



PLANNING COMMISSION STAFF REPORT

Originator Breanne Rothstein Consultant Planner	Meeting Date July 23, 2014	Agenda # B-14-13
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Recommended Action: Deny a 4.33 foot side yard setback variance to the required 7.33 foot side yard setback to allow for the construction of a garage at 4206 Crocker Avenue.

Project Description: Steve and Peggy Porter (the applicants) are requesting a 4.33 foot side yard setback variance to remodel their home and construct an attached garage 3 feet from the southern interior side property line.

INFORMATION/BACKGROUND

The subject property is approximately 67 feet in width and is 13,317 square feet in area. There is an existing single-family home on the property, and the applicant is requesting to remodel a portion of their existing home and complete an addition to add a two-car garage to the south side of their existing home, and convert the existing one-car garage into a living space.

There are three existing single-family homes abutting the north side lot line and one existing single-family home on the south lot, both facing Crocker Avenue (4212 Crocker Avenue). The home located on 4212 Crocker has a two-car garage on the south side of the home, and was built in 2006 with no variances.

Section 36-438 (II), requires a minimum setback of 5 feet, plus 1/3 of a foot for every additional foot that the lot width exceeds 60 feet, resulting in a minimum setback of 7.33 feet (plus an additional interior side setback for sidewall height, which is not applicable for this request).

SUPPORTING INFORMATION

Surrounding Land Uses

This property is located on the end of Crocker Avenue and is surrounded on all four sides by single-family residential homes. There are a mix of homes with one or two car garages.

Existing Site Features

The subject lot is 13,317 square feet and 67 feet in width.

Planning

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

Building Design

The proposal is to remodel the existing home to convert the garage into living space and build a new, two-car garage on the south side of the lot. The proposed two car garage is proposed to be 21 feet in width, and necessitates a variance to be located 3 feet from the adjacent south property line.

Compliance Table

	City Standard	Proposed
Front - Side-	Average of adjacent (7.33 feet) 5+ 1/3 foot for every foot of additional lot width over 60 + height of sidewall calculation	51.4 feet 3 feet*
Rear-	25 feet	62 feet
Building Height	2 1/2 stories, 30 Ft	2 stories, 30 feet from existing grade
Lot Area	9,000 Sq Ft or avg of nbhd	13,317 square feet
Lot Width	75 feet or avg of nbhd	66 feet
Lot coverage	25%	11.26%

** Variance Required*

Primary Issues

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

Given the existence of other homes in the neighborhood that have two car garages, the addition of a two-car 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, sideloaded garage could be attached in the rear yard of the home.
- 3) A 1.5 car, attached garage could be constructed in a conforming location
- 4) A tandem, attached, two-car garage could be constructed in a conforming location

- **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 yard setback for the construction of a two-car garage is the desire to have an attached garage. Furthermore, the only factor preventing compliance with the side yard setback and having an attached garage is the desire to have a two-car garage. Staff has not identified a practical difficulty in either building a detached garage or building a 1.5 stall garage and completing their remodeling project.

- 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 not confounding factors preventing compliance with the ordinance.

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

Most of the homes in the neighborhood currently meet the side yard setbacks, and there have been additions and teardowns in the area that could comply. However, there are both one-car and two-car garages, 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 an addition that can comply with the setbacks is a reasonable use, and the request to deviate from the side yard is not necessary to make reasonable use of the property.
2. The home is appropriate in size and scale with the addition of a complying, detached garage, or a single or 1.5 car garage that complies with the setbacks.
3. There is not a practical difficulty in meeting the ordinance requirements due to the ability to locate an expanded garage in a conforming location.
4. There are not circumstances unique to the property that necessitate a variance to make reasonable use of the property.

Deadline for a City Decision: August 19, 2014

June 9, 2014

Narrative regarding request for variance for side yard setback from 8 feet to 3 feet for Peggy & Steven Porter's home at 4206 Crocker Avenue, Edina, MN 55416.

Planning Commission,

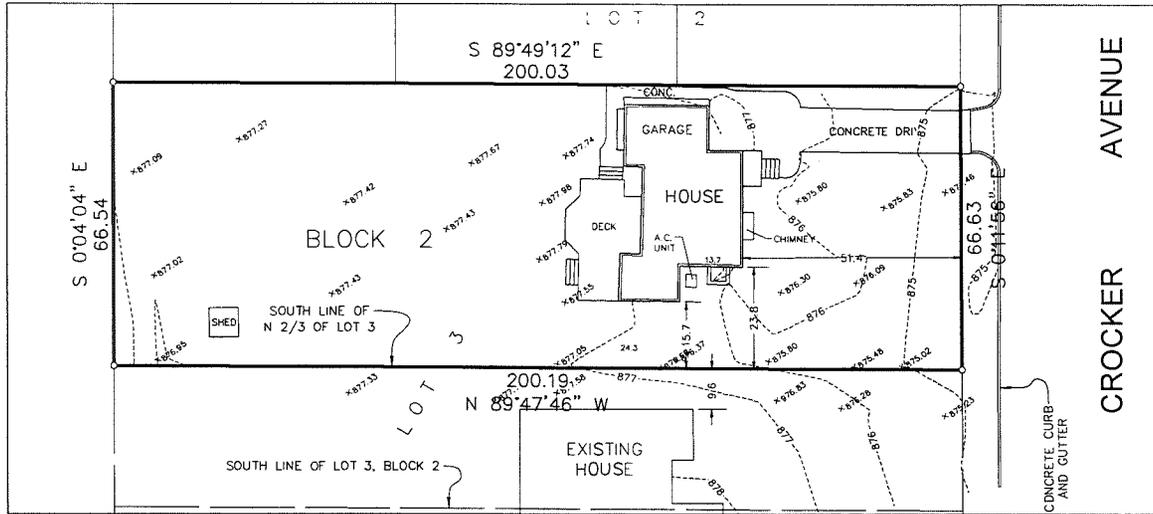
We have lived in our home for 28 years. We have 3 children who were born and raised in our home and the youngest will be a senior at Edina High School in the fall. We plan on staying in our home and have no intentions to sell or move. We have been exploring plans to do an addition. We would like to add a 2 car attached garage, an addition to the back of our home with a main floor mud room and family room, add an upstairs master bedroom and bath and repurpose our existing garage into living space. We have looked at all the potential placements of the garage and the only viable solution is to add it to the south side of our property. According to our recent survey, we have 24 feet from our home to the property line. We are applying for a 3 foot variance to in order to add a 21 foot, two car garage to the south side of our home.

Our neighbors, Podaly & Desmond Jay, made a major investment in their home last summer. If we place the garage detached with the 3 foot setback per code, the garage would obstruct the view that the Jay's designed their expansion around. In reviewing the plans with the Jay's they would fully support the attached option which would move the garage closer to the street and out of their view.

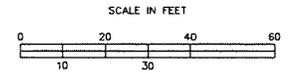
The proposed remodel was designed to protect the existing character and curb appeal of our home. Our lot is 66.66 feet x 200. We feel the attached garage with the 3 foot setback versus the detached option with the same setback still meets the intent of the ordinance. Our design fits the original character of the house and the essential character of our neighborhood.

During this design process we talked to all of our neighbors and have their full support.

EXISTING CONDITIONS



- LEGEND**
- W — WATER MAIN LINE
 - S — SANITARY SEWER LINE
 - ST — STORM SEWER LINE
 - OHE — OVERHEAD ELECTRICAL LINE
 - HYD. FIRE HYDRANT
 - P.P. POWER POLE
 - L.P. LIGHT POLE
 - C.B. CATCH BASIN
 - W.V. WATER VALVE
 - M.H. MANHOLE
 - XFMR. TRANSFORMER
 - CBX. CABLE BOX
 - 876 --- EXISTING CONTOUR LINE
 - 876 — PROPOSED CONTOUR LINE
 - (878.0) PROPOSED ELEVATION
 - - - SILT FENCE

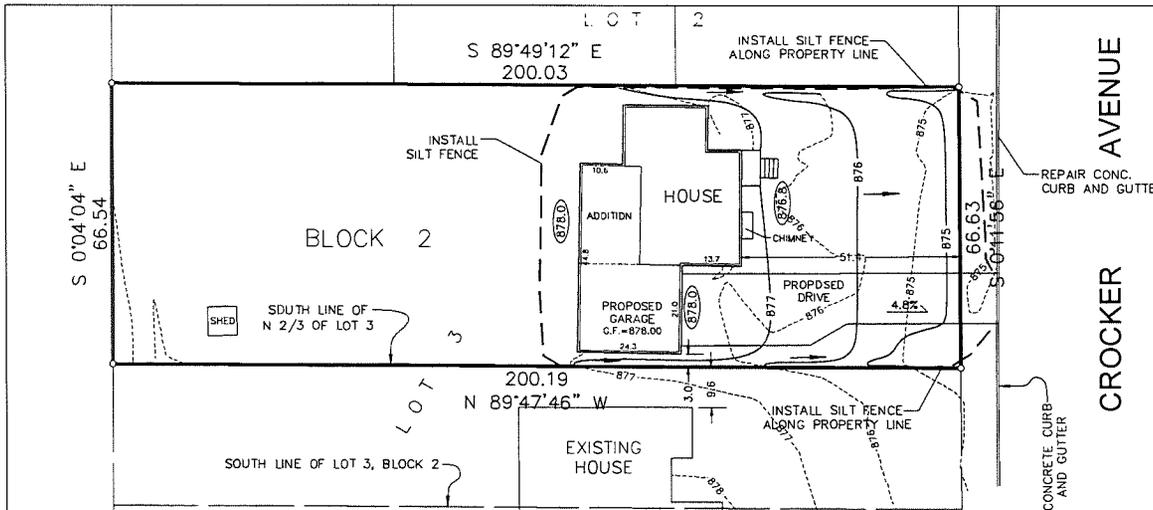


α - DENOTES IRON MONUMENT
BEARINGS ARE ASSUMED DATUM

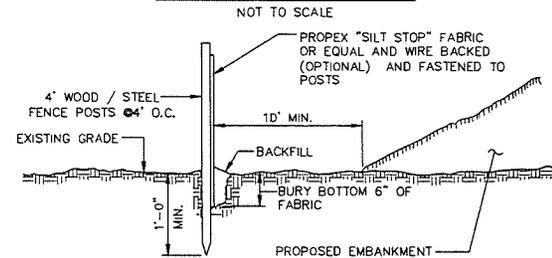
NOTES:

1. BENCHMARK - TOP NUT HYDRANT AT THE SW CORNER OF CROCKER & 42ND STREET W. ELEVATION = 878.10
 2. ALL GRADING/CONSTRUCTION ACTIVITY WILL BE COMPLETED PER PLAN.
 3. INSTALL SILT FENCE PRIOR TO EXCAVATION AS SHOWN.
 4. RE-VEGETATE SITE WITHIN 48 HOURS OF FINAL GRADING.
 5. REPLACE AND REPAIR DISTURBED CONCRETE CURB AND GUTTER AND BITUMINOUS AREAS PER CITY OF EDINA STANDARDS AND SPECIFICATIONS.
 6. INLET PROTECTION SHALL BE PLACED ON ALL EXISTING CATCH BASIN INLETS SURROUNDING THE CONSTRUCTION LIMITS.
 7. BUILDER OR CONTRACTOR TO VERIFY ALL PROPOSED GRADES AND GRADE THE LOT SO THAT THE SURFACE WATER WILL NOT POND OR CREATE DRAINAGE PROBLEMS FOR THIS LDT OR ADJOINING LOTS.
- B. ARROWS DENOTE DIRECTION OF SURFACE WATER RUNOFF.

PROPOSED ADDITION



SILT FENCE DETAIL



I hereby certify that this is a correct representation of a survey of:

The North 2/3 of Lot 3, Block 2, CROCKER & CROWELL'S FIRST ADDITION, Hennepin County, Minnesota, according to the recorded plat thereof.

And that this survey and certificate was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor and Professional Engineer under the laws of the State of Minnesota.

Grant D. Jacobson

Grant D. Jacobson, MN License No. 23189
Dated this 16th Day of June, 2014

PROPERTY ADDRESS:

4206 Crocker Avenue
Edino, MN 55416

**CERTIFICATE OF SURVEY/ GRADING,
DRAINAGE AND EROSION CONTROL PLAN**

PREPARED FOR: Peggy Porter
4206 Crocker Avenue
Edino, MN 55416

**JACOBSON
ENGINEERS & SURVEYORS**

Jacobson@engrsurv.com 21029 HERON WAY
(952) 469-4328 LAKEVILLE, MN 55044 FAX (952) 469-4624

PROJ. NO: 214047 CHECKED: GDJ

DRAWN: GAW SCALE: AS SHOWN

DATE: 6/16/14 FIELD BDK: A



Parcel ID: 07-028-24-42-0045

Owner Name: S & P Porter

Parcel Address: 4206 Crocker Ave
Edina, MN 55416

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres
13,311 sq ft

A-T-B: Abstract

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code: Warranty Deed

Map Scale: 1" ≈ 200 ft.

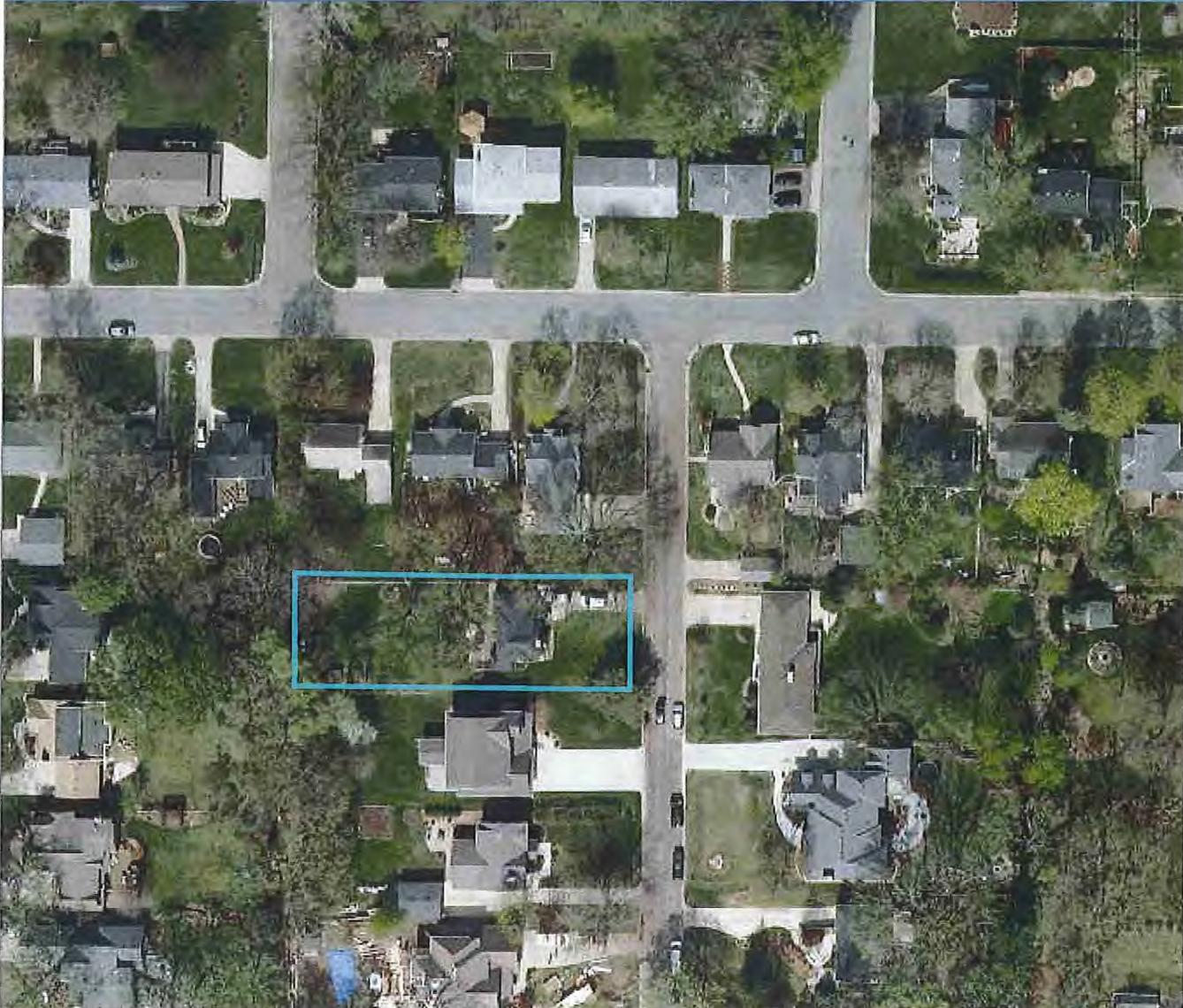
Print Date: 7/18/2014



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 Think Green!



Parcel ID: 07-028-24-42-0045

Owner Name: S & P Porter

Parcel Address: 4206 Crocker Ave
Edina, MN 55416

Property Type: Residential

**Home-
stead:** Homestead

Parcel Area: 0.31 acres
13,311 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code: Warranty Deed

Map Scale: 1" ≈ 100 ft.

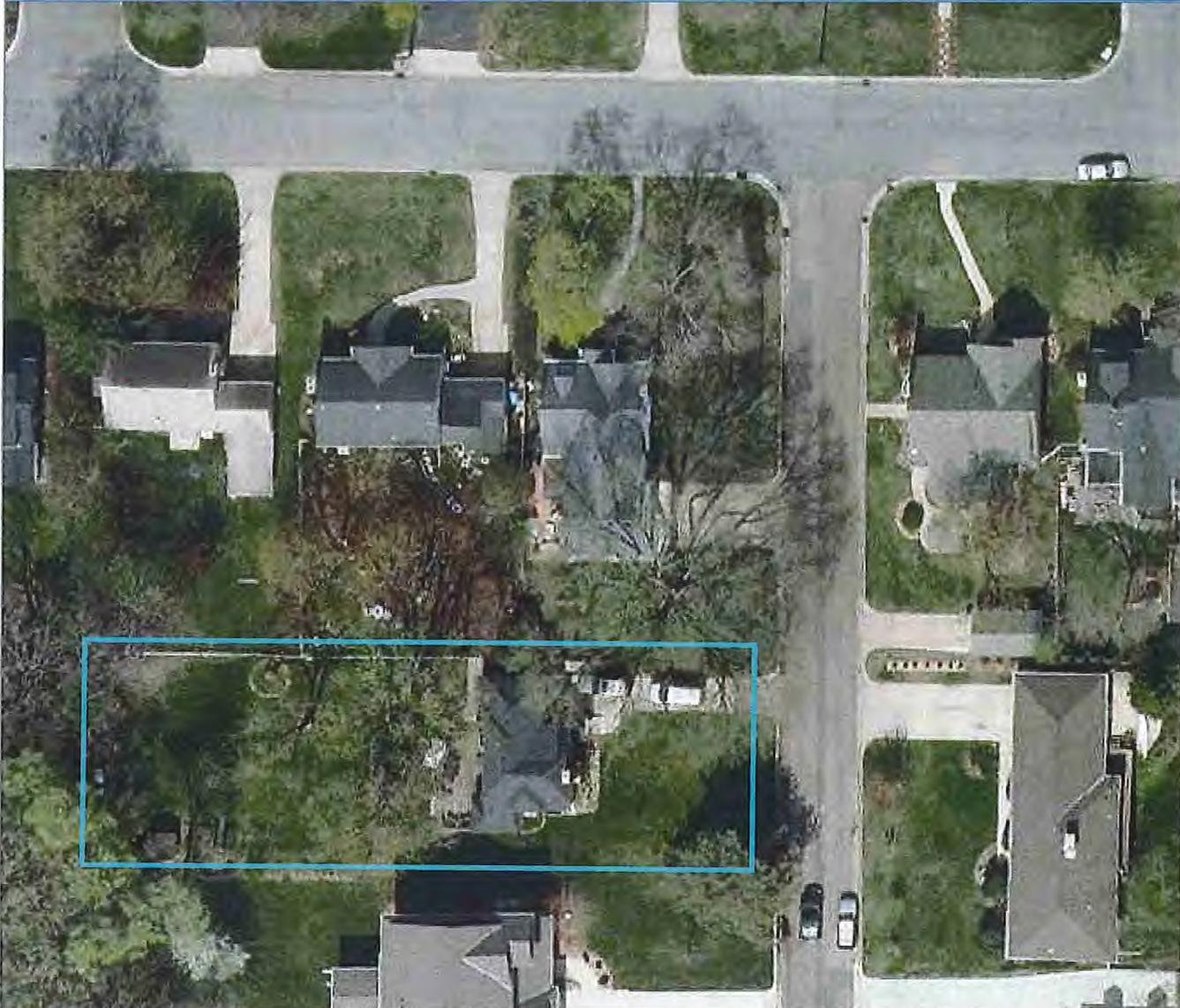
Print Date: 7/18/2014



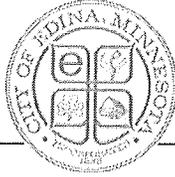
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Parcel ID: 07-028-24-42-0045	A-T-B:	Map Scale: 1" ≈ 50 ft. Print Date: 7/18/2014	
Owner Name: S & P Porter	Market Total:		
Parcel Address: 4206 Crocker Ave Edina, MN 55416	Tax Total:		
Property Type: Residential	Sale Price:		
Homestead: Homestead	Sale Date:		<p>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.</p>
Parcel Area: 0.31 acres 13,311 sq ft	Sale Code:		
		COPYRIGHT © HENNEPIN COUNTY 2014	



DATE: June 25, 2014

TO: Cary Teague – Planning Director

CC: David Fisher – Building Official
Chad Milner – City Engineer

FROM: Ross Bintner P.E. - Environmental Engineer

RE: **4206 Crocker Avenue – 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 following ordinance sections:

- Chapter 10, Article 7 – Littering in the Course of Construction Work (10-341 to 10-345)
- Chapter 10 Article 17 – Land Disturbing Activities (10-674 to 10-710)
- Chapter 24, Article 4 Division 2 – Roadway Access (24-129 to 24-133)
- Chapter 36, Article 12 – Drainage, Retaining Walls and Site Access (36-1257)

This review was performed at the request of the Planning Department and assumes the attached documents were submitted for building permit review. A more detailed review will be performed at the time of building permit application.

Planning Concerns

1. Rear yard is very flat, and drainage patterns cannot be determined. Decreased side yard setback may limit opportunity to provide positive drainage to front yard.

General

2. A separate permit may be required from the Minnehaha Creek Watershed District: www.minnehahacreek.org/
3. Site survey should follow the standard described in policy SP-005-B included in the building permit application packet.

Street and Curb Cut

4. The application proposes relocation or modification of curb cut, Follow standards in curb cut permit application: http://edinamn.gov/edinfiles/files/City_Offices/Public_Works/CurbCutApplication.pdf

Sanitary and Water Utilities

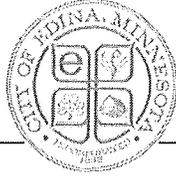
5. No comments; remodel uses existing utility connections.

Storm Water Utility

6. The subject site front yard drains to Crocker Avenue and is part of subwatershed MS_2. Downstream public system stormwater capacity is available. The downstream system drains to Weber Pond a flood prone water.
7. The subject site rear yard appears to drain to the front, but the grade is too flat to determine direction with certainty.

ENGINEERING DEPARTMENT

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



8. Applicant may review local drainage features at the following links: <https://maps.barr.com/edina/> and http://edinamn.gov/index.php?section=engineering_water_resource
9. Required storm water and erosion control precautions are described below.

Site Storm Water

Ordinance Chapter 36, article 12, Division 2 – Supplementary District Regulations, states:

Sec. 36-1257. Drainage, retaining walls and site access.

(a) *Drainage.* No person shall obstruct or divert the natural flow of runoff so as to harm the public health, safety or general welfare. Surface water runoff shall be properly conveyed into storm sewers, watercourses, ponding areas or other public facilities. As part of the building permit, the applicant must submit a grading and erosion control plan along with a stormwater management plan that is signed by a licensed professional engineer. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans.

10. A storm water management plan signed by a Professional Engineer is required:
 - a. No increase in peak rate to MS₂.
 - b. Minnehaha Creek Watershed District standards, if applicable.
11. Due to flat grades, additional precautions are recommended to provide positive drainage to front yard.

Grading, Erosion and Sediment Control

12. A grading and erosion control plan signed by a Professional Engineer is required.
 - c. Provide erosion and sediment control precautions described under Edina City Code Chapter 10, Article 7 – Littering in the Course of Construction Work (10-341 to 10-345).
 - d. Identify on the plan the individual responsible for the cleanliness of the site and the maintenance of the erosion and sediment controls.
 - e. Describe stockpile locations.
 - f. Describe site access and precautions against undue soil compaction.
 - g. Include provisions for temporary erosion control.
 - h. Identify pollution prevention techniques that will be used in the case of temporary pumped discharge.
 - i. Identify pollution prevention techniques that will be used for concrete washout, and hazardous waste storage and handling.
 - j. Provide inlet protection for all storm sewer inlets downstream of the site within one block or as directed by the City.
 - k. Provide sediment control precautions, including downstream perimeter sediment barrier.

13. Meet Minnehaha Creek Watershed requirements.

ENGINEERING DEPARTMENT

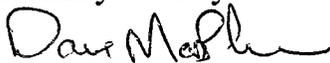
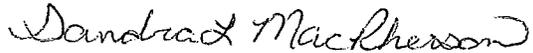
7450 Metro Boulevard • Edina, Minnesota 55439
www.EdinaMN.gov • 952-826-0371 • Fax 952-826-0392

Dave and Sandy MacPherson
4221 West 42nd Street
Edina, MN 55416
June 12, 2014

To the Edina City Planner,

We are writing in support of Steve and Peggy Porter's plans for adding a double car garage and living space to their home at 4216 Crocker Avenue. They have reviewed their plans with us and we realize this will be very usable space for them. If you have any questions we can be reached at 952-920-2145.

Thank you for your consideration.

Dave and Sandy MacPherson

June 10, 2014

To: The City of Edina Planning Department

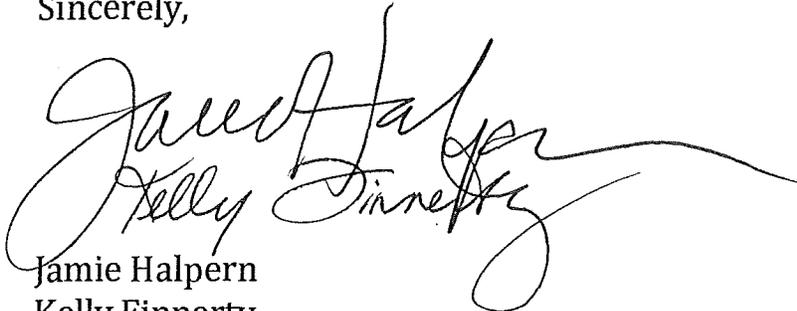
Re: Proposed Construction at 4206 Crocker Ave, Edina

To whom it may concern,

We are the homeowners at 4209 Crocker Ave, Edina, and are writing to express our full support for the proposed construction at Steve and Peggy Porter's house, 4206 Crocker Ave. They have reviewed their plans with us and we do not object to any of their proposed work.

Please feel free to contact us if you have any questions.

Sincerely,

Handwritten signatures of Jamie Halpern and Kelly Finnerty. The signature for Jamie Halpern is written in a large, flowing cursive script, and the signature for Kelly Finnerty is written in a smaller, more compact cursive script below it.

Jamie Halpern
Kelly Finnerty
4209 Crocker Ave
Edina, MN 55416
(952) 926-3376

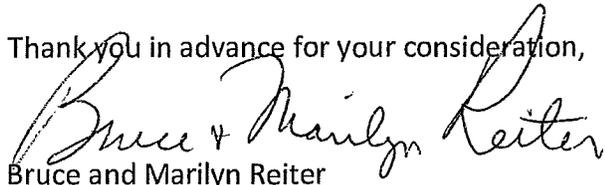
Wednesday, June 11, 2014

Dear City Planning Commission,

This letter is for support of Steve and Peggy Porter's addition of a two-car garage on the south side of their house and a two-story addition on the back. These additions will match many of the other houses on the block that have been remodeled in the past several years.

These additions are keeping with the style of many other homes on Crocker. We encourage you to pass their requests for these additions to their existing home.

Thank you in advance for your consideration,

A handwritten signature in cursive script that reads "Bruce + Marilyn Reiter". The signature is written in black ink and is positioned above the printed name.

Bruce and Marilyn Reiter
4215 Crocker Avenue
Edina, MN 55416

June 11, 2014

To the City of Edina:

This note is to advise that Steve and Peggy Porter of 4206 Crocker Avenue – Edina, MN 55416 have reviewed with us their remodeling plans and need of a variance to execute. We are in support of approval for a variance for their project.

Sincerely,

A handwritten signature in black ink that reads "David Pinske". The signature is written in a cursive, flowing style.

David Pinske
4216 Crocker Avenue
Edina, MN 55416

6/11/14

To whom it may concern,

I, Rebecca Remick, owner of 4220 Crocker Ave, am in support of the plans for an addition which includes an attached garage at 4206 Crocker Ave. The proposed plans keep the integrity of the home and I am not opposed to the 3 foot variance.

A handwritten signature in cursive script, appearing to read "Rebecca Remick". The signature is written in black ink and is positioned above the typed name.

Thank you,
Rebecca Remick

June 10, 2014

City of Edina Planner

We are aware of our neighbor's variance request and support it. We feel the best location for the garage is the south side of the house, where it would be located between the 2 houses. We understand the south border of the garage may fall 3 feet from our property line. Knowing this, we continue to support their request.

Other options that include placing the garage in the back yard are the least favorite choices for many various reasons. We ourselves have recently renovated our home and created an outdoor living space in our back yard. Placing the garage in the backyard would obstruct and significantly affect our view.

Sincerely,



Podaly and Desmond Jay
4212 Crocker Ave

June 11, 2014

Edina City Planner,

I am the homeowner of 4309 W. 42nd St., Edina, MN. Steve and Peggy Porter are my neighbors to the south. I have reviewed their plans for an attached garage and addition. I am in support of their renovation and request for a variance for the proposed attached garage.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Dovorany', with a long horizontal line extending to the right.

Steve Dovorany
4309 W. 42nd St.
Edina, MN 55416

Monday, June 9, 2014

Dear City Planning Commission:

We are writing this letter in support of Steve and Peggy Porter for the addition of an attached garage and two story addition to their house. This addition will allow them to have a two car garage on the front of their house and match many of the other houses that have had additions or have been built over the last few years.

The Porters addition is keeping with the style of their house and the neighborhood look and feel. We hope you will pass their requests. Thanks for your consideration.

Best Regards,

Timothy and Susan Gruidl
4213 Crocker Avenue
Edina, MN 55416

