



PLANNING COMMISSION STAFF REPORT

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

Recommended Action: Approve the variance as requested.

Project Description:

A 15 foot front yard setback variance request to tear down an existing home and rebuild a new home in it's place at a deeper front yard setback from property located at 5501 Lakeview Drive for property owner: City Homes LLC/David Allen.

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 setback from Lakeview Drive, (to the north).

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 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 increase the setback from the north lot line to 25.5 feet from the existing nonconforming setback of 19.5 feet, (see attachments: A.1 – A.9, 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.

It should be noted that the property was approved for a similar front yard setback variance on May 8, 2013, for a teardown-rebuild., (see attached minutes of the meeting A.19 – A.20). The previous request was for setback variances from both street frontages to be greater than or match the existing nonconforming front yard setbacks of the existing rambler on the site. The previous owner sold the property without exercising the variance. The new owner is requesting only one variance for a new home plan that will be farther from Lakeview Drive, (to the north), than the existing home.

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.10 – A.16).

Compliance Table

| | City Standard | Proposed |
|----------------------------|--|---|
| Front - Side- Rear - | Match adjacent homes 40.8/47.8: 10 feet + height 25 feet | * 25.5/56.3 12.0 feet 25feet |
| Building Height | 2 ½ stories/38 feet | 2 stories/34 feet, |
| Lot coverage | 25% | 22.7% |

* **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 48 feet from the side wall of the proposed garage.
3. The improvements will provide a reasonable use of the corner lot and allow for a new home to be built at a greater distance from the west lot and from the north lot line than the existing home.
4. The new home 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. 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 decrease 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: July 22, 2013

Building plans/ elevations date stamped: July 29, 2013, 2013.

Deadline for a City decision: September 28, 2013



VARIANCE APPLICATION

CASE NUMBER B-13-14 DATE 7/30/2013
FEE PAID

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

FEE: RES - \$350.00 NON-RES - \$600.00

APPLICANT:

NAME: City Homes (Signature required on back page)

ADDRESS: 4220 CROCKER AVE PHONE: 612-219-1044

EMAIL: dave@CITYHOMES11C.COM

PROPERTY OWNER:

NAME: 5501 LAKEVIEW Properties LLC. (Signature required on back page)

ADDRESS: 4220 CROCKER AVE PHONE: 612-819-0066

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Section 19, Township 28, Range 24 - Lot 2 Block 8 Golf Terrace Hghts

**You must provide a full legal description. If more space is needed, please use a separate sheet. Hennepin County, MN

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: 5501 Lakeview Drive, Edina MN

PRESENT ZONING: Residential P.I.D.# 19-028-24-22-0027

EXPLANATION OF REQUEST:

VARIANCE FOR SET BACK

(Use reverse side or additional pages if necessary)

15.3 ft street setback

ARCHITECT: NAME: BEN NELSON PHONE: 763-717-1907

DRAWINGS by

EMAIL: CITY HOMES DESIGN - 612-219-1044

dave@CITYHOMES11C.COM

SURVEYOR: NAME: The Gregory Group PHONE: 763-510-3093

EMAIL: gprashelot@surveycompany.com

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

NO

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



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



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



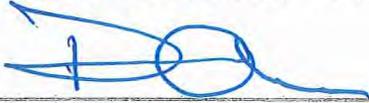
Not alter the essential Character of a neighborhood



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.



Applicant's Signature

7-24-13

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.)



Owner's Signature

7/24/13

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.



A. Settlement Statement (HUD-1)

| B. Type of Loan | | | |
|--|---------------------------------------|---|-----------------------------|
| 1. <input type="checkbox"/> FHA | 2. <input type="checkbox"/> RHS | 3. <input type="checkbox"/> Conv Unins | 6. File Number 1315010 |
| 4. <input type="checkbox"/> VA | 5. <input type="checkbox"/> Conv Ins. | 6. <input type="checkbox"/> Seller Fin | 7. Loan Number |
| 7. <input checked="" type="checkbox"/> Cash Sale. | | | 8. Mortgage Ins Case Number |
| C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals. | | | |
| D. Name & Address of Borrower 5501 Lakeview Properties, LLC | | E. Name & Address of Seller Christopher D. Drazan 5501 Lakeview Dr Edina, MN 55424 | |
| G. Property Location 5501 Lakeview Dr Edina, MN 55424 | | H. Settlement Agent Name Pierce County Abstract & Title Co., Inc 361 W. Main Street Ellsworth, WI 54011 715-273-5563 Underwritten By: Stewart Place of Settlement Pierce County Abstract & Title Co., Inc 361 W. Main Street Ellsworth, WI 54011 | |
| | | I. Settlement Date 6/17/2013 Fund: 6/17/2013 | |

| J. Summary of Borrower's Transaction | |
|--|---------------------|
| 100. Gross Amount Due from Borrower | |
| 101. Contract sales price | \$765,000.00 |
| 102. Personal property | |
| 103. Settlement charges to borrower | \$2,392.50 |
| 104. | |
| 105. | |
| Adjustments for items paid by seller in advance | |
| 106. City property taxes | |
| 107. Assessment Taxes | |
| 108. School property taxes | |
| 109. MUD taxes | |
| 110. Other taxes | |
| 111. County Taxes 6/17/13-7/1/13 | \$363.70 |
| 112. | |
| 113. | |
| 114. | |
| 115. | |
| 116. | |
| 120. Gross Amount Due From Borrower | \$767,756.20 |
| 200. Amounts Paid By Or In Behalf Of Borrower | |
| 201. Deposit or earnest money | \$5,000.00 |
| 202. Principal amount of new loans | |
| 203. Existing loan(s) taken subject to | |
| 204. | |
| 205. | |
| 206. | |
| 207. | |
| 208. | |
| 209. | |
| Adjustments for items unpaid by seller | |
| 210. City property taxes | |
| 211. Assessment Taxes | |
| 212. School property taxes | |
| 213. MUD taxes | |
| 214. Other taxes | |
| 215. | |
| 216. | |
| 217. | |
| 218. | |
| 219. | |
| 220. Total Paid By/For Borrower | \$5,000.00 |
| 300. Cash At Settlement From/To Borrower | |
| 301. Gross Amount due from borrower (line 20) | \$767,756.20 |
| 302. Less amounts paid by/for borrower (line 220) | \$5,000.00 |
| 303. Cash From Borrower | \$762,756.20 |

| K. Summary of Seller's Transaction | |
|--|---------------------|
| 400. Gross Amount Due to Seller | |
| 401. Contract sales price | \$765,000.00 |
| 402. Personal property | |
| 403. | |
| 404. | |
| 405. | |
| Adjustments for items paid by seller in advance | |
| 406. City property taxes | |
| 407. Assessment Taxes | |
| 408. School property taxes | |
| 409. MUD taxes | |
| 410. Other taxes | |
| 411. County Taxes 6/17/13-7/1/13 | \$363.70 |
| 412. | |
| 413. | |
| 414. | |
| 415. | |
| 416. | |
| 420. Gross Amount Due to Seller | \$765,363.70 |
| 500. Reductions In Amount Due to Seller | |
| 501. Excess deposit (see instructions) | |
| 502. Settlement charges to seller (line 1400) | \$18,219.50 |
| 503. Existing loan(s) taken subject to: | |
| 504. Payoff of first mortgage loan | |
| 505. Payoff of second mortgage loan | |
| 506. Earnest Money Retained by Realtor | \$5,000.00 |
| 507. | |
| 508. | |
| 509. | |
| Adjustments for items unpaid by seller | |
| 510. City property taxes | |
| 511. Assessment Taxes | |
| 512. School property taxes | |
| 513. MUD taxes | |
| 514. Other taxes | |
| 515. | |
| 516. | |
| 517. | |
| 518. | |
| 519. | |
| 520. Total Reduction Amount Due Seller | \$23,219.50 |
| 600. Cash At Settlement To/From Seller | |
| 601. Gross Amount due to seller (line 420) | \$765,363.70 |
| 602. Less reductions in amt. due seller (line 520) | \$23,219.50 |
| 603. Cash To Seller | \$742,144.20 |

The Public Reporting Burden for this collection of information is estimated at 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentially is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

| I. Settlement Charges | | | | Paid From | Paid From |
|--|----------------------------------|---|------------------------|-------------|-------------|
| | | | Borrower's | Seller's | |
| | | | Funds at | Funds at | |
| | | | Settlement | Settlement | |
| 700. Total Real Estate Broker Fees | \$20,000.00 | | | | |
| Division of Commission (line 700) as follows: | | | | | |
| 701. \$10,000.00 | to Lakes Sotheby's International | | | | |
| 702. \$10,000.00 | to Ethna Realty | | | | |
| 703. Commission Paid at Settlement | | | \$0.00 | \$15,000.00 | |
| (EMD \$5,000 to Lakes Sotheby's International P.O.C.) | | | | | |
| 704. | to | | | | |
| 705. Broker Commission fee | to Lakes Sotheby's International | | | | \$395.00 |
| 800. Items Payable in Connection with Loan | | | | | |
| 801. Our origination charge | | \$0.00 | (from GFE #1) | | |
| 802. Your credit or charge (points) for the specific rate chosen | | \$0.00 | (from GFE #2) | | |
| 803. Your adjusted origination charges | to | | (from GFE A) | | |
| 804. Appraisal Fee | to | | (from GFE #3) | | |
| 805. Credit report | to | | (from GFE #3) | | |
| 806. Tax service | to | | (from GFE #3) | | |
| 807. Flood certification | to | | (from GFE #3) | | |
| 900. Items Required by Lender To Be Paid In Advance | | | | | |
| 901. Daily interest charges from 6/17/2013 to 7/1/2013 @ .50/day | | | (from GFE #10) | | |
| 902. Mortgage Insurance Premium for months | to | | (from GFE #3) | | |
| 903. Homeowner's insurance for years | to | | (from GFE #11) | | |
| 1000. Reserves Deposited With Lender | | | | | |
| 1001. Initial Deposit for your escrow account | | | (from GFE #9) | \$0.00 | |
| 1002. Homeowner's insurance | months @ | per month | | | |
| 1003. Mortgage insurance | months @ | per month | | | |
| 1004. City property taxes | months @ | per month | | | |
| 1005. County property taxes | months @ | per month | | | |
| 1006. Assessment Taxes | months @ | per month | | | |
| 1007. School property taxes | months @ | per month | | | |
| 1008. MUD taxes | months @ | per month | | | |
| 1009. Other taxes | 0 months @ | | | | |
| 1010. Other taxes | 0 months @ | | | | |
| 1011. Aggregate Adjustment | | | | | |
| 1100. Title Charges | | | | | |
| 1101. Title services and lender's title insurance | to | | (from GFE #4) | \$474.00 | |
| 1102. Settlement or closing fee | to | St. Croix County Abstract and Title Co., Inc. | \$195.00 | | |
| 1103. Owner's title insurance | to | Pierce County Abstract & Title Company, Inc. | (from GFE #5) | \$1,867.50 | |
| 1104. Lender's title insurance | to | | \$0.00 | | |
| 1105. Lender's title policy limit \$ | \$0.00/\$0.00 | | | | |
| 1106. Owner's title policy limit \$ | \$765,000.00/\$1,867.50 | | | | |
| 1107. Agent's portion of the total title insurance premium | to | Pierce County Abstract & Title Company, Inc. | \$1,494.00 | | |
| 1108. Underwriter's portion of the total title insurance premium | to | Stewart Title | \$373.50 | | |
| 1109. GAP Endorsement | to | Pierce County Abstract & Title Company, Inc. | \$125.00 (from GFE #4) | | \$0.00 |
| 1110. Exam fee | to | Pierce County Abstract & Title Company, Inc. | \$100.00 (from GFE #4) | | \$0.00 |
| 1111. Special Assessment search fee | to | Pierce County Abstract & Title Company, Inc. | \$25.00 (from GFE #4) | | \$0.00 |
| 1112. Title Processing | to | Pierce County Abstract & Title Company, Inc. | \$29.00 (from GFE #4) | | \$0.00 |
| 1113. Sellers closing fee | to | Executive Title Inc. | | | \$295.00 |
| 1200. Government Recording and Transfer Charges | | | | | |
| 1201. Government recording charges | | | (from GFE #7) | \$46.00 | |
| 1202. Deed \$46.00; Mortgage Release \$0.00 | to | Hennepin County | | | |
| 1203. Transfer taxes | | | (from GFE #8) | | |
| 1204. City/County tax/stamps | Deed; Mortgage | \$0.00 | | | |
| 1205. State tax/stamps | Deed \$2,524.50; Mortgage | to Hennepin County | | | \$2,524.50 |
| 1206. Conservation fee | to | Hennepin County | \$5.00 | | \$5.00 |
| 1300. Additional Settlement Charges | | | | | |
| 1301. Required services you can stop for | | | (from GFE #6) | | |
| 1400. Total Settlement Charges (Compare Lines 700, Section 800, and 900, Section 1000, and 1100) | | | | \$2,392.50 | \$18,219.50 |

POC (B) - Paid Outside of Closing by Borrower. POC (S) - Paid Outside of Closing by Seller. POC (L) - Paid Outside of Closing by Lender.

| Comparison of Good Faith Estimate (GFE) and HUD-1 Charges | |
|---|-------------------|
| Charges That Cannot Increase | HUD-1 Line Number |
| Our origination charge | # 801 |
| Your credit or charge (points) for the specific rate chosen | # 802 |
| Your adjusted origination charges | # 803 |
| Transfer taxes | # 1203 |

| Good Faith Estimate | HUD-1 |
|---------------------|--------|
| \$0.00 | \$0.00 |
| \$0.00 | \$0.00 |
| \$0.00 | \$0.00 |
| \$0.00 | \$0.00 |

| Charges That in Total Cannot Increase More Than 10% | |
|---|--------|
| Government recording charges | # 1201 |

| Good Faith Estimate | HUD-1 |
|---------------------|---------|
| \$0.00 | \$46.00 |

| Total Increase between GFE and HUD-1 Charges | |
|--|--|
| | |

| | | |
|--|----|---|
| | or | % |
|--|----|---|

| Charges That Can Change | |
|---|---------------|
| Initial deposit for your escrow account | # 1001 |
| Daily interest charges | # 901 \$0/day |
| Homeowner's insurance | # 903 |

| Good Faith Estimate | HUD-1 |
|---------------------|--------|
| \$0.00 | \$0.00 |
| \$0.00 | \$0.00 |
| \$0.00 | \$0.00 |

Loan Terms

| | |
|---|---|
| Your initial loan amount is | |
| Your loan term is | years |
| Your initial interest rate is | % |
| Your initial monthly amount owed for principal, interest, and any mortgage insurance is | <input type="checkbox"/> Principal <input type="checkbox"/> Interest <input type="checkbox"/> Mortgage Insurance |
| Can your interest rate rise? | <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of % . The first change will be on and can change again every after . Every change date, your interest rate can increase or decrease by % . Over the life of the loan, your interest rate is guaranteed to never be lower than % or higher than % . |
| Even if you make payments on time, can your loan balance rise? | <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of |
| Even if you make payments on time, can your monthly amount owed for principal, interest, and mortgage insurance rise? | <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, the first increase can be on and the monthly amount owed can rise to The maximum it can ever rise to is |
| Does your loan have a prepayment penalty? | <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, your maximum prepayment penalty is |
| Does your loan have a balloon payment? | <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, you have a balloon payment of due in years on |
| Total monthly amount owed including escrow account payments | <input checked="" type="checkbox"/> You do not have a monthly escrow payment for items, such as property taxes and homeowner's insurance. You must pay these items directly yourself. <input type="checkbox"/> You have an additional monthly escrow payment of that results in a total initial monthly amount owed of . This includes principal, interest, any mortgage insurance and any items checked below: <input type="checkbox"/> Property taxes <input type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Flood insurance <input type="checkbox"/> <input type="checkbox"/> |

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.

File No. 1315010

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1, 2 and 3 of this HUD-1 Settlement Statement.

Worley Property Properties, LLC

Karen Renick

Christopher D. Worley

[Signature]

SETTLEMENT AGENT CERTIFICATION

The HUD-1 Settlement Statement which I have prepared is a true and accurate statement of all receipts and disbursements. I have entered the funds to be disbursed in accordance with the instructions of the parties herein.

Settlement Agent

Date

Worley is in a state to knowingly make false statements in the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see Title 18 U.S. Code Sections 1001 and Section 1010.

Christopher D. Worley 12/17/13

WARRANTY DEED Form No. 1-M Minnesota Uniform
Individual(s) to Individual(s) (Top 3 Inches Reserved for Recording Data) Conveyancing Blanks (6/17/97)

DEED TAX DUE: \$ 2,524.50

Date: 06/17/13

FOR VALUABLE CONSIDERATION, Christopher D. Drazan and Gina Drazan, Husband and Wife, Grantor,

hereby conveys and warrants to 5501 Lakeview Properties, LLC, Grantee,

real property in Hennepin County, Minnesota, described as follows:

Lot 2, Block 8, Golf Terrace Heights, Hennepin County, Minnesota.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:
Restrictions, declarations, covenants, reservations and easements of record, if any

Check box 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 have not changed since the last previously filed well disclosure certificate.

Christopher D. Drazan

Gina Drazan

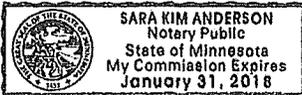
Affix Deed Tax Stamp Here

STATE OF MINNESOTA }
COUNTY OF HENNEPIN } ss

This instrument was acknowledged before me on June 17th, 2013 (Date)

by Christopher D. Drazan and Gina Drazan, Husband and Wife

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

Executive Title, Inc.
3217L Galleria
Edina, MN 55435
(952)230-3181

File No: SA1306005

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if all or part of the land is Registered (Torrens)

Tax statements for the real property described in this instrument should be sent to (include name and address of Grantee):

5501 Lakeview Properties, LLC



Design Excellence. Precision Building

To: Edina Variance Board,

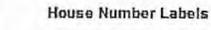
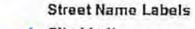
We are requesting a variance related to the lot line set backs at 5501 Lakeview. Currently the house has a North lot line set back of 19.5' . By doing a tear down and new house construction, the setback would be determined by the house to the East and South. Both those house setbacks create a practical difficulty with a small available building envelope. To correct these circumstances we request a variance on the North lot line of 14.4' . As noted the current house sits at 19.5' from the North lot line and we will be improving the setback to 25.5' . The House to the East has a setback at 40.5' , which is abnormally high. The Homeowners name to the East is Margret Shaw and she does not object to this variance request as noted in her attached approval letter. The setback to the lot line on the Eastside will increase from 21.6' to 25' and the setback to the lot line on the Southside will be at the required 11' distance.

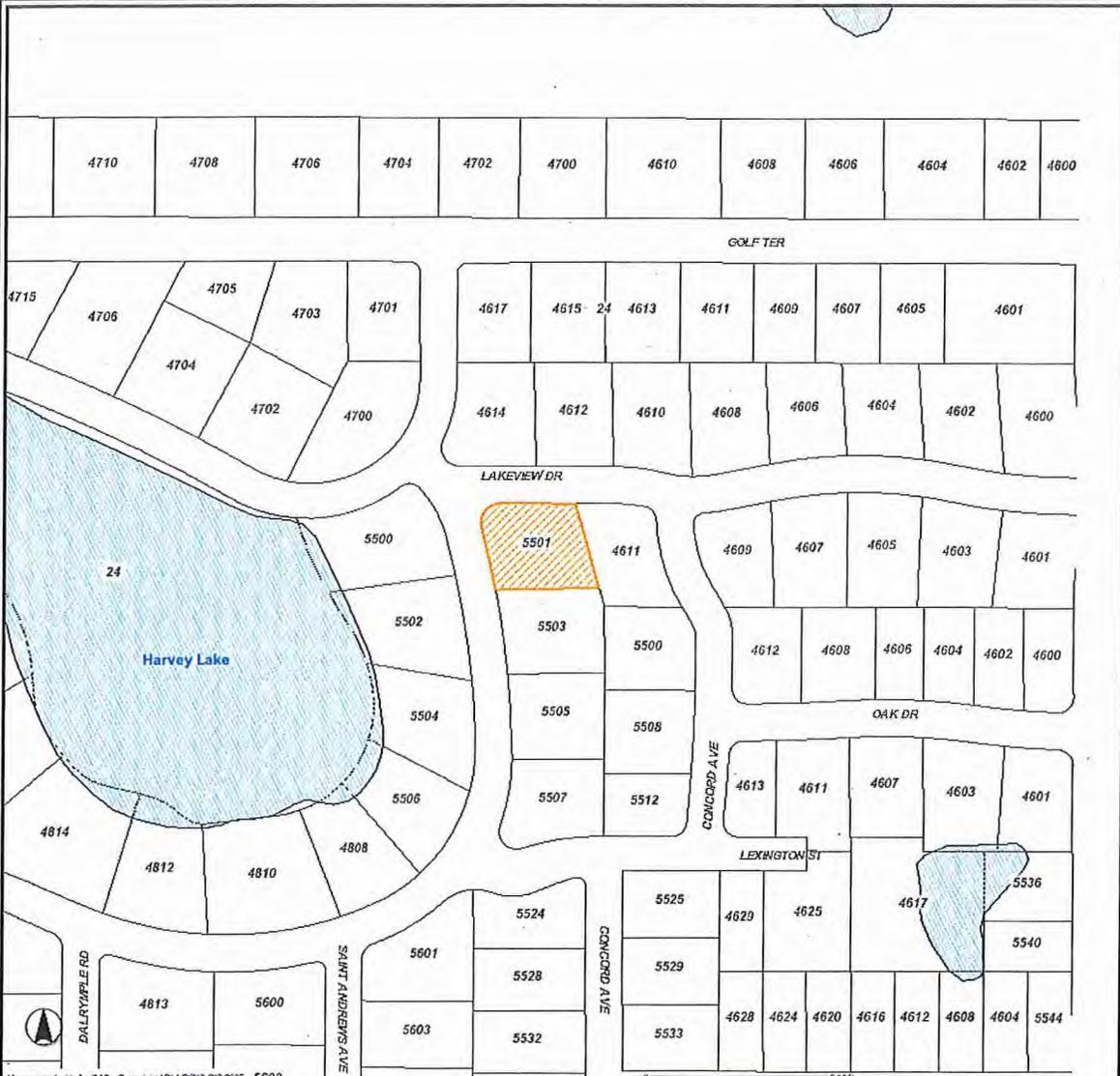
In our opinion, the proposed design fits in very well with the character of the neighborhood. It will be approximately 5,600 finished square foot colonial 2 story design by recognized Architect, Ben Nelson.



This Home is being designed and built for Jay and Erin Matushak and their 3 Sons.

LOCATION MAP

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





A.3



A.4



A.5



A.G

The Gregory Group
d.b.a.
LOT SURVEYS COMPANY, INC.
Established in 1962
LAND SURVEYORS
REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA
7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 Fax No. 560-3522

INVOICE NO. 81562
F.B.NO. 1070-10
SCALE: 1" = 20'

● Denotes Found Iron Monument
○ Denotes Iron Monument

x000.0 Denotes Existing Elevation

— Denotes Existing Contour
— Denotes Proposed Contour

Surveyors Certificate

SITE PLAN SURVEY FOR:

CITY HOMES DESIGN + BUILD, LLC

Property located in Section 19, Township 28, Range 24,
Hennepin County, Minnesota.

Property Address: 5501 Lakeview Drive, Edina, MN

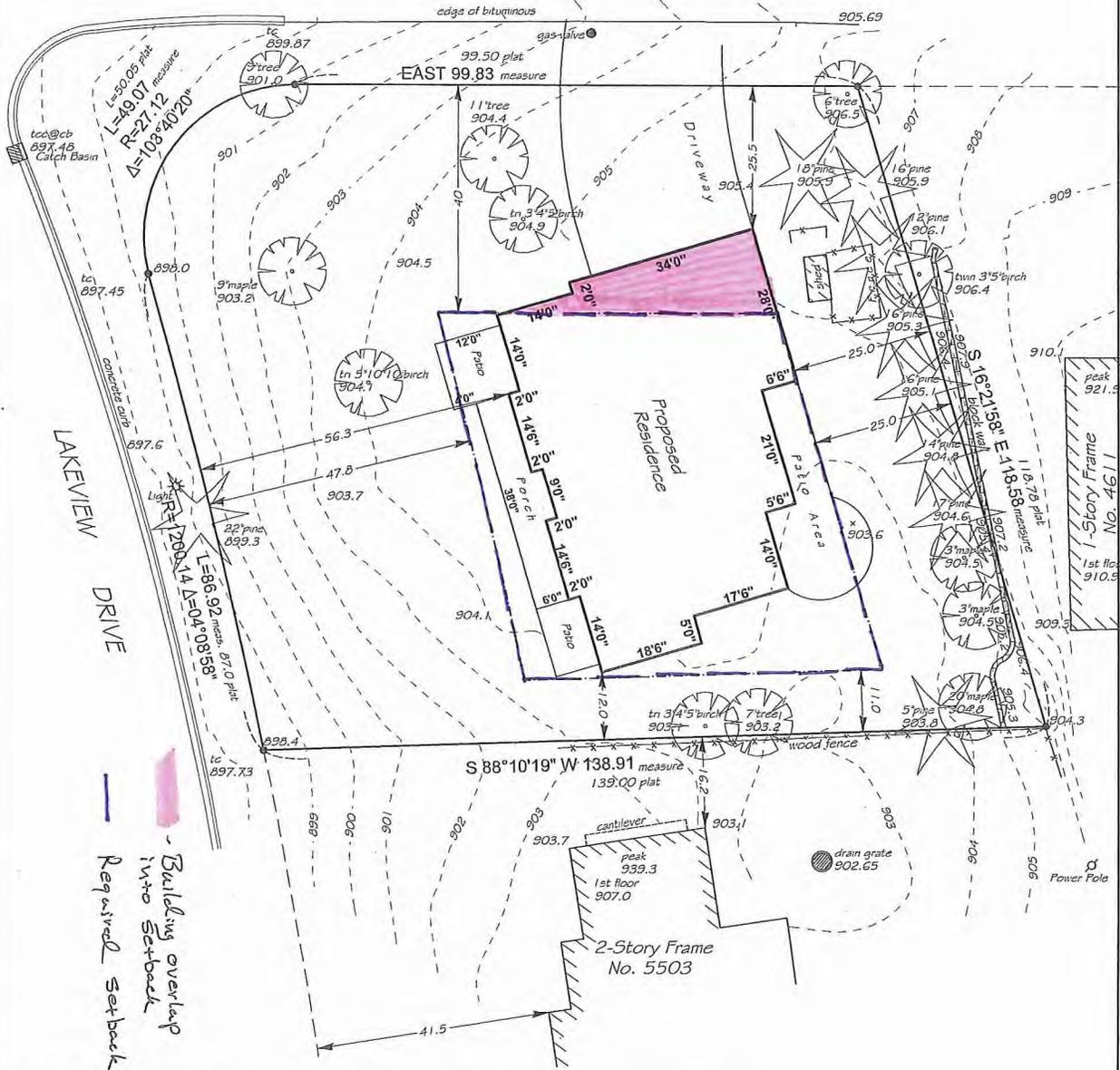
Benchmark: Top nut of hydrant north side of Lakeview Dr.
Elevation = 901.48 feet

Proposed Hardcover
Residence = 2826 sq.ft
Front Porch = 246 sq.ft
Patio Areas = 643-150 = 464 sq.ft
Total Hardcover = 3536 sq.ft
Area of Parcel = 15581 sq.ft
Percentage of Hardcover = 22.7%

Hydrant
Inh=901.48

Basis for
bearings is
assumed

LAKEVIEW DRIVE



Building overlap
into Setback
Required Setback

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, 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.
Surveyed this 2nd day of July 2013.

Lot 2, Block 8, GOLF TERRACE HEIGHTS
Hennepin County, Minnesota

| | |
|----------------------------|------------------------------|
| Rev 7-10-13 house location | Drawn By Eckhardt |
| 7-11-13 | File Name |
| 7-22-13 new house plan | Gth-2-8inv81562site plan.dwg |

Signed
Gregory R. Prasch, Minn. Reg. No. 24992

A.1

The Gregory Group
d.b.a.
LOT SURVEYS COMPANY, INC.
Established in 1962

LAND SURVEYORS
REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA
7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 Fax No. 560-3522

Surveyors Certificate

EXISTING CONDITIONS SURVEY FOR:
CITY HOMES DESIGN + BUILD, LLC

Property located in Section 19, Township 28, Range 24,
Hennepin County, Minnesota.

Property Address: 5501 Lakeview Drive, Edina, MN

Benchmark: Top nut of hydrant north side of Lakeview Dr.
Elevation = 901.48 feet

INVOICE NO. 81517
F.B.NO. 1070-10
SCALE: 1" = 20'

● Denotes Found Iron Monument
○ Denotes Iron Monument

x000.0 Denotes Existing Elevation

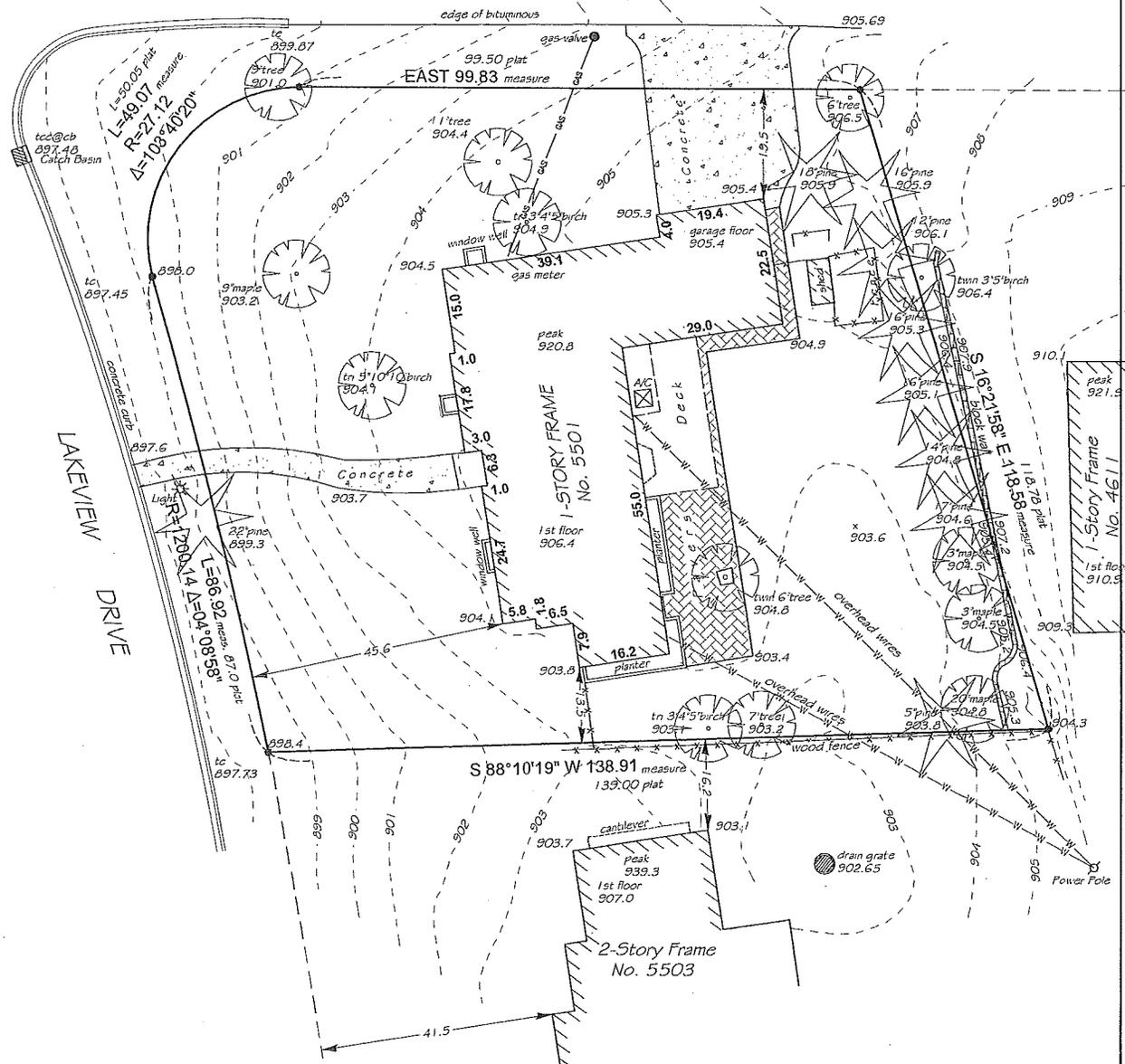
— Denotes Existing Contour
- - - Denotes Proposed Contour

Existing Hardcover
Residence = 2661
Deck = 283-150 = 133 sq.ft
Total Hardcover = 2794 sq.ft
Area of Parcel = 15581 sq.ft
Percentage of Hardcover = 17.9%

Hydrant
tnh=901.48

Basis for
bearings is
assumed

LAKEVIEW DRIVE



The only easements shown are from plats of record or information provided by client.

Lot 2, Block 8, GOLF TERRACE HEIGHTS
Hennepin County, Minnesota

I certify that this plan, specification, 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,
Surveyed this 2nd day of July 2013.

| | | |
|-----|-----------|-----------------------------|
| Rev | Drawn By | Eckhart |
| | File Name | Gth-2-8fb107010inv81517.dwg |

Signed 
Gregory R. Praszch, Minn. Reg. No. 24992

A. B

The Gregory Group
d.b.a.
LOT SURVEYS COMPANY, INC.

Established in 1962
LAND SURVEYORS

REGISTERED UNDER THE LAWS OF STATE OF MINNESOTA

7601 73rd Avenue North (763) 560-3093
Minneapolis, Minnesota 55428 Fax No. 560-3522

Surveyors Certificate

SURVEY FOR:

CITY HOMES DESIGN + BUILD, LLC

Property located in Section 19, Township 28, Range 24,
Hennepin County, Minnesota.

Property Address: 5501 Lakeview Drive, Edina, MN

Benchmark: Top nut of hydrant north side of Lakeview Dr.
Elevation = 901.48 feet

INVOICE NO. 81562

F.B.NO. 1070-10

SCALE: 1" = 20'

● Denotes Found Iron Monument
○ Denotes Iron Monument

x000.0 Denotes Existing Elevation

— Denotes Existing Contour

— Denotes Proposed Contour

Existing Hardcover

Residence = 2661
Deck = 283-150 = 133 sq.ft
Total Hardcover = 2794 sq.ft
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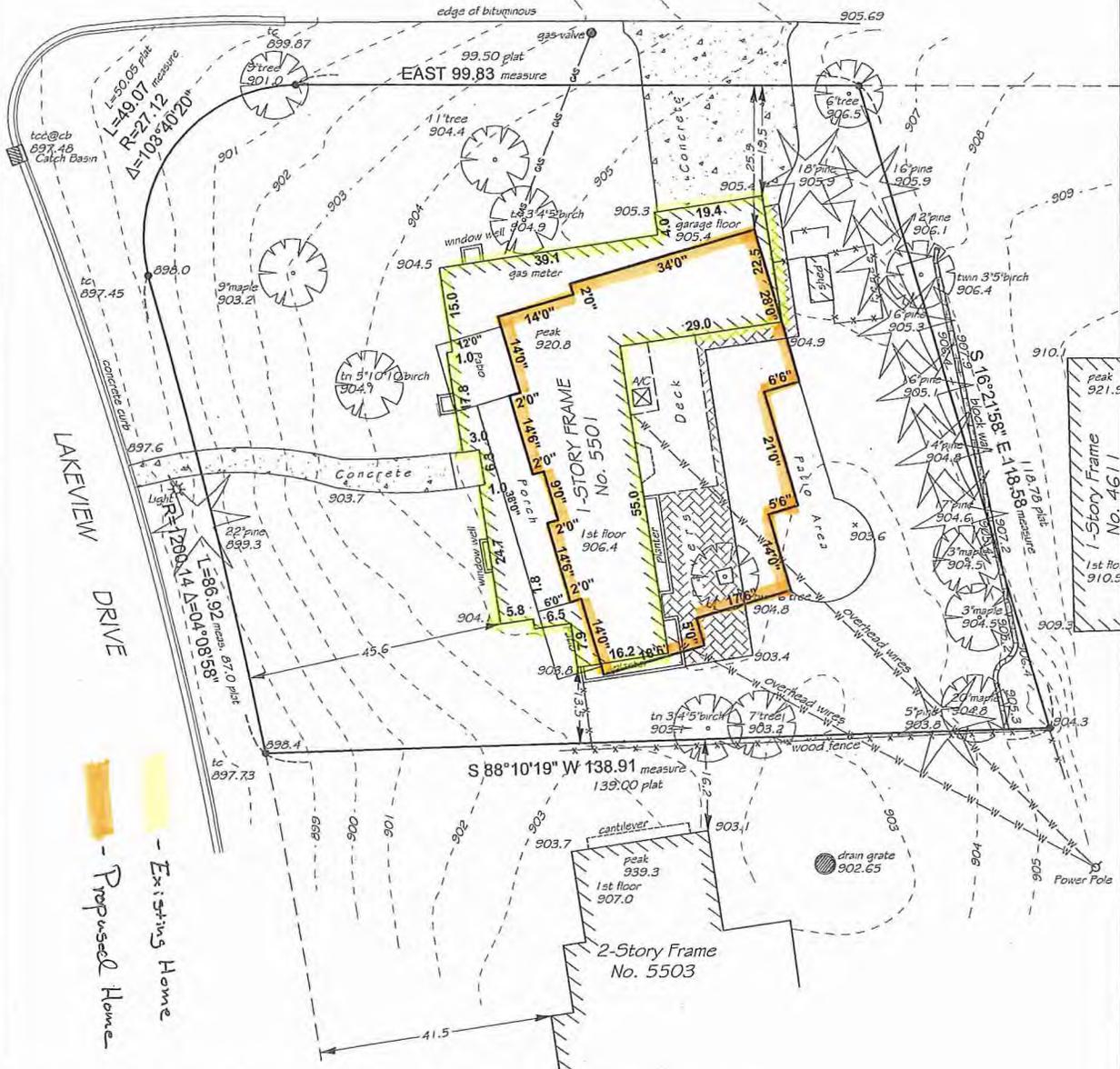
Proposed Hardcover

Residence = 2826 sq.ft
Front Porch = 246 sq.ft
Patio Areas = 643-150 = 464 sq.ft
Total Hardcover = 3536 sq.ft
Area of Parcel = 15581 sq.ft
Percentage of Hardcover = 22.7%

Basis for bearings is assumed

Hydrant
Inch=901.48

LAKEVIEW DRIVE



The only easements shown are from plats of record or information provided by client.

Lot 2, Block 8, GOLF TERRACE HEIGHTS
Hennepin County, Minnesota

I certify that this plan, specification, 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.
Surveyed this 2nd day of July 2013.

| | | |
|-----|-----------|--------------------------|
| Rev | Drawn By | Eckhart |
| | File Name | Gth-2-Binv81562combo.dwg |

Signed 
Gregory R. Prasz, Minn. Reg. No. 24992

A.9



5501 Lakeview Drive
Rear Elevation

A2

Issue Date Scale 1/4" = 1'-0"



1 Rear Elevation
1/4" = 1'-0"



3 Perspective Rear-Right



2 Perspective Rear-Left

A-11

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 Design Excellence. Precision Building.
 City Homes Design + Build, LLC
 cityhomedllc.com | (612) 219-1054

| | |
|---------------------|--------------------|
| 5501 Lakeview Drive | |
| Left Elevation | |
| A3 | |
| Issue Date | Scale 1/4" = 1'-0" |

A.12



① Left Elevation
 1/4" = 1'-0"



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City Homes Design + Build, LLC.
cityhomesllc.com | (614) 419-1044

5501 Lakeview Drive
Right Elevation

A4

Issue Date Size 1/4" = 1'-0"



1 Right Elevation
1/4" = 1'-0"

A.13

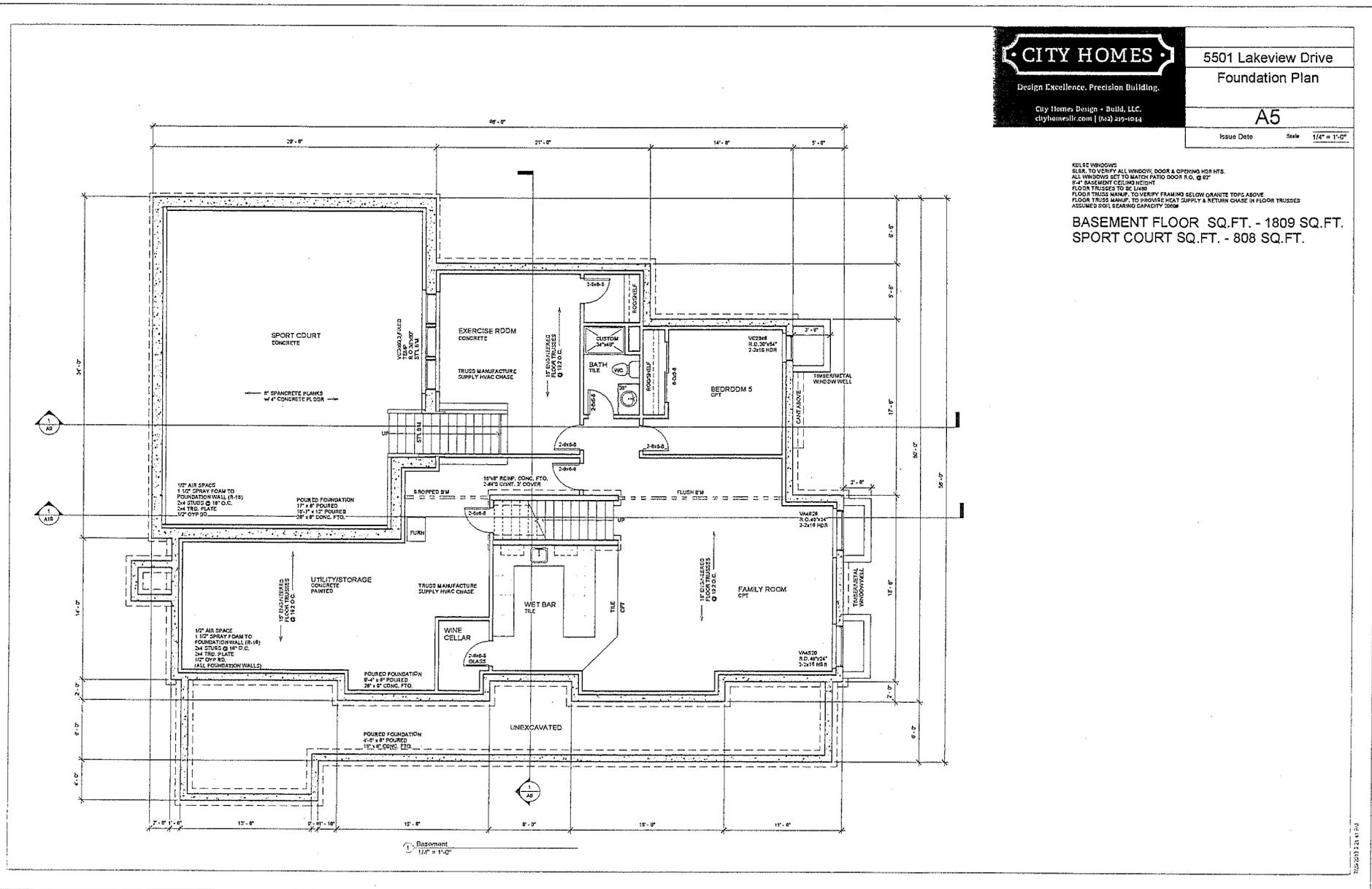
CITY HOMES
 Design Excellence. Precision Building.
 City Home Design + Build, LLC.
 cityhomesllc.com | (602) 219-1014

5501 Lakeview Drive
 Foundation Plan
 A5
 Issue Date Scale 1/4" = 1'-0"

REMOVE WINDOW
 REFER TO VERIFY ALL WINDOW, DOOR & OPENING HDI HGT.
 ALL WINDOWS SET TO MATCH PATIO DOOR R.O. @ 87"
 8'-4" BASEMENT CEILING HEIGHT
 FLOOR TRUSSES TO BE LASH
 FLOOR TRUSS MANUF. TO VERIFY FRAMING BELOW GRANITE TOPS ABOVE
 FLOOR TRUSS MANUF. TO PROVIDE HEAT SUPPLY & RETURN CHASE IN FLOOR TRUSSES
 ASSUMED SOIL BEARING CAPACITY 2000

BASEMENT FLOOR SQ.FT. - 1809 SQ.FT.
SPORT COURT SQ.FT. - 808 SQ.FT.

10.1.14



DATE PLOTTED: 08/11/2014

FIRST FLOOR SQ. FT. - 1951 SQ. FT.
GARAGE SQ. FT. - 917 SQ. FT.

- NOTES:
1. WINDOW WITH A VERTICAL OPENING SHALL BE COMPARED WITH AN APPROVED LAYOUT.
 2. ALL OPENINGS LESS THAN 4" @ ALL QUADRANTS.
 3. DIMENSIONAL REQUIREMENTS ON EITHER SIDE OF ANY STAIR RISE SHALL BE MAINTAINED.
 4. FLOOR LOADS EXCEEDED IN EXISTING STRUCTURE SHALL BE MAINTAINED OR EXCEEDED BY MORE THAN 20%.
 5. NOTE ON ALL PLANS:
 - ALL DOOR & ALL WINDOW AND PATIO DOOR SIZES, A SHORT LEADS TO THE PATIO.
 - NOTES ON DRAWING.
 - REMOVE DOOR SIZES TO ALL CHANGES TO DRAWING.
 - REMOVE TRUSSES TO DRAWING.
 - REMOVE TRUSSES TO DRAWING.
 - REMOVE TRUSSES TO DRAWING.
 6. ALL WINDOWS SHALL BE MAINTAINED OR EXCEEDED BY MORE THAN 20%.
 7. ALL WINDOWS SHALL BE MAINTAINED OR EXCEEDED BY MORE THAN 20%.
 8. ALL WINDOWS SHALL BE MAINTAINED OR EXCEEDED BY MORE THAN 20%.
 9. ALL WINDOWS SHALL BE MAINTAINED OR EXCEEDED BY MORE THAN 20%.
 10. ALL WINDOWS SHALL BE MAINTAINED OR EXCEEDED BY MORE THAN 20%.

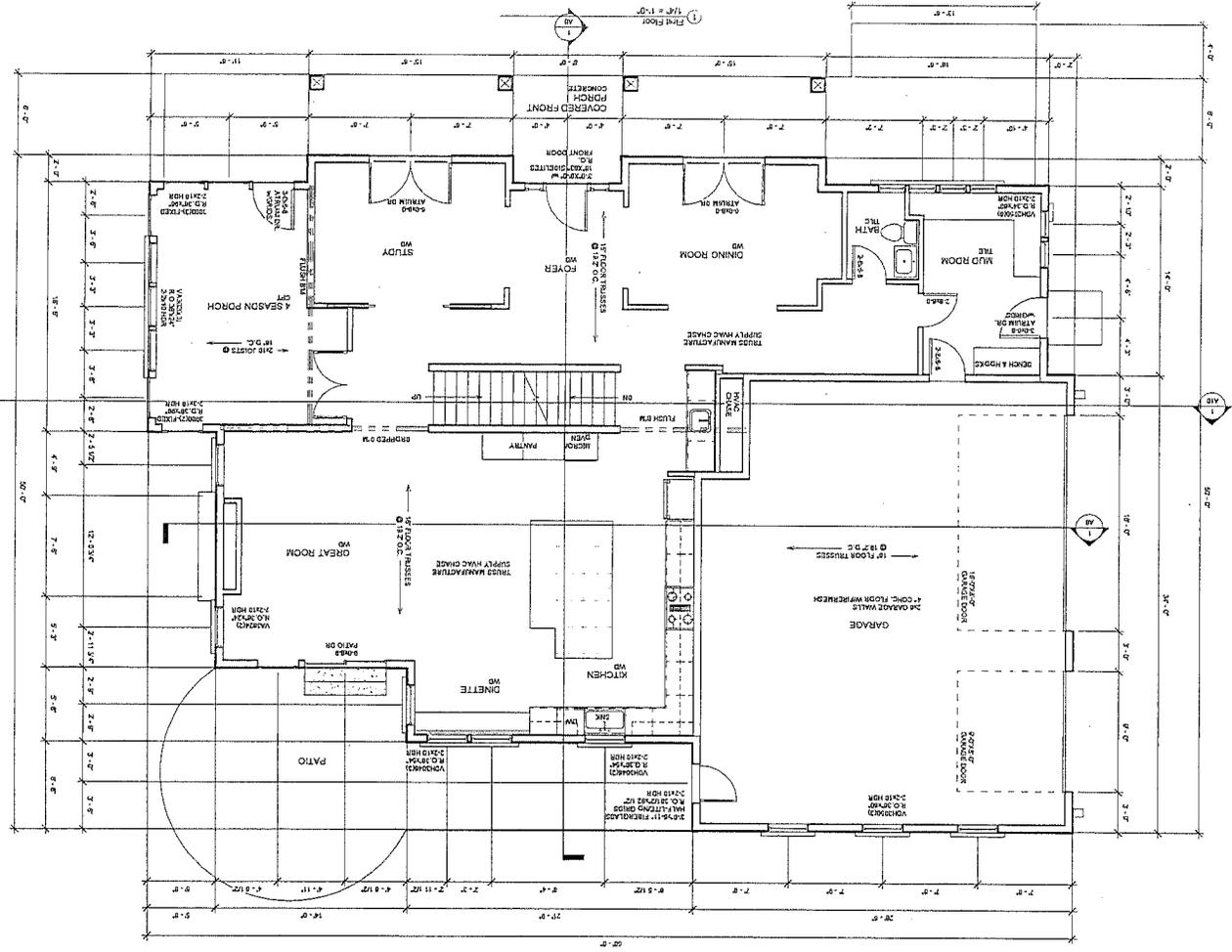
1/4" = 1'-0"

| |
|---------------------|
| 5501 Lakeview Drive |
| First Floor Plan |
| A6 |
| Issue Date |
| 1/4" = 1'-0" |

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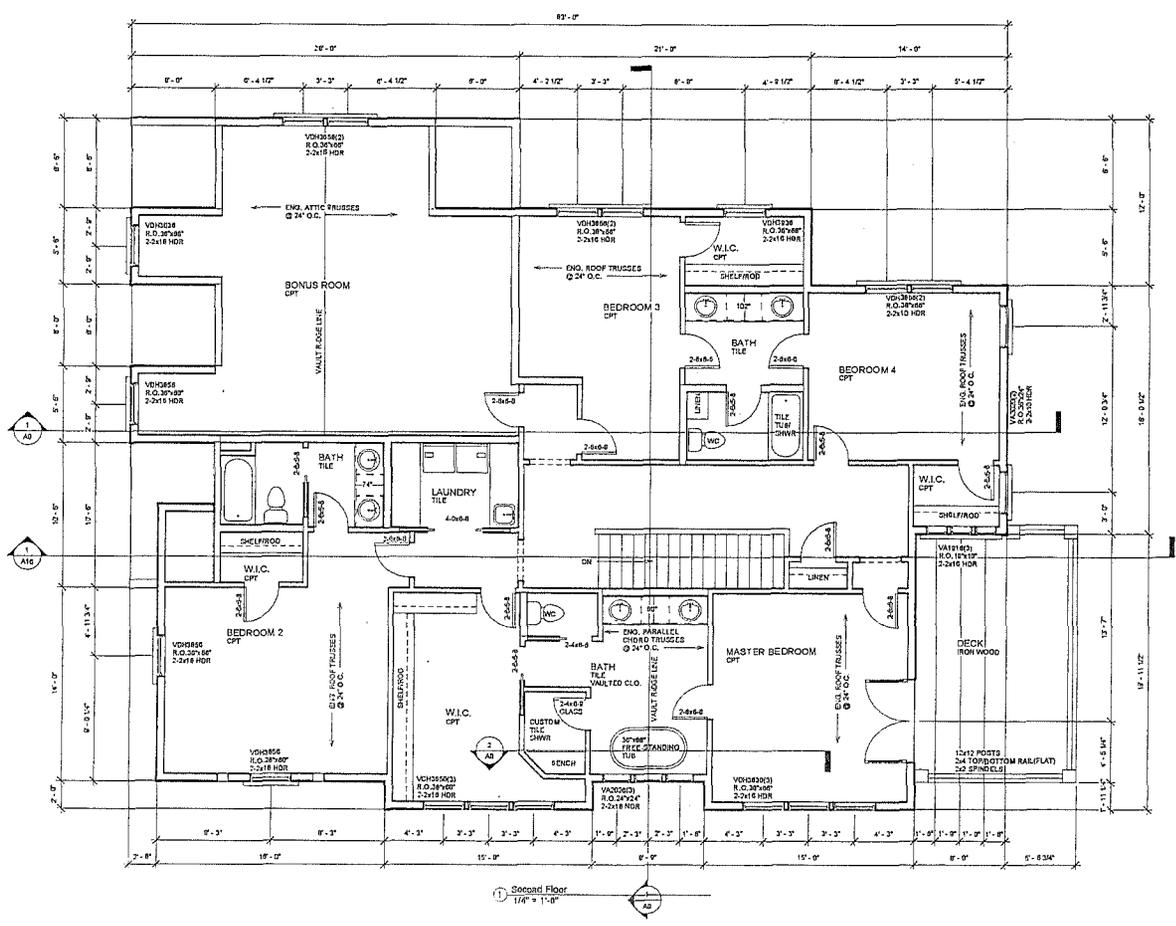
A.15

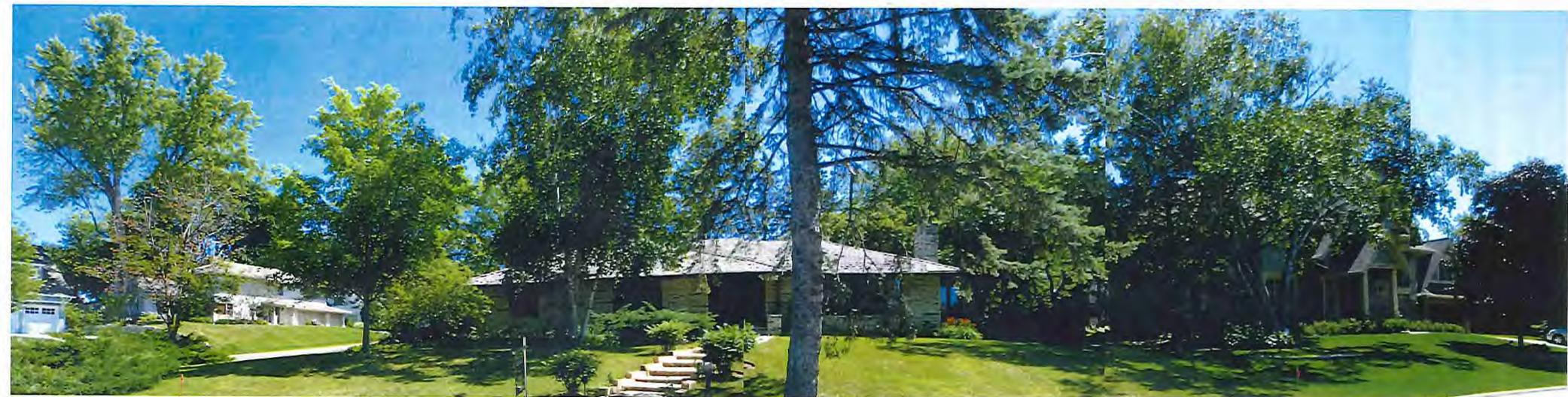
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 cityhomes-llc.com | (612) 315-1034

5501 Lakeview Drive
 Second Floor Plan
 A7
 Issue Date Scale 1/4" = 1'-0"

ADLSE WINDOWS
 WINDOWS SET @ 2'-11 3/8" UNLESS NOTED OTHERWISE
 2'-1 1/8" CEILING HT. UNLESS NOTED OTHERWISE
 SEE ELEV FOR VERIFY ALL WINDOW, DOOR & C.O. HOLES, ETC.
SECOND FLOOR SQ.FT. - 1934 SQ.FT.
BONUS ROOM SQ.FT. - 540 SQ.FT.

A-14





West View of Existing Home



West View of Proposed New Home

A-17



North View
Existing



North View
Proposed

Public Hearing

Peter Sussman, 6904 Mark Terrace Drive, addressed the Commission and informed them the property owners and builder were very helpful during this process. Concluding, Sussman said he was pleased with the outcome; the revisions are acceptable.

Commissioner Platteter moved to close the public hearing. Commissioner Carpenter seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Carpenter said he believes the variance is justified and commended all parties on working together to achieve an acceptable outcome.

Motion

Commissioner Carpenter moved approval based on staff findings and subject to staff conditions. Commissioner Platteter seconded the motion. All voted aye; motion carried.

B. Variance. Chris Drazan. 5501 Lakeview Drive, Edina, MN.

Planner Presentation

Planner Aaker informed the Commission the subject property is a corner lot located south and east of Lakeview Drive. The property owner is proposing to build a new home that will conform to all of the ordinance requirements with the exception of the required setbacks from Lakeview Drive.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following; with the exception of the front yard setback variance all standards and ordinances are met; the proposed use of the property is reasonable because it will uphold the established front setback pattern already existing on the block and the practical difficulty is complying with the deep front yard setbacks and the angle of the east lot line.

Approval is also subject to the plans presented

Appearing for the Applicant

Doug Johnson, Builder

Applicant Presentation

Mr. Johnson explained that Mr. Drazan could not be present this evening, adding Mr. Drazan informed him he spoke with neighbors; however, he was not made aware of what was discussed.

Public Comment.

Margaret Shaw, 4611 Lakeview Drive expressed concerns on the location of the new house.

Commissioner Grabiell moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Grabiell said in his opinion this is more of a "McMansion" issue. He pointed out the proposed house is twice as large as the existing house. Grabiell acknowledged that except for the front yard setback variance the rest of the house meets code; however, it is also possible more could be done to mitigate the impact of the new house from the adjoining neighbor.

A discussion ensued on the rationale of shifting the house with the observation made that shifting the house could also create other issues for the neighbor.

Commissioner Forrest commented that in her opinion this is a catch-22, adding in a sense the Commission must do a balancing act. Forrest said one comment she has is that the garage wall is too "blank", adding something needs to be done to soften its impact. Forrest acknowledged regardless of what happens the new house will be a change to the neighbor.

Chair Staunton said in his opinion the practical difficulty in this instance is that the subject lot is required to maintain two front yard setbacks. Most lots are required to meet one front yard setback; not two.

Motion

Commissioner Potts moved variance approval based on staff findings and subject to staff conditions. Commissioner Carr seconded the motion. Ayes; Potts, Platteter, Carr, Staunton. Nay; Grabiell, Carpenter, Forrest. Motion carried.

C. Conditional Use Permit with Variances. Christian Dean. 6612 Indian Hills Road, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the property owner, Malcolm 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. Aaker noted the property is a corner lot located north of Indian Hills Road and east of Indian Hills Circle. The property backs up to