



PLANNING COMMISSION STAFF REPORT

| | | |
|--|---|----------------------------|
| Originator Kris Aaker Assistant Planner | Meeting Date October 22, 2014 | Agenda # B-14-19 |
|--|---|----------------------------|

Recommended Action: Deny a 10 foot side street setback variance to the required 20 foot side street setback to allow for the construction of a new home with an attached garage to be located 10 feet from the side street lot line instead of the required 20 feet at 5300 Oaklawn Avenue.

Project Description: Brian and Nicole Smith/Scott Busyn/Great Neighborhood Homes (the applicants) are requesting a 10 foot side street setback variance to build a new home and construct an attached garage 10 feet from the northern side street property line. The ordinance requires a side street setback for a garage opening of 20 feet. The proposal is for a 10 foot setback to the garage opening.

INFORMATION/BACKGROUND

The subject property is approximately 50 feet in width and is 8,097 square feet in area and is located in the southwest corner of West 53rd Street and Oaklawn Ave. There is an existing single-family home on the property that will be demolished, and the applicant is requesting to rebuild on the lot with a noncompliant setback for a garage opening facing the street.

Section 36-439, b., requires a minimum setback of 20 feet for a garage opening facing a side street.

SUPPORTING INFORMATION

Surrounding Land Uses

This property is located in the south west corner of West 53rd Street and Oaklawn Ave. and is surrounded on all four sides by single-family residential homes. There are mix of homes with garages facing the side street and with some of them nonconforming regarding side street setback.

Existing Site Features

The subject lot is 8,097 square feet and 50 feet in width.

Engineering Review

Engineering has no concerns with the plans as submitted. The proposed grading as shown by the "Grading, Drainage, Erosion Control and Stormwater Management Plan" dated 9/19/2014 was prepared and signed by Brian Mundstock, a Licensed Engineer in the State of Minnesota. The proposed conditions create a better drainage situation for the three neighboring properties. All of the neighboring properties will see less drainage than existing conditions currently produce due to new site improvements. Our stormwater infrastructure has no limitations in the area and a sump drain line was installed in 2011 during a street reconstruction project. The erosion control plan meets our expectations. The existing driveway and curb cut will be relocated approximately 25 feet west of its current location, further away from the nearby intersection, and be reduced from a 22' wide driveway to a 14' driveway. There are no concerns with a new waterline connection or a new sanitary line connection.

Planning

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

Building Design

The proposal is to build a new two story home facing Oaklawn with an attached two car garage that will load from West 53rd Street.

Compliance Table

| | City Standard | Proposed |
|-----------------|----------------------------|-----------------------------|
| Front - | Average of adjacent | 31.5 feet |
| Side street- | 20 feet | 10 feet* |
| Side Yard | 5 feet | 5.74 feet |
| Rear- | 25 feet | 33 feet |
| Building Height | 2 1/2 stories, 30 Ft | 30 feet from existing grade |
| Lot Area | 9,000 Sq Ft or avg of nbhd | 8,097 square feet |
| Lot Width | 75 feet or avg of nbhd | 50 feet |
| Lot coverage | 25% | 28.4% |

* **Variance Required**

Primary Issues

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

Given the existence of other homes in the neighborhood that have garages closer to the side street, the 10 foot setback of the proposed garage is reasonable. However, there have been teardowns and remodels in the area that have been able to comply with the ordinance. Furthermore, there are several possible alternatives (subject to confirmation per a survey) to the proposal that include the following:

- 1) A two-car, detached garage could be constructed in the rear yard of the home.
- 2) An attached, two-car, side loaded garage could be attached in the rear yard of the home with a conforming 20 foot setback to the side street.

- **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. As demonstrated below, staff believes the proposal does not meet the variance standards, when applying the three conditions:

Minnesota Statutes and Section 36-98 of the Edina Zoning Ordinance 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.***

The only factor preventing compliance with the side street setback for the construction of a two-car garage is the desire to have more rear yard space behind the house. Staff has not identified a practical difficulty preventing compliance.

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

No. There are no confounding factors preventing compliance with the ordinance. A complete tear-down re-build of the property allows opportunity for compliance with current codes.

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

The rebuilt homes in the neighborhood currently meet the setbacks required, and there have been additions and teardowns in the area that also comply. However, there are existing nonconforming two-car garages near side streets, (the existing garage to be torn down is nonconforming), therefore granting this will not alter the character of the neighborhood.

Staff Recommendation

Recommend that the Planning Commission deny the variance.

Denial is based on the following findings:

1. The property with a new home can comply with the setbacks and is therefore a reasonable use, and the request to deviate from the side street is not necessary to make reasonable use of the property.
2. The home is appropriate in size and scale with the proposed garage, however the garage can comply with the required setback.
3. There is not a practical difficulty in meeting the ordinance requirements due to the ability to locate a garage in a conforming location.
4. There are no circumstances unique to the property that necessitate a variance to make reasonable use of the property. The property will be a vacant 50 foot wide lot in a neighborhood of other 50 foot wide lots with many that have been rebuilt on within the ordinance requirements. A new home with a garage can be designed to conform.

Deadline for a City Decision: December 6, 2014



DATE: October 1, 2014

TO: Cary Teague – Planning Director

CC: David Fisher – Building Official
Ross Bintner P.E. - Environmental Engineer

FROM: Charles Gerk EIT – Engineering Technician

RE: 5300 Oaklawn Ave- Special Review of Variance Application

The Engineering Department has reviewed the subject property for street and utility concerns, grading, storm water, erosion and sediment control and for general adherence to the relevant ordinance sections. This review was performed at the request of the Planning Department and assumes the provided documents were submitted for building permit review. A more detailed review will be performed at the time of building permit application.

Summary of Review

Engineering has no concerns with the plans as submitted. The proposed grading as shown by the “Grading, Drainage, Erosion Control and Stormwater Management Plan” dated 9/19/2014 was prepared and signed by Brian Mundstock, a Licensed Engineer in the State of Minnesota. The proposed conditions create a better drainage situation for the three neighboring properties. All of the neighboring properties will see less drainage than existing conditions currently produce due to new site improvements. Our stormwater infrastructure has no limitations in the area and a sump drain line was installed in 2011 during a street reconstruction project. The erosion control plan meets our expectations. The existing driveway and curb cut will be relocated approximately 25 feet west of its current location, further away from the nearby intersection, and be reduced from a 22’ wide driveway to a 14’ driveway. There are no concerns with a new waterline connection or a new sanitary line connection.

Grading and Drainage

Existing Site Conditions

The existing grading as shown by the “Grading, Drainage, Erosion Control and Stormwater Management Plan” dated 9/19/2014 allows for drainage away from the existing structure and to the street on most sides. The southwest side of the existing home and lot currently drain to the property to the south.

Proposed Site Conditions

The proposed grading as shown by the “Grading, Drainage, Erosion Control and Stormwater Management Plan” dated 9/19/2014 allows for drainage away from the proposed structure to the streets. The proposed plans show the creation of a swale in both the southwest and southeast side of the lot. The swale on the southwest side will direct water away from the proposed home and neighboring properties to 53rd Street West. The swale on the southeast side will direct water away from the proposed home and neighboring properties to Oaklawn Ave.

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392



Erosion and Sediment Control

The proposed erosion and sediment control notes as shown on the "Grading, Drainage, Erosion Control and Stormwater Management Plan" dated 9/19/2014 meet current city standards.

Street and Curb Cut

The existing driveway and curb cut will be relocated approximately 25 feet west of its current location, further away from the nearby intersection, and be reduced from a 22' wide driveway to a 14' driveway. The relocation of the curb cut and size of the driveway are compliant with the relevant sections of ordinance and policy.

Water and Sanitary Utilities

There are no concerns with a new waterline connection or a new sanitary line connection.

ENGINEERING DEPARTMENT

7450 Metro Boulevard • Edina, Minnesota 55439

www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392



VARIANCE APPLICATION

CASE NUMBER 8-14-18 DATE 10/7/2014
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: SCOTT BUSYN
GREAT NEIGHBORHOOD HOMES (Signature required on back page)

ADDRESS: 3939 WEST 50TH ST, SUITE 103A PHONE: 952-807-8765

EMAIL: SCOTT @ GREATNEIGHBORHOODHOMES.COM

PROPERTY OWNER:

NAME: BRIAN + NICOLE SCHMIDT (Signature required on back page)

ADDRESS: 5300 OAKLAWN AVENUE PHONE: 952-646-2745

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

LOT 1, BLOCK 5, SOUTH HARRIET PARK ADDITION

**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: 5300 OAKLAWN AVENUE

PRESENT ZONING: R-1 P.I.D.# 18-028-24-43-0056

EXPLANATION OF REQUEST:

VARIANCE FOR 10' SETBACK OF ATTACHED

GARAGE FACING SPRING STREET

(Use reverse side or additional pages if necessary)

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

EMAIL: info@dnpdesign.com

SURVEYOR: NAME: BROWN SURVEYING PHONE: 952-854-4268

EMAIL: WBLANDSURVEY@AOL.COM

PLANNING DEPARTMENT
OCT 07 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

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

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

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

Not alter the essential Character of a neighborhood

PLANNING DEPARTMENT
OCT 7 2014
CITY OF EDINA

Variance Application for 5300 Oaklawn Avenue – Supplement

Brian and Nicole Schmidt have purchased the property at 5300 Oaklawn Avenue with the intent of demolishing the existing home and building a new home on the site. The proposed home will have a side loading garage facing 53rd Street which is in character with all other homes on corner lots in the 52nd to 54th Street blocks of Wooddale Avenue, Kellogg Avenue, and Oaklawn Avenue. The zoning code requires a 20' setback for an attached garage facing a side street on corner lots. 5300 Oaklawn is a narrow lot and complying with the zoning would seriously impact the usability of their back yard. Schmidt's are proposing an attached garage with a 10' setback from 53rd Street. Given the boulevard area, the new garage will be approximately 28' from the street. This is an improvement over the existing home which has the garage setback at 5' from the lot line facing 53rd Street. The new garage setback will be in character with other side street facing attached garages in the neighborhood and be less obtrusive than the existing garage. The Schmidt's have worked hard to make sure the side street façade of their new home is well articulated and attractive, in character with the vintage charm of the other homes in the neighborhood.

The proposed variance will relieve practical difficulties in complying with the zoning ordinance and the use is reasonable. The ordinance requiring a 20' side street setback for the new attached garage creates practical difficulties for the Schmidt's. It does not allow them the reasonable use of their back yard, as do other properties in the neighborhood. It will also require them to have an unnecessarily larger driveway than other garages facing side streets in the neighborhood. This larger driveway will not be in character with the neighborhood and would have excessive impervious surface that would adversely impact the public storm water infrastructure. The plight of Schmidt's is due to the unique nature of corner lots and their increased side yard setback requirement. These circumstances were not created by the homeowner and will not alter the essential character of the property or its surroundings. The adjacent home on 53rd Street (5301 Kellogg) has an attached garage with a 6' setback from 53rd Street.

The proposed variance will correct extraordinary circumstances applicable to this property but not applicable to other properties in the vicinity. Of the 21 corner lots on the 52nd- 54th Street blocks of Wooddale, Kellogg, and Oaklawn Avenues, 15 of the homes have a side street garage less than 20' from the side street. It is the norm in the neighborhood to have a side loading garage 5 - 10' from the side street.

The proposed variance will be in harmony with the general purpose and intent of the zoning ordinance. The intent of the 20' side street setback ordinance is to prevent obtrusive structures impairing the sightlines of the neighboring homes. The new 10' setback will be an improvement over the existing 5' setback.

The proposed variance will not alter the essential character of the neighborhood. The majority of side street facing attached garages are closer than 20' to the side

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OCT 7 2014
CITY OF EDINA

street. The Schmidts have designed a façade and garage facing 53rd Street that will blend with the existing character of the street. Careful planning went into designing a traditional colonial style exterior including: traditional hardie plank lap siding, divided light windows, wood panel shutters, stone wainscoting, window planter boxes, coach style garage doors, and doghouse dormers.

While it is true that Schmidt's could design a conforming structure for the garage. The following conforming structures would create practical difficulties for the Schmidt's:

- 1) Push side facing garage back 10' to meet 20' setback: This would create practical difficulties since it would reduce the back yard to 17' wide outside of the back of their home. This would also block a significant amount of natural light into the home. The Schmidt's would like a useable and safe back yard for their children. The 20' setback requirement does not allow them a reasonable use of their back yard as do other properties in the neighborhood.
- 2) Place attached garage at 15' setback facing west as allowed by code: This would require removal of a 26" Oak tree to accommodate for driveway access into the west-facing garage. A detached garage would create the same or more tree loss in the northwest corner of this property.
- 3) Design attached garage facing Oaklawn: This would create a modernistic, suburban design (more garage than house facing Oaklawn) that is out of character with the homes around the intersection of Oaklawn and 53rd. None of the homes at this intersection have front facing garages and to do this would be out of character with this quaint, quiet intersection.

Yes, the proposed design is non-conforming but we feel it strikes a better balance for the homeowners, neighbors, trees, and our stormwater system (less driveway). From day one the Schmidt's have been adamant that they want a design that fits the neighborhood, provided attractive facades towards Oaklawn and 53rd, and creates a quaint corner presence. We feel this design accomplishes those goals and is the best fit for this location.

5300 Oaklawn new home proposed building materials:

- Traditional hardie plank lap siding
- Asphalt roof
- Detailed soffit and eaves
- Traditional precast columns
- Divided light windows
- Stone wainscoting
- Coach panel garage doors
- Window planter boxes

PLANNING DEPARTMENT
OCT 07 2014
CITY OF EBEN

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

9/22/14
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



9/22/14
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.

PERMITS DEPARTMENT
OCT 7 2014
OCT 7 2014

Kris Aaker

From: Cary Teague
Sent: Thursday, October 16, 2014 11:33 AM
To: Kris Aaker; Jackie Hoogenakker
Subject: Fwd: 5300 Oaklawn Avenue Variance

Sent from my iPhone

Begin forwarded message:

From: Edina Mail <mail@EdinaMN.gov>
Date: October 16, 2014 at 11:11:08 AM CDT
To: Cary Teague <cteague@EdinaMN.gov>
Subject: FW: 5300 Oaklawn Avenue Variance

Good morning,

This message has been forwarded to the Planning Commission members and Cary Teague.

Lynette Biunno, Receptionist
952-927-8861 | Fax 952-826-0389
lbiunno@EdinaMN.gov | www.EdinaMN.gov
...For Living, Learning, Raising Families & Doing Business
-----Original Message-----

From: Tom Ewers [<mailto:tewers@westmonroepartners.com>]
Sent: Thursday, October 16, 2014 11:02 AM
To: Edina Mail
Subject: 5300 Oaklawn Avenue Variance

Planning Commission,

I attended a meeting by Great Neighborhood homes last night regarding their planned project at 5300 Oaklawn Avenue. They have a request for a variance for a side loading garage on the corner lot, which I am supportive of based on review.

My wife and I live at 5308 Kellogg Ave and believe the design would be in alignment with the character of the neighborhood.

Thanks,
Tom

Tom Ewers | tewers@westmonroepartners.com West Monroe Partners LLC tel. 612.594.8001 |
mob. 206.369.7074

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: 1802824430056
 5300 Oaklawn Ave
 Edina, MN 55424

Owner/Taxpayer

Owner:

Taxpayer: 5300 OAKLAWN AVE
EDINA MN 55424

Tax District

School Dist: 273

Sewer Dist:

Watershed Dist: 3

Parcel

Parcel Area: 0.19 acres
8,102 sq ft

Torrens/Abstract: Abstract

Addition: South Harriet Park

Lot: 001

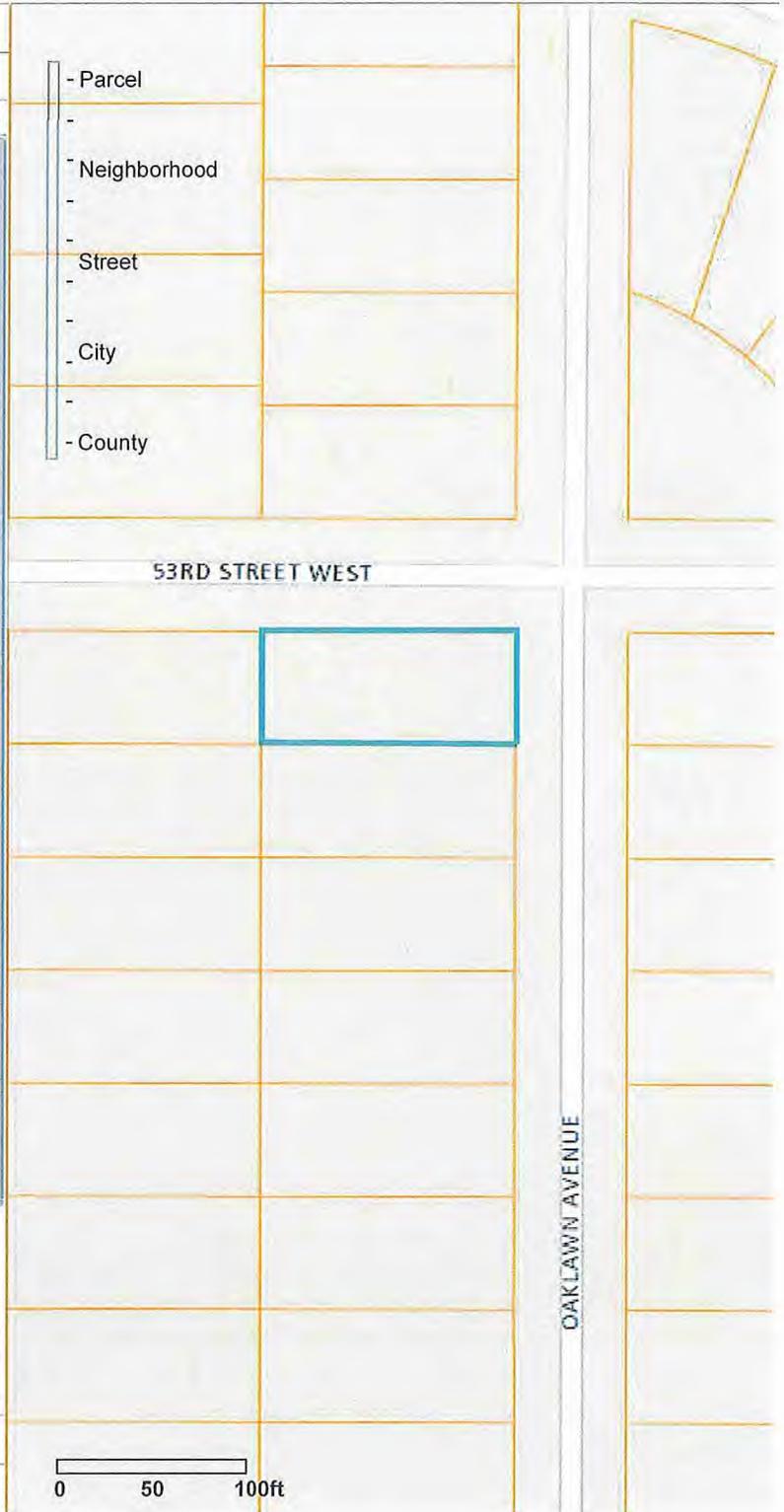
Block: 005

Metes & Bounds:

Tax Data (Payable 2014)

Market Value:

Total Tax:



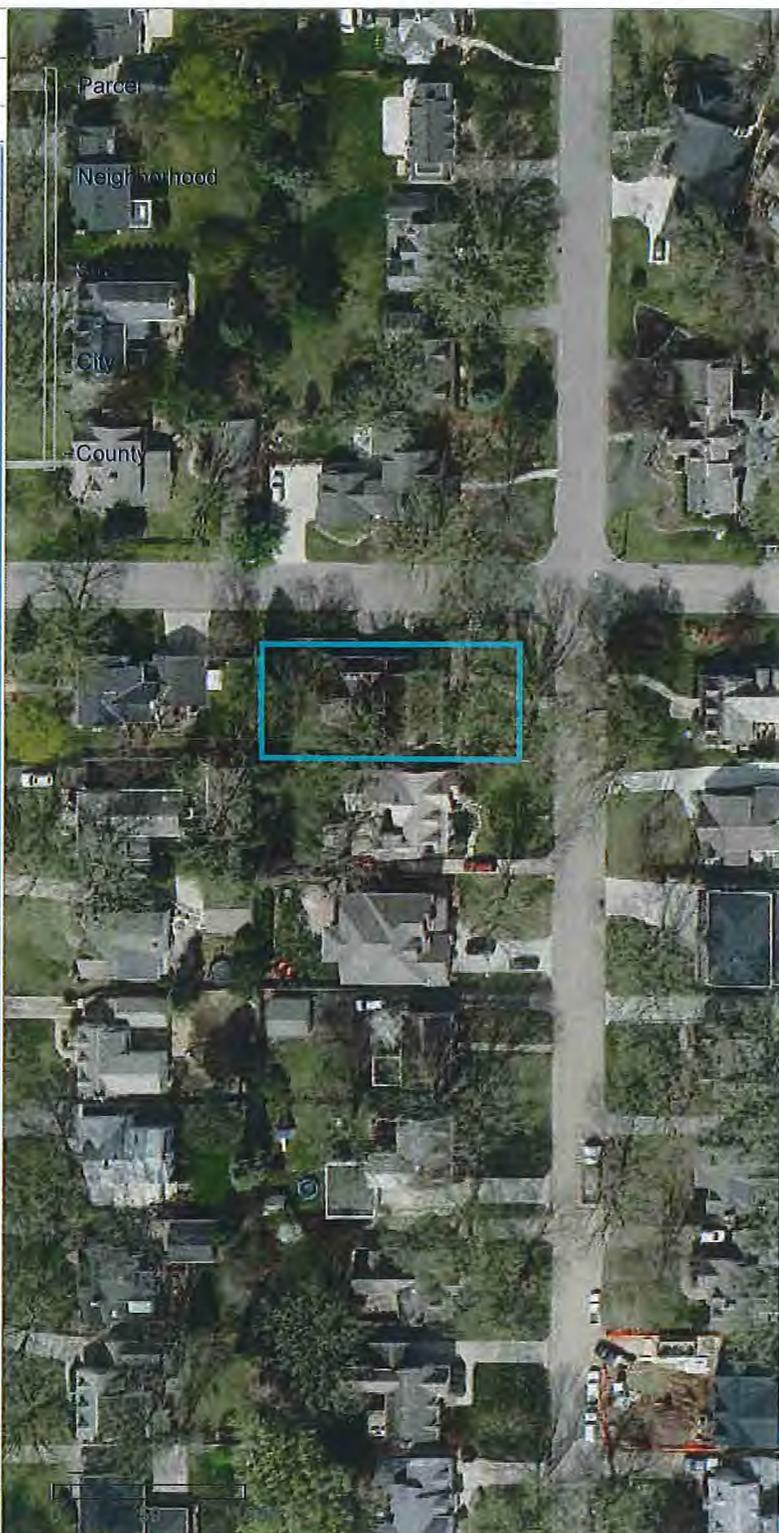
Legend

Measure

Interactive
Maps

Find a PID or an address on the map

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|--|------------------------------------|
| Welcome | |
| Results | |
| Links | |
| Tax information | |
| View oblique imagery (Bing maps) | |
| Survey documents | |
| About the data | |
| PID: 1802824430056 | |
| 5300 Oaklawn Ave Edina, MN 55424 | |
| Owner/Taxpayer | |
| Owner: | |
| Taxpayer: | 5300 OAKLAWN AVE EDINA MN 55424 |
| Tax District | |
| School Dist: | 273 |
| Sewer Dist: | |
| Watershed Dist: | 3 |
| Parcel | |
| Parcel Area: | 0.19 acres 8,102 sq ft |
| Torrens/Abstract: | Abstract |
| Addition: | South Harriet Park |
| Lot: | 001 |
| Block: | 005 |
| Metes & Bounds: | |
| Tax Data (Payable 2014) | |
| Market Value: | |
| Total Tax: | |
| Legend | |
| Measure | |



Interactive
Maps

Find a PID or an address on the map

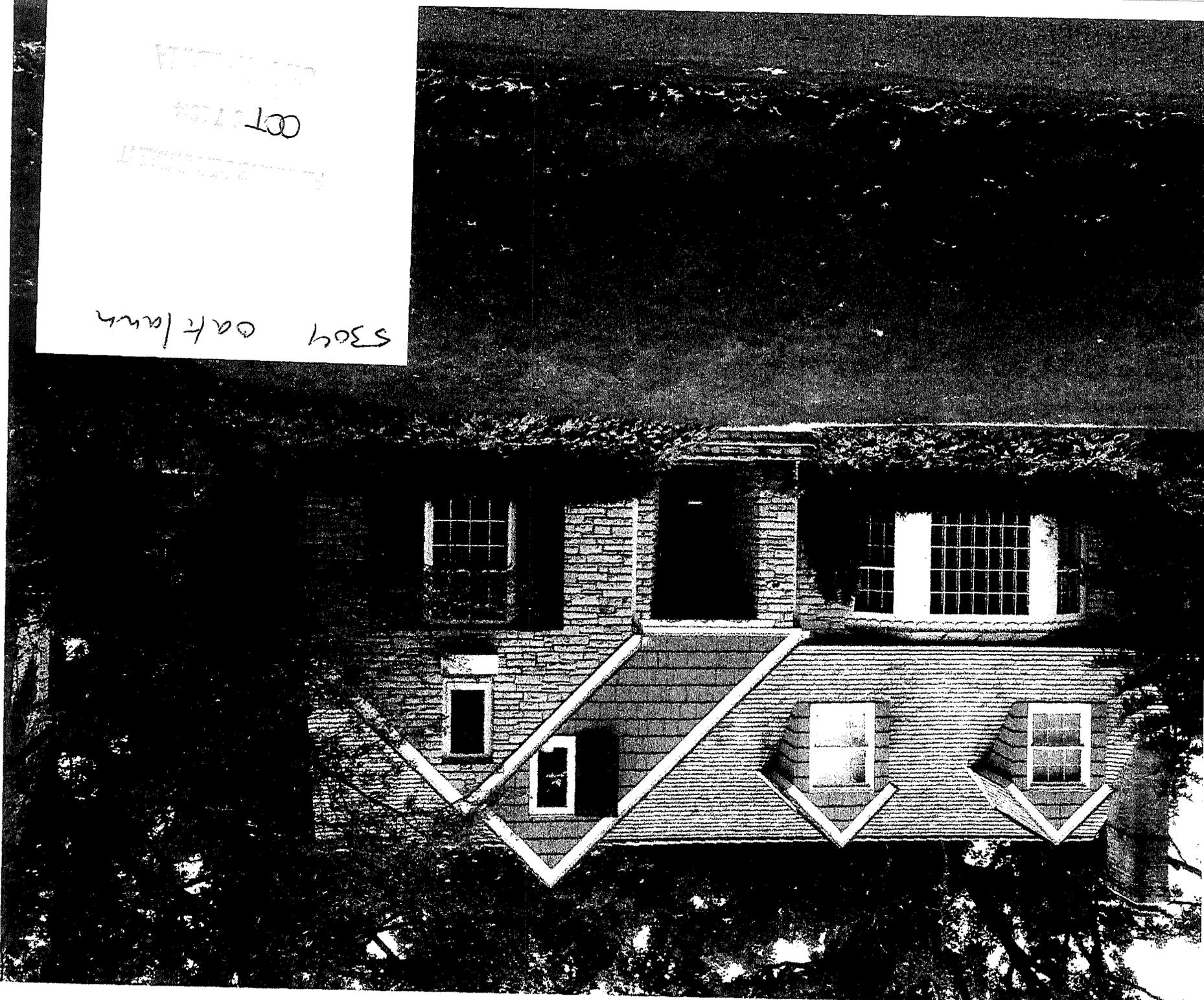
| | |
|--|------------------------------------|
| Welcome | |
| Results | |
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| Survey documents | |
| About the data | |
| PID: 1802824430056 | |
| 5300 Oaklawn Ave Edina, MN 55424 | |
| Owner/Taxpayer | |
| Owner: | |
| Taxpayer: | 5300 OAKLAWN AVE EDINA MN 55424 |
| Tax District | |
| School Dist: | 273 |
| Sewer Dist: | |
| Watershed Dist: | 3 |
| Parcel | |
| Parcel Area: | 0.19 acres 8,102 sq ft |
| Torrens/Abstract: | Abstract |
| Addition: | South Harriet Park |
| Lot: | 001 |
| Block: | 005 |
| Metes & Bounds: | |
| Tax Data (Payable 2014) | |
| Market Value: | |
| Total Tax: | |
| Legend | |
| Measure | |



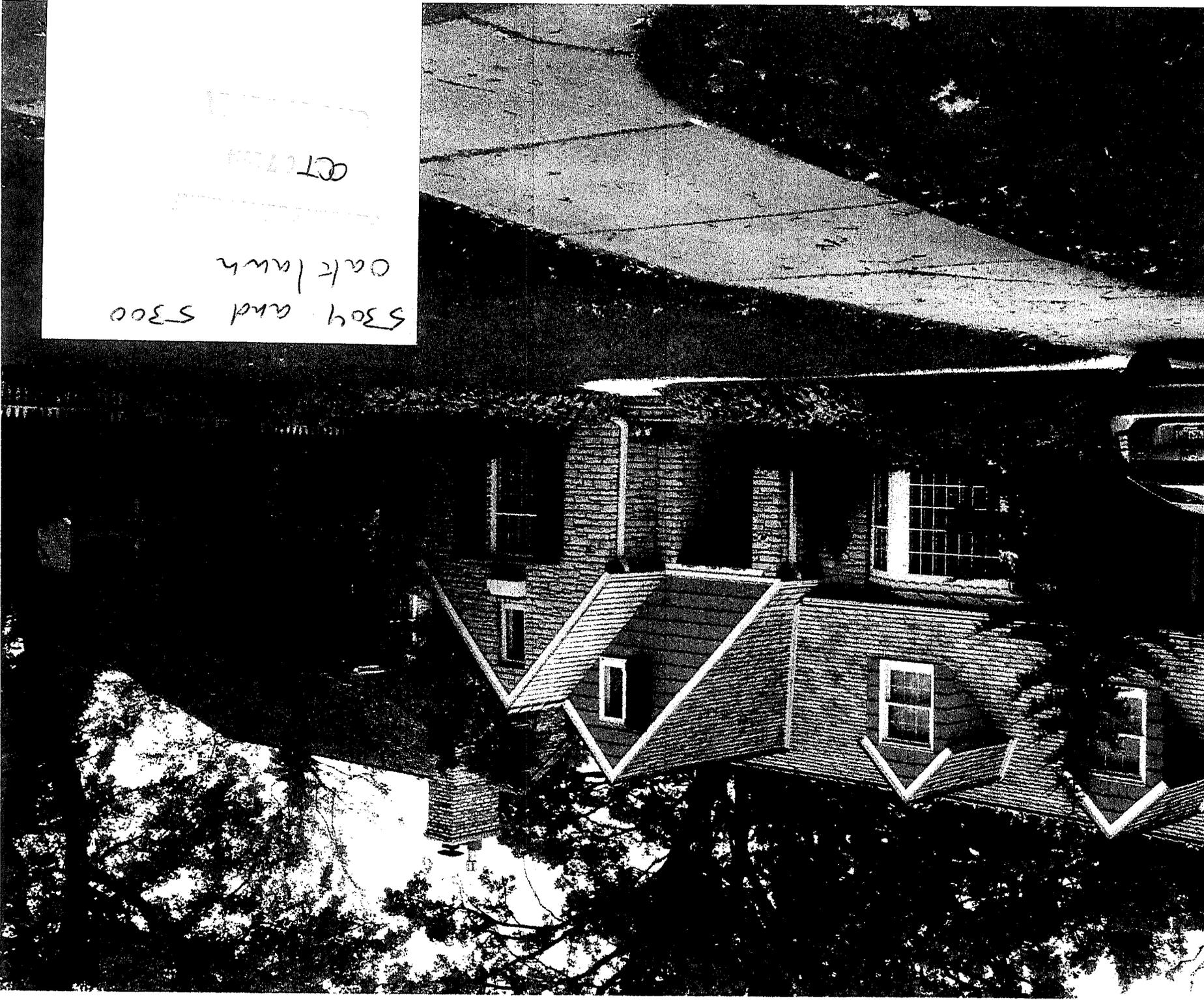
WESTING
OCT 1954
EXISTING HOME
5300 Oak Lawn



5304 Oak Lawn
OCT 1974
MICHIGAN



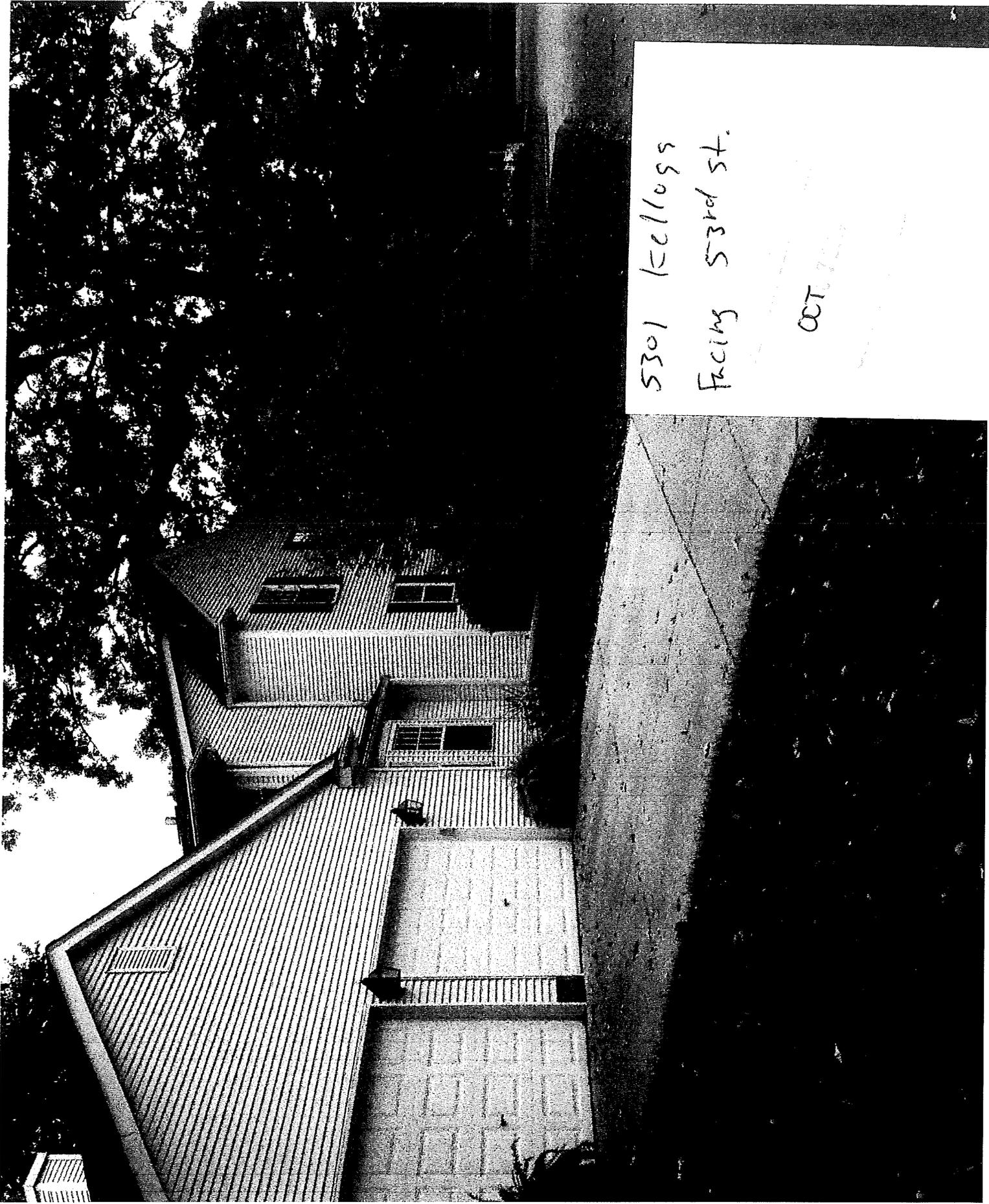
5304 and 5300
oak lawn
OCT 1954



OCT 07 1951

5240 Galt lawn





5301 Kellogg

Facing 53rd St.

OCT 7 1968

NRDI

7.29.14

8.22.14

9.13.14

10.3.14

NEIGHBORHOOD HOMES

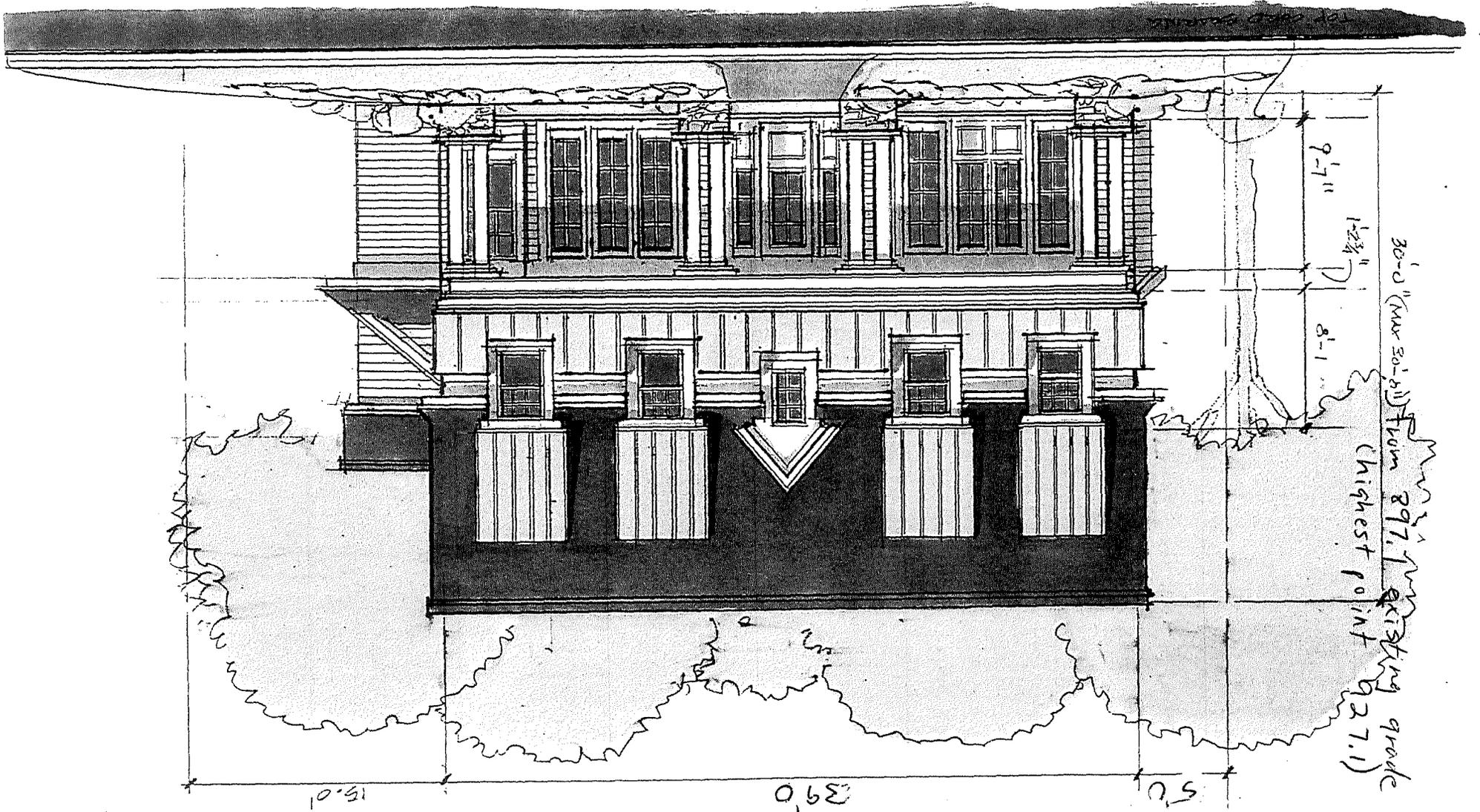
5300 OAKLAWN AVE, GREAT

EDINA

PRELIMINARY ENTRY ELEVATION ON OAKLAWN

1/8" = 1'-0"

01



9'-7"

1'-2 3/4"

8'-1"

30'-0" (max soil height) from existing grade 927.1 (highest point 927.1)

15'-0"

39'-0"

5'-0"



PRELIMINARY SIDE ELEVATION ON 53RD ST.

1/8" = 1'-0"

5300 OAKLAWN AVE

EDINA

GREAT
NEIGHBORHOOD
HOMES

10.3.14

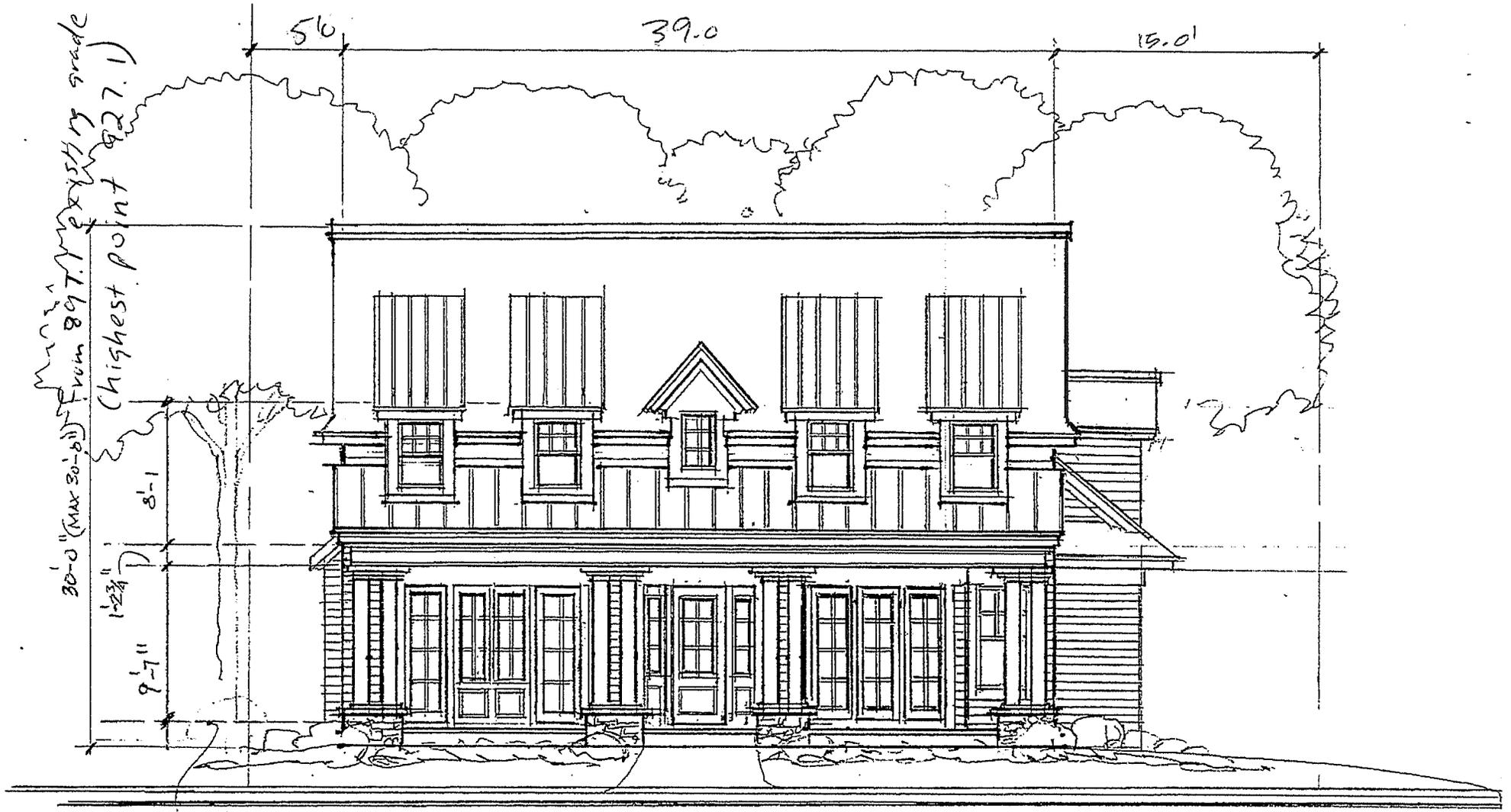
9.13.14

8.22.14

7.29.14

NRDI

OCT 17 2014



TOP CORD BEARING

PRELIMINARY ENTRY ELEVATION ON OAKLAWN

1/8" = 1'-0"

CCT

5300 OAKLAWN AVE, GREAT
EDINA NEIGHBORHOOD
HOMES

10.3.14
9.13.14
8.22.14
7.29.14
NRDI

10.3.14
9.13.14
NRDI

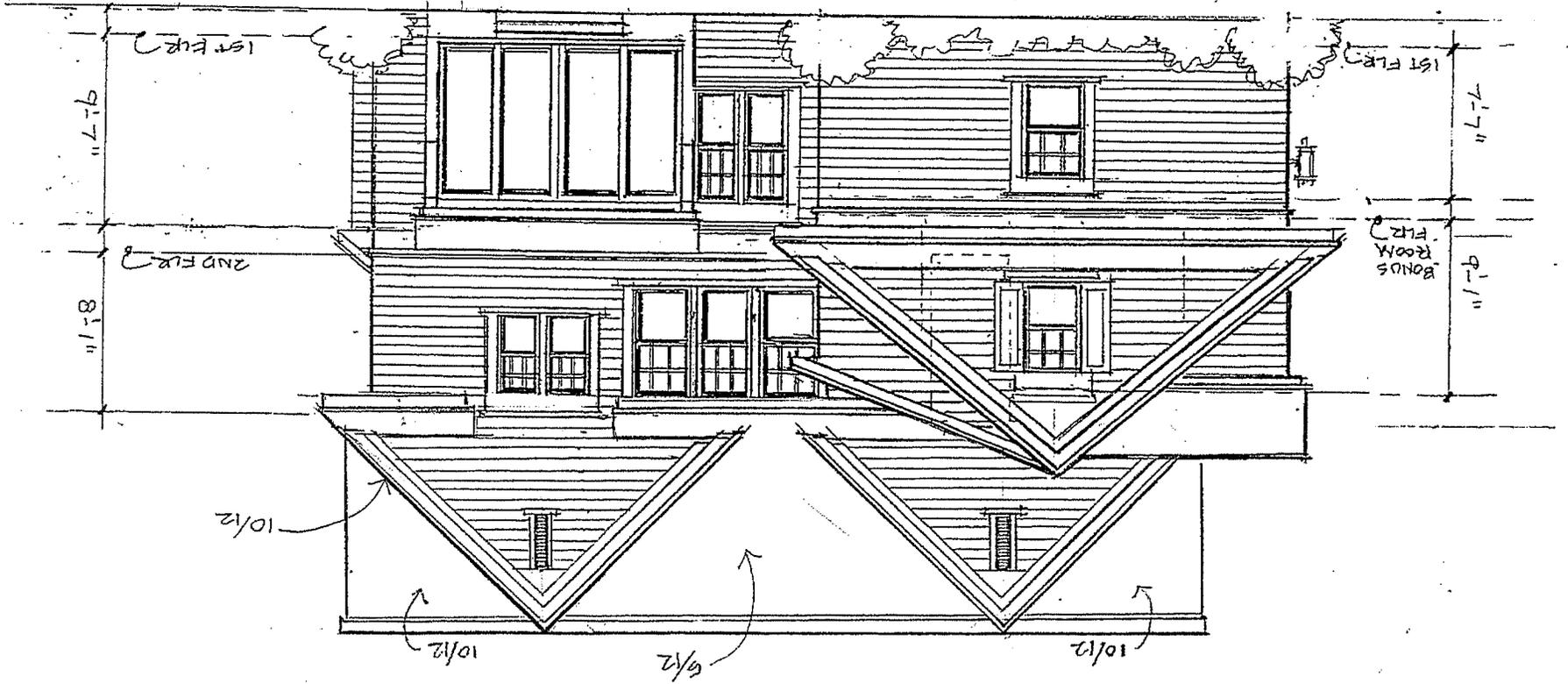
NEIGHBORHOOD
HOMES

EDINA

5300 OAKLAWN AVE
GREAT

07

WEST / INTERIOR BACK ELEVATION
1/8" = 1'-0"



07

SOUTH / INTERIOR SIDE ELEVATION
1/8" = 1'-0"

5300 OAKLAWN AVE

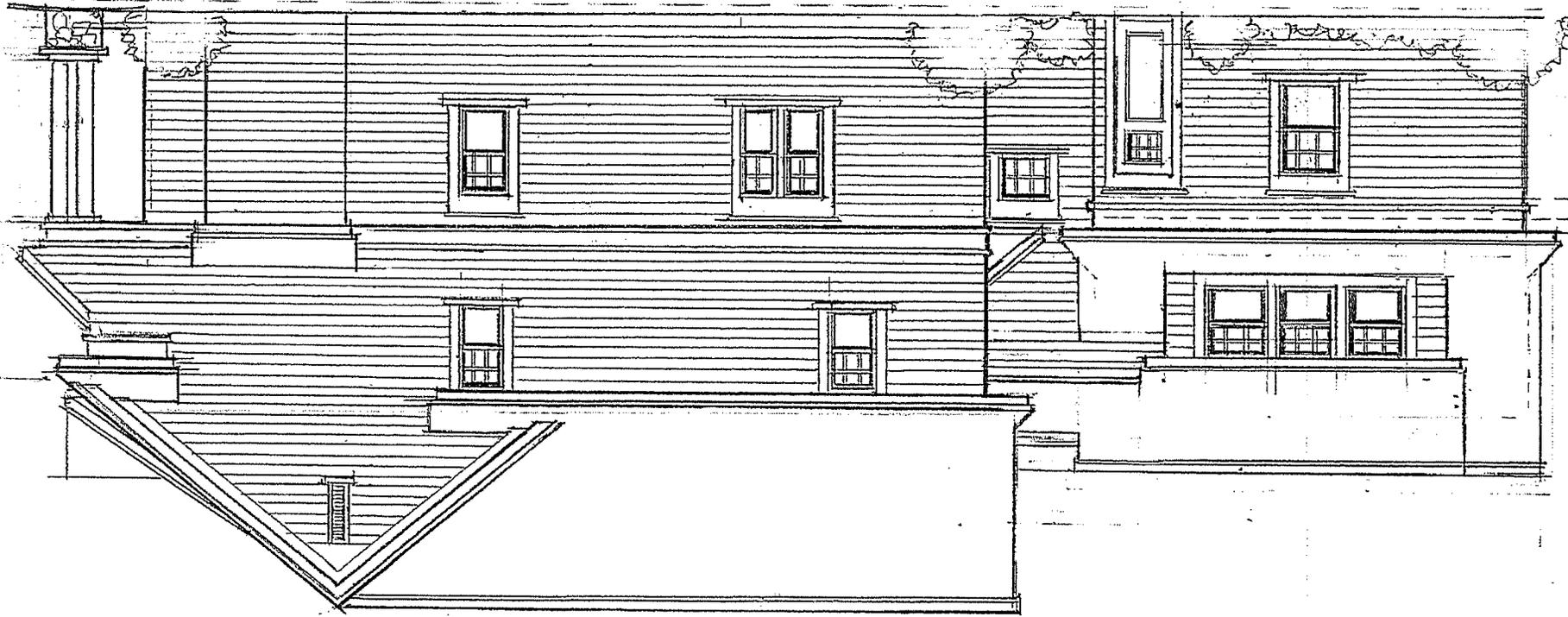
GREAT

NEIGHBORHOOD

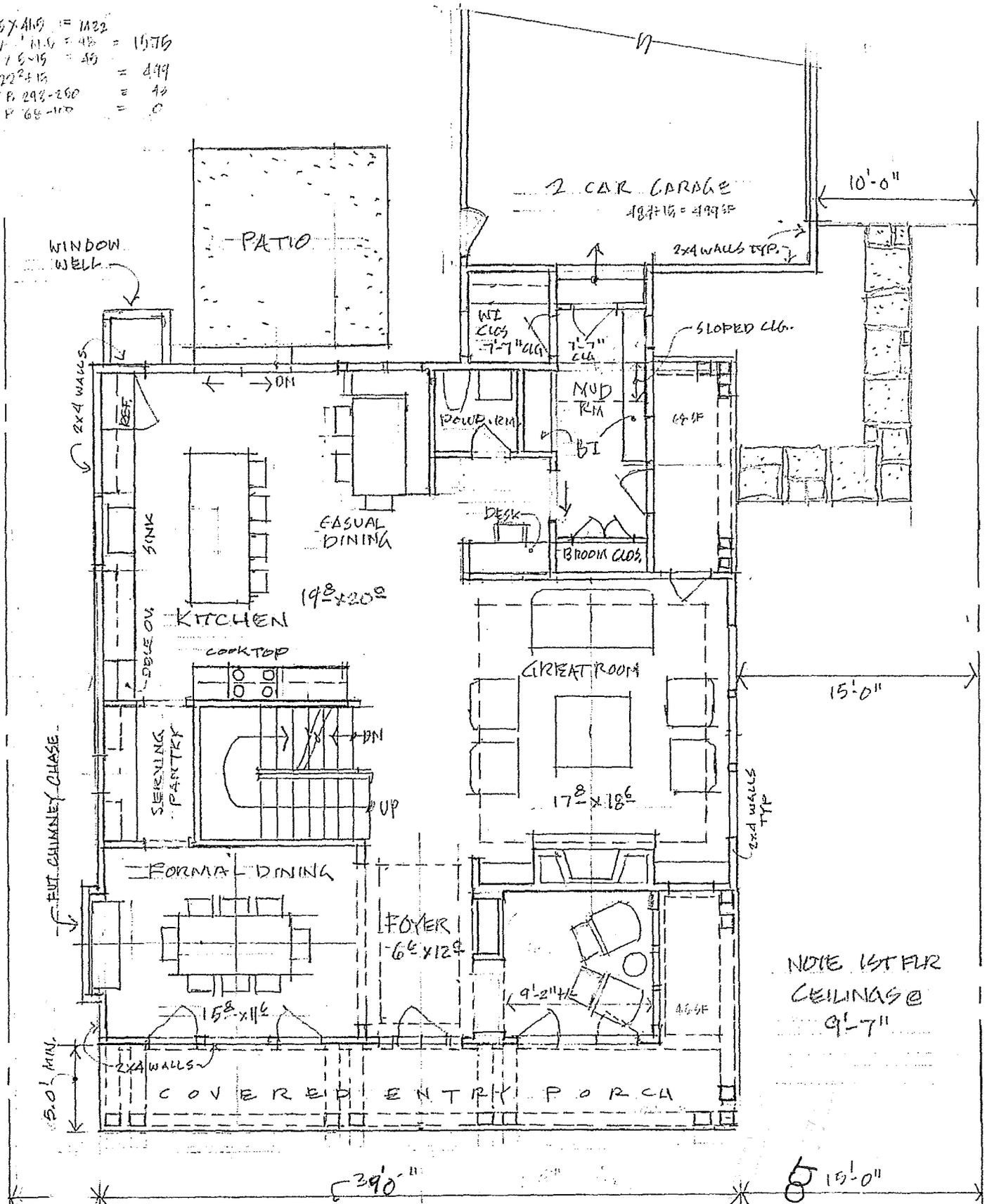
HOMES

NRDI

10.3.14
9.13.14



2416 X 419 = 1002
 57' x 11.6' = 661
 127' 6" x 15' = 1914
 612' 22" x 15' = 9180
 ENTRY P. 293-260 = 19
 SIDE P. 68-110 = 0



5'0" * 39'0" * 51'0" *
 1ST FLOOR PLAN 1502 SF
 1/8" = 1'-0"

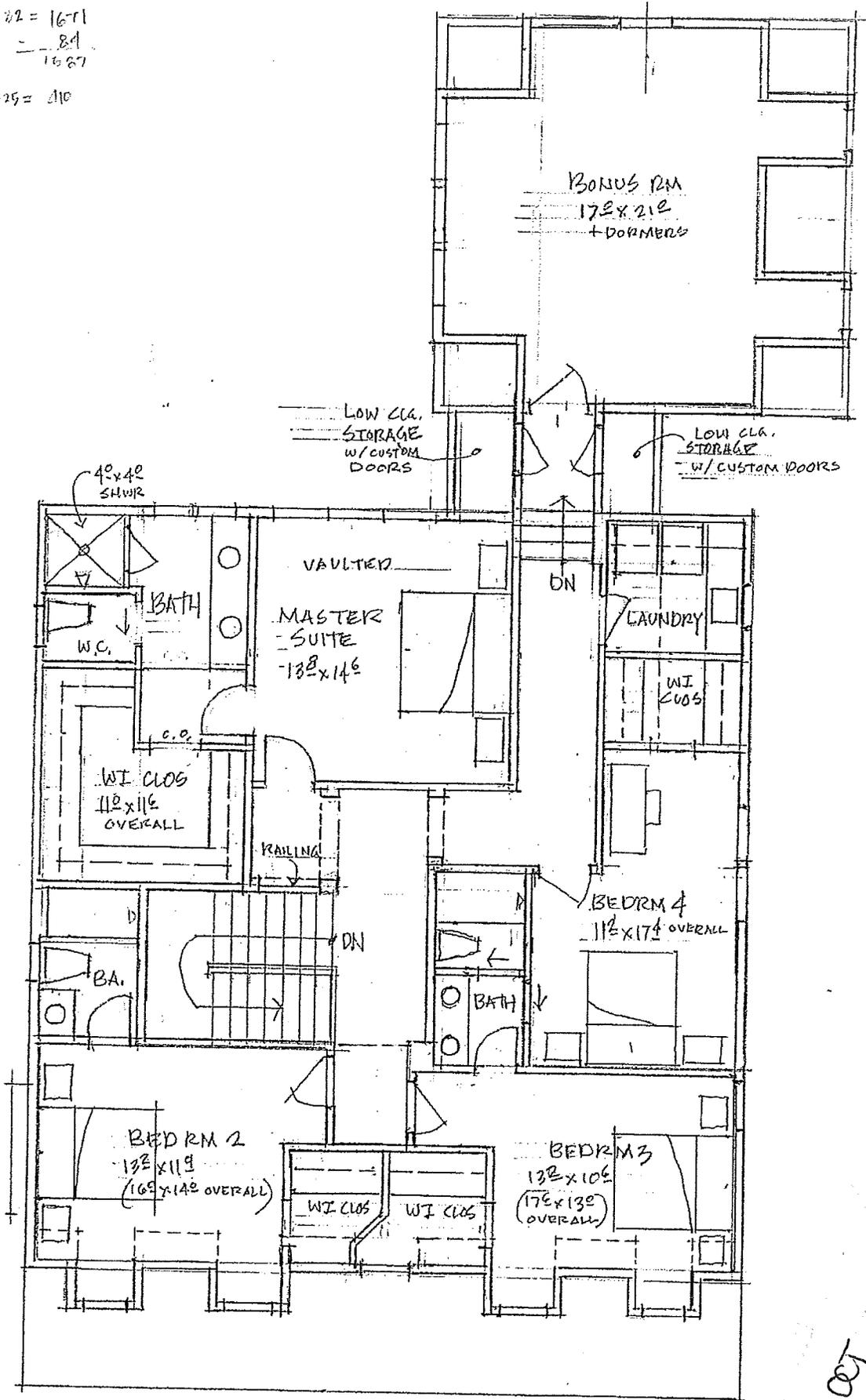
5900 ORCHLAWN AVE.
 EDINA

GREAT NEIGHBORHOOD HOMES

10.3.14
 9.13.14
 8.22.14
 NRDI

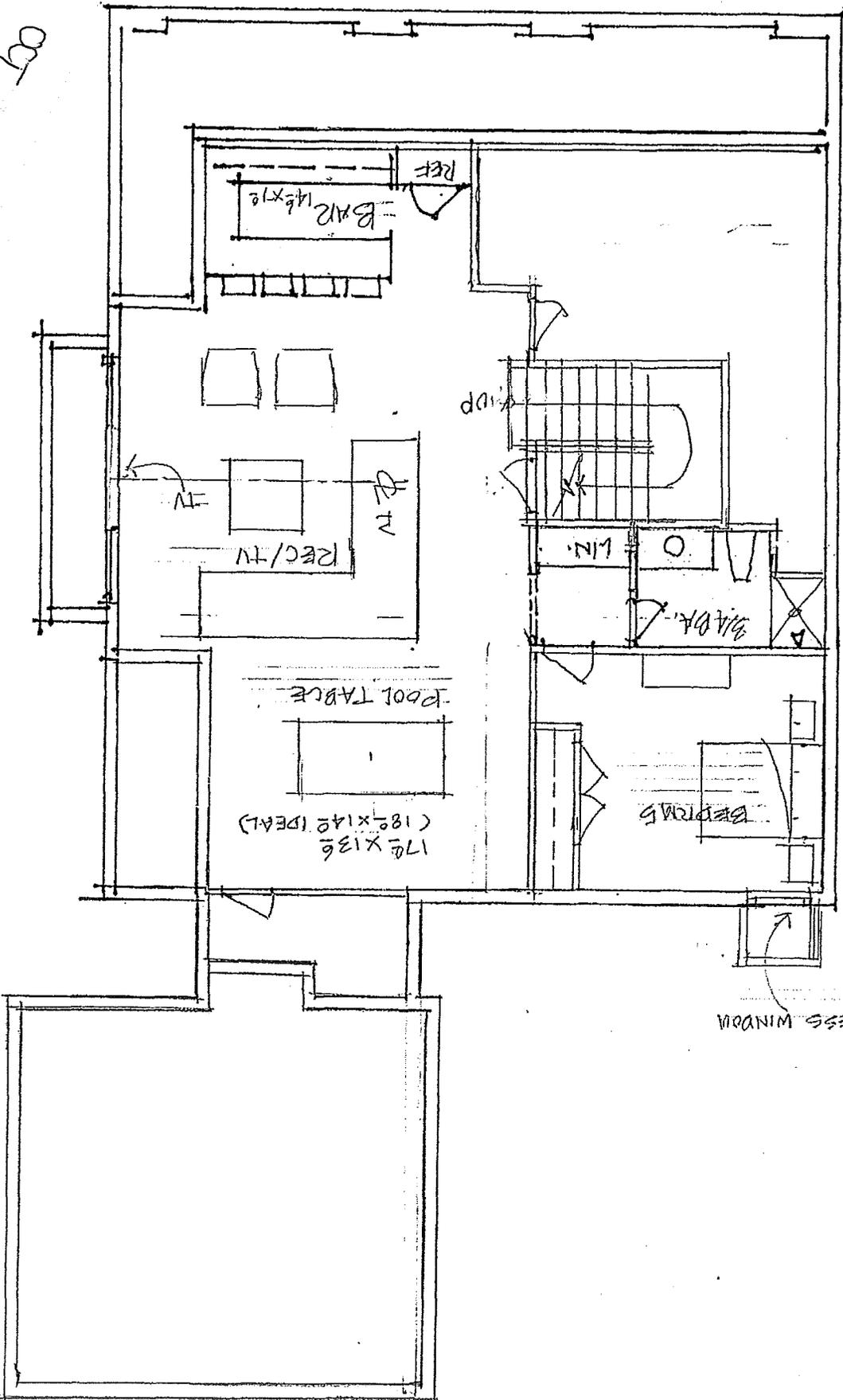
39.57 41.6 + 22 = 1671
 = 84
 1687

17.55 22 - 36 + 25 = 210



OUT 100

2ND FLOOR PLAN 1507 SF + 408 SF BONUS RM
 1/8" = 1' 0" (EXCLUDES STAIR) 10.31.14
 5300 OAKLAWN AVE GREAT NEIGHBORHOOD 9.13.14
 EDINA HOMES NRDI 8.22.14



007

LOWER LEVEL PLAN 1288 SF
 DIRECT NEIGHBORHOOD HOMES
 9.13.14
 8.22.14
 7.29.14
 NRDZ

1/8" = 1'-0"
 5308 DAKLAWN AVE
 EDINA

2014
 10
 24
 10/25

GREAT NEIGHBORHOOD HOMES

10-14-14

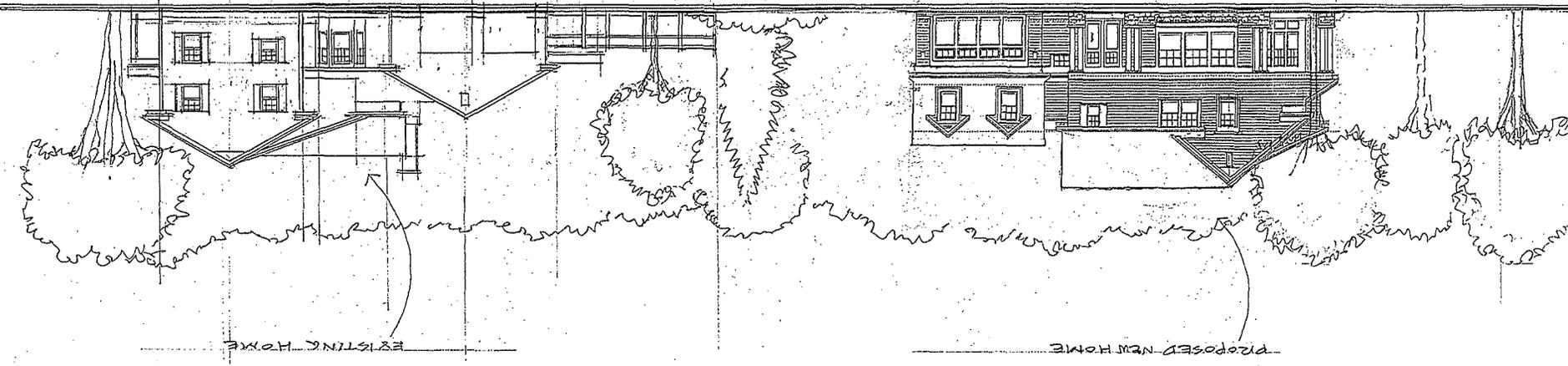
5300 OAKLAWN AVE, EDINA



53 RD STREET WEST STREET SCAPE

OAKLAWN AVE

OAKLAWN AVE



EXISTING HOME

PROPOSED NEW HOME