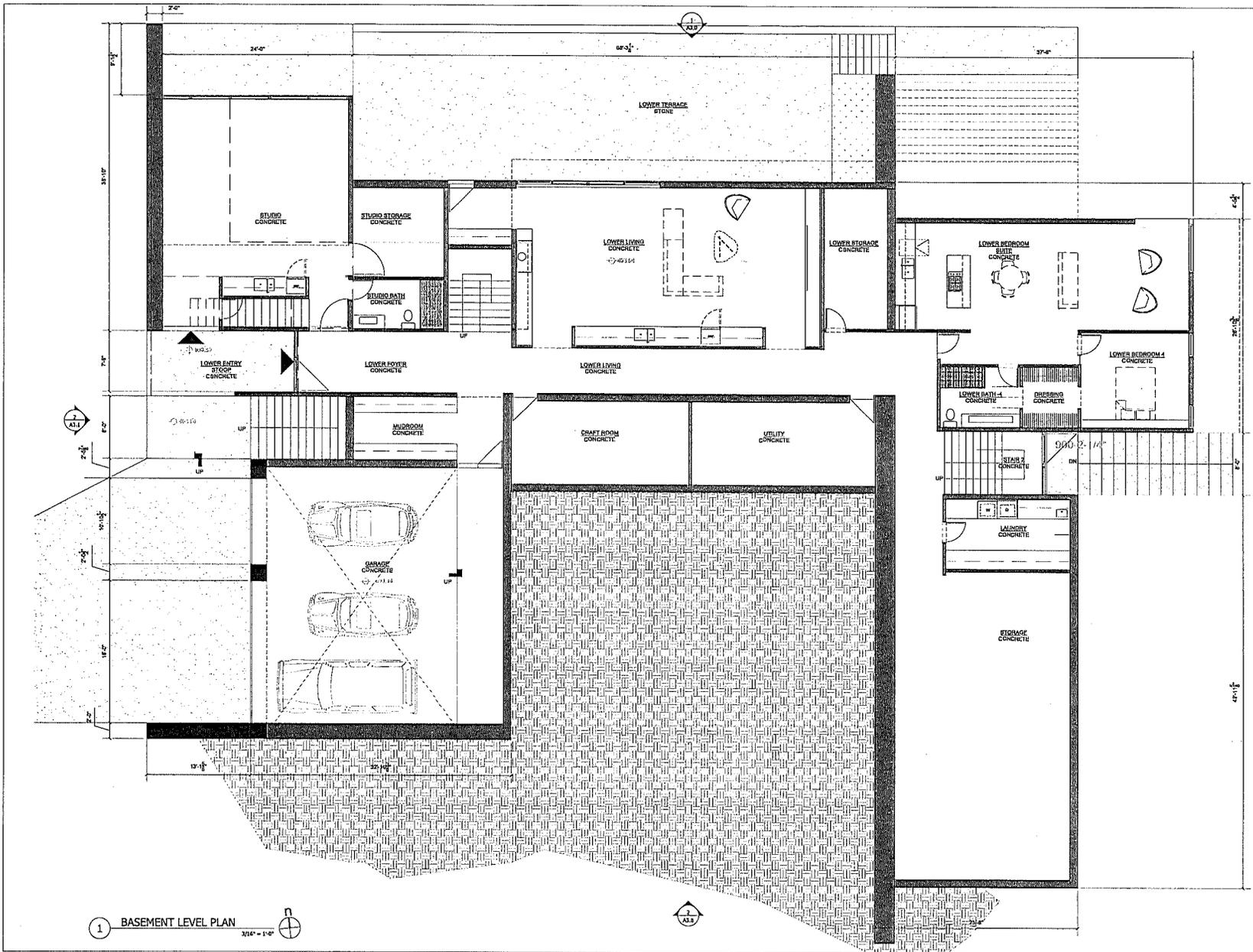
OWNER
 SKIP LIEPKE
 2044 W LAKE OF THE GLEES POINT
 MINNEAPOLIS, MN 55405 2202

ARCHITECT
 CITYDESKSTUDIO, INC.
 303 5TH AVENUE SE
 SUITE 205
 MINNEAPOLIS, MN 55415
 612.332.2881
 612.332.8881
 www.citydeskstudio.com
 CONTRACT: CHRISTOPHER EDNA, AIA

ISSUES
 DESIGN REVIEW 12.21.12
 CITY ZONING
 APPLICATIONS 03.12.13

DATE: 02.25.13
 PROJECT NO.: 2012-16
 DRAWN BY: COIND

SITE PLAN
G1.0



A.14

PROJECT
LIEPKE RESIDENCE
6612 INDIAN HILLS ROAD
EDINA, MN

OWNER
SKIP LIEPKE
2844 W LAKE OF THE ISLES PKWY
MINNEAPOLIS, MN 55425-2338

ARCHITECT
CITYDESKSTUDIO, INC.
300 8TH AVENUE SE
SUITE 218
MINNEAPOLIS, MN 55414
612.372.2350 F
612.335.4238 F
www.citydeskstudio.com
CONTACT: CHRISTIAN DEAN, AIA

ISSUES

DESIGN REVIEW	12.21.12
CITY ZONING	
APPLICATIONS	03.12.13

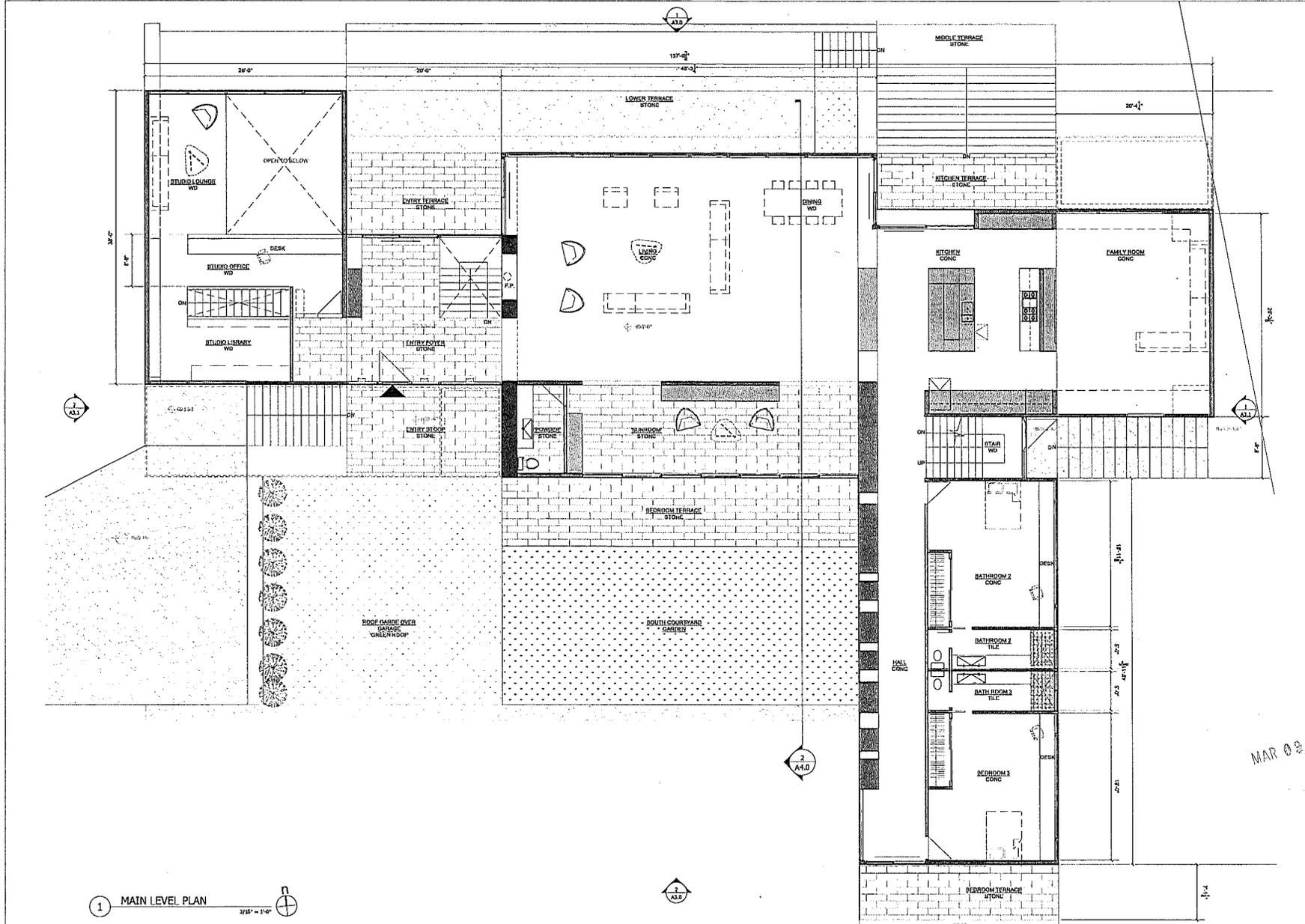
DATE: 02.25.13
PROJECT NO.: 2#12.16
DRAWN BY: CD/ND

BASEMENT LEVEL PLAN

A2.0

MAR 09 2013

1 BASEMENT LEVEL PLAN
3/8" = 1'-0"



A.16

PROJECT
 LIEPKKE RESIDENCE
 6612 INDIAN HILLS ROAD
 EDINA, MN

OWNER
 SKIP LIEPKKE
 2544 W LAKE OF THE ISLES PKWY
 MINNEAPOLIS, MN 55419-2331

ARCHITECT
 CITYDESKSTUDIO, INC.
 600 8TH AVENUE SE
 SUITE 315
 MINNEAPOLIS, MN 55414
 612.872.2388 |
 612.230.4533 |
 www.citydeskstudio.com
 CONTACT: CHRISTIAN DEAN, AIA

ISSUES

DESIGN REVIEW	12.21.12
CITY ZONING	
APPLICATIONS	03.12.13

DATE: 02.25.13
 PROJECT NO.: 2012.16
 DRAWN BY: CD/ND

MAIN LEVEL PLAN

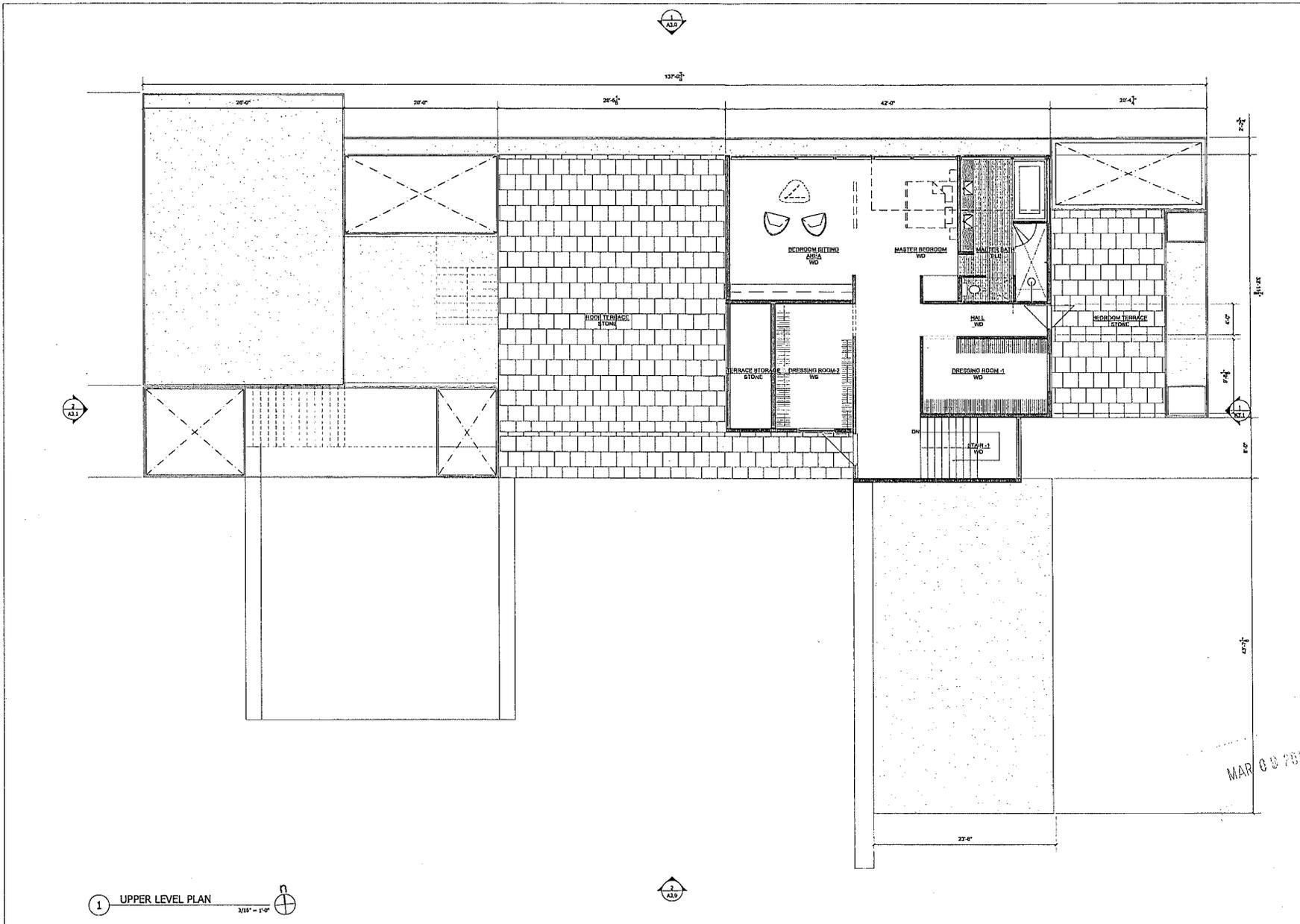
A2.1

MAR 08 2013

1 MAIN LEVEL PLAN
 3/16" = 1'-0"

2
 A3.0

A.1/c



PROJECT
 LIEPKE RESIDENCE
 6613 REDMAN HILLS ROAD
 EDINA, MN

OWNER
 SKIP LIEPKE
 2544 W LAKE OF THE ISLES PKWY
 MINNEAPOLIS, MN 55425-2338

ARCHITECT
 CITYDESK STUDIO, INC.
 205 6TH AVENUE/2E DE
 SUITE 215
 MINNEAPOLIS, MN 55414
 612.872.2380 F
 612.206.4020 F
 www.citydeskstudio.com
 CONTACT: CHRISTIAN DEAN, AIA

ISSUES

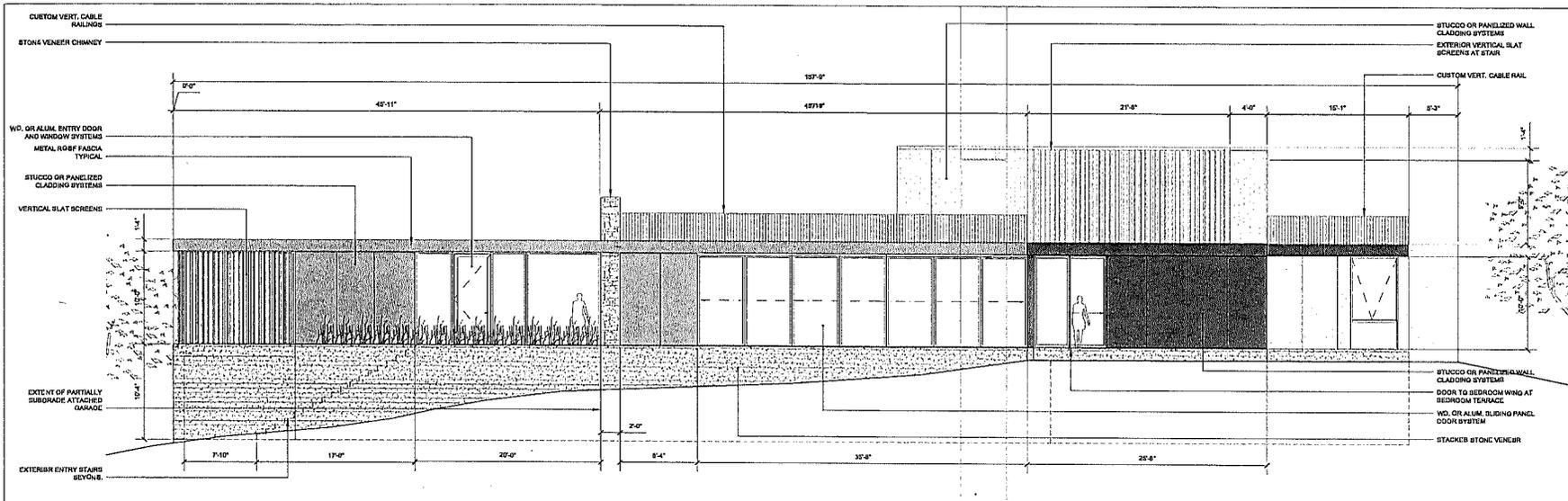
DESIGN REVIEW	12.21.12
CITY ZONING	
APPLICATIONS	03.12.13

DATE: 02.25.13
 PROJECT NO.: 2012.16
 DRAWN BY: CD/ND

UPPER LEVEL PLAN
 A2.2

MAR 08 2013

1 UPPER LEVEL PLAN
 3/16" = 1'-0"

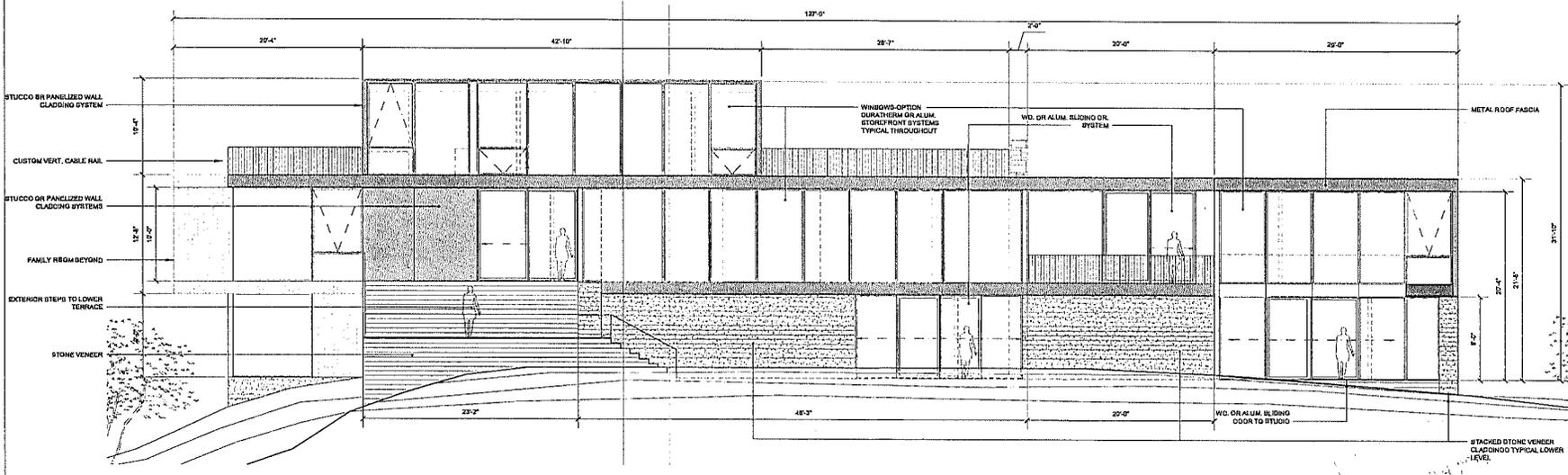


PROJECT
 LIEPKE RESIDENCE
 6812 INDIAN HILLS ROAD
 EDINA, MN

OWNER
 SKIP LIEPKE
 2544 W LAKE OF THE ISLES PIKE
 MINNEAPOLIS, MN 55415-2338

ARCHITECT
 CITYDESKSTUDIO, INC.
 905 8TH AVENUE SE
 SUITE 210
 MINNEAPOLIS, MN 55414
 612.972.2288 |
 612.338.4534 |
 www.citydeskstudio.com
 CONTACT: CHRISTIAN DEAN, AIA

1 SOUTH ELEVATION
 3/16" = 1'-0"



2 NORTH ELEVATION
 3/16" = 1'-0"

ISSUES

DESIGN REVIEW	12.21.12
CITY ZONING APPLICATIONS	03.12.13

DATE: 02.25.13
 PROJECT NO.: 2012-18
 DRAWN BY: COINO

ELEVATIONS

A3.0



Lots 6612 + 6608
Owned by Applicant
6608 has a "No Build"
Restriction + Conservation
Easement

A.19

**PURCHASE AGREEMENT
FOR VACANT LOT**

THIS PURCHASE AGREEMENT ("Purchase Agreement" or "Agreement") is made this 3rd day of November, 2002, by and between Mark W. Peterson and Barbara A. Jerich of 6604 Indian Hills Road, Edina, Minnesota (collectively referred to as "Seller"), and Orrin M. and Marilyn Haugen of 6612 Indian Hills Road, , Edina, Minnesota (collectively referred to as "Buyer").

In consideration of the covenants and agreements of the parties hereto, Seller and Buyer agree as follows:

1. **Offer/Acceptance.** Buyer offers to purchase from Seller and Seller agrees to sell to Buyer the real property in Hennepin County, Minnesota, legally described as follows:

Lot 1, Block 1, Indian Hills Peterson Addition

located at 6608 Indian Hills Road, Edina, property identification No.06-116-21 24 0033 (the "Property").

2. **Personal Property Included in Sale.** The following items of personal property owned by Seller and located on the Property are included in the sale: none

3. **Purchase Price, Terms and Closing.** The total purchase price for the Property is Five Hundred Forty Thousand and No/100 Dollars (\$540,000.00), payable as follows:

- 3.1 Ten Thousand and no/100 Dollars (\$10,000.00) as earnest money on the date of this Agreement, which Earnest Money has been paid directly to Seller by Buyer;
- 3.2 The balance, Five Hundred Thirty Thousand and no/100 Dollars (\$530,000.00), in certified funds or by wire transfer to be paid to Seller on November 15, 2002, the date of closing.

Seller agrees to deposit the \$10,000.00 Earnest Money in an interest bearing account.

4. **Deed.** Upon performance by Buyer, Seller shall execute and deliver to Buyer a Warranty Deed which conveys free, clear and marketable title to the Property. Seller and buyer shall also execute and deliver any other documents required pursuant to the terms of this Purchase Agreement.

5. **Restrictive Covenant.** Seller agrees that the Property is conveyed with an absolute restriction upon erection or building of any building, dwelling or other permanent structure upon the Property and said restriction shall run with the land. Buyer agrees to execute any and all documents necessary to effectuate this restriction in perpetuity.

6. **Real Estate Taxes and Special Assessments.** Real estate taxes due and payable in and for the year of closing, including installments of special assessments certified for payment, shall be prorated between Buyer and Seller on a calendar year basis to the actual Date of Closing. Buyer

MAR 09 2013

A. 20

shall assume special assessments pending as of the date of this Purchase Agreement for improvements that have been ordered by the City Council or other governmental assessing authorities. As of the date of this Purchase Agreement, Seller represents that Seller has not received a Notice of Hearing of a new public improvement project from any governmental assessing authority, the costs of which project may be assessed against the Property. If a special assessment becomes pending after the date of this Purchase Agreement and before the Date of Closing, Buyer may, at Buyer's option:

6.1 Assume payment of the pending special assessment without adjustment to the purchase price of the Property, or,

6.2 Declare this Purchase Agreement null and void by notice to Seller, and earnest money shall be refunded to Buyer.

Buyer shall pay real estate taxes and any unpaid special assessments due and payable in the year following Date of Closing and thereafter, the payment of which is not otherwise provided for in this Agreement. Seller warrants and represents that the taxes due and payable in the year of closing have a HOMESTEAD classification. Seller shall pay any deferred real estate taxes (including "Green Acres") taxes under Minn. Stat. § 273.111 or special assessment payment of which is required as a result of the closing of this sale.

7. Property Sold "As Is." Other than the representations and warranties made in Paragraph 12, Buyer is purchasing the Property "As Is" without any expressed or implied representation or warranties by Seller regarding the condition of the Property or any of the personal property included in the sale.

8. Destruction of Property. If the Property is destroyed or substantially damaged before the Date of Closing, this Purchase Agreement may be terminated at Buyer's option.

9. Possession. Seller agrees to deliver possession of the Property to the Buyer not later than the Date of Closing. All city water and sewer charges, and other utility charges on the Property, if any, shall be prorated between the parties as of the Date of Closing.

10. Seller's Warranties and Representations. Seller makes the following warranties and representations:

10.1 Seller warrants that buildings or structures located on the Property, if any, are entirely within the boundary lines of the Property.

10.2 Seller warrants that there is a right of access to the Property from a public right of way.

10.3 Seller warrants that there has been no labor or material furnished to the Property for which payment has not been made.

10.4 Seller has not received any notice from any governmental authority as to the existence of any Dutch elm disease, oak wilt, or other diseases of any trees on the Property nor does Seller have knowledge of any such diseases affecting any of the trees located on the Property.

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MAR 09 2013

10.5 Seller knows of no hazardous substances or petroleum products having been placed, stored, or released from or on the Property by any person in violation of any law, nor of any underground storage tanks having been located on the Property at any time.

10.6 Seller has not received any notice from any governmental authority as to violation of any law, ordinance or regulation affecting the Property.

10.7 If the Property is subject to restrictive covenants; Seller has not received any notice from any person as to a breach of the covenants.

10.8 Seller has not received any notice from any governmental authority concerning any eminent domain, condemnation, special taxing district, or rezoning proceedings.

10.9 Seller has not received any notice from any governmental authority indicating that any of the improvements on the property are nonconforming under current law.

The above warranties and representations shall survive the delivery of the warranty deed.

11. **Utilities.** Seller represents that:

11.1 City sewer is is not available to the Property through a service stub at the public right of way frontage line;

11.2 City water is is not available to the Property through a service stub at the public right of way frontage line;

11.3 Electricity is is not available to the Property through a service stub at the public right of way frontage line;

11.4 Natural gas is is not available to the Property through a service stub at the public right of way frontage line;

11.5 Telephone is is not available to the Property through a service stub at the public right of way frontage line;

12. **Default.** If Buyer defaults in any of the terms in this Agreement, Seller may terminate this Purchase Agreement, and on such termination all payments made under this Agreement shall be retained by Seller as liquidated damages, time being of the essence of this Agreement. This provision shall not deprive either party of the right of enforcing the specific performance of this Purchase Agreement, provided this Purchase Agreement is not terminated and action to enforce specific performance is commenced within six (6) months after such right of action arises.

13. **Notices.** All notices required under the terms of this Agreement shall be in writing and are effective as of the date of mailing.

14. **Well Disclosure.** Seller and Buyer agree that there is a well on the property, serviced by, paid for and for the benefit of the Lake Arrowhead Homeowner's Association. Buyer agrees to maintain this well on the Property under the same terms and conditions as maintained by Seller.

Warranty Deed: Individuals to Individuals

DEED TAX DUE: \$ 1836.00

Date: November 14, 2002.

FOR VALUABLE CONSIDERATION, Mark W. Peterson and Barbara A. Jerich, husband and wife, Grantors, hereby convey and warrant to Orrin M. and Marilyn Haugen, Grantees, as joint tenants with right of survivorship, real property in Hennepin County, Minnesota, described as follows:

Lot 1, Block 1, Indian Hills Peterson Addition

subject to an absolute restriction prohibiting the erection or building of any building, dwelling or other permanent structure upon the property and said restriction shall run with the land for the maximum period of time permitted by law, together with all hereditaments and appurtenances belonging thereto subject to the following exceptions:

NONE

Check if applicable

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property has not changed since the last previously filed well disclosure.

Mark W. Peterson

Mark W. Peterson

Barbara A. Jerich

Barbara A. Jerich

MAR 09 2013

15. **Sewage Treatment System Disclosure.** Seller certifies that there is no sewage system on the Property.

16. **Lead Paint Disclosure.** Seller represents that there is no dwelling on the Property which could be subject to Lead Paint Disclosure requirements.

17. **Underground Storage Tank.** Seller certifies that there is no underground storage tank located on the Property.

18. **Seller's Affidavit.** Seller shall execute at closing a standard form Seller's Affidavit substantially in the form of Minnesota Uniform Conveyancing Form Blank (Form No. 116-M).

19. **Time is of the Essence.** Time is of the essence for all provisions of this Purchase Agreement.

We agree to purchase the Property for the price and on the terms and conditions set forth above.

BUYER:

BUYER:

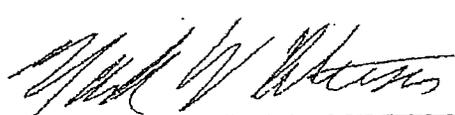
Orrin M. Haugen

Marilyn Haugen

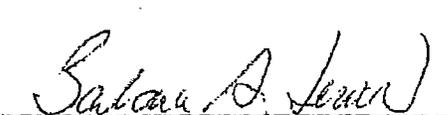
We, the owners of the Property, accept this Purchase Agreement and the sale is made by this Purchase Agreement.

SELLER:

SELLER:



Mark W. Peterson



Barbara A. Jerich

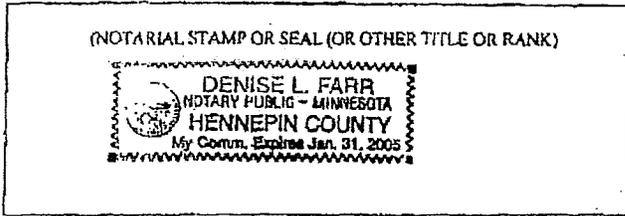
**This is a legally binding contract.
If not understood, seek an attorney's advice**

MAR 09 2013

A-20

STATE OF MINNESOTA }
COUNTY OF HENNEPIN } SS.

This instrument was acknowledged before me on November 14, 2002 by Mark W. Peterson and Barbara A. Jerich, husband and wife.



Denise L. Farr

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check if part or all of land is Registered (Torrens)
Certificate of Title No. _____

THIS INSTRUMENT WAS DRAFTED BY:
Todd D. Andrews
Andrews Law Office
5200 Wilson Road/ Suite 150
Edina, MN 55424

Tax Statements for the real property described in this statement should be sent to (Include name and address of Grantee)

Orrin M. and Marilyn Haugen
6612 Indian Hills Road
Edina, MN

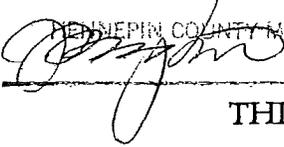
MAR 09 2013

1989 AND PRIOR TAXES PAID
DEPT. OF PROPERTY TAX & PUBLIC RECORDS
TRANSFER ENTERED

CONSERVATION RESTRICTION

JUL 25 1990

(Open Space)

HENNEPIN COUNTY MINN.

DEPUTY

THIS INDENTURE, Made this 24 day of July, 1990, between

Muriel V. Peterson, single, and Mark W. Peterson and Barbara A. Jerich, husband and wife, (hereinafter together called "Owner"), and the CITY OF EDINA, a municipal corporation under the laws of the State of Minnesota (hereinafter called "Edina").

WITNESSETH:

That Owner, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto Edina, its successors and assigns, Forever, a Conservation Restriction pursuant to Minnesota Statutes § 84.64, for the purposes and on the terms hereinafter specified, over, on and across the tracts or parcels of land lying and being in the County of Hennepin and the State of Minnesota, described in Exhibit A attached hereto and made a part hereof (hereinafter called "Easement Area").

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to Edina, its successors and assigns, Forever. And Owner, for Owner and Owner's heirs, representatives, successors and assigns, covenants with Edina, its successors and assigns, that it is well seized in fee of the Easement Area, and has good right to convey the interests therein pursuant hereto, and that the Easement Area is free from all encumbrances except real estate taxes and installments of special

06-116-21 24-0033-0034

assessments payable therewith which are not yet due. And the Easement Area, in the quiet and peaceable possession of Edina, its successors and assigns, for the purposes hereby granted, against all persons lawfully claiming or to claim the whole or any part thereof, subject to the encumbrances hereinbefore mentioned, Owner will warrant and defend.

The purpose of this Conservation Restriction is to assure that the Easement Area shall be at all times remain as open space and constitute scenic surroundings. To accomplish this purpose, Owner, for Owner and Owner's heirs, representatives, successors and assigns, does hereby covenant and agree that:

1. No buildings, roads, signs, billboards or other advertising of any kind, and no utilities or other structures of any kind shall be hereafter erected or placed on or above any part of the Easement Area without the express prior written approval of Edina.
2. No soil or other substance or material shall be dumped or placed as landfill on the Easement Area without the express prior written approval of Edina.
3. No trash, waste or unsightly or offensive materials shall be dumped or placed on the Easement Area.
4. No loam, peat, gravel, soil, rock or other material substance shall be excavated, dredged or removed from the Easement Area without the express written approval of Edina.
5. No activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or other acts or uses detrimental

to the Easement Area as a scenic open space shall be conducted or permitted to be conducted on the Easement Area.

6. The Easement Area shall at all times be kept planted, shrubbed, sodded and otherwise landscaped (hereinafter collectively called "landscaping") by Owner, Owner's heirs, representatives, successors and assigns, in a manner reasonably acceptable to Edina.

7. The Easement Area, including landscaping, shall be maintained at all times by Owner, Owner's heirs, representatives, successors and assigns, in full compliance with all applicable ordinances of Edina now or hereafter enacted.

8. This Conservation Restriction shall not operate to grant to Edina the right to use or improve, or to permit the public to use or improve, the Easement Area as or for a park.

9. The rights and remedies given by Minnesota Statutes § 84.65 shall be available to Edina. Also, if there shall be a violation or breach, or an attempt to violate or breach, any of the terms, covenants or conditions of this Conservation Restriction, Edina may prosecute any proceedings at law or in equity against the person, firm or corporation violating or breaching, or attempting to violate or breach, any such term, covenant or condition, to either prevent such violation or breach or to recover damages for such violation or breach. Also, Edina, in the event of such violation or breach, without notice, may, at its option, undertake to perform the term, covenant or condition so violated or breached, and the cost incurred, including attorneys' fees, with interest at the highest rate then allowed by law, or, if

no maximum rate is applicable, then at the rate of twelve percent (12%) per annum, shall be payable by Owner, Owner's heirs, representatives, successors and assigns, on demand made by Edina, its successors and assigns, and Owner, Owner's heirs, representatives, successors and assigns shall also pay all costs of collection thereof, including attorneys' fees, with interest thereon as above provided, if payment is not made on demand, whether suit be brought or not. In addition to other remedies then available for collection of such costs and interest, Edina may charge such costs and interest against the Easement Area and any other property then included in the same tax parcel or parcels as the Easement Area, in the same manner as special assessments (without, however, any notice or hearing of any kind) and collect the same with the real estate taxes against the whole of such tax parcel which are payable in the year following the year such costs and interest are so charged. If such charges are not paid, the whole of such tax parcel may be sold and conveyed in the same manner as lands forfeited for nonpayment of real estate taxes are sold and conveyed.

10. The terms, covenants and conditions hereof shall run with the land and shall be binding on all present and future owners and occupiers of the Easement Area, and shall inure only to the benefit of Edina, its successors and assigns, and may be amended or modified at any time and from time to time, by the sole act of Edina and the then owners of the Easement Area, and may be released at any time by the sole act of Edina.

IN TESTIMONY WHEREOF, Owner has caused these presents to be executed the day and year first above written.

Muriel V Peterson
Muriel V. Peterson

Mark W Peterson
Mark W. Peterson

Barbara A Jerich
Barbara A. Jerich

This instrument is exempt from State Deed Tax.

Drafted by:

Dorsey & Whitney (TSE)
2200 First Bank Place East
Minneapolis, Minnesota 55402

EXHIBIT A

That part of Lot 1, Block 1, INDIAN HILLS PETERSON ADDITION, according the recorded plat thereof, Hennepin County, Minnesota which lies northerly of a circular line concave to the North having a radius of 128.00 feet. Said curve passes through a point on the West line of said Lot 1, Block 1, distant 135.00 feet northerly from the Southwest corner of said Lot 1, Block 1, as measured along said West line, and passes through a point on the East line of said Lot 1, Block 1, distant 152.85 feet northerly from the Southeast corner of said Lot 1, Block 1, as measured along said East line, and said line there terminating; also

That part of Lot 2, Block 1, INDIAN HILLS PETERSON ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota which lies northerly and easterly of the following described line:

Commencing at the most southerly corner of said Lot 2, Block 1; thence on an assumed bearing of North 41 degrees 48 minutes 00 seconds West, along the southwesterly line of said Lot 2, Block 1, a distance of 130.85 feet; thence North 23 degrees 21 minutes 53 seconds West a distance of 22.00 feet to the actual point of beginning of the line to be described; thence North 39 degrees 10 minutes 45 seconds East a distance of 20.59 feet; thence North 56 degrees 25 minutes 00 seconds East a distance of 74.00 feet; thence easterly and southeasterly a distance of 21.09 feet along a tangential curve concave to the southwest having a radius of 16.00 feet and a central angle of 75 degrees 31 minutes 21 seconds; thence North 56 degrees 25 minutes 00 seconds East, not tangent to said curve, a distance of 12.51 feet; thence South 33 degrees 35 minutes 00 seconds East a distance of 90.00 feet; thence South 76 degrees 43 minutes 40 seconds East a distance of 58.00 feet, more or less, to the East line of said Lot 2, Block 1 and said line there terminating.

Jackie Hoogenakker

From: Ries, Tom <TomRies@edinarealty.com>
Sent: Wednesday, May 01, 2013 9:55 AM
To: Jackie Hoogenakker
Subject: 6612 Indian Hills Rd

Edina Planning Commission,

I'm writing in response to the notice mailed to us regarding the conditional use permit/Variance.

We have lived at 6600 Sally Lane since 1973 and have owned a lot on Indian Hills Road with our neighbor since the mid 70"s.

Marcia and I are supportive of the request for variance from the three conditions requested for 6612 Indian Hills Rd, Edina, MN.

Please contact me if I can do anything else to be supportive.

Tom Ries

6600 Sally Lane

Edina, MN. 55439

952-393-6600

Jackie Hoogenakker

From: Louise Segreto <lmsegreto@msn.com>
Sent: Tuesday, April 30, 2013 11:41 AM
To: Jackie Hoogenakker
Cc: Mary Brindle (Comcast); kevin crudden
Subject: 6612 Indian Hills Road-Request for CUP & Variance

With as large as the subject lot is, I fail to understand why the Applicant can not design a home that meets code requirements. We are opposed to this application; the request for approval to waive 3 requirements: height, and 2 set back requirements (Both Road and Lake) is excessive.

Additionally, this project demonstrates the City's need for a tree ordinance. Brush and tree removal was so extensive on the lot that the steep bank on Arrow Head Lake is already showing erosion. Erosion control and bank stabilization measures should be required by the City. As a property owner on Arrowhead Lake for over 12 years, I can attest that the Lake water quality has deteriorated significantly and sedimentation is a major issue.

When my husband and I purchased our home at 6720 Indian Hills Road, we extensively remodeled our house within the constraints of the Code out of respect for our neighbors and sensitivity to environmental issues without pushing the envelope.

Unfortunately, I will be out of town for the whole month of May and unable to attend the Planning Commission Meeting on May 8th.

Sincerely,
Louise M. Segreto
Kevin L. Crudden

Jackie Hoogenakker

From: Susan Rudrud <srudrud@icloud.com>
Sent: Wednesday, May 01, 2013 9:45 AM
To: Jackie Hoogenakker
Subject: Proposed Use Permit 2013.010

The lot where the variance is requested has already removed a high number off mature trees in anticipation of a teardown and rebuild. They have ruined the lot and the lake side through this devastation of the woods. I do not support the variances to make an even bigger impact on the land and water quality. A property owner should remain within the confines of the restrictions when they buy the lot Thank you for your consideration of my point of view.
Susan Rudrud

Sent from my iPad