



PLANNING COMMISSION STAFF REPORT

Originator Breanne Rothstein Consultant Planner	Meeting Date July 23, 2014	Agenda # B-14-15
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Recommended Action: Approve a 24.4 foot variance to the required front yard setback of 54.4 feet to allow for a 30 foot front yard setback.

Project Description: The applicant is requesting a 24.4 foot variance to the required 54.4 foot front yard setback construct a new home on the lot located at 6816 Cheyenne Circle 9 (subject property) at a front yard setback of 30 feet.

INFORMATION/BACKGROUND

The subject property is approximately 150 feet in width and is 59,561 square feet (1.4 acres) in area. Approximately .8 acres of the lot is above the Ordinary High Water Level (OHW) of Indianhead Lake.

There are two existing single-family homes on the north and south lots, both facing the Cheyenne Circle cul-de-sac. The north lot has a front setback of 53 feet and a setback from the OHW of 31.7 feet. The lot to the south of the subject property is set back 55.7 feet from the front property line and is set 10 feet from the rear property line.

The property owner is requesting to demolish the existing single-family home, which currently does not meet the setback from the OHW, and build a new home.

Section 36-439, I (a) requires a front yard setback equal to the average setback of the two adjacent homes, or 54.4 feet for this lot.

SUPPORTING INFORMATION

Surrounding Land Uses

This property is located on the end of a cul-de-sac of single-family homes in the Indianhead Crest subdivision.

Existing Site Features

The subject lot is 59,561 square feet, of which 34,630 square feet is above the OHW. It is a treed lot with frontage on Indianhead Lake.

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 single family residence with a full, finished, walkout basement and a three car, attached garage with a footprint of 2,694 square feet.

Compliance Table

	City Standard	Proposed
Front - Side- OWH-	Average of adjacent 10+ height, (living) 75 feet	30 feet* 14.3 and 32.8 feet 75 feet
Building Height Lot Area Lot Width	2 1/2 stories, 40 Ft 9,000 Sq Ft or avg of nbhd 75 feet or avg of nbhd	2 stories, 18 feet from existing grade 150 feet
Lot coverage	25%	18.8%

* **Variance Required**

Primary Issues

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

Yes, staff believes the proposal is reasonable for four reasons:

1. The proposed use is permitted in the R-1 Single Dwelling Unit District and complies with all the standards, with exception of the front yard setback (as determined by the average of the two adjacent homes).
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property.

3. The property is subject to the OHW setback of 75 feet, and the property to the north does not meet that setback, allowing the home to set farther back toward Indianhead Lake (31.7 feet from OHW).
4. The proposed home, as proposed, protects the lake and existing foliage by meeting the OWH setback of 75 feet.

- **Is the proposed variance justified?**

Yes. Per the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

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.

Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

Staff believes the proposed variance is reasonable given that existing homes immediately to the north of the lot and the south of the lot are set back much farther than otherwise required, and do not meet rear/OHW setbacks, as they are situated today.

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

Yes. A unique circumstance is that the existing, adjacent, single-family homes do not meet rear setbacks as required today.

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

No. The proposed home will not alter the essential character of the neighborhood. The proposed home will complement the existing

neighborhood homes. Approval of the variance allows the continued reasonable use of the property as a large, lake lot.

Staff Recommendation

Recommend that the Planning Commission approve the variance.

Approval is based on the following findings:

1. The proposed use is permitted in the R-1 Single Dwelling Unit District and complies with all the standards, with exception of the front yard setback (as determined by the average of the two adjacent homes).
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property.
3. The property is subject to the OHW setback of 75 feet, and the property to the north does not meet that setback, allowing the home to set farther back toward Indianhead Lake (31.7 feet from OHW).
4. The proposed home, as proposed, protects the lake and existing foliage by meeting the OWH setback of 75 feet.
5. There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to an imposed front yard setback from adjacent homes that do not meet rear yard setbacks.
6. The variance, if approved, will not alter the essential character of the neighborhood.

Approval of the variance is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

Survey date stamped: July 9, 2014

Building plans and elevations date stamped: July 8, 2014

Deadline for a City Decision: September 6, 2014



Date: July 23, 2014

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Agenda Item B-14-15 – Variance at 6816 Cheyenne Circle

The city engineer is still reviewing the civil engineer's grading, drainage and erosion control plan. His final report will be emailed out next week.

PLANNING DEPARTMENT

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CITY OF EDINA

celebrating 40+ years | proud builder + remodeler since 1970



To: Planning Commission of City of Edina
From: Jennifer Cates Peterson, Cates Fine Homes
Michael Huber, Huber Architects
Representing Matt and Michelle Cooke, homeowners
Date: July 8, 2014

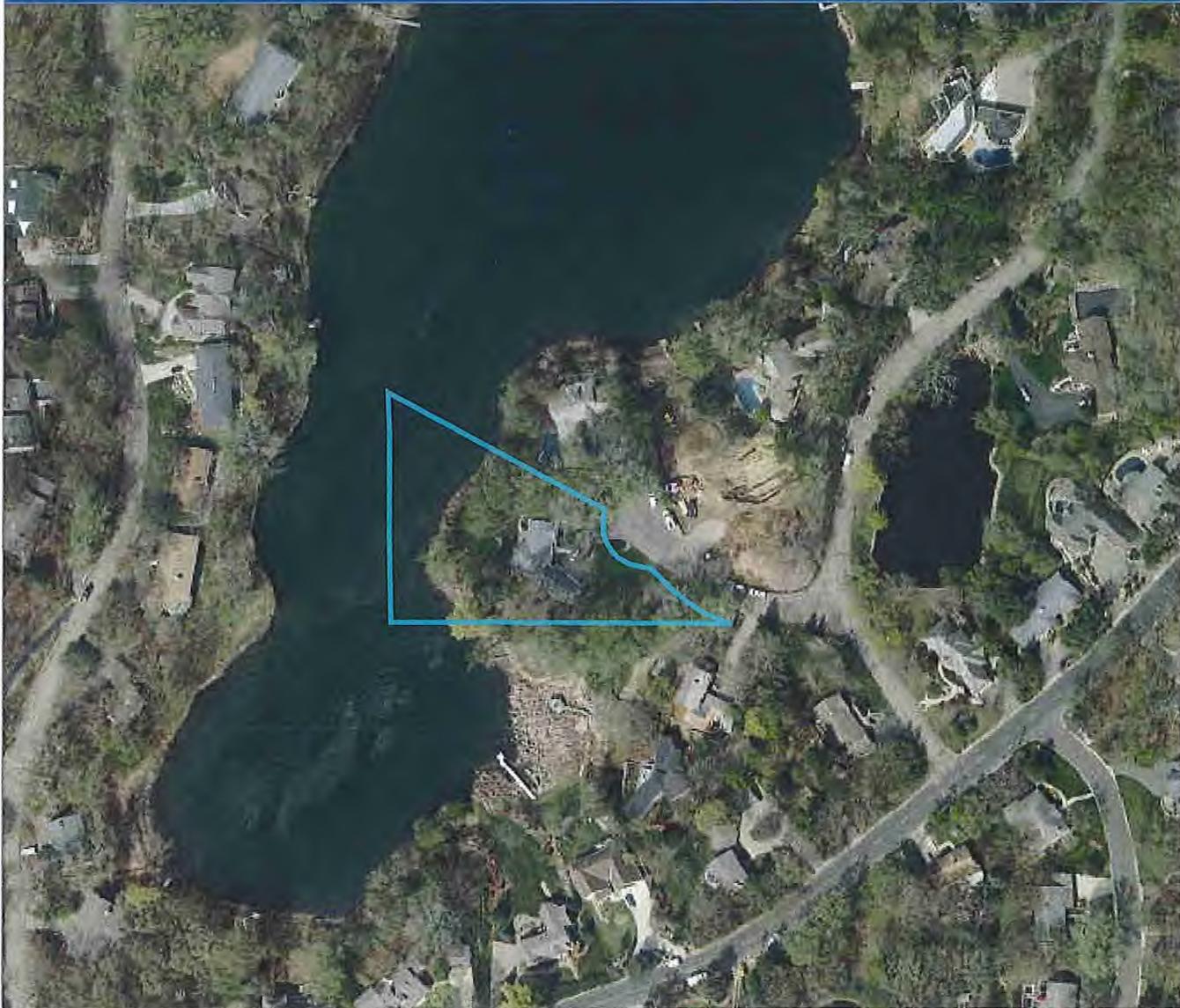
Re: Request for Variance at 6816 Cheyenne Circle, Edina, MN

The project consists of constructing a new single family home at 6816 Cheyenne Circle in Edina, Minnesota. The side yard setbacks and the setback from the Ordinary High Water were established on the official survey per the zoning ordinances. The Owner and Design Team are requesting a front yard setback be defined as 30 feet in lieu of ordinance Section 36-439 (1a) which defines the front yard setback to match the adjacent neighbor. The 30 foot request is a result from trying to develop a reasonable construction limit boundary and is a listed front yard setback within the zoning ordinance as a baseline.

This request is based upon the following:

- The approximate 54 foot setback of the adjacent residence would cause practical difficulties as the subsequent remaining buildable area is severely limited.
- The existing structure on the property extends into the OHW setback. Our proposed new structure pulls the home out of the setback area.
- The adjacent neighbor to the north currently encroaches into the OHW setback by approximately 43 feet. If the home conformed to the 75 foot OHW setback, the current front of the home would be approximately 10 feet from the property line, encroaching into the 30 foot baseline setback.
- The home directly across the cul-de-sac is set at 25.4 feet from the front yard property line, encroaching into the 30 foot baseline setback.

Lots within a cul-de-sac, especially on a lake, are always challenging, as the lots tend to be irregular in shape. Our goal was to find a balance between respecting the various agency regulations and the specific issues associated with this particular piece of property and adjacent neighbors. The project has been reviewed and approved by the Nine Mile Creek Watershed district and we believe all other zoning ordinances have been met. We greatly appreciate your review and we would be happy to provide further information or answer any questions you may have.



Parcel ID: 06-116-21-43-0007

Owner Name: Darrell H Boyd

Parcel Address: 6816 Cheyenne Cir
Edina, MN 55439

Property Type: Residential Lake Shore

**Home-
stead:** Homestead

Parcel Area: 1.35 acres
58,867 sq ft

Map Scale: 1" ≈ 200 ft.

Print Date: 7/18/2014



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Edina, MN 55439

Property Type: Residential Lake Shore

Home- stead: Homestead

Parcel Area: 1.35 acres
58,867 sq ft

Map Scale: 1" ≈ 100 ft.

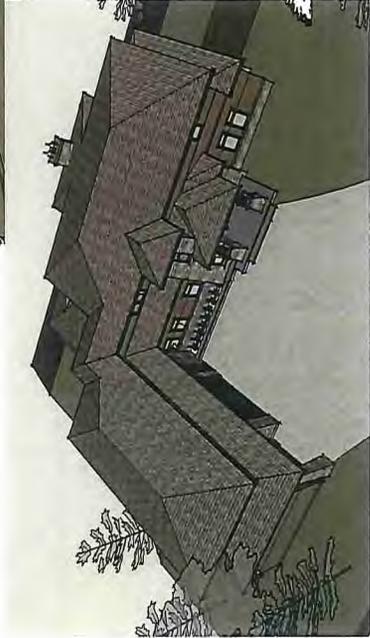
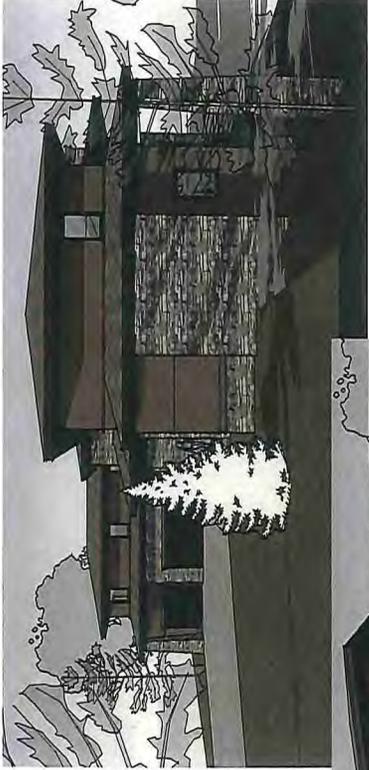
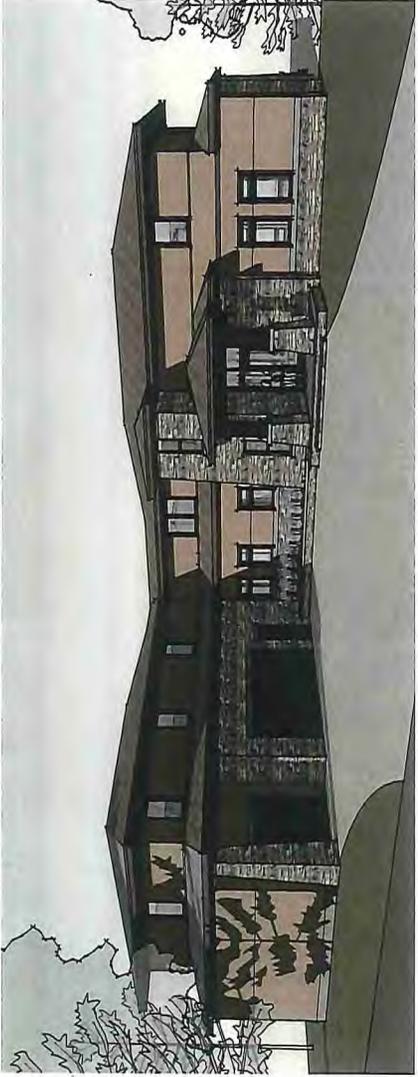
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Cheyenne Residence
Edina, Minnesota



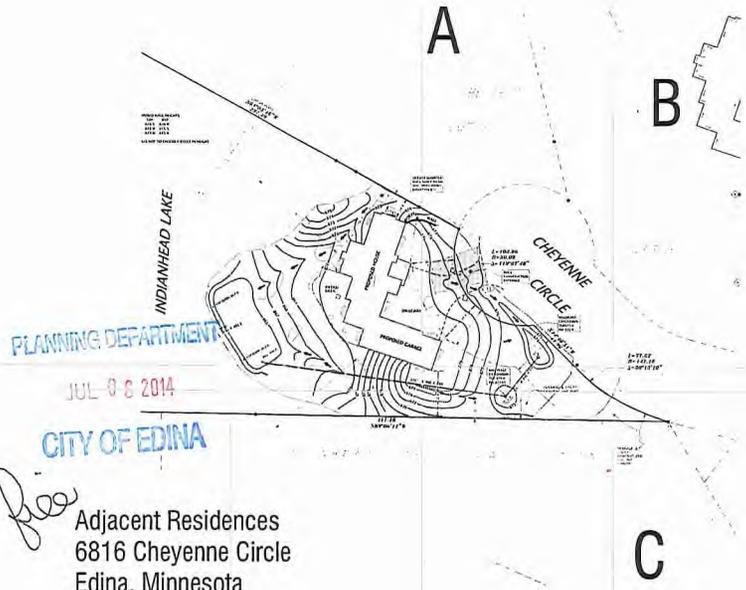
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A



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CONTACT:
 CATES FINE HOMES
 2000 Industrial Blvd
 Stillwater, MN 55082
 Phone: 651-439-2844



901 N 3rd STREET, SUITE 120
 MINNEAPOLIS, MN 55481
 P 612.268.7998 F 612.268.7998 www.elandesign.com

CERTIFICATION
 I hereby certify that the plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the state of MINNESOTA.
 Stephen T. Johnson DATE 7-0-14
 REGISTRATION NO. 0944

REVISIONS:
 DATE REVISION
 7-21-13 ORIGINAL SURVEY
 6-4-14 SITE/GRADING PLAN
 6-18-14 SITE/GRADING PLAN
 7-8-14 REVISE HOUSE

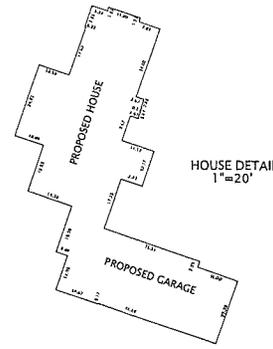
CERTIFICATION:
 I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the state of MINNESOTA.
 Daniel L. Thomas Registration No: 21718
 Date: 6-4-14

PROJECT LOCATION:
 6816 CHEYENNE CIRCLE
 PID# 061162143-0007

Sheet #1
 8758 Stillwater Blvd. N.
 Stillwater, MN 55082
 Phone 651-275-8088
 Fax 651-275-8976
 dan@cornerstonelandsurveying.com

CORNERSTONE LAND SURVEYING, INC

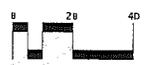
FILE NAME: AP-SURV215
 PROJECT NO.: JCI 3079
 SITE/GRADING PLAN



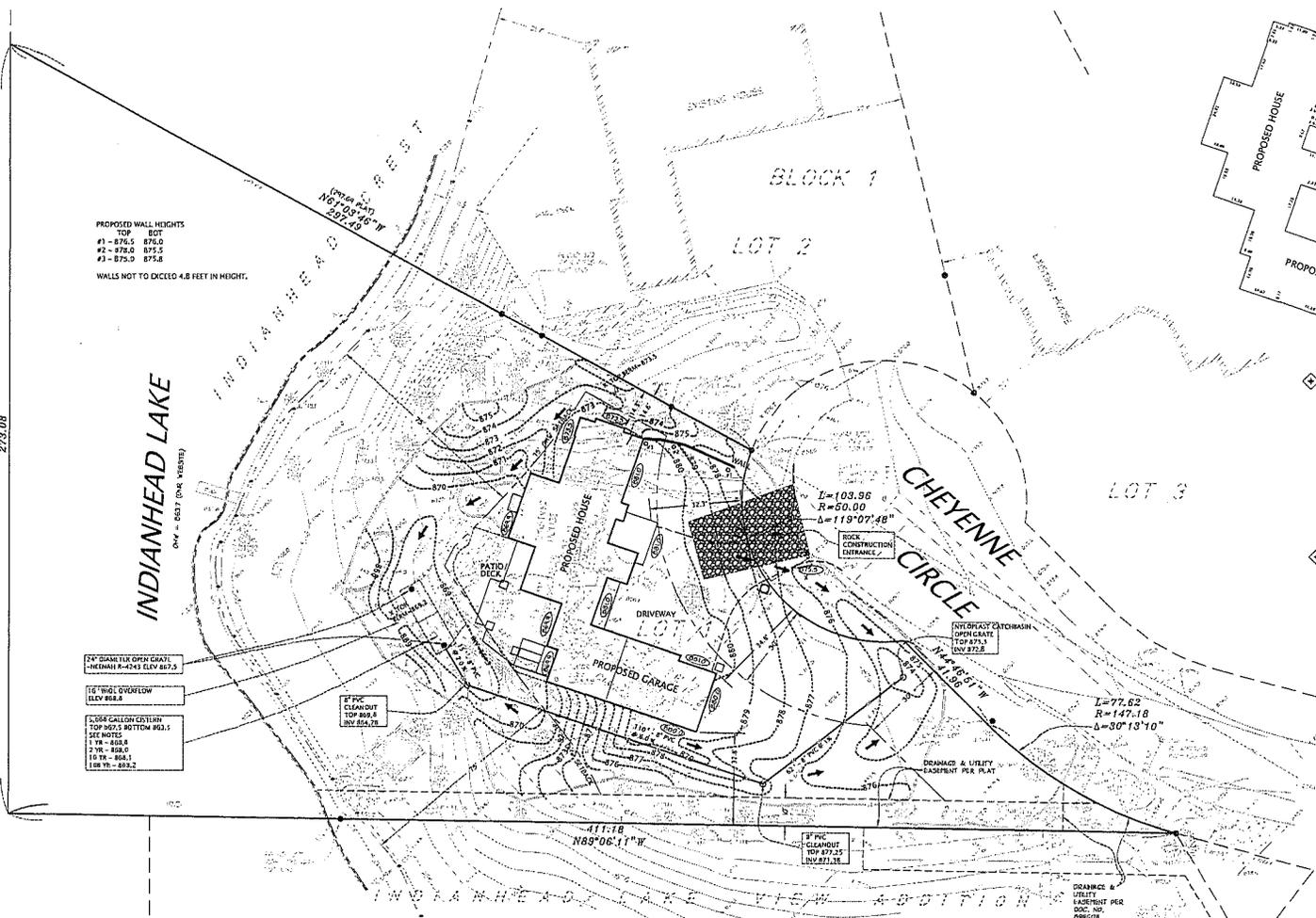
- LEGEND:
- DENOTES FOUND IRDN MONUMENT
 - DENOTES SET 1/2" INCH IRON PIPE
 - TREE
 - LIGHT POLE
 - GUY POLE
 - POWER POLE
 - FENCE
 - UNDERGROUND GAS LINE
 - OVERHEAD ELECTRIC LINES
 - CONCRETE
 - 1 FOOT CONTOUR INTERVAL

- SETBACKS:
- FOR REFERENCE PURPOSES ONLY:
 THIS PROPERTY IS ZONED R-1 (PER EDINA WEBSITE)
 FRONT BUILDING SETBACK = 30 FEET
 INTERIOR BUILDING SETBACK = 10 FEET
 OHW BUILDING SETBACK IS 75 FEET
- SETBACKS PER DDC, NO. 476301
 30 FEET FROM ANY LOTLINE.
 CONSULT AN ATTORNEY TO VERIFY THE VALIDITY OF THIS DOCUMENT.

VERIFY THE ABOVE SETBACKS WITH THE ZONING ADMINISTRATOR PRIOR TO ANY SITE DESIGN OR CONSTRUCTION. ADJACENT PROPERTIES OFFER THAN THE ABOVE SETBACKS.



CALL STATE ONE CALL
 Gopher State One Call
 TRUNK CITY AREA: 651-434-2802
 TOLL FREE: 1-888-237-1122



PROPOSED WALL HEIGHTS
 TOP BOT
 #1 - 876.0 876.0
 #2 - 876.0 875.5
 #3 - 875.0 875.8
 WALLS NOT TO EXCEED 4.8 FEET IN HEIGHT.

1\"/>

1\"/>

1\"/>

1\"/>

1\"/>

1\"/>

EXISTING LEGAL DESCRIPTION:
 (AS SHOWN ON CERTIFICATE OF TITLE NO. 1172781)
 Lot 1, Block 1, INDIANHEAD CREST, Hennepin County, Minnesota.

EASEMENT NOTE:
 1. DRAINAGE AND UTILITY EASEMENTS AS SHOWN ON THE RECORD PLAT.
 2. RESTRICTIONS AND COVENANTS PER DDC DOCUMENT NO. 476301.
 3. EASEMENT PER DDC, NO. 899688.

AREA NOTES:
 TOTAL AREA AS PLATTED = 99,561 SQ. FEET.
 TOTAL AREA TO OHW = 34,639 SQ.FT.

UTILITY INFORMATION
 UNDERGROUND UTILITIES ARE NOT SHOWN.

SURVEY NOTES:
 1. BEARINGS ARE ASSUMED.
 2. LEGAL DESCRIPTIONS PROVIDED BY THE OWNER.
 3. EASEMENT INFORMATION LIMITED TO ITEMS AS SHOWN ON THE RECORD PLAT AND CERTIFICATE OF TITLE.
 4. FIELDWORK WAS PERFORMED 4-18-14.
 5. BENCH MARK TWIN NE CORNER OF LOT 1, BLOCK 2, INDIANHEAD CREST - ELEV. = 875.51 NOV02

LEGEND: (PROPOSED)
 ○ DENOTES OFFSET HUB
 ○ DENOTES PROPOSED ELEV.
 --- PROPOSED CONTOURS

PROPOSED BUILDING ELEVATIONS
 GARAGE FLOOR = 888.25
 TOP OF FOUNDATION = 881.25
 BASEMENT FLOOR = 878.0
 FIRST FLOOR = 881.5

IMPROVEMENT AREAS:
 EXISTING IMPROVEMENT AREAS (SQ.FT.)
 HOUSE = 2,694
 WOOD DECK, STEPS = 167
 CONCRETE, PAVERS, STONE = 1,892
 DRIVEWAY = 1,878
 WALLS = 115
 PLANTER = 27
 TOTAL = 5,973

PROPOSED IMPROVEMENT AREAS
 PROPOSED IMPROVEMENT AREAS:
 HOUSE = 3,445 SQ. FT.
 FRONT PORCH = 173 SQ. FT.
 REAR PATIO = 1,118
 DRIVEWAY = 1,677 SQ.FT.
 HILLARS = 24 SQ.FT.
 WALL = 32 SQ.FT.
 TOTAL = 6,499 SQ.FT. (11,850)