



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date June 11, 2014	Agenda # B-14-10
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Recommended Action: Approve the 5 foot front yard setback variance, a 1.3 foot side street and a 10.3 foot rear yard setback variance as requested to add a 2 car garage and a second story for property located at 5501 France Ave., for owners Aleksander and Erin Stojmenovic.

Project Description

The variances are to allow a garage and second floor addition to a home located in the south east corner of France Ave. and West 55th Street. The owners are requesting variances to allow additions to the home at the same nonconforming front and rear yard setback as existing and add a garage west of the home that will be 13.7 feet from the lot line adjacent to France Ave. instead of the 15 foot setback as is required, (See property location, aerial photos, photos of the subject and neighboring homes on pages A.3–A.9). The project is a major remodel and addition to an existing nonconforming single family home. All of the improvements will match the existing setbacks with the exception of setback from France Ave. to provide for a garage, (see site survey and building plans on pages A.10-A.16).

INFORMATION/BACKGROUND

The property has a number of challenges including that it is a corner lot requiring deeper setbacks to both streets; the existing structure is nonconforming regarding both front and rear yard setback which can be attributed to the shallow lot depth of 84 feet, (minimum lot depth per ordinance is 120 feet) and the lot is quite small at 6,720 square feet in area.

The required setback from West 55th Street is established by the front yard setback of the home to the east located at 3809 West 55th Street which is located approximately 33 feet from the lot line adjacent to West 55th Street. The neighbor's home was built in 1982, (much later than the year built of the subject home). The subject home is located 28.1 feet from West 55th Street and pre-dates all of the surrounding homes. The structure that is now a dwelling unit was

originally built as a church, (see attached page A.1). No garage had been necessary at the time of construction since it was built as a church and no garage has ever been located on-site. The Zoning Ordinance requires a minimum two car garage per single dwelling unit. The challenge has been finding a suitable location on the property that allows access from the street. Access cannot be accomplished from France Ave. since it is a busy county road, so the property must gain access from West 55th Street. The Engineering Department has approved access from West 55th Street as indicated in an attached e-mail, (see attached page A.2).

The subject home has had no improvements and few permits for maintenance indicated in the building file and had been rental property for many years. The proposed improvements and additions would bring the home up to current building code standards and provide needed living space and a garage for the owner's family.

Surrounding Land Uses

Northerly: Single dwelling units, zoned R-1, single dwelling unit district and guided residential.

Easterly/Westerly: Single dwelling units, zoned R-1, single dwelling unit district and guided residential.

Southerly: Single dwelling units, zoned R-2, double dwelling unit district and guided residential.

Existing Site Features

The subject property is a 6,720 square foot lot consisting of a one story home with an attic area originally built as a church .

Planning

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

Building Design

The finish on the home will change from existing conditions replacing the siding and trim with a combination of finish materials.

Compliance Table

	City Standard	Proposed
Front -	33.1 feet	*43.8 feet - existing
Side-	10+ height, (living)	10.7 feet
Side St.	15 feet	*14.1 feet
Rear -	25 feet	*14.7 feet - existing
Building Height	2 1/2 stories 35 feet to the ridge,	2 story, 32 feet to the ridge
Lot coverage	30%	27.4%

*** Variance Required**

Primary Issue:

- **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 Zoning District and complies with all requirements with the exception of setback from France Ave. and matching nonconforming setbacks.
2. The home is appropriate in size and scale for the lot. The additions are less than the maximum allowed for lot coverage. The improvements will enhance the property and not detract from the neighborhood. The proposed improvements will bring the structure up to current building codes and provide a minimum required two car garage.
3. The improvements will provide a reasonable use of a small lot that is heavily impacted given the current front and rear yard setback requirements and setback required from France Ave. The home to the east along west 55th Street dictates the required front yard setback and was constructed at a later date than the subject home, forcing it into nonconformance.
4. The additions simply match the existing nonconforming front and rear yard setbacks that have been in place since the structure was built and the new garage will overlap required setback by only 1.3 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:

Section 850.0.Subd., requires the following findings for approval of a variance:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. 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. The new home will match the nonconforming setbacks of the existing home on the property which have been located on the property since 1935, pre-dating the home to the west that was built in 1982 and was located farther back from the front lot line along West 55th Street. The practical difficulties in complying with the ordinances are created by the required front and rear yard setbacks, the shallow lot depth and existing nonconforming setbacks.

Staff believes the proposed variance is reasonable given that a minimum two car garage is required per single dwelling unit and the proposed location appears to be the only practical solution for the property.

Duplicating the north street setback of the existing home will not compromise the intent of the ordinance. The new additions to the existing home will maintain the existing pattern of setback on the block and will be no closer to the street. The south setback will also maintain an existing setback.

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

Yes. The unique circumstances are that the existing lot is subjected to front and rear yard setbacks that are deeper than the location of the existing home. The required setbacks reduce the buildable area dramatically creating unworkable solutions.

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

No. The proposed additions will be consistent with the location of the existing home and will not detract from the streetscape along France or West 55th Street. The character of the neighborhood consists of a variety of housing styles. The applicant is asking to preserve setback patterns that include the nonconforming setbacks of the subject property with the new garage not imposing upon France Ave. The neighbor to the south has their rear yard adjacent to France and their side yard adjacent to the proponent's rear yard.

Staff Recommendation

Approve the requested variance based on the following findings:

1. The proposal meets the required standards for a variance, because:
 - a) The practical difficult is caused by the location of the existing home.
 - b) The encroachments into the setback continue existing nonconforming setbacks that were established when the original structure was built on the property.
 - c) The request is reasonable given the location of the existing home relative to the orientation of surrounding homes.

Approval of the variance is subject to the following condition:

1. The home must be construction per the proposed plans date stamped, April 30, 2014.

Deadline for a City decision:

June 29, 2014



VARIANCE APPLICATION

CASE NUMBER _____ DATE _____

FEE PAID _____

City of Edina Planning Department * www.EdinaMN.gov
4801 West Fiftieth Street * Edina, MN 55424 * (952) 826-0369 *
fax (952) 826-0389

FEE: RES - \$350.00 NON-RES - \$600.00

APPLICANT:

NAME: Aleksandar + Erin Stojmenovic (Signature required on back page)

ADDRESS: 5501 France Ave S PHONE: 612-200-4377

EMAIL: alex@parkrealtymn.com

PROPERTY OWNER:

NAME: Aleksandar + Erin Stojmenovic (Signature required on back page)

ADDRESS: 5501 France Ave S PHONE: 612-200-4377

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

N 84' Lot 4, Block 5 Woodbury Prk Nrd LK Harriet

**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: 5501 France Ave S

PRESENT ZONING: Residential^{NEC} P.I.D.# 20-028-24-22-0080

EXPLANATION OF REQUEST:

requesting three variances for second floor addition
and the addition of a garage

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Leon Grothe, AIA PHONE: 763-300-2840

EMAIL: lg9388@gmail.com

SURVEYOR: NAME: Acre Land Surveyor PHONE: 763-458-2997

EMAIL: acrelandsurveyor@gmail.com

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.

PLANNING DEPARTMENT

APR 30 2014

The Proposed Variance will:

YES

NO CITY OF EDINA

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

See attached

Variance Request Letter for 5501 France Ave South in Edina

May 7, 2014

City of Edina Planning Department

4801 West Fiftieth Street

Edina, MN 55424

Dear Edina Planning Department,

This proposal letter is to request variances for the residence at 5501 France Ave S in Edina. We purchased the home February 5th 2013. Our primary reason for moving into the neighborhood was so that our children could attend Edina schools. Our son Marko is in the 6th grade at Southview Middle School, our daughter Sofie is a 4th grader and Mariana is a kindergartener at Concord Elementary. When we moved into the neighborhood we expected a great public school system but what we have also found is wonderful neighbors that have children of similar age to our children. Within a block on 55th street there are eight children under the age of twelve. We, as our children, have made great friends in our new neighborhood. Soon after we moved, however, we also realized that we need a garage.

There are many benefits of having the garage anywhere but having one in Minnesota is especially important. We would like to park our cars away from the elements but also to store our children's bikes and toys inside. Currently we park on the existing driveway on the north side of the house facing 55th street. There are no other choices where we could add the garage except attach it to the West side of the house facing North and using the existing driveway. This is due to Edina building regulations that forbid any new driveways to be built on France or closer to France than they are currently. We do not have to worry about the setback against neighbors' houses on France Avenue because there are no houses that are built near our property, except to the East, where we are not making any changes. However, because we are planning on building a two car garage (as is the requirement) we will be within 13 feet 7 inches from our property line and the requirement is 15 feet. So the request for a grant on a variance is for the difference of 1 foot and 3 inches.

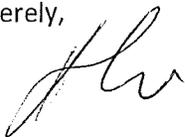
The second variance request is related to the setback on the North side of the house. As we worked with our architect on plans to add a garage, we decided to reduce the dimensions as much as possible due to the house location on the lot. The width of the garage is 22 feet and the depth is 18 feet 4 inches. We wanted to stay in line with the current entrance on the North side of the house as shown in picture number 3. Our set back per our neighbor's home on the North side should be 33.1 feet from our

property line and since we are lining up with the current entrance, the distance will be 28.1 feet. We cannot make the garage any smaller if we want to park our cars inside.

The third variance request is related to the setback on the South side of our house for second floor expansion. The requirement is 25 feet and we have 13.1 feet from our property line. Please keep in mind that we are not increasing the size of our home from the outside, but building up on the South side. We are taking off the existing roof and adding a new roof that will now face North instead of West. There are few key reasons why we are doing this. First, the current roof structure on the house is in poor condition and sagging on the North side, so the roof will have to be replaced soon in any case. Second, with the garage addition on the West side, the entrance to our home will be on the North side so the house should face that direction. And finally, by changing the roof structure and adding three dormers we are going to be able to add three bedrooms and two bathrooms to our house. Currently, this home has only two bedrooms and one bathroom on the main level with finished basement (there is a bedroom and a bathroom in the basement). The change in roof direction and the additional dormers will also add visual appeal to the property.

The additions to our home are imperative if we are to continue to live in the property, and that is only possible if this variance request is granted. Our family would be very grateful for your help in this matter. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Stojmenovic', written in a cursive style.

Alex Stojmenovic

Sunday, May 18, 2014

City of Edina Planning Commission
4801 W. 52nd Street
Edina, MN 55424

Re: VARIANCES FOR 5501 FRANCE Ave.

1. Al and ERIN Stojmenovic are my next door neighbors. No one lives closer. My property abuts their property.
2. I have lived in my home 10 years. Before Al and ERIN bought the house:
 - a). There were renters who made an eyesore of the yard, complete with a Barcalounger and even an old refrigerator, not to mention the clothes dryer.
 - b). ONE RENTER caused countless police calls and Court Protection Orders. It was NOT uncommon to see NOT ONE but two squad cars at the same time, sometimes City of Mpls squads.
 - c). Two different renters actually sub-let bedrooms for income, so two different families were living inside the home at the same time (legal?).
 - d). OFTEN there were as many as 4 to 6 cars and large pick-up trucks parked on the driveway, one large pickup pulling a long trailer would park on the street, blocking my driveway.
3. Then one day, Al and ERIN appeared with their 3 lovely young children, (one in kindergarten and two in elementary school, I believe).
4. Now, instead of police cars I see children, lots of children, smiling and laughing, running and playing.
5. Children coming from all over the neighborhood to play with Al and ERIN's children, 3 of the sweetest kids you ever met. Not only sweet, but they also happen to be smart and considerate. Just the kind of kids that Edina needs to continue its growth into the future.
6. So, City of Edina, do yourself a favor and grant ANY AND ALL VARIANCES that Al and ERIN Stojmenovic are asking for, so they continue to be my neighbors. They are a wonderful couple. They are truly the definition of GOOD NEIGHBORS.

Ron Schumeister
3809 W. 55th Street
Edina, MN 55410
952-848-5050

Sorry about writing this letter by hand, but I never learned to type.

Jackie Hoogenakker

From: Peterson, Douglas W. <doug.peterson@centerpointenergy.com>
Sent: Thursday, May 22, 2014 12:48 PM
To: Jackie Hoogenakker
Cc: Katie Anderson & Doug Peterson
Subject: 5501 France variance request

Hello. We are neighbors of this property and have no objections to the requested variances, in fact, we believe the proposed structure would add value and be beneficial to the area. Thanks.

Doug Peterson
5505 Ewing Circle S.
Edina, MN 55410

Jackie Hoogenakker

From: Reed Gnos <rgnos@rpgsalesinc.com>
Sent: Monday, May 19, 2014 2:55 PM
To: Jackie Hoogenakker
Cc: 'Jill Gnos'
Subject: Case File B-14-10 5501 France Ave

To whom it may concern at the City of Edina Planning Commission:

I am writing in response to the letter I received announcing a meeting on 5/28/14 regarding Case File B-14-10 5501 France Ave.

I live directly across the street on 55th from the purposed site & I am in full support of the purposed addition/remodeling of said location. It boggles my mind that this would be given any additional thought &/or time with the amount of tear-down building that is allowed in this city. The said location has been an eye-sore for over 20 years & now that a family would like to improve the location you are putting them through the ringer to obtain approval. I did not receive any letters when the multiple houses were knocked down 6-8 houses down the road from me, not to mention the construction traffic & the damaging of the road that was created . I did not receive a notice when the asinine roundabouts were put on 54th St. I can't believe that allowing a garage to be placed on a home without a garage has become such an issue.

We have tried to sell our home 3 times & due to the fact that the said location was not up to what people expected in Edina, we were unable to obtain the price we wanted & were unable to sell the home. Allowing this addition/remodel is not only good for the owners of the property, but it is good for the property values & property perception for the homes that surround it.

Please allow this property owner to make the requested upgrades that he has purposed.

Sincerely,

Homeowner – 3816 W 55th St, Edina, MN

Reed P. Gnos
RPG Sales, Inc.
Phone: (952) 926-0785
Fax: (952) 926-0704
Cell: (952) 250-4967
Email: rgnos@rpgsalesinc.com

11. Edina Baptist Church
5501 France Avenue South
1928

Originally known as the France Avenue Mission, this building was constructed in the summer of 1928 as a branch of the Lake Harriet Baptist Church. In 1942 the congregation established autonomy as the Edina Baptist Church. Six years later a new church building was completed at 5300 France Avenue South, and the former mission was converted into a private home.¹⁶

With the removal of the small steeple above the narthex wing, the church became an architecturally undistinguished residence. The clapboard facing of the one-story frame structure has been covered with blue composition siding up to the bottom of the eaves and with brown composition siding on the gable ends. There is a low, brown-shingled, gable roof over the main structure and entrance vestibule. The foundation is of concrete block. Although modest in architecture, the building is rich in historical significance.



Edina Baptist Church building, 5501 France Avenue South, c. 1945 (above) and 1980 (below).



Kris Aaker

From: Jamie Cynor
Sent: Sunday, May 04, 2014 11:46 AM
To: Kris Aaker
Cc: Patrick Wrase
Subject: RE: 5501 France Variance application
Attachments: 5501 France Ave Site Plan.pdf

Kris,

I discussed this one with the builder and told them keep this curb cut as far away from the France Avenue curb return. Based on the site plan they aren't getting any closer than what they have currently. They can keep the proposed location from an engineering standpoint.

Contact me with any questions or clarification. Thanks



Jamie Cynor, Senior Engineering Technician

952-826-0440 | Fax 952-826-0392

JCynor@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: Kris Aaker
Sent: Thursday, May 01, 2014 11:25 AM
To: Jamie Cynor
Subject: 5501 France Variance application

Jamie,

Please take a look at the proposed curb-cut and comment...if they can't have the curb-cut in the location desired, then they can't have the garage in that location...and there is no use in requesting a setback variance.

Thank you,
Kris

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: 2002824220080
 5501 France Ave S
 Edina, MN 55410

Owner/Taxpayer

Owner: 5501 France Llc
 5501 FRANCE LLC

Taxpayer: 5501 FRANCE AVE S
 EDINA MN 55410

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 3

Parcel

Parcel Area: 0.15 acres
 6,730 sq ft

Torrens/Abstract: Abstract

Addition: Woodbury Park Near Lake Harriet

Lot: 004
Block: 005
Metes & Bounds: N 84 Ft

Tax Data (Payable 2014)

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

Legend

Measure



A.3

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: 2002824220080
 5501 France Ave S
 Edina, MN 55410

Owner/Taxpayer

Owner: 5501 France Llc
Taxpayer: 5501 FRANCE LLC
 5501 FRANCE AVE S
 EDINA MN 55410

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 3

Parcel

Parcel Area: 0.15 acres
 6,730 sq ft
Torrens/Abstract: Abstract
Addition: Woodbury Park Near
 Lake Harriet
Lot: 004
Block: 005
Metes & Bounds: N 84 Ft

Tax Data (Payable 2014)

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

Legend

Measure



A.4



current West side

PLANNING DEPARTMENT

APR 30 2014

CITY OF EDINA

A.5



© NorthstarMLS.com

Current West side

PLANNING DEPARTMENT

APR 30 2014

CITY OF EDINA

A.G



© NorthstarMLS.com

Current North side

PLANNING DEPARTMENT

APR 30 2014

CITY OF EDINA

A.7



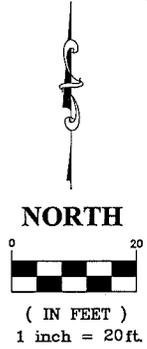
A.B



A.9

CERTIFICATE OF SURVEY

FOR: ALEX STOMENOVIC
 ADDRESS: 5501 FRANCE AVENUE SOUTH
 EDINA, MN



AREA CALCULATIONS

TOTAL LOT = ±6,720 sq. ft.
 Existing House = ±1,268 Sq. Ft.
 Proposed Addition = ±555 Sq. Ft.
 Proposed Driveway = ±6D5 Sq. Ft.
 Existing Concrete = ±1D8 Sq. Ft.

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- x1011.2 DENOTES EXISTING ELEVATION.
- chw — DENOTES OVERHEAD WIRE
- - - DENOTES EXISTING FENCE
- x DENOTES UTILITY POLE
- 892.3 DENOTES PROPOSED ELEVATION.
- > DENOTES DIRECTION OF DRAINAGE.
- ⊗ DENOTES METAL SPIKE

NOTES

- CITY OF EDINA WILL NEED TO APPROVE A VARIANCE FOR THE PROPOSED ADDITION SETBACKS AND AREA.
- FIELD SURVEY CONDUCTED DN APRIL 21ST, 2014.
- BEARING'S & ELEV. SHOWN ARE ON ASSUMED DATUM.

This survey was prepared without the benefit of title work. Easements, appurtenances, and encumbrances may exist in addition to those shown herean. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joshua P. Schneider
 JOSHUA P. SCHNEIDER

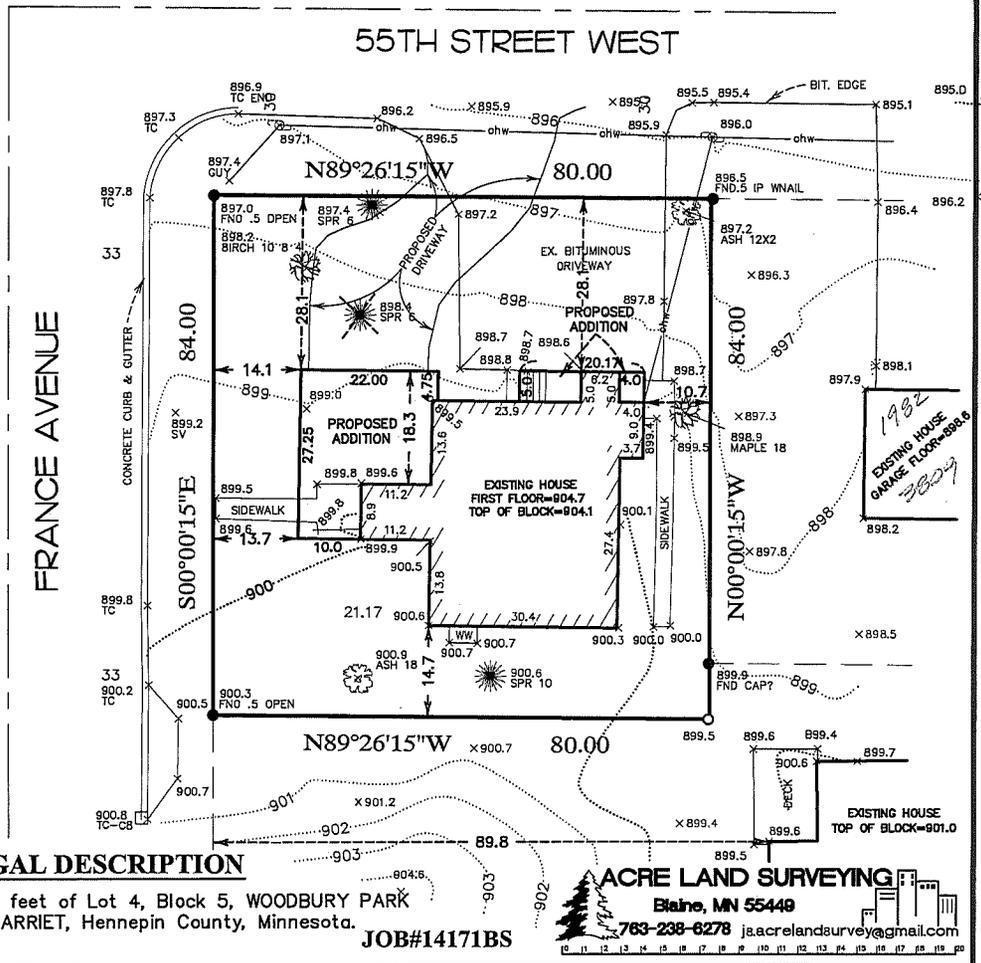
Rev. 04/30/14, revised addition size
 Rev. 04/29/14, revised addition size

LEGAL DESCRIPTION

The North 84 feet of Lot 4, Block 5, WOODBURY PARK NEAR LAKE HARRIET, Hennepin County, Minnesota.

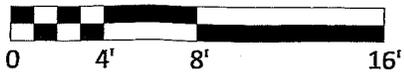
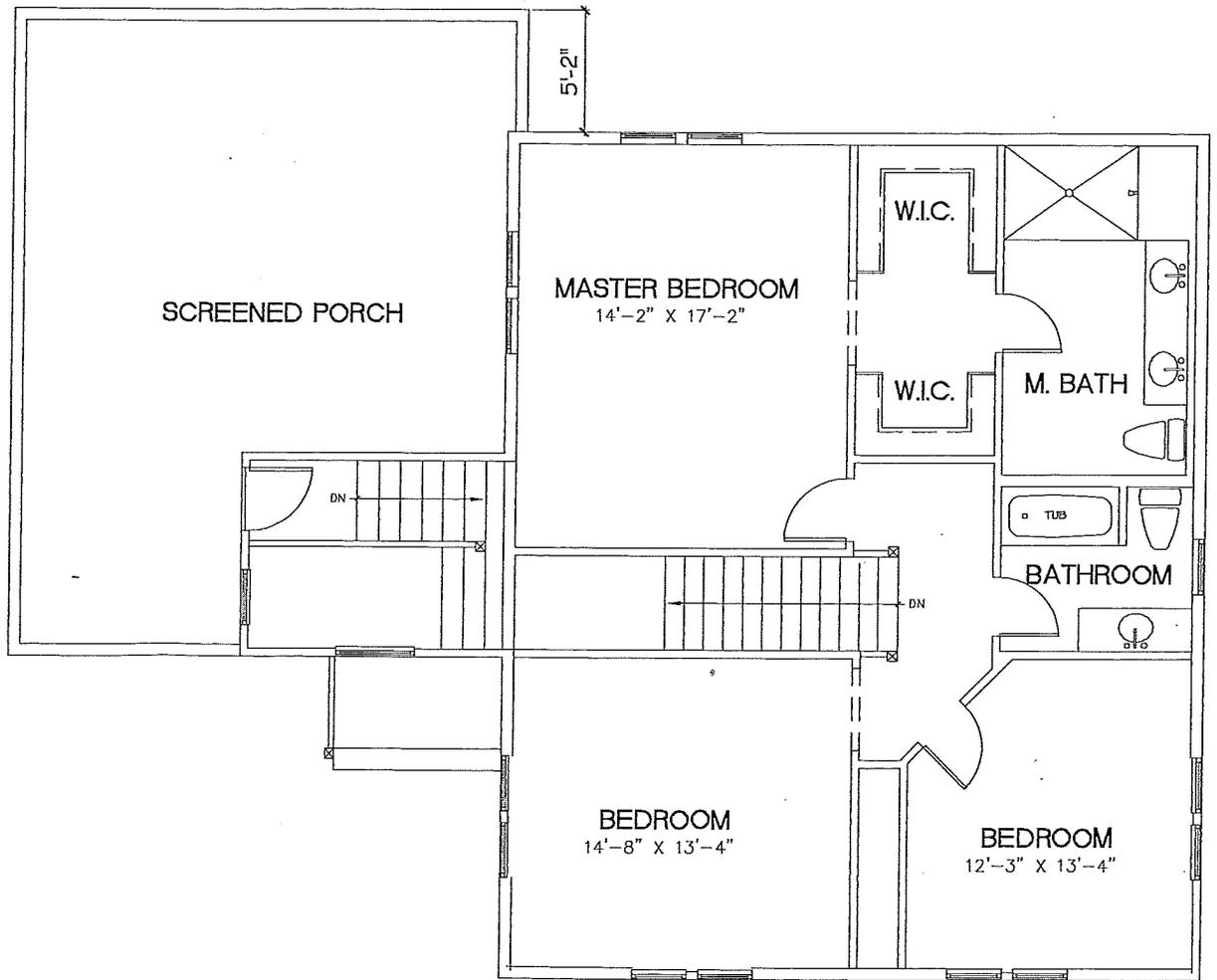
JOB#14171BS

C:\Land Projects 2008\14171\14171bs.dwg 4/30/2014 9:37:18 AM CDT



1 ACRE LAND SURVEYING
 Blaine, MN 55449
 763-238-6278 js.acrelandsurvey@gmail.com

APR 30 2014



SECOND FLOOR PLAN



A.18

FRONT ELEVATION - OPT. 1

PLANNING DEPARTMENT

APR 30 2014

CITY OF EUGENE

A-14



REAR ELEVATION

PLANNING DEPARTMENT

APR 30 2014

CITY OF PEORIA

A-15



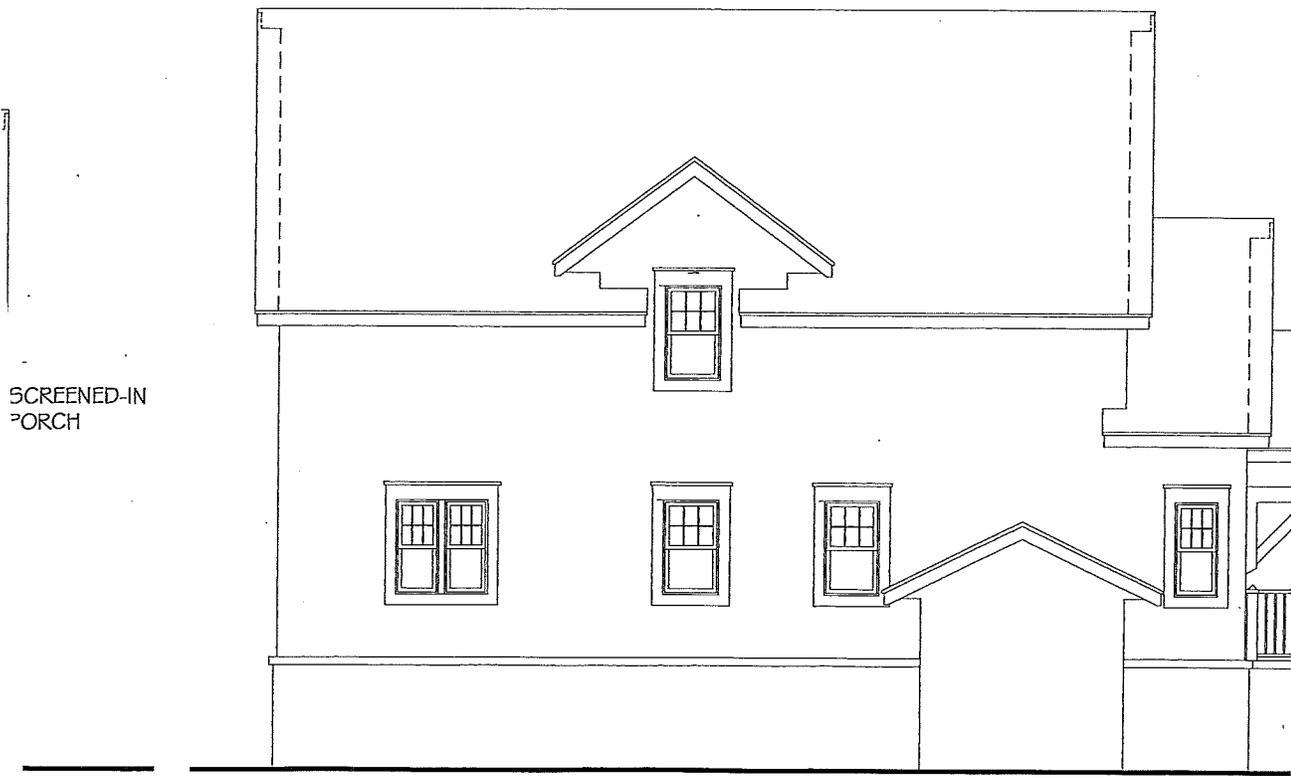
WEST SIDE ELEVATION

PLANNING DEPARTMENT

APR 30 2014

CITY OF BOSTON

A.16



SCREENED-IN
PORCH

EAST SIDE ELEVATION

A.16