



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Planner	Meeting Date February 26, 2013	Agenda # B-14-05
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Recommended Action: Deny the variance as requested.

Project Description

A 7.86 foot front yard setback variance and a lot division request to accommodate a garage with living space above addition to the home located at 5617 Wooddale Ave. So. for Chris and Anne Hill.

INFORMATION & BACKGROUND

Project Description

Chris and Anne Hill are hoping to add onto the front and north side of their home to include a two car garage addition with living space above. The request is for a lot line shift to the north and a front yard setback variance. The owners are requesting to shift a 5 foot portion of the existing north lot line that divides the two properties at 5617 and 5613 Wooddale Ave. The purpose of the lot line shift is to provide adequate side yard area to build a two stall garage in front of the existing single stall garage with a masterbedroom above. The lot line shift will allow a two car garage width with living space above without also requiring a side yard setback variance. A front yard setback variance is needed from ordinance requirements to over-lap into the front yard. The proposed plan matches the front yard setback of the home to the north at 5613 Wooddale, but will be closer to the street than the neighbor to the south. The existing single stall garage with living space above will be remodeled and attached to the new addition as part of the project.

The zoning ordinance requires a minimum 5 foot side yard setback plus 4 inches of setback for each 1 foot the lot width exceeds 60 feet and 6 inches of setback for each 1 foot average height exceeds 15 feet. The addition as proposed requires a minimum side yard setback of 7.4 feet, given the increased lot width and height. The lot line shift will allow the side yard setback to be met.

The zoning ordinance requires that all new homes and additions to existing homes maintain the average front yard setback of the homes on either side of the subject

property. The home to the north is located 42.59 feet from the front lot line and the home to the south is located 58.31 feet from their front lot line, for an average required front yard setback of 50.45 feet (See property location, narrative proposed lot line shift and plans on pages A1–A13.). The new addition will be 42.59 feet from the front lot line.

Surrounding Land Uses

The surrounding properties and uses include single-family homes zoned and guided low-density residential.

Existing Site Features

Single-family homes are located on both parcels.

Planning

Guide Plan designation: Low-density residential
 Zoning: R-1, Single-family residential

Building Design

The proposed addition is two stories with an attached two car garage and a new front entry porch. Finish materials will match throughout the exterior.

Compliance Tables

Zoning Ordinance Requirements	City Standard	Proposed
Front -	50.45 feet	*42.59 feet
Side-	7.4 feet	**7.4 feet
Rear -	25 feet	88 feet
Building Height	2 1/2 stories	2 story, No change
Lot coverage	25%	23.1%

*** Variance Required**

****Lot Division Required**

Minimum Lot Size Zoning Ordinance	Existing 5617 Wooddale.	Existing 5613 Wooddale.	Proposed 5617 Wooddale	Proposed 5613 Wooddale.
Lot Area – 9,000 s.f.	10,723 s.f.	10,828 s.f.	11,080 s.f.	10,471s.f.
Lot Width –75 feet	*60 feet	*68.97 feet	*65 feet	*63.97 feet
Lot Depth – 120 feet	175 feet	156 feet	175 feet	156 feet

***Remains nonconforming**

Minimum 500 foot Lot Size Requirements	Existing 5617 Wooddale	Existing 5613 Wooddale	Proposed 5617 Wooddale	Proposed 5613 Wooddale
Lot Area –11,107 s.f.	*10,723 s.f.	*10,828 s.f.	*11,080 s.f.	*10,471 s.f.
Lot Width –75 feet	*60 feet	*68.97 feet	*65 feet	*63.97 feet
Lot Depth –135 feet	175 feet	156 feet	175 feet	156 feet

***Remains nonconforming**

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

No. Staff does not believe that the proposal is reasonable for the site:

1. The proposed use is permitted in the R-1, Single Dwelling Unit Zoning District and complies with all requirements with the exception of setback from Wooddale Ave. The north side yard setback is maintained only by the acquisition of additional property from the neighbor to the north. A variance from side yard setback would also be required without the lot line change.
2. The proposed lot boundary shift adds 5 feet onto the subject property for an additional 71.5 feet of depth, with the north lot line jogging back to the existing north lot line creating an odd shape or notch in the lot. The new north lot line will overlap a portion of a wood privacy fence currently located on the neighbor's property to the north. It is unclear how the fence will be addressed between properties.
3. The existing and proposed lots are nonconforming regarding the minimum lot width standard in the zoning ordinance of 75 feet and will remain nonconforming regarding lot widths and area within a 500 foot radius of the property.
4. The ordinance requires a minimum two car garage per single dwelling unit; however, it does not require a double wide garage. The variance and lot line shift increases spacing between the subject home/addition and the modified lot line, however, it reduces spacing between structures. The lot line shift only addresses the "letter of the law" by allowing the addition to comply with side yard setback. There is no opportunity for a front addition to the house without the benefit of a front yard setback variance. The design as proposed cannot avoid a front yard setback variance.

• **Is the proposed variance justified?**

No. 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 not meet the variance standards, when applying the three conditions:

Section 36-98 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 and required lot division needed for the project is forcing an addition that is perhaps too large in the front yard area and imposes an undue burden on the adjacent property and the streetscape.

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

No. The lot line adjustment and front yard setback as proposed are self-created and not as a result of circumstances uncommon to properties within the vicinity. The property to the north that is relinquishing property to the proponent has a single stall garage with no ability to widen it to a two car garage given their existing north side yard setback unless they are also able to gain additional yard area.

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

Yes. The proposed project will introduce garage with living space above in the front yard area where none exists currently. The front yard setback pattern from the home to the north, subject property and the home to the south steps back from the street in a staggered pattern. The addition erodes the current street scape.

Staff Recommendation

Deny the requested Lot Division and Variance based on the following findings:

1. The proposal does not meet the required standards for a variance, because:
 - a) Staff is unable to identify a practical difficulty specific to this property given similar situations on nearby properties.
 - b) The encroachment into the front yard setback is 319 square feet of footprint with living space above and includes a front entry porch, all beyond the existing front face of the home and within the required average front yard setback.
 - c) The lot division is a circumstance created by the owner to adhere to side yard setback standard and not require additional variance. Staff does not find the request reasonable given the unconventional lot line created to achieve side yard setback. Even with the lot division, a front yard setback variance is still required to achieve the plan.
 - d) Staff does not believe the addition is in harmony with the essential character of the neighborhood given existing street views.

Deadline for a city decision: April 11, 2014.



VARIANCE APPLICATION

CASE NUMBER B-14-5 DATE 2/10/2014
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: CHRIS AND ANNE Hill (Signature required on back page)
ADDRESS: 5617 WOODDALE AVENUE PHONE: 612.805.6365
EMAIL: christopher.hill@genmills.com / ANNE.hill@genmills.com

PROPERTY OWNER:

NAME: CHRIS AND ANNE Hill (Signature required on back page)
ADDRESS: 5617 WOODDALE AVE. PHONE: 612.805.6365

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

**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: 5617 WOODDALE AVENUE
PRESENT ZONING: R1 P.I.D.# 19-028-24-13-PDS 75

EXPLANATION OF REQUEST:
SEE ATTACHED

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: JEFF NICHOLSON PHONE: 952-237-9290
EMAIL: JNICHOLSON@QUARTERSAWNDESIGNBUILD.COM

SURVEYOR: NAME: MARK KEMPER PHONE: 651-631-0351
EMAIL: KEMPER@PRO-NS.NET

PLANNING DEPARTMENT
FEB 10 2014
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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

Not alter the essential Character of a neighborhood

SEE ATTACHED

PLANNING DEPARTMENT
FEB 10 2014

13723-2-14-13

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.

Chad Hill

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.)

Chad Hill / Anne Hill

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.

PLANNING DEPARTMENT
FEB 10 2014
CITY OF EDINA

The Proposed Variance will:

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

Edina City Code requires a 2 car garage. The existing home has a one car attached garage on the north side of the house. The present garage sits only 5.69 feet from the present property line. The typical options for a home in this scenario is to add onto the back of the existing garage and create a tandem garage, or remove the existing one car garage entirely and relocate a new two car garage, attached or detached, to the backyard.

The house at 5617 Wooddale and its neighbor to the North 5613 Wooddale however sit uniquely on their two properties. 5613 Wooddale is 69' wide and 5617 Wooddale is 60' wide. What is unique, is that the home at 5613 Wooddale is located centered on the northern 60' of the 69' foot property. Therefore rather than the typical 12 – 13 feet between homes for these size lots, there is 23'-4" between these two homes.

The lot at 5617 Wooddale is described as the "South 60' of lot 13..." and the neighbor's property to the north 5613 Wooddale is described as "Lot 12 and all of lot 13, except the South 60 feet thereof...". Essentially given where 5613 was constructed on Lot 12, there is a 9 foot strip of 'extra' land between these two homes.

What does this all mean at present? This means that if the 9 extra feet of room between the two homes were split between the two properties, another option for a two car garage for 5617 would exist.

That option is to expand the present garage to the north 3.29 feet and 7.38 feet past the present front of the house.

With approval of the new lot division, the only variance necessary for this garage expansion is one for the front yard setback.

The neighboring homes sit 42.59 feet and 58.31 feet from their front property lines, creating a 50.45 feet setback for this property. The current house sits at 48.75 feet from the front property line, so as it already exists, it is nonconforming.

This however isn't unusual for this block of Wooddale Avenue South. This block of Wooddale Ave S is very atypical for the street and neighborhood. Of the seven homes on the block, none of the 5 homes in the middle of the block are conforming.

The proposed new garage only extends as far forward as the house to the North. By allowing the home at 5617 to extend as far forward as their neighbors home, a new precedence isn't set. The front yard setback remains the same for the house to the south.

PLANNING DEPARTMENT
FEB 10 2014
CITY OF EDINA

This solution to fitting a two car garage on the property is so favorable to any other option, the homeowners to the North, the only property affected by the variance, are willing to sell a portion of their land to make the project possible.

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

5617 Wooddale sits on the edge of an anomaly. To the north, all the homes are a standard distance from the street (around 40') while to the south, there are 3 homes with much larger than average front yard setbacks. These three houses are the only properties on this whole section of Wooddale Avenue with such large setbacks.

Because of this, the front yard setback for 5617 Wooddale is increased to over 50' (taking the average front yard setback of both abutting properties). This is much larger than the standard 30' and causes the existing house to be non-conforming.

Our proposed addition aligns with the more standard front yard setback of the main house to the north and is not visible to the house from the south.

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

The proposed addition continues the normal front yard setback of majority of the street and neighborhood. By aligning with the standard front yard setback, the addition does not block the sightlines of the neighbor to the north or the neighbor to the south.

Not alter the essential Character of a neighborhood.

The proposed addition attempts to maintain the essential character of the vast majority of houses in the neighborhood. It aligns with the typical setback and does not disrupt neighboring sightlines.

The neighbors of the property are in agreement that one main asset of the neighborhood is the wide open space created by their backyards. This is an area all of the families enjoy together. And the neighbors also agree that adding a large two car garage to the back of the property would diminish this essential character of the neighborhood. The neighbor most affected by the project feels so strongly that they are willing to sell a portion of their land to keep this open backyard space intact.

PLANNING DEPARTMENT
FEB 10 2014
CITY OF EDINA



LOT DIVISION APPLICATION
(Minor Lot Line or Party Wall
Adjustment)

CASE NUMBER 2014.003 DATE 2/10/2014
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: \$100.00

APPLICANT:

NAME: CHRIS AND ANNE HILL (Signature required on back page)

ADDRESS: 5617 WOODDALE AVENUE PHONE: 612.805.6365

EMAIL: CHRISTOPHER.HILL@GENMILLS.COM / ANNE.HILL@GENMILLS.COM

PROPERTY ADDRESS (1):

5617 WOODDALE AVENUE

PRESENT ZONING: R1 P.I.D.# 19-028-24-13-0075

PROPERTY ADDRESS (2):

5613 WOODDALE AVENUE

PRESENT ZONING: R1 P.I.D.# 19-028-24-13-0074

EXPLANATION OF REQUEST:

SEE ATTACHED

(Use reverse side or additional pages if necessary)

SURVEYOR: NAME: MARK KEMPER PHONE: 651-631-0351

EMAIL: KEMPER@PRO-NS.NET

PLANNING DEPARTMENT
FEB 10 2014
CITY OF EDINA

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.

Chris Hill

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.)

Chris Hill / Anne Hill

1-28-14

Owner's Signature (Lot 1)

Date

Chris Hill / Anne Hill

1/28/14

Owner's Signature (Lot 2)

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
FEB 10 2014
CITY OF PIMA

Lot Division Application – 5617 Wooddale Ave. and 5613 Wooddale Ave.

Explanation of request

The homeowners at 5617 Wooddale Avenue are requesting to purchase a 5'-0" by 71'-6" portion of the neighbor's property to the north in order to build a 2 car garage.

PLANNING DEPARTMENT
FEB 10 2014
CITY OF EDINA

Jackie Hoogenakker

From: kathleen froeber <kafroeb@yahoo.com>
Sent: Wednesday, February 19, 2014 7:03 PM
To: Jackie Hoogenakker
Subject: Case File: B-14-05

We certainly approve the variance and have no objections of any kind to the request of Chris and Anne Hill at 5617 Wooddale Ave.

Thank you,
Jim and Kathi Froeber
5606 Wooddale Ave.

Jackie Hoogenakker

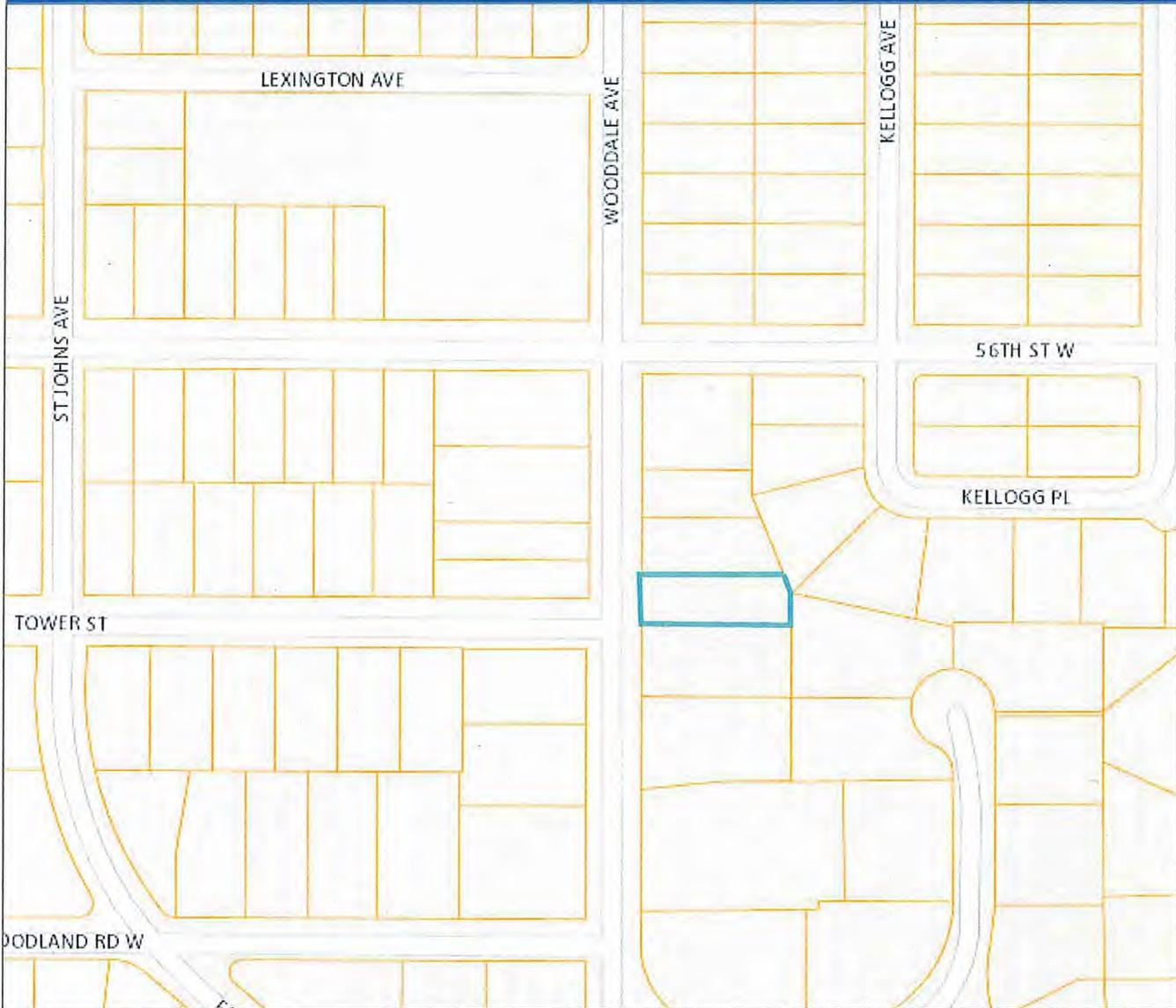
From: Dave Steingart <dave@steingart.com>
Sent: Monday, February 17, 2014 10:13 AM
To: Jackie Hoogenakker
Subject: Case File: B-14-05

I am the property owner of 5633 Wooddale Avenue. I support the garage modifications requested by my next door neighbor, Chris and Anne Hill.

David J. Steingart
Steingart & McGrath, P.A.
2500 West County Road 42, Suite 220
Burnsville, MN 55337
Phone: 952-832-0693
Fax: 952-894-9716
Mobile: 612-750-0348
E-Mail: dave@steingart.com

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Parcel ID: 19-028-24-13-0075

Owner Name: C M Hill & A M Hill

Parcel Address: 5617 Wooddale Ave
Edina, MN 55424

Property Type: Residential

**Home-
stead:** Homestead

Parcel Area: 0.25 acres
10,721 sq ft

A-T-B: Torrens

Market Total: ~~170,700~~

Tax Total: ~~6,525.94~~
(Payable: 2013)

Sale Price: ~~108,000~~

Sale Date: 03/2006

Sale Code: Warranty Deed

Map Scale: 1" ≈ 200 ft.

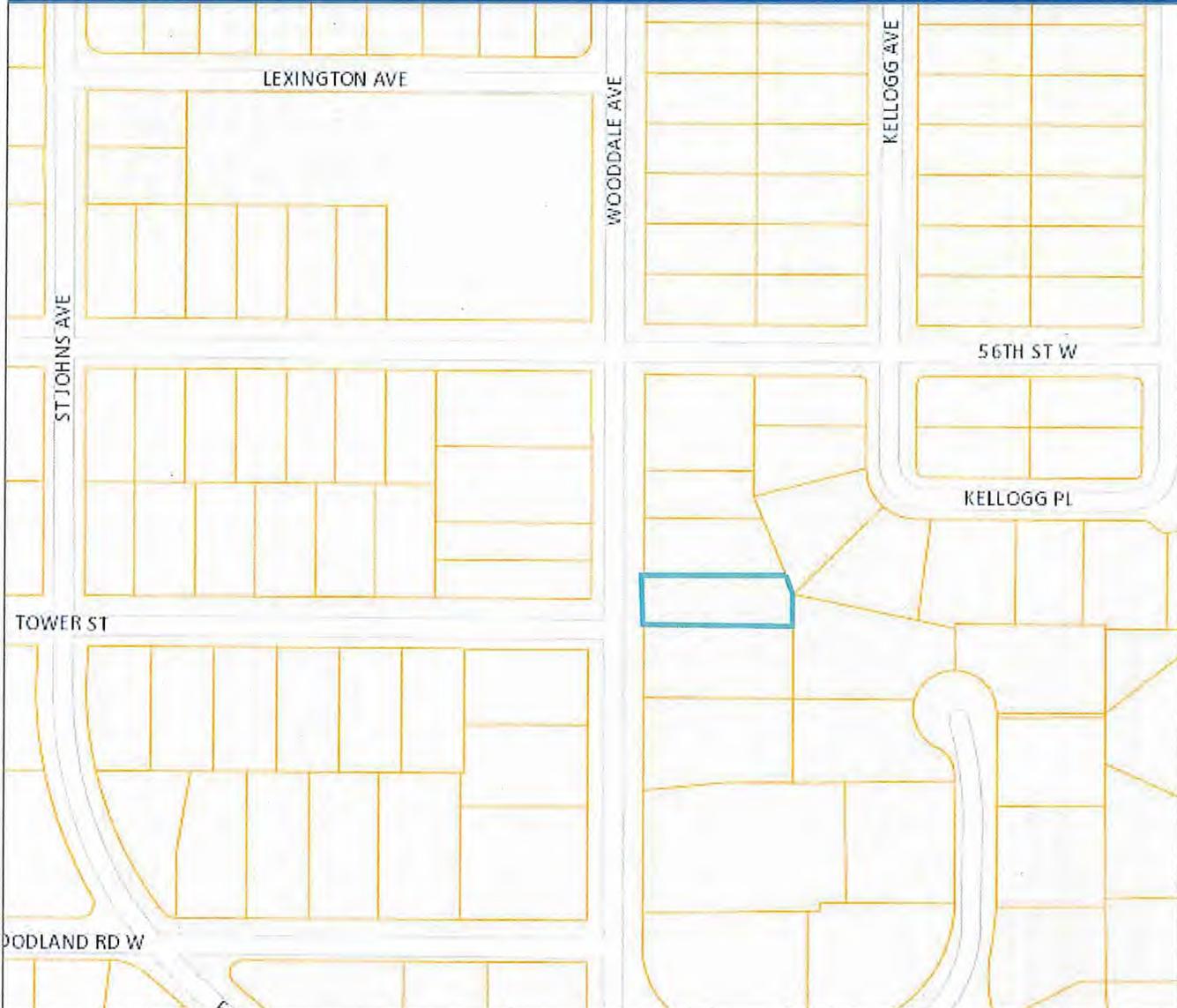
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Parcel ID: 19-028-24-13-0075

Owner Name: C M Hill & A M Hill

Parcel Address: 5617 Wooddale Ave
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.25 acres
10,721 sq ft

A-T-B: Torrens

Market Total: ~~2479,700~~

Tax Total: ~~1,525.94~~ (Payable: 2013)

Sale Price: ~~509,000~~

Sale Date: 03/2006

Sale Code: Warranty Deed

Map Scale: 1" ≈ 200 ft.

Print Date: 2/20/2014

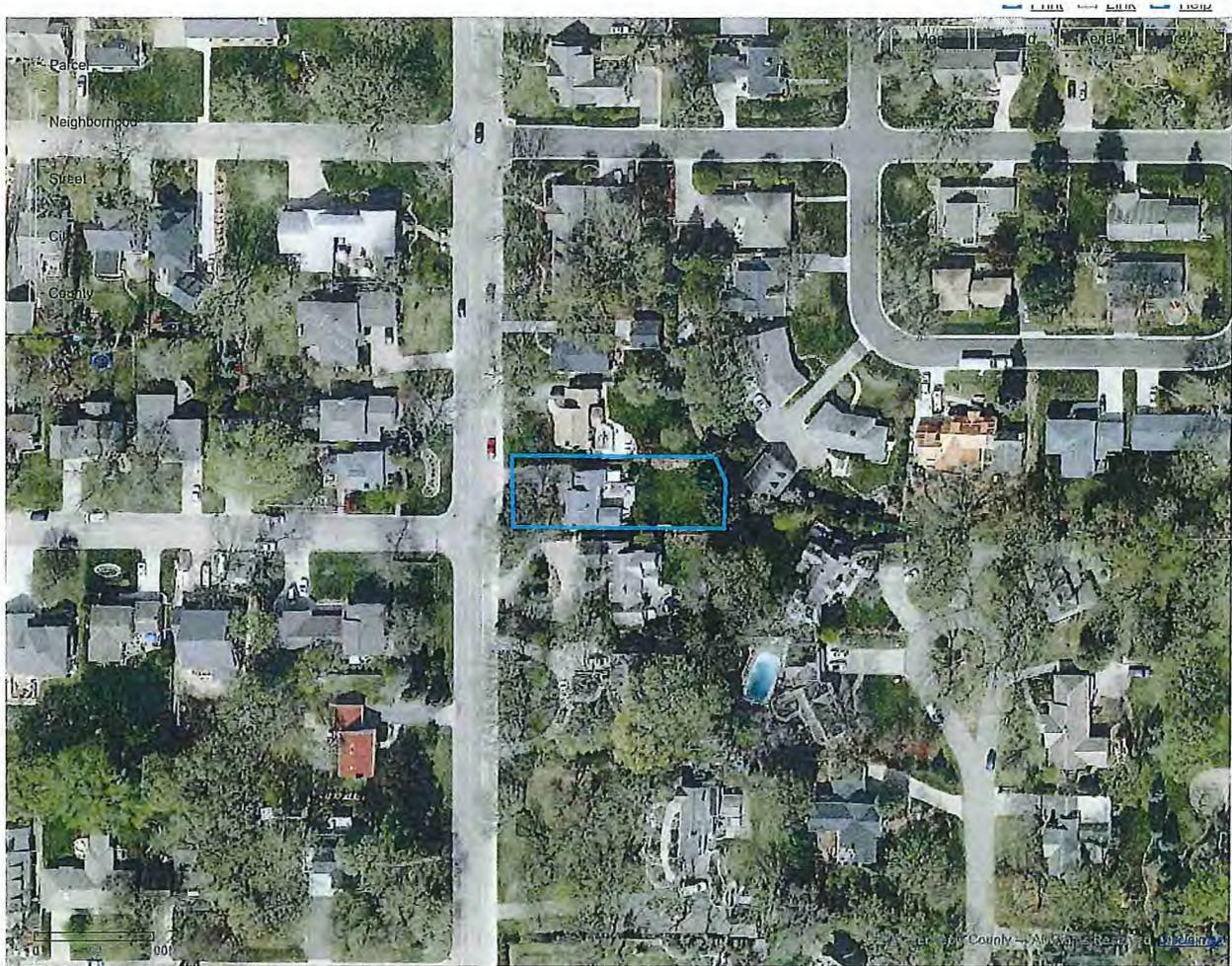


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A. Z

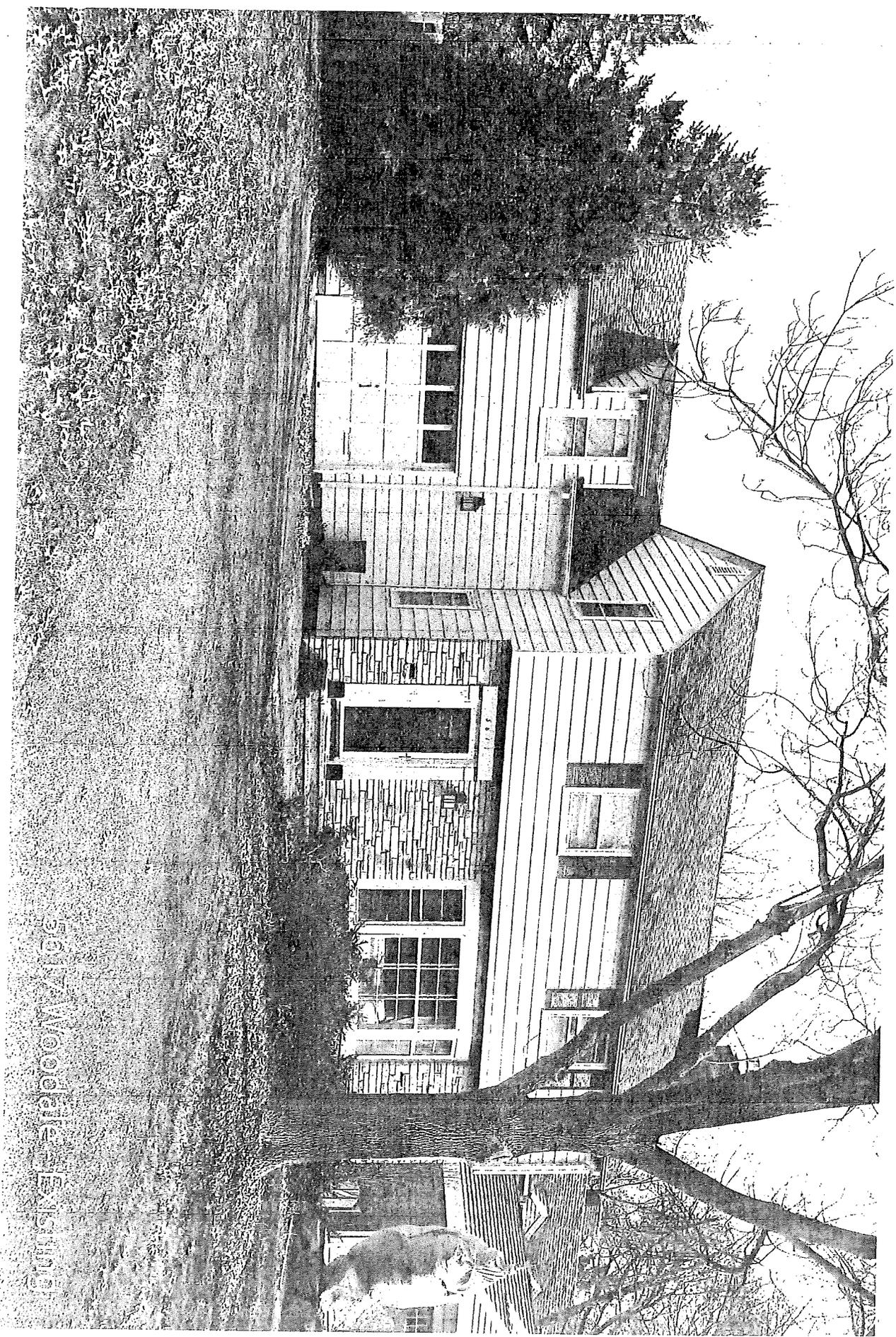


A.3

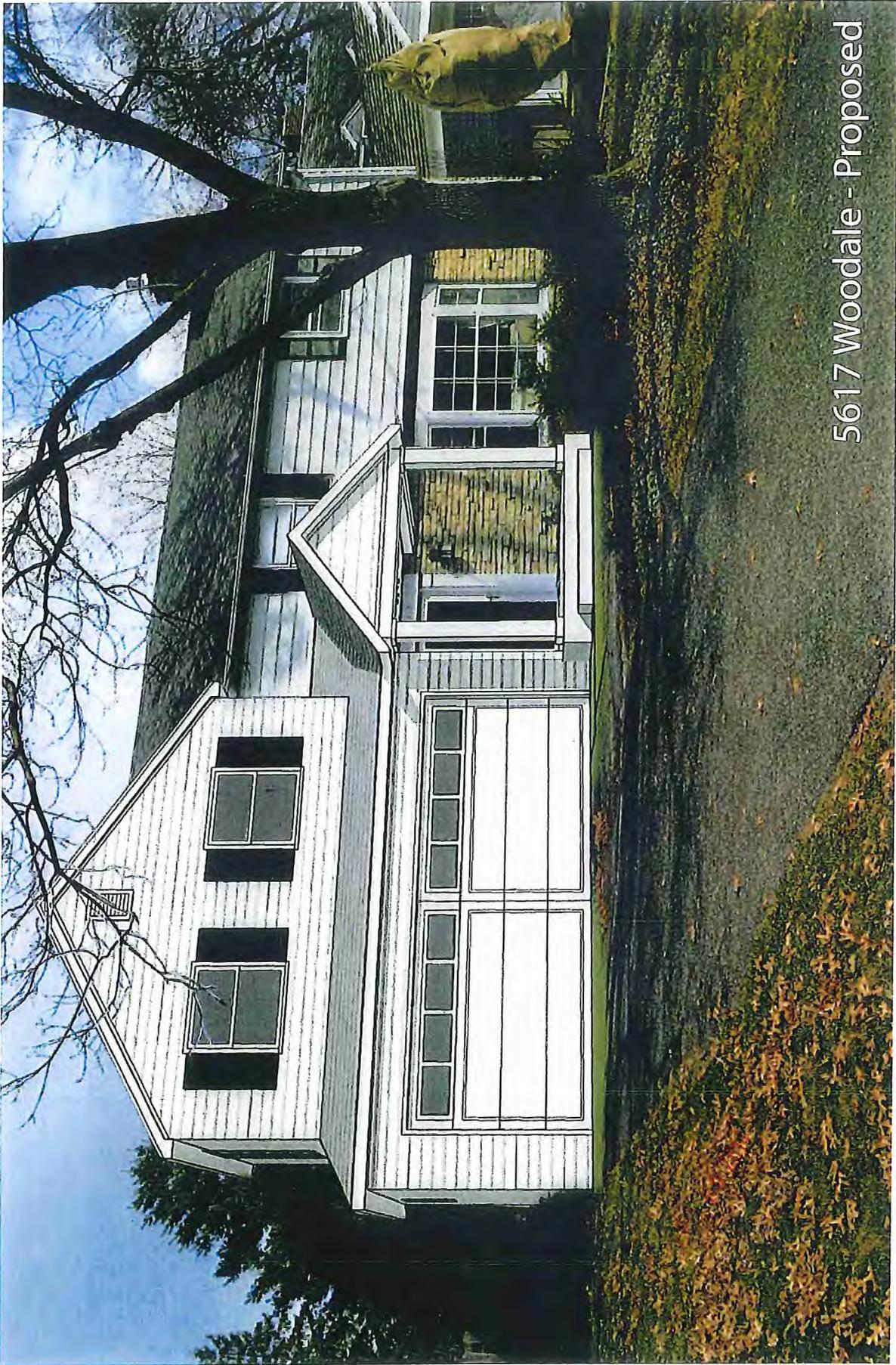


A.4

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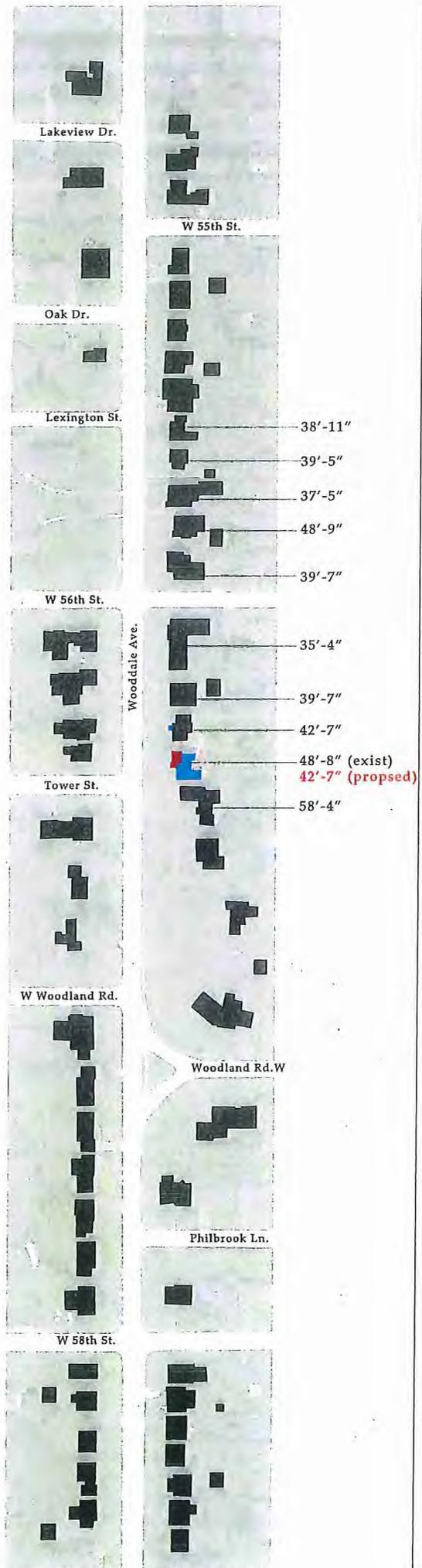
Edinboro, Pa. 16710



5617 Wooddale - Proposed

A. 6

Map of Existing Front Yard Setbacks along Wooddale Ave.



A.7



QUARTERSAWN
REMODEL BUILD

320 W. 48th St.
Minneapolis, MN 55419
Tel (952) 929-3700
Fax (952) 929-1157

Hill
Residence Remodel
5617 Wooddale Avenue South
Edina, MN 55424

ISSUE DATE

Application # 11.28.2014

PLANNING DEPARTMENT

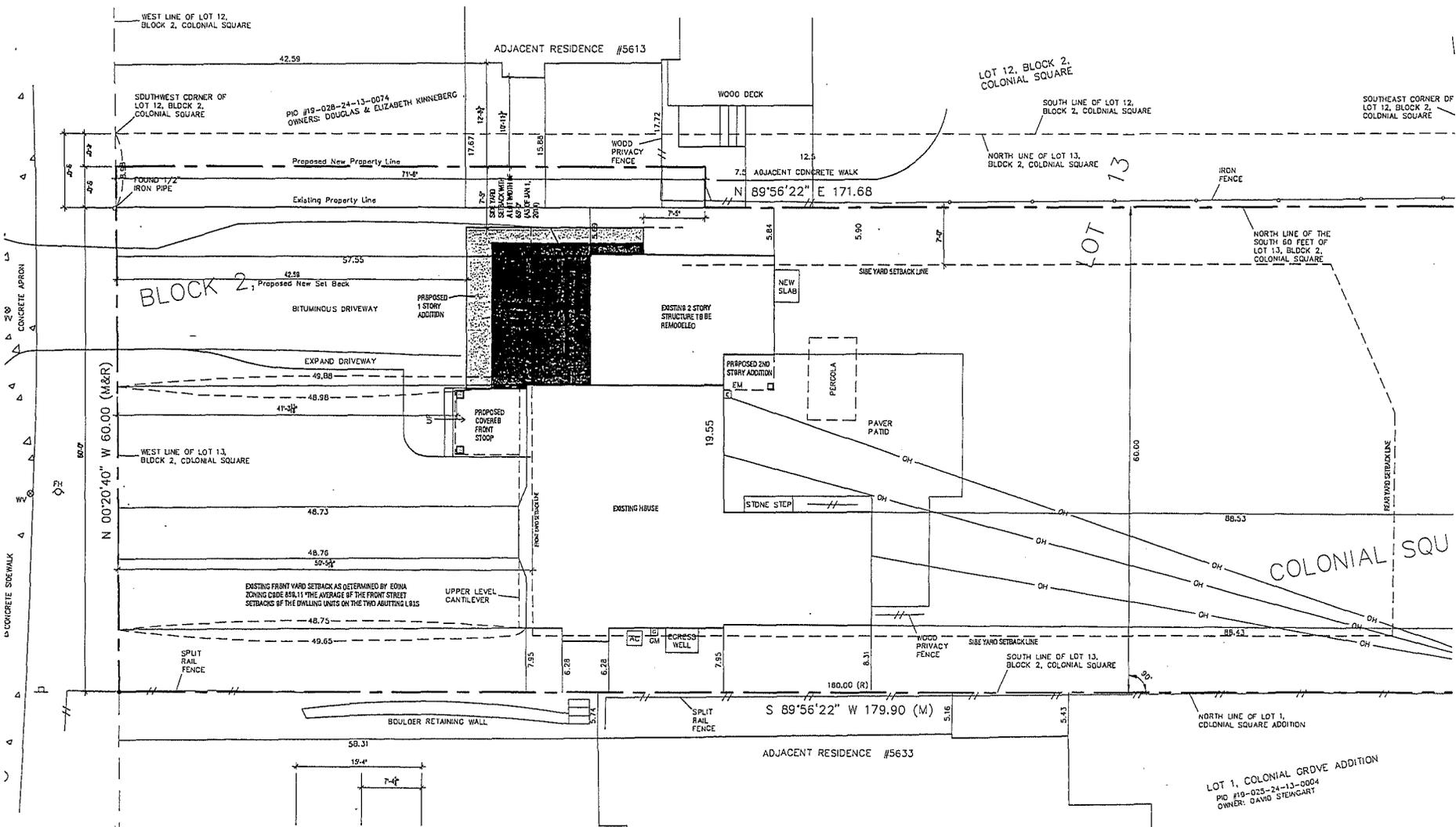
FEB 1 2014

City of Edina

Site Plan

A0.0

Hill



1. DETAILED SITE PLAN
SCALE: 1/8" = 1'-0"

**SIDEYARD SETBACK CALCULATIONS
FOR A 65'-0" WIDE LOT**

SOUTH (EXISTING)	7'-11"
NORTH (PROPOSED)	7'-5"
TOTAL	15'-4"

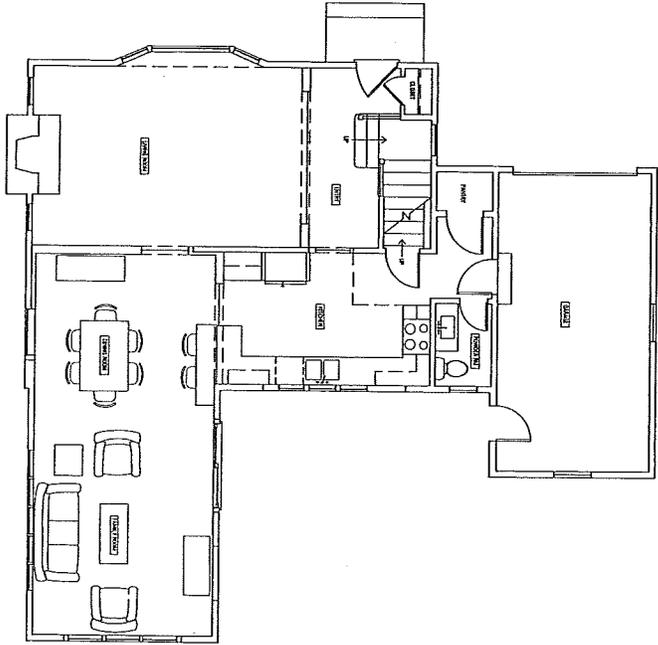
LOT COVERAGE CALCULATIONS (SOFI)

EXISTING LOT	10,723
PROPOSED LOT ADDITION	357
TOTAL LOT	11,080
EXISTING FOOTPRINT	1,327
SIDE PATIO	145
BACK PATIO	610
FRONT PATIO	64
PROPOSED ADDITION	414
TOTAL	2560
LOT COVERAGE PERCENTAGE	23.1%

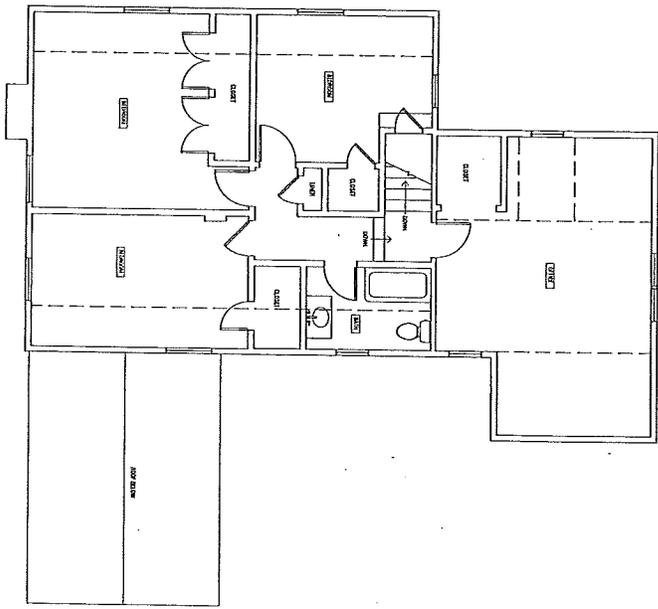
- EXISTING HOUSE TO REMAIN
- EXISTING TO BE REMODELED
- PROPOSED 2ND LEVEL ADDITION
- PROPOSED COVERED STOOP
- PROPOSED SINGLE STORY ADDITION
- PROPOSED 2 STORY ADDITION

A.10

A11



1 EXISTING FLOOR PLAN



2 PROPOSED FLOOR PLAN

QUARTERS, MN
DESIGNERS

320 W. 48th St.
Minneapolis, MN 55419
Tel: (651) 926-1157

Hill
Residence Remodel
5617 Wooddale Avenue South
Edina, MN 55424

ISSUE DATE
Version Application 1.28.2014

Existing Floor Plans

A0.1
Hill



QUARTERSAWN
DESIGN BUILD

320 W. 48th St.
Minneapolis, MN 55419
tel (952) 929-3700
fax (952) 929-1157

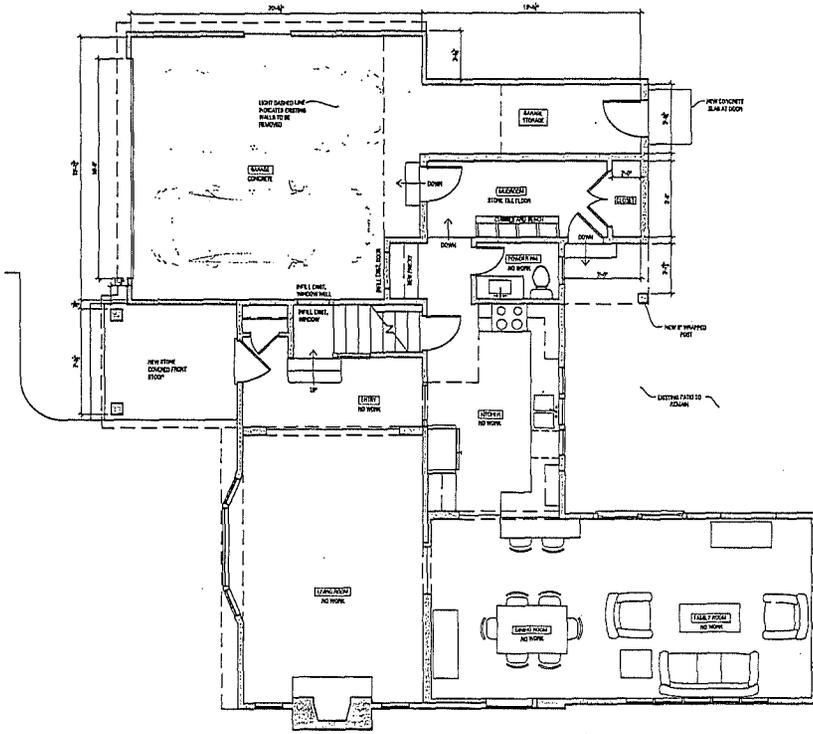
Hill
Residence Remodel
5617 Wooddale Avenue South
Edina, MN 55424

ISSUE DATE
Variance Application 1.28.2014

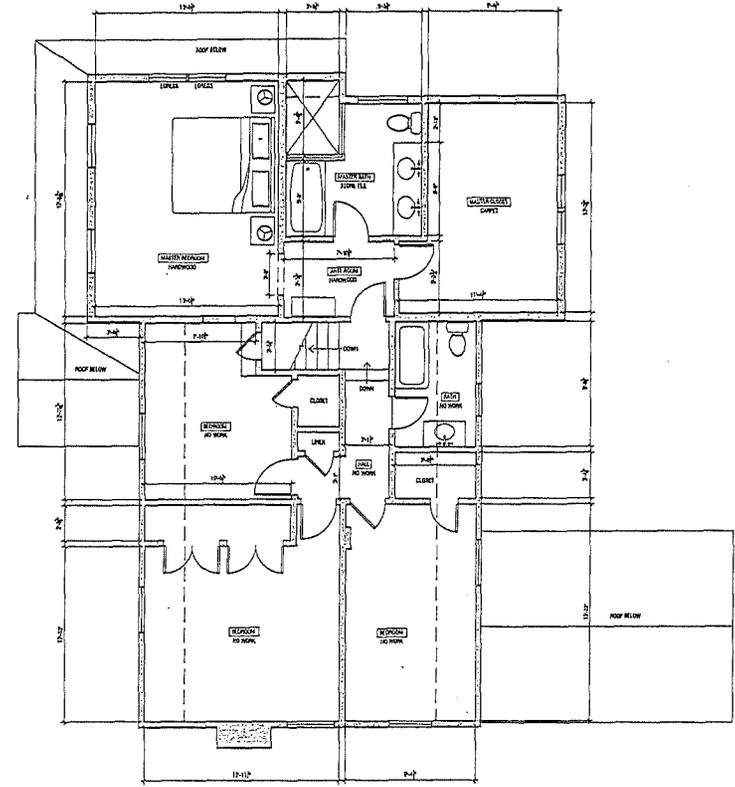
Floor Plans

A1.0
Hill

A1.12



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

