PLANNING COMMISSION STAFF REPORT

Originator **Kris Aaker** **Assistant Planner**	Meeting Date **December 13, 2012**	Agenda # **B-12-13**

Recommended Action: Approve the variance as requested.

Project Description

A 5 foot side street setback variance from the north property line to extend the existing garage front 4 feet - 2 inches closer to west 52nd Street for property located at 5201 Wooddale Ave. So. for Doug and Pat Vayda.

INFORMATION/BACKGROUND

The subject property is a corner lot located south of west 52nd Street and east of Wooddale Ave. and is owned by Doug and Pat Vayda. It consists of a one and one half story home built in 1935 with an attached garage that loads from west 52nd Street. The home was built in the north east corner of the site with the garage and portions of the home within the 25 foot rear yard setback and the garage within the 20 foot setback required from the side street. (See attachments A.1 – A.15, site location, ariel photos, site plans, survey, and building elevations).

The property was recently for sale with buyers interested in the potential to develop the property, (consisting of two 60 foot wide lots), with two new homes or one large home given the ample lot area. The Vaydas purchased the property intending to preserve the existing home and to add on in order to update spaces to modern standards and expectations. The home was built in 1935 and is nearly original in it's construction. The owners will be adding onto the south side of the home to include a new family room, master bedroom and bath on the main level and a guest bedroom on the second floor. All portions of the south expansion to the home will conform to the setback, height and coverage requirements. The addition proposed to the north side of the home includes a 4 foot extension to the front of the garage to provide enough garage depth to park two cars and to allow for a service door. The addition to the garage will also make it possible to raise the head height to allow for a new standard

garage door. The existing garage can only permit a 6' – 3" garage door height, which is too low for many vehicles on the market today. While the garage may look like a two car garage, the interior space measures 16'-10" x 17' – 11" and is not considered large enough to be a two car garage.

The existing garage is located a little over 19 feet from the side street lot line and 6 inches from the rear lot line. No variance is required from the rear lot line because they will maintain the existing nonconforming rear setback and will not add more than 200 square feet into the setback area as allowed by the nonconforming addition section of the city code.

The ordinance requires a minimum 20 foot setback for a garage opening facing the street, so the existing garage is currently nonconforming at a little over 19 feet from the lot line.The owners would like to decrease the setback from the north lot line to be approximately 15 feet from the north lot line. The adjacent home to the east has their garage front setback approximately 6'– 8' from their the north lot line, or roughly 11 - 13 feet closer to the street than the subject's existing garage or 9 feet closer to the north lot line than the proposed garage extension. It should be noted that given the boulevard area, the new garage front will still be approximetly 26'– 9" from the street edge of 52nd Street..

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 consists of two 60 foot wide platted lots and is 16,080 square feet in area. The existing home was built in 1935, pre-dates setback requirements and is closer to the north and east lot line than currently allowed.

Planning

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

Building Design

The proposal is to extend the garage by an additional 4 feet 2 inches. Finish materials will match the existing materials on the home.

Compliance Table

	City Standard	Proposed
Front - Side- Rear – Side Street	57.8 feet 10+ height, (living) 25 feet 20 feet	61.3 23 feet 6 inches (nonconforming) ***15 feet**
Building Height	1 1/2 stories 35 feet to ridge	1 1/2 stories, 22 feet to the ridge
Lot coverage	25%	20%

*** *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 additions are permitted in the R-1, Single Dwelling Unit Zoning District and will comply with all requirements with the exception of north (street), setback. Setbacks will not affect existing street sight lines and will allow for the garage to accommodate storage of two cars as required by ordinance for new construction.

  2. The improvements will enhance the property and not detract from or impact the neighborhood. The addition to the garage will be less than 160 square feet, but will allow for the storage of two cars and installation of a standard height garage door.

  3. The modest improvements will provide additional garage space and functionality without drastically changing conditions on the property.

  4. The home would maintain the character of the neighborhood and would remain the same with the exception of an enhanced garage and conforming addition to the south side of the home. The property had been viewed as a teardown with the possibility of one or perhaps two new homes on the lots.

  The owners had considered a driveway from Wooddale accessing the lot for a new garage on the south side of the property; however, they felt it would have had a drastic impact on the neighborhood, the Wooddale Ave. street scape and the neighboring property to the south. The owners wanted the home to look nearly the same as existing with improvements seamlessly blending with the existing home.

- **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 Statues 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 setback of the existing garage will be reduced by approximately 4 feet with sight lines along the street remaining virtually the same. Practical difficulties present on the property include the existing nonconforming street setback and rear yard setback and limited design opportunity given the location of the existing home and garage in the far north east corner of the lot.

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 the nonconforming status of the home and garage given its location which limits design opportunities. The home to the east has their garage much closer to 52nd Street than the proposed garage location.

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

No. The proposed addition will not alter the essential character of the neighborhood. The setback along west 52nd Street will be reduced; however, will not encroach as much as the neighboring garage to the east encroaches. The variance will allow the home to be modernized without changing the look or character of the 1935 house. The home was considered by many as a teardown when it had recently been listed for sale. The new owners wanted to preserve the home, although would like to make some minor modifications to the garage in order to accommodate two cars and allow for a standard garage door. Complying with city code forces conforming solutions that would perhaps be more out of character to the existing neighborhood than the proposed solution requiring a variance.

Staff Recommendation

Recommend the Planning Commission approve the variance.

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:

   The proposed use of the property is reasonable; as it alters conditions on the property only slightly and keeps the garage addition farther from the street than the setback provided by the neighbor's garage to the east. The conditions on the property are not self-imposed and are a challenge when trying to maintain and improve the existing structure.

3) The practical difficulty imposed by the setback and the nonconforming garage location limits design opportunity. The intent of the ordinance is to provide adequate spacing between garage openings and the street. The proposed garage opening will be farther from west 52nd than the neighbor's garage and will still be 26' – 9" from the street edge.

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 with the following plans, unless modified by the conditions below:

- Survey date stamped January 4, 2011.
  Building plans and elevations date stamped November 28, 2012.

Deadline for a City decision: January 28, 2013.

VARIANCE APPLICATION

CASE NUMBER B12-13 DATE 11/28/2012

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: Jean Rehkamp Larson (Signature required on back page)

ADDRESS: 2732 West 43rd St., Mpls, 55410 PHONE: 612-285-7275

EMAIL: Jean@RehkampLarson.com

PROPERTY OWNER:

NAME: Doug & Pat Vayda (Signature required on back page)

ADDRESS: 5601 Oaklawn Ave, Edina, 55424 PHONE: 952-927-7630

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):
Lots 19 & 20, Block 3, South Harriet Park, Hennepin County, Minnesota

**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: 5201 Wooddale Avenue, Edina, 55424

PRESENT ZONING: R1 P.I.D.# 18-028-24-43-0037

EXPLANATION OF REQUEST:
See Attached Sheet

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Jean Rehkamp Larson PHONE: 612-285-7275
EMAIL: jean@RehkampLarson.com

SURVEYOR: NAME: Harry S. Johnson PHONE: 952-884-5341
EMAIL: HSJinfo@HSJSsurveyors.com

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

these responses are in addition to the Vayda Variance Application submitted 11.28.12

The Proposed Variance will:

	YES	NO
Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable see attached sheet	☒	☐
Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district see attached sheet	☒	☐
Be in harmony with the general purposes and intent of the zoning ordinance see attached sheet	☒	☐
Not alter the essential Character of a neighborhood see attached sheet	☒	☐

December 3, 2012

Vayda Variance Application

Property Address:
5201 Wooddale Avenue
Edina, MN 55424

Submitted by Pat & Doug Vayda along with Rehkamp Larson Architects

The following verbiage responds to a question on Page 1 of the attached Variance Application:

"EXPLANATION OF REQUEST":

We are requesting a variance for the side street setback (52nd street). We are proposing that the new garage addition encroach on the 20' setback designated for attached garages where the opening faces the side street. The proposed addition will, however, meet the general 15' setback designated for attached garages. The homeowners strongly wish to park in their garage and preserve the unique and historic nature of the house's exterior, while reconfiguring the existing house to function efficiently for a family. After exploring many options, the proposed design maintains the integrity of the existing house and makes it functional for a family by updating it to meet the basic dimensions for a modern garage.

The following verbiage responds to questions on Page 2 of the attached Variance Application:

"THE PROPOSED VARIANCE WILL... RELIEVE PRACTICAL DIFFICULTIES IN COMPLYING WITH THE ZONING ORDINANCE AND THAT THE USE IS REASONABLE":

The proposed variance will reconfigure the existing garage such that the new garage interior space and door opening will accommodate two modern cars. The existing garage door does not open fully due to the existing ceiling height of the garage. A new garage door in the existing garage would only permit a 6'-3" garage door height, which is insufficient for the passage of many cars. Similarly, the existing 16'-10 x 17'-11 interior space does not allow for the existing garage to function effectively as a two car garage. Also, because overnight street parking is not permitted for this lot from approximately November 1st to March 31st, it is reasonable and appropriate that a house and lot of this scale accommodate a two car garage. All of the above existing conditions cause a practical difficulty that would be relieved by expanding the garage 4'-2" towards the street, and would allow the existing exterior character of the house to remain preserved.

(see next page)

"THE PROPOSED VARIANCE WILL... CORRECT EXTRAORDINARY CIRCUMSTANCES APPLICABLE TO THIS PROPERTY BUT NOT APPLICABLE TO OTHER PROPERTY IN THE VICINITY OR ZONING DISTRICT":

Not only does the existing garage not function properly as a two car garage, as outlined above, it also encroaches on both the side yard and rear yard setback. As a result, the garage cannot expand to the north or the east without an appropriate variance. An expansion towards the south (rear) of the garage, would not remedy the restricted garage opening head height on the north façade. Based on street views and aerial photos on the Hennepin County website, most of the other properties in the vicinity and the R1 zoning district have either an adequately sized two car garage (or larger) or have more permissible room for expansion within the zoning setbacks. The proposed addition to the north side of the garage will correct existing extraordinary circumstances that do apply to all other properties in the vicinity.

"THE PROPOSED VARIANCE WILL... BE IN HARMONY WITH THE GENERAL PURPOSES AND INTENT OF THE ZONING ORDINANCE":

The proposed addition will maintain the existing vehicular circulation. In other words, the proposed variance would not be an impediment to the traffic flow on 52nd Street and/or Wooddale. A previously permitted alternate to this plan – a new driveway loading onto Wooddale – would affect the public traffic flow more directly. The proposed variance will also follow the general setback for attached garages (where openings do not face the side street), so the massing will not be an imposition, and the driveway length will permit a safe entrance and exit. This addition strives to be in harmony with the general intent of the zoning ordinance.

"THE PROPOSED VARIANCE WILL... NOT ALTER THE ESSENTIAL CHARACTER OF A NEIGHBORHOOD":

The proposed variance does not affect the essential character of neighboring homes, as the addition is modest in scale, separated from the fenestration and circulation of nearby properties, and aesthetically in-tune with the rest of the house. It will also not stand out as differing dramatically from neighboring properties. The immediate neighbor to the east (5200 Kellogg Ave) has an attached two car garage with the opening facing the side street that encroaches on both the 20' and 15' side yard setback. At this residence, the north face of the garage was site measured at approximately 6'-8' from the property line. The front of the proposed garage addition for 5201 Wooddale would still be recessed back 15' from the property line and approximately 9' behind this neighboring garage. The proposed addition would therefore preserve a property right exercised by its closest neighbor. (See attached drawing sheet A70 for supporting images).

The proposed variance is, in fact, a benefit to the essential character of the neighborhood because it makes the historic house functional, assures that the existing house will be preserved, and, in doing so, prevents the double lot from being subdivided.

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.

11.28.12

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.)

Pamela Vayda 11/28/12

Owner's Signature **Date**

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

LOCATION MAP

Variance

PID: 1802824430037

5201 Wooddale Ave
Edina, MN 55424

CITY OF EDINA, MINNESOTA
INCORPORATED
1888

5113
5028
5032
5115
5117
5030
5119
5131
5129
4431
4429
4425
4421
24
5133
2ND ST W
5201
5200
5201
5200
5209
5211
5213
5212
5216
BROOKVIEW AVE
5217
5216
5217
5220
5221
5220
5221
5224
5237
5224
5228
5225
5228
5232
5241
5233
5232
5236
OAKLAWN AVE
5245
5236
5237
5240
53RD ST W
Map created with ArcIMS - Copyright (C) LOGIS GIS 2005

1.3

4431
4429
4425
5133
52ND ST W
5207
5200
WOODDALE AVE
5209
5213
5212
5217
5216
Map created with ArcIMS - Copyright (C) LOGIS GIS 2005

A.4

THE VAYDA RESIDENCE

Edina, Minnesota

DRAWING INDEX

A00	TITLE SHEET
A01	AERIAL IMAGE
A02	SUPPORTING IMAGES
A03	SITE PLAN
A10	MAIN LEVEL FLOOR PLAN &
A11	SECOND LEVEL ADDITION PLAN
	LOWER LEVEL FLOOR PLAN
A20	EXTERIOR ELEVATIONS
A21	EXTERIOR ELEVATIONS
A31	GARAGE SECTION
X1	EXISTING MAIN LEVEL PLAN
X2	EXISTING EXTERIOR ELEVATIONS
--	SURVEY

CONTACTS

Owner:

Pat & Doug Vayda
5201 Wooddale Ave
Edina, MN 55424

Architect:

Rehkamp Larson Architects Inc.
2732 West 43rd Street
Minneapolis, MN 55410
t. 612.285.7275
f. 612.285.7274
Contacts:
Jean Rehkamp Larson, AIA
jean@rehkamplarson.com
Kari Nelson
Kari@rehkamplarson.com

GENERAL NOTE:
HALF SIZE SET: 11" X 17". SCALE AS NOTED.
FULL SIZE SET: 24" X 36". SCALE 2x AS NOTED.

A.S

REHKAMP LARSON ARCHITECTS INC.
2732 West 43rd Street, Mpls, MN 55410
Tel. 612-285-7275 Fax. 612-285-7274

VAYDA RENOVATION
5201 Wooddale
Edina, MN 55424

PROJECT PHASE:
VARIANCE

PROJECT NUMBER:
12-056

ISSUE DATE:
~~October 24, 2012~~
~~November 7, 2012~~
November 28, 2012

DRAWN BY: JRL, KN

NOT FOR CONSTRUCTION

A00

5201 WOODDALE AVE:

EXISTING GARAGE

HOUSE

MAP FROM HENNEPIN COUNTY WEBSITE

EXISTING AERIAL VIEW

A.6

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DRAWN BY: JRL, KN

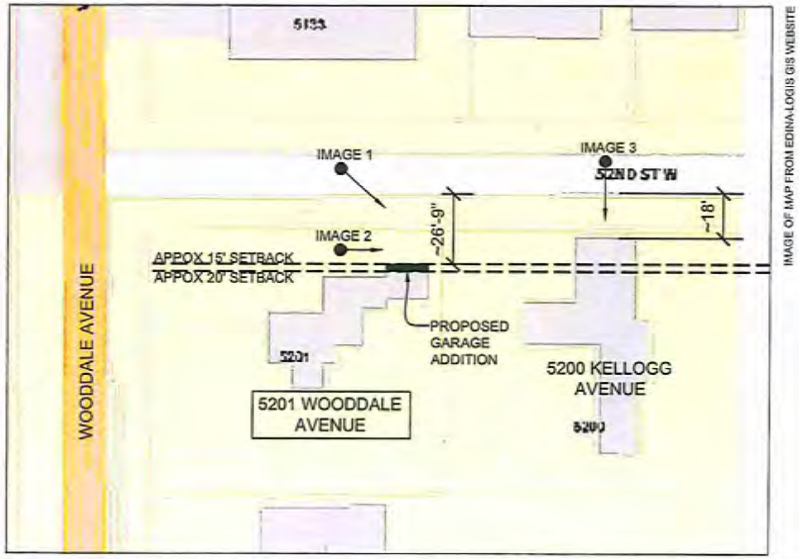
NOT FOR CONSTRUCTION

A01

IMAGE 1: VIEW OF EXISTING GARAGE @ 5201 WOODDALE AVE WITH NEIGHBORING HOUSE AND GARAGE IN BACKGROUND.

IMAGE 2: SIDE VIEW OF EXISTING GARAGE @ 5201 WOODDALE AVE WITH NEIGHBORING HOUSE AND GARAGE IN BACKGROUND.

IMAGE 3: SIDE VIEW OF NEIGHBORING GARAGE WITH VIEW EXISTING GARAGE AND HOUSE AT 5201 WOODDALE IN BACKGROUND



MAP OF 5201 WOODDALE AVENUE AND 5200 KELLOGG AVE (ADJACENT LOT).

* PROPOSED ADDITION SHOWN LIGHTENED

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12-056

ISSUE DATE:
~~October 24, 2012~~
~~November 7, 2012~~
November 26, 2012

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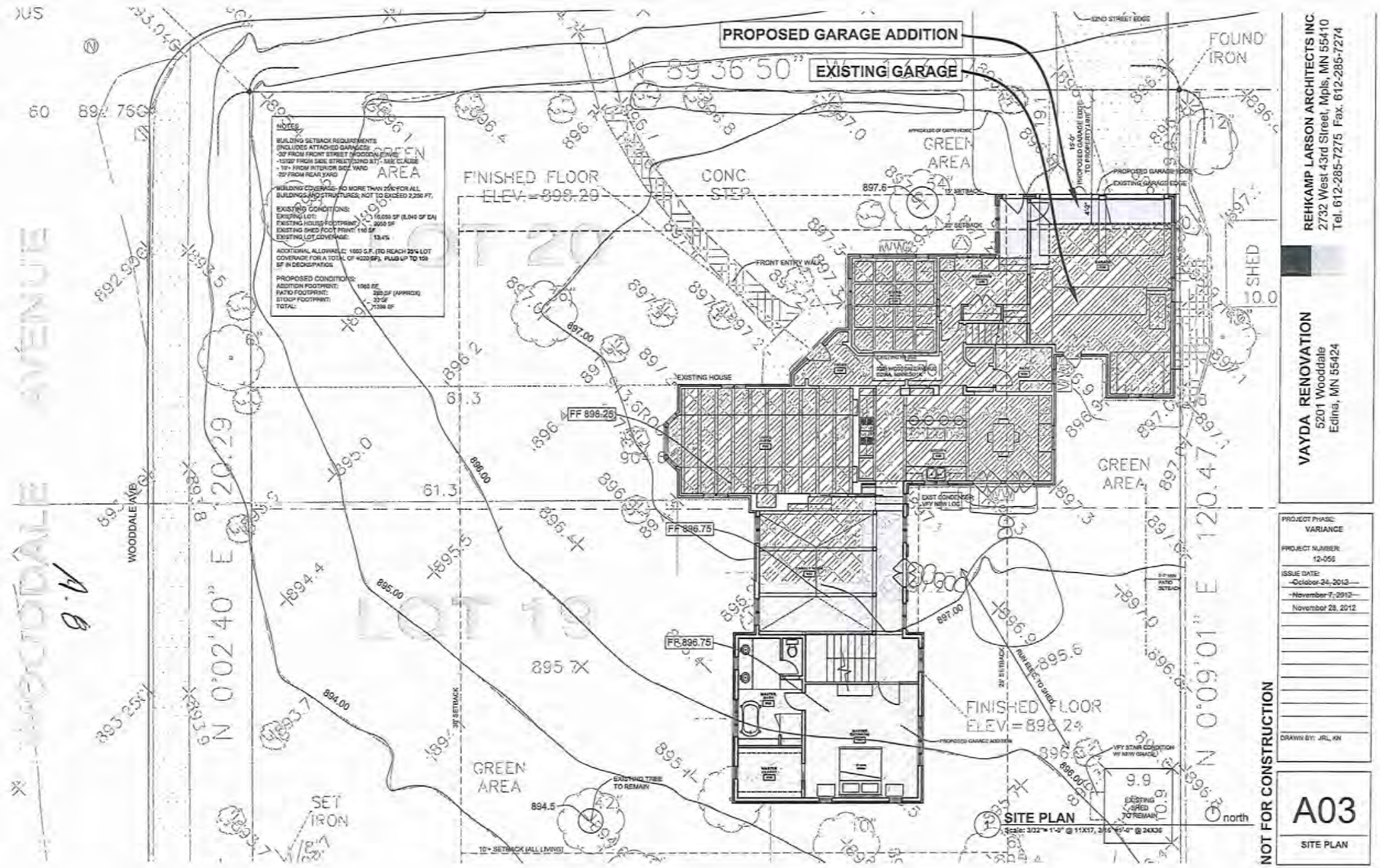
A02
SUPPORTING IMAGES



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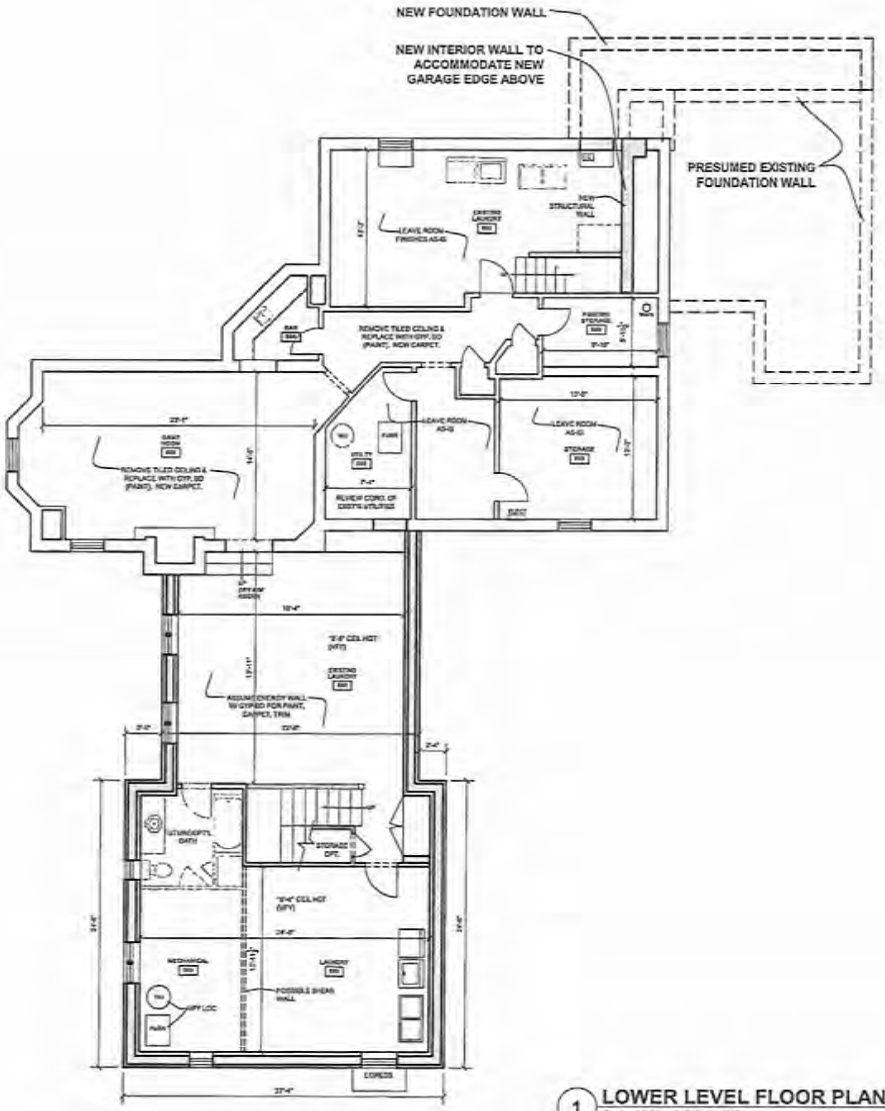
A03
SITE PLAN



1 **LOWER LEVEL FLOOR PLAN** north
Scale: 3/32"= 1'-0" ON 11X17

☐ EXISTING WALLS
☐ NEW WALLS

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VAYDA RENOVATION
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November 28, 2012
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NOT FOR CONSTRUCTION

A11
LOWER LEVEL FLOOR PLAN

A.4

1 **NORTH ELEVATION**
Scale: 1/8"= 1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

2 **EAST ELEVATION**
Scale: 1/8"= 1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

01.10

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~~October 24, 2012~~
~~November 7, 2012~~
November 28, 2012

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A20

EXISTING ELEVATIONS

1 **WEST ELEVATION**
Scale: 1/8"=1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

2 **SOUTH ELEVATION**
Scale: 1/8"=1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

11.8

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Edina, MN 55424

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ISSUE DATE:
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~~November 7, 2012~~
November 28, 2012

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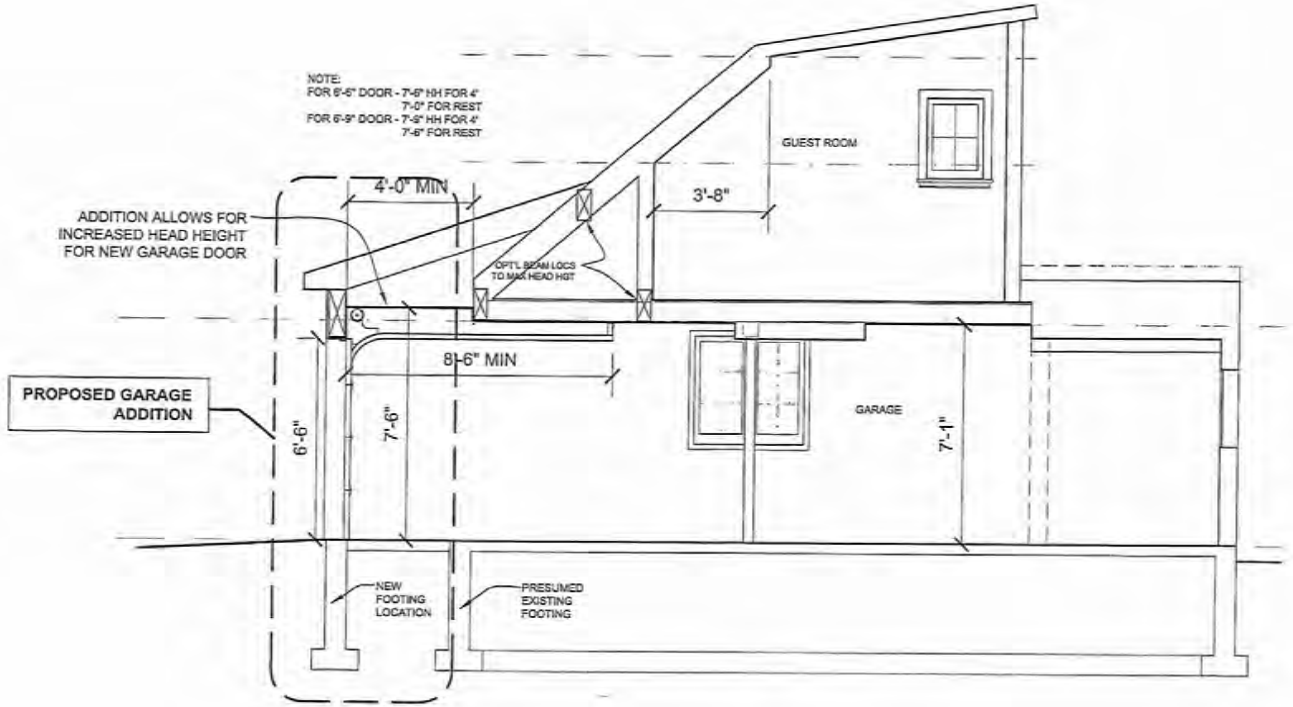
A21
ELEVATIONS



1 **GARAGE SECTION DIAGRAM - EAST WALL**
Scale: 1/4"= 1'-0" @ 11x17, 1/2" = 1'-0" @ 24x36

A.12

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Edina, MN 55424

PROJECT PHASE:
VARIANCE

PROJECT NUMBER:
12-056

ISSUE DATE:
~~October 26, 2012~~
~~November 7, 2012~~
November 26, 2012

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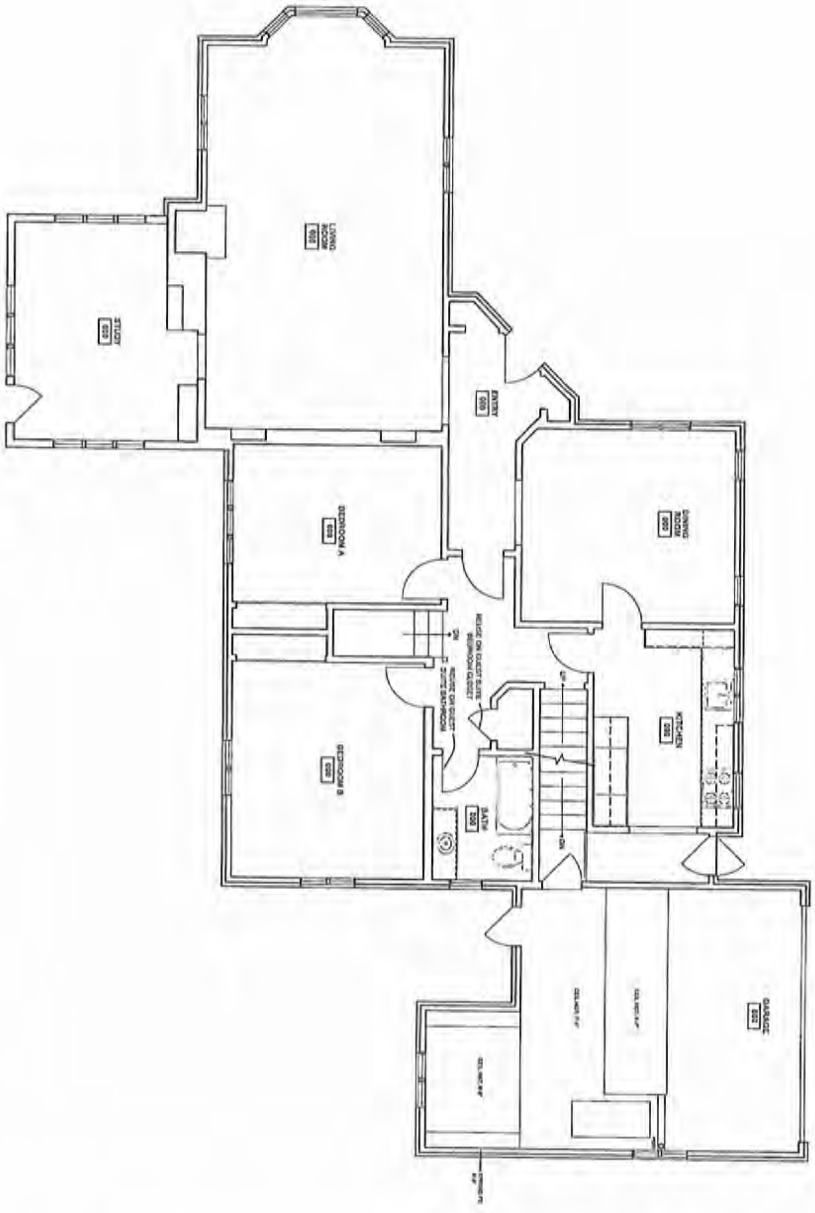
A31
SECTION DIAGRAM

A.13



1 MAIN LEVEL FLOOR PLAN
Scale: 1/8"=1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

north

YEAR BUILT: 1938

NOT FOR CONSTRUCTION

X1
MAIN LEVEL FLOOR PLAN

PROJECT PHASE: VARIANCE
PROJECT NUMBER: 12-056
ISSUE DATE:
~~January 30, 2013~~
April 10, 2013
November 28, 2012
DRAWN BY: JRL, KN

VAYDA RENOVATION
5201 Wooddale
Edina, MN 55424

REHKAMP LARSON ARCHITECTS INC.
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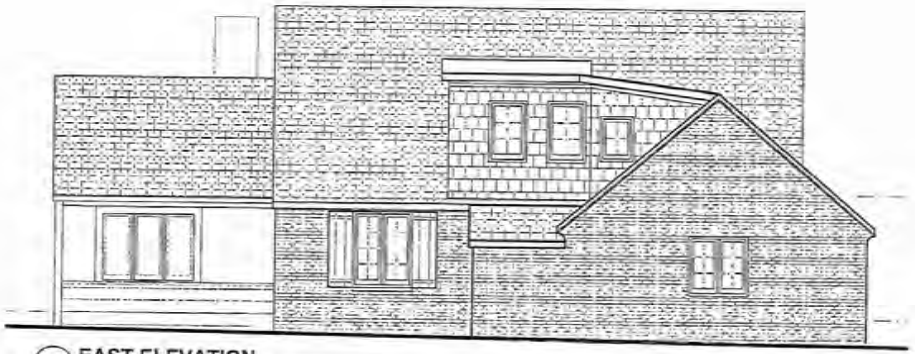
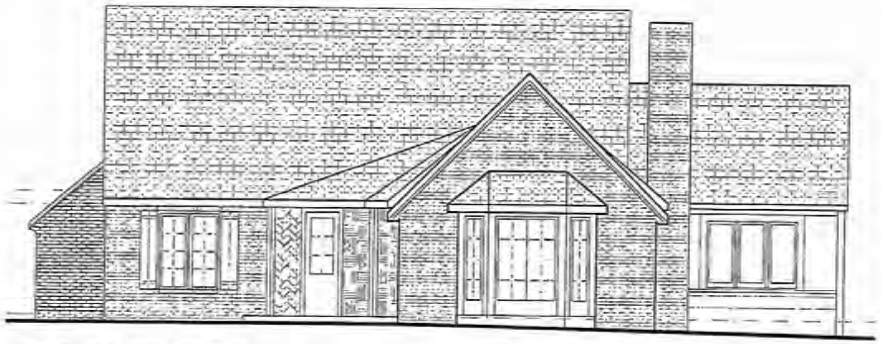
Tel. 612-285-7275 Fax. 612-285-7274

1 NORTH ELEVATION
Scale: 1/8"= 1'-0" @ 11x17, 1/4"=1'-0" @ 24x36



2 EAST ELEVATION
Scale: 1/8"= 1'-0" @ 11x17, 1/4"=1'-0" @ 24x36



3 WEST ELEVATION
Scale: 1/8"= 1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

4 SOUTH ELEVATION
Scale: 1/8"= 1'-0" @ 11x17, 1/4"=1'-0" @ 24x36

A.1.14

YEAR BUILT: 1938

NOT FOR CONSTRUCTION

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VAYDA RENOVATION
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PROJECT PHASE:
VARIANCE

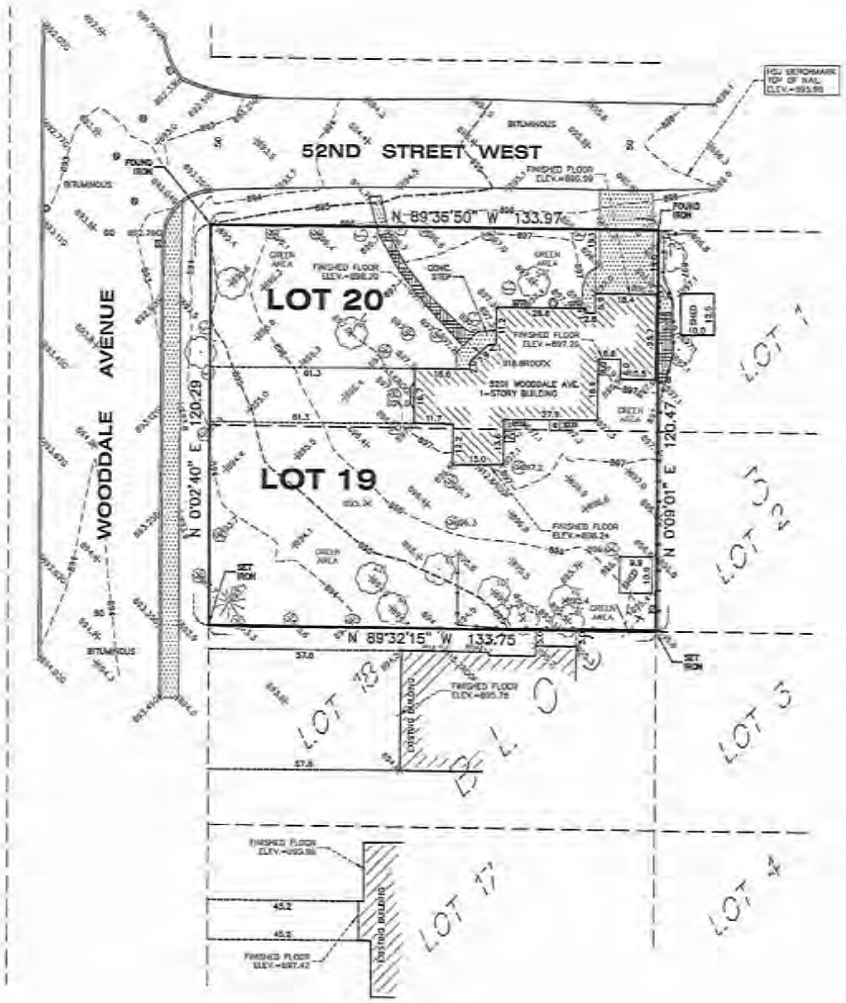
PROJECT NUMBER:
12-056

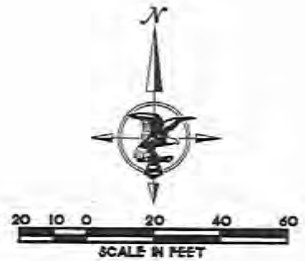
ISSUE DATE:
~~January 30, 2012~~
~~April 18, 2012~~
November 28, 2012

DRAWN BY: JRL, KN

X2

EXISTING ELEVATIONS





LEGEND

FOUND IRON	Found Property Monument
SET IRON	Set Property Monument (Minn. Reg. No. 23677)
	Concrete
	Concrete Curb
	Fence
	Overhead Electric
	Underground Electric
	Underground Telephone
	Water
	Gas
	Sanitary Sewer
	Storm Sewer
	Electric Meter
	Power Pole
	Unknown Manhole
	Gate Valve
	Catchbasin
	Catchbasin
	Air Conditioning Unit
	Deciduous Tree (Diameter in inches)
	Coniferous Tree (Diameter in inches)
	Bush
	Light Pole
	Gas Meter
	Telephone Box
	Window Well
	Sanitary Manhole
	Storm Manhole
906	Existing Contour
X 851.27G	Existing Spot Elevation Gutter
X 934.1	Existing Spot Elevation
	Patio Pavers

LEGAL DESCRIPTION

Lots 19 and 20, Block 3, South Harriet Park, Hennepin County, Minnesota.

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Site area = 16,314 square feet = 0.370 acres.
4. This survey was made on the ground.
5. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
6. Elevation datum is based on 1988 NAVD data.
HCUBenchmark is located Top of Nail (AS SHOWN ON SURVEY)
Elevation = 895.98

LOT CERTIFICATE SURVEY

WITH TOPOGRAPHY

for:

DOUG VAYDA

SITE: 5201 WOODDALE AVENUE
EDINA, MINNESOTA

CERTIFICATION:

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

Date: January 4, 2011

T. E. Haseff

Thomas E. Haseff
Minn. Reg. No. 23677

Revised Survey
1-24-2012 - added title

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HARRY S. JOHNSON CO., INC.
LAND SURVEYORS CONSULTANTS
BLOOMINGTON, MINNESOTA
PHONE: (952) 884-6801 FAX: (952) 884-0234

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