



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date February 12, 2014	Agenda # B-14-04
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Recommended Action: Deny the variance as requested.

Project Description

A 4.6 foot setback variance from the north property line to extend the existing garage 4 feet closer to the north property line for property located at 5212 Duncraig Road for Kevin and Kristi Mollet.

INFORMATION/BACKGROUND

The subject property is located west of Duncraig Road consisting of a rambler with an attached two car garage owned by Kevin and Kristi Mollet. The home was built in 1954 on the northern most portion of the site, (See attachments A.1 – A. 13, site location, ariel photos, site plans, survey, and building elevations). The homeowners have indicated that they are in the final phase of a three phase project to bring the 1950's rambler up to modern building standards. The first two phases included updating the main level, an exterior face lift with new windows throughout.

The owners were planning the next phase of their project that adds a second floor to include new bedrooms, laundry and baths and a four foot extension of the garage width to the north on the main level. The proposed improvements conform to all of the setback and height requirements with the exception of the north side yard setback proposed for the garage addition. The existing garage is an under sized two car garage that provides an interior side yard setback of 9.4 feet. The minimum side yard setback for an attached garage is 10 feet. Prior to the zoning ordinance change as of January 1, 2014, the side yard setback for an attached garage was 5 feet. The owners had planned their addition based on the previous setback standard and prior to ordinance amendment.

As indicated all portions of the expansion to the home will conform to the setback, height and coverage requirements with the exception of the 4 foot extension proposed for the garage. The 1st two phases of the project included the

plan to expand the width of the garage at a 5 foot setback, (conforming at the time). Unfortunately the ordinances were amended before the final phase of the project was submitted for permit. The 4 foot extension to the garage is to provide enough garage width to park two cars and to allow for storage. Some storage is currently accomplished outside of the garage.

The ordinance requires a minimum 10 foot side yard setback for a garage. The existing garage is currently nonconforming at a little over 9 feet from the north lot line. The owners would like to decrease the setback from the north lot line to be 5.4 feet to the north lot line. The adjacent property to the north is a through lot addressing from and with the home fronting from Lochloy, (5265 Lochloy), and with back yard area adjacent to the proposed improvements. The new north wall of the garage will be next to open space on the lot next door.

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 13,730 square feet in area. The existing home was built in 1954.

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 materials on the home.

Compliance Table

	City Standard	Proposed
Front -	30.0feet	32.323 feet
Side-	10+ height	*5.4 feet
Rear -	25 feet	28.5 feet
Building Height	2 1/2 stories 35 feet to ridge	2 stories, feet to the ridge
Lot coverage	25%	17.9%

*** Variance Required**

Primary Issues

- **Is the proposed development reasonable for this site?**

Staff questions if the proposal is reasonable:

As of January 1, 2014, the zoning ordinance was amended to require that all attached garages maintain the underlying side yard setback required based on lot width. The minimum side yard setback required for a garage in this instance is 10 feet. The existing garage is already nonconforming regarding side yard setback at 9.4 feet. The request is to bring the garage closer to the side yard, decrease setback and increase a nonconforming condition.

- **Is the proposed variance justified?**

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.

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.

- 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.

The garage cannot be expanded without the benefit of a variance given the recent ordinance amendment. The ordinance was amended to protect adjacent property by maintaining adequate distances between structures and properties. It has been determined that a 10 foot setback is adequate protection. The existing garage is already nonconforming and too close to the side yard.

2) *Are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?*

Circumstances include the nonconforming status of the garage given its existing location to the side yard which limits design opportunities and the presence of large back yard open space next door, however, the existing garage side wall is now already too close to the side yard given the rule change.

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

The zoning ordinance was amended in part to maintain the integrity and essential character of a neighborhood. Deeper setback standards were deemed appropriate to maintain character. The request will compound an already nonconforming situation.

Staff Recommendation

The zoning ordinance was amended to address mounting concerns regarding the size, mass, proximity and height of tear-down/rebuilds, (new homes), and additions to existing homes. The existing garage is already closer to the side yard than deemed appropriate by the new code and a variance would reduce the garage side setback even more.

It is difficult for staff to support or recommend approval of a variance from the recently amended code, (January 1, 2014), that was considered over many months of public input, thoughtful discussion and that as a result was intentionally crafted to provide deeper setbacks from side yards to preserve adequate spacing.

Deadline for a City decision: March 29, 2014.



VARIANCE APPLICATION

CASE NUMBER B-144 DATE 1/28/2014
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: KEVIN & KRISTI MOLLET (Signature required on back page)
ADDRESS: 5212 DUNCRAIG RD PHONE: KEVIN 612-860-4997
KRISTI 612-240-2030
EMAIL: kevinmollet@aol.com

PROPERTY OWNER:

NAME: KEVIN & KRISTI MOLLET (Signature required on back page)
ADDRESS: 5212 DUNCRAIG RD PHONE: SAME AS ABOVE

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):
Lot 21, Block 1, Edina Highlands, Hennepin Co., MN.

**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: 5212 Duncraig Rd, Edina MN 55434

PRESENT ZONING: _____ P.I.D.# _____

EXPLANATION OF REQUEST:
Variance for addition garage, + remodeling

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Carl Gramentz PHONE: 952-933-4590
EMAIL: carl1244@aol.com

SURVEYOR: NAME: Frank Cardarelle PHONE: 952-941-3031
EMAIL: cardarellefs@aol.com

Fred NORDAHL 612-250-0461 cell

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.

Kevin Mallet *Britt Mallet* *1-28-14*

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.)

Kevin Mallet *Britt Mallet* *1-28-14*

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.

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

Hardship Letter – 1/27/14

Mollet Residence – 5212 Duncraig Road, Edina 55436

We purchased the house in the fall of 2006, at which time it needed updating both internally and externally as it was built in the 1050's and hadn't been updated at all. We have spent the last five years updating the property in phases. Phase 1 and 2 focused on updating the main level and exterior facelift, including new window's throughout. During these 2 phases, trying to update and beautify our home we spent considerable money, \$200,000.00 plus. Phase 3 is to be our final remodel and our plans have always been to stay in the house and continue to support and be engaged in our community. Phase 3, which we are in the process of securing permits, is why we are writing this letter of hardship as it pertains to the new property regulations as of 1/1/14.

Phase 3 we have been working on for the last 1.5 years with our contractor, Fred Nordahl, architect, Carl Gramentz, and various city hall contacts as needed ensuring code and regulations are met. The primary update to the house, the garage, is now impacted by the new assessment. Our garage at this time is an undersized 2 stall. We are unable to park our cars adequately, meaning that the driver has to let out the passengers (including in rain and snow) before parking in the garage. Also, the tight space does not allow us to store our garbage, yard waste and recycling bins due to limited space when the cars are parked in the garage.

The new design is to bring our garage up to current standard size by creating a standard sized 2 stall garage, not a 3 stall. The 4 feet widening will not change the existing hard cover around the garage, as it is only being extended out as far as the current hard cover, which are steps going to the back yard. The land next door is unbuildable and is laden with trees and shrubs, which divides the lots.

The remainder of the remodel includes transforming the house from a 3 bedroom (2 bedrooms on main level, 1 in basement), with no en suite, to a fully functioning home with all bedrooms on one level bringing the family together on the same floor.

The last 5 years our lives and love for our home, and community, have revolved around this final phase in which we'll be updating the garage and creating a home we can take greater pride in. We've spent an excruciating amount of time ensuring the architecture and design fits in with Edina. Being unable to increase the size of the garage will diminish, or eliminate, our ability to complete phase 3 of the remodel.

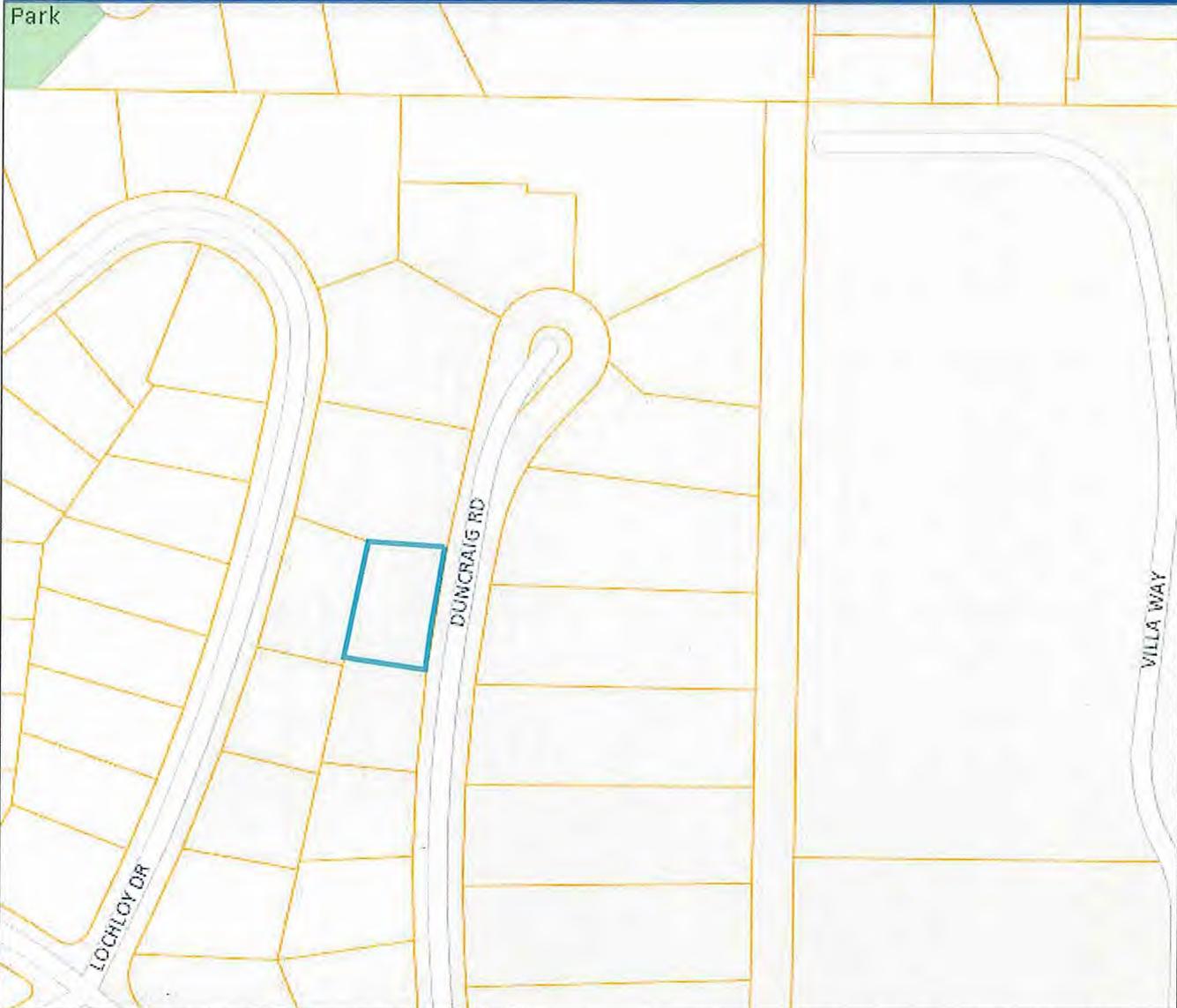
Sincerely,

Kevin and Kristi Mollet

PLANNING DEPARTMENT

JAN 28 2014

CITY OF EDINA



Parcel ID: 29-117-21-44-0022

Owner Name: K M Mollet & K A G Mollet

Parcel Address: 5212 Duncraig Rd
Edina, MN 55436

Property Type: Residential

Homestead: Homestead

Parcel Area: 0.32 acres
13,747 sq ft

A-T-B: Abstract

Market Total: [REDACTED]

Tax Total: [REDACTED] (Payable: 2013)

Sale Price: [REDACTED]

Sale Date: 09/2006

Sale Code: Warranty Deed

Map Scale: 1" ≈ 200 ft.

Print Date: 1/28/2014

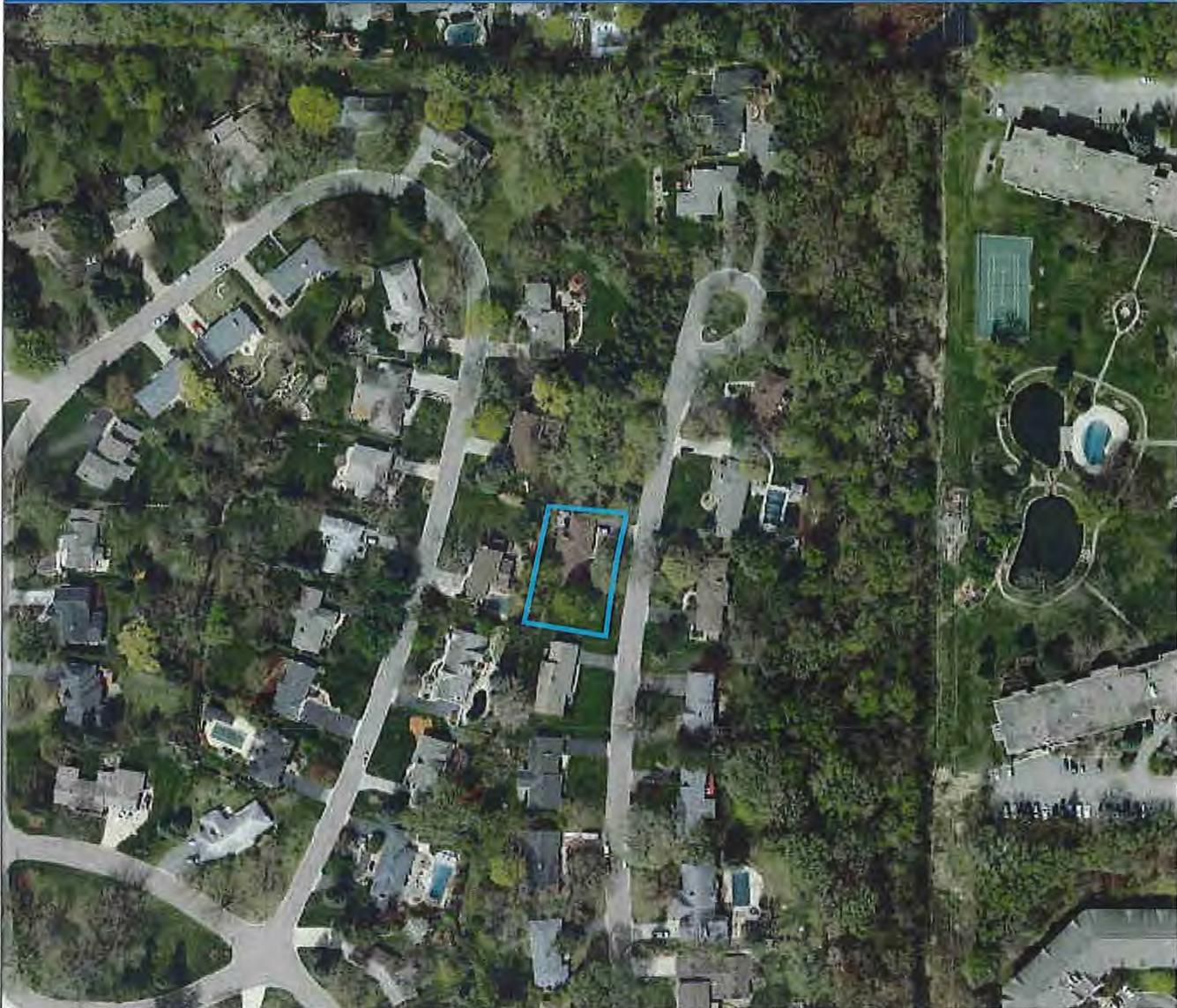


This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2014



*SUB LOCATION
A.1*



Parcel ID: 29-117-21-44-0022	A-T-B: Abstract	Map Scale: 1" ≈ 200 ft.	
Owner Name: K M Mollet & K A G Mollet	Market Total: ██████████	Print Date: 2/6/2014	
Parcel Address: 5212 Duncraig Rd Edina, MN 55436	Tax Total: ██████████ (Payable: 2013)	This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.	
Property Type: Residential	Sale Price: ██████████		
Home-stead: Homestead	Sale Date: 09/2006		
Parcel Area: 0.32 acres 13,747 sq ft	Sale Code: Warranty Deed	COPYRIGHT © HENNEPIN COUNTY 2014	



*SIDE LOCATION
A.2*

Interactive Maps

Find a PID or an address on the map

Welcome

Results

Links
[Tax information](#)
[View oblique imagery \(Bing maps\)](#)
[Survey documents](#)
[About the data](#)

PID: 2911721440022
 5212 Duncraig Rd
 Edina, MN 55436

Owner/Taxpayer

Owner: K M Mollet & K A G Mollet

Taxpayer: KEVIN M & KRISTI A G MOLLET
 5212 DUNCRAIG RD
 EDINA MN 55436

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 1

Parcel

Parcel Area: 0.32 acres
 13,747 sq ft

Torrens/Abstract: Abstract

Addition: Edina Highlands

Lot: 021
Block: 001

Metes & Bounds:

Tax Data (Payable 2013)

Market Value: ██████████
Total Tax: ██████████

Legend

Measure



*5145 Location
 A.3*



(subject)
EXISTING HOUSE

A.4



Houses to the North

A.5-



Houses to the south

A.C

Subj: Mollet
Date: 1/28/2014 12:52:08 P.M. Central Standard Time
From: frednordahl@aol.com
To: frednordahl@aol.com



PLANNING DEPARTMENT

Sent from my iPhone

*side garage wall -
subject Nomo
A.7*

JAN 28 2014

CITY OF EDINA

Tuesday, January 28, 2014 AOL: Frednordahl

Subj: **Mollet**
Date: 1/28/2014 12:45:10 P.M. Central Standard Time
From: frednordahl@aol.com
To: frednordahl@aol.com



Sent from my iPhone

PLANNING DEPARTMENT

JAN 28 2014

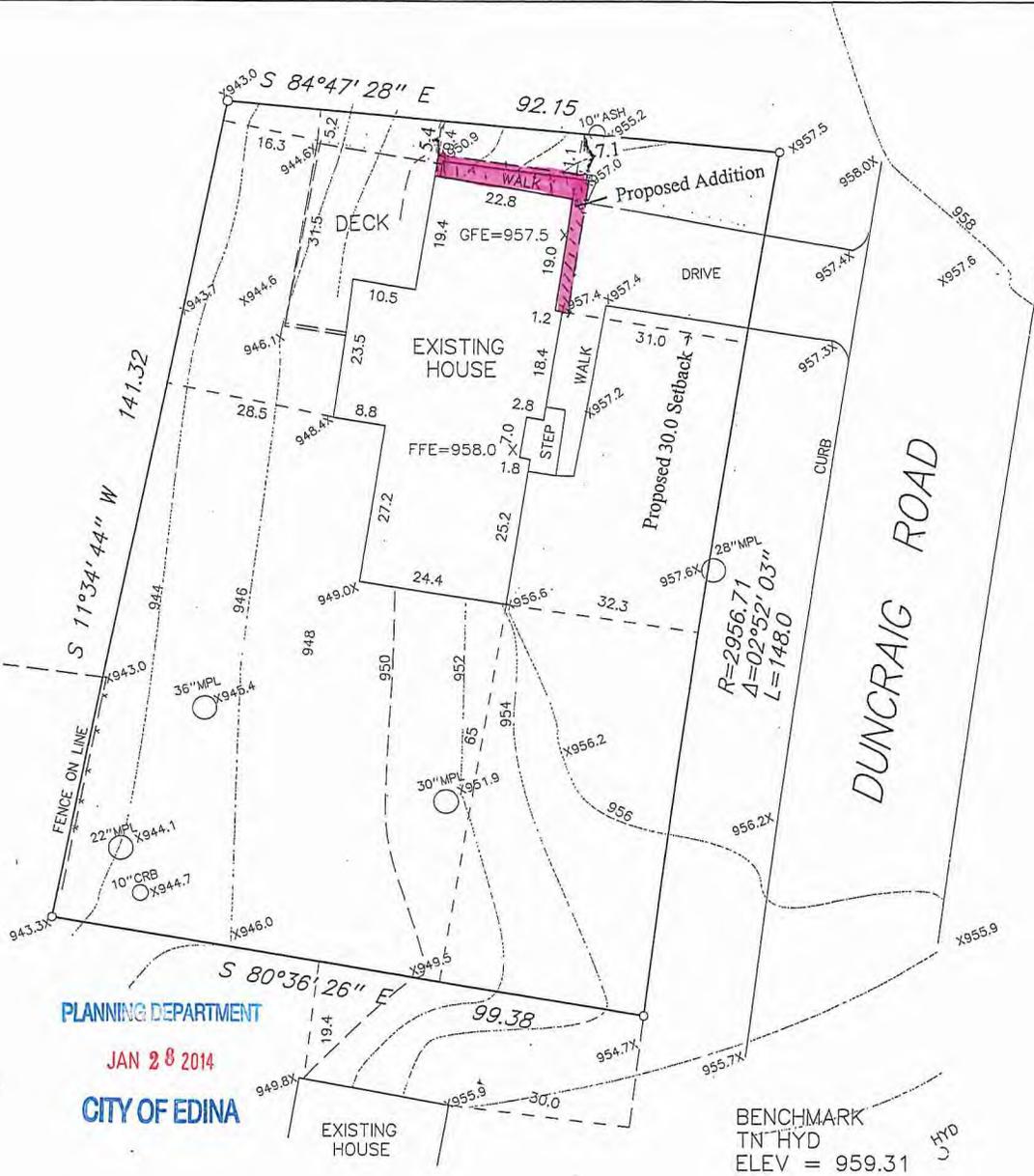
CITY OF EDINA

*GARAGE -
SUBJECT HOME*

A.B

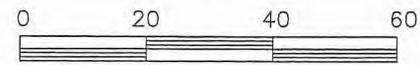
Tuesday, January 28, 2014 AOL: Frednordahl

A.9



PLANNING DEPARTMENT
 JAN 28 2014
 CITY OF EDINA

BENCHMARK
 TN HYD
 ELEV = 959.31



- SCALE IN FEET
- X992.5 = EXISTING SPOT ELEVATION.
 - X(998.0) = PROPOSED SPOT ELEVATION
 - = DIRECTION SURFACE DRAINAGE
 - COH = CANTILEVERED OVERHANG
 - OHL = OVERHEAD UTILITY LINE
 - GFE = GARAGE FLOOR ELEVATION
 - TFE = TOP OF FOUNDATION ELEVATION
 - LFE = LOWEST FLOOR ELEVATION

STRUCTURE HARDCOVER
 HOUSE = 1900 SF Proposed House 2052 SF
 DECK = 550 SF
 - 150 ALSTHC
 TOTAL = 2300 SF / 16.8%
 Proposed Hardcover 2452 SF 17.9 %

LEGAL DESCRIPTION:
 LOT 21, BLOCK 1, EDINA HIGHLANDS,
 HENNEPIN CO., MN.

ADDRESS - 5212 DUNCRAIG ROAD
 PID# 29-117-21-44-0022

LOT AREA = 13730 SF/ 0.31 AC
 X 25% = 3432 SF STRUCTURE
 HC ALLOWED

SURVEY IS SUBJECT TO CHANGE PER
 TITLE OR EASEMENT INFORMATION

Land
 Frank R. Cardarelle Surveyor
 6440 FLYING CLOUD DRIVE
 EDEN PRAIRIE, MN 55344
 952-941-3031

BUILDING PERMIT SURVEY	
for MOLLET RESIDENCE 5212 DUNCRAIG RD	
PROJECT NO.	BOOK
DATE DEC 6, 2012	PAGE
REVISIONS	Revised Date 1-28-14
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  FRANK R. CARDARELLE REG. NO. 6508	

