



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date October 8, 2014	Agenda # B-14-17
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Recommended Action: Approve a front street setback variance from 81.6 feet to 63.84 feet for the construction of a new home located at 7100 Tralee Drive for Tony Giannakakis /TC Home Builders/John and Karen Williams – home owners.

Project Description: The subject property is a vacant lot located on the southwest corner of Lee Valley Road and Tralee Drive. The site is 47,849 Square Feet in size and is located in the Prospect Knolls neighborhood. The proposed new home would place the home farther from neighboring properties, but closer to Tralee Drive. Adjacent affected neighbors would prefer the home location as proposed, (See attached plans and letters of support). Locating the home closer to the street keeps the structure farther from neighboring properties and allows for a better drainage pattern for the site.

INFORMATION/BACKGROUND

The subject property is mostly street frontage, coming to a point at the intersection of Lee Valley Road and Tralee Drive. The middle of the lot is elevated from both street frontages. The proposal is for a two story home with an attached three car garage.

There are two existing single-family homes on the south and western lots, one facing Lee Valley that is set way back from the side street and one home facing Tralee Drive. The home fronting Tralee Drive is located 81.6 feet from the front property line and establishes the subject property's front yard setback.

The property owner is requesting to tear down the existing home and build a new home on the property in a location that does not meet the Tralee Drive front yard setback. Section 36-439, I (a) requires a front yard setback equal to the setback of the abutting home on a corner lot. The setback of the abutting home is 81.6 feet. As a corner lot, the property owner may choose the front yard.

Grading and Drainage

The Environmental Engineer has reviewed the application, and a memo is included in the packet. The down stream public storm water system capacity is limited so a more detailed review will be preformed at the time of building permit application. Permit application shall provide existing and proposed conditions for volume and flow for Engineering review and approval.

SUPPORTING INFORMATION

Surrounding Land Uses

The property is surrounded on all sides by existing single-family homes located in the Prospect Knolls neighborhood.

Existing Site Features

The subject lot is 47,849 square feet. It is an elevated, vacant lot.

Planning

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

Building Design

The proposal is to tear down the existing home and construct a new home on the property, but 17.76 feet from the required 81.6 foot setback from Tralee Drive. The home is 5,234 square feet in size.

Compliance Table

	City Standard	Proposed
Front	81.6 feet	*63.84 feet
Side Street -	15/20 feet	31.98 feet
Side-	10+ height, (living)	48.77 feet
Rear-	25 feet	64.59 feet
Building Height	2 1/2 stories, 40 Ft	36.5 feet from existing grade
Lot Area	9,000 sq. ft. or avg. of nbhd	47,849 sq. ft.
Lot Width	75 feet or avg. of nbhd	+161 feet

Lot coverage	25%	10.8%

*** Variance Required**

Primary Issues

• Is the proposed development reasonable for this site?

Below are factors to weigh in considering this request:

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 street setback (as determined by the adjacent home to the south).
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property.
3. The proposed home, is located farther from the neighbor's than if conforming to the front yard setback standard.
4. The proposed home location is less impacting on adjacent neighbors regarding both proximity and drainage.
5. The proposed home can be constructed to conform on the lot. The variance is requested to move the home further away from the side and rear lot lines to provide more spacing between the homes. The neighbors prefer the location as proposed.

• 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. Given the fact that the home can be constructed as proposed in a conforming location, staff does not believe the variance is justified. There are no conditions unique to the property that poses a practical difficulty in meeting the ordinance.

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 that the proposed location of the home is reasonable. The applicant could locate the home on the lot to meet all setback requirements; however, it would move the home much closer to the adjacent lots, and create less area for drainage.

The practical difficulty in this instance is the large front street setback of the abutting home to the south, which makes the building area of the subject property closer to adjacent properties.

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

The unique circumstances include the abutting home with a large front street setback setting up the front yard requirement. The lots are large in the neighborhood with homes placed on property given specific lot characteristics including sight lines, topography etc. This neighborhood is not a standard lot and block neighborhood that would typically have all homes with matching front yard setbacks.

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 and will be appropriate for the site.

Staff Recommendation

Approve the requested Variance based on the following findings:

1. The proposed location of the house is reasonable. It would be located further away from the side and rear lot lines.
2. The applicant could locate the home on the lot to meet all setback requirements; however, it would move the home much closer to the

adjacent lots, and create less area for drainage and allow structure area closer to neighbors.

3. The practical difficulty in this instance is the configuration of the lot combined with the large front street setback which makes the building area closer to adjacent properties.

6. The proposed home will not alter the essential character of the neighborhood. The proposed new home will complement the existing neighborhood homes.

Approval is subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
 - Survey date stamped September 24, 2014
 - Building Plans date stamped September 24, 2014
2. Compliance with the conditions and comments listed in the Environmental Engineer's memo dated October 1, 2014
3. Submission of evidence of Watershed approval.

Deadline for a City Decision: November 23, 2014



DATE: October 1, 2014

TO: Cary Teague – Planning Director

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

FROM: Charles Gerck EIT – Engineering Technician

RE: 7100 Tralee Drive - Special Review for Variance

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 4 – Demolition Permit Stormwater and Erosion Control (10-106 to 10-113)
- 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 provided documents were submitted for building permit review. A more detailed review will be performed at the time of building permit application.

Land Use/Planning Concerns

1. No comment.

General

1. A separate permit may be required from Nine Mile Creek Watershed District: www.ninemilecreek.org
2. Site survey should follow the standard described in policy SP-005-B included in the building [permit application packet](#). Survey missing the following:
 - a. #10.4. Lowest point of entry (i.e. door sill or top of window well) of proposed and existing construction.
3. Tiered retaining wall system on the south side of the property will require engineering.

Street and Curb Cut

4. 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
5. Old curb cut must be removed and replaced with appropriate curb and gutter.

Sanitary and Water Utilities

6. Show utility connections.



Storm Water Utility

7. The subject site front yard drains to subwatershed SWP_50, the drainage flows to Lee Valley Road and collected in the public storm water system. Downstream public storm water system capacity is limited.
8. The subject site rear and side yards drain to subwatershed SWP_56, the drainage flows to Tralee Drive and collected in the public storm water system. Downstream public storm water system capacity is limited.
9. 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.
10. Required storm water and erosion control precautions are described below.

Site Storm Water

11. Mitigation of increased volume and peak rate to SWP_50 and SWP_56 due to limited public storm water system capacity.
 - a. Provide existing and proposed condition calculations for volume and flow.

Grading, Erosion and Sediment Control

12. No comment.

ENGINEERING DEPARTMENT

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



VARIANCE APPLICATION

CASE NUMBER B-14-17 DATE 9-24-2014
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: Tony Giannakakis (Signature required on back page)
ADDRESS: 5429 Halifax Lane, Edina PHONE: 952 926 6100
EMAIL: tony@tchomebuildersinc.com

PROPERTY OWNER:

NAME: John and Karen Williams (Signature required on back page)
ADDRESS: 7025 Valley View Road, Edina MN PHONE: 425-891-1798

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

**You must provide a full legal description. If more space is needed, please use a separate sheet.
Note: The County may not accept the resolution approving your project if the legal description does not match their records. This may be by your project.

PROPERTY ADDRESS: 7100 Trakee Drive
PRESENT ZONING: R1 P.I.D.# 08-116-21-22-0026

EXPLANATION OF REQUEST: Move home position 19.6 feet to the east of so called set back + more on attached page
(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: John Kirk PHONE: 612-760-5300
EMAIL: johnkirk@gmail.com

SURVEYOR: NAME: Woody Brown PHONE: 952 854 4055
EMAIL: wblandsurvey@aol.com

PLANNING DEPARTMENT
SEP 24 2014
CITY OF EDINA

PLANNING DEPARTMENT
SEP 24 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

RECEIVED
CITY OF EDINA
CITY CLERK

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

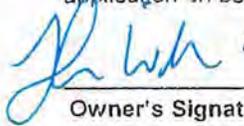
9-23-2014

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

9/23/14



9/23/14

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.





“Your Premier Custom Homebuilder”

Edina, MN

Planning Department

City of Edina

4801 W. 50th Street Edina, MN 55424

Dear planning commission:

I have met with the neighbors that would be directly affected with our proposal and I have included their support for what we are proposing. We're actually trying to make a better situation than the current set back rules for this particular property. The neighbor to the South Mr. and Mrs Faulkner would be detrimentally impacted given the current setback. The neighbor to the West Ms. Lillestrand would also be detrimentally impacted because the home we would be proposing would have to sit closer to their lots and higher on the lot. By moving the home 19.6 feet to the East over the would be said set back we could drop the home an additional 6.7 feet and make it fit into the neighborhood more appropriately. The neighbor to the East Mr. and Mrs Lohmann would really be the only neighbor impacted because it would shift the home towards their property. They have also written a letter of support and have agreed with what we're proposing. I think after looking at all the pictures and support for this, hopefully the planning commission can support the neighbors, future homeowners and me in our attempt to make a tough situation better.

Thank you for your consideration,

Tony Giannakakis

TC Homebuilders Inc.

September 13, 2014

Planning Department
City of Edina
4801 W. 50th Street
Edina MN.55424

Dear Sir/Madame,

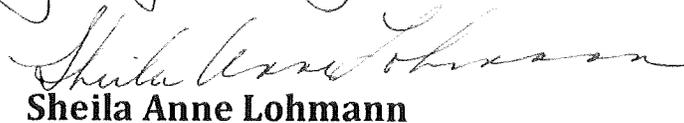
This letter shall serve to advise you that we fully support the effort by T. C. Homebuilders to build the proposed new home to be located at 7100 Tralee Dr. Edina MN in such a manner as to ignore the City established 81.6 ft. setback from Tralee Dr. and reestablish the setback at 63.84 ft. We are the property owners at 7101 Tralee Dr. and immediately face the area in question.

Moving the home approximately 20 ft. easterly and closer to Tralee Dr. will not cause us any concern and will better position the home on the subject lot.

Sincerely,



John G Lohmann



Sheila Anne Lohmann

952.941.2359

RECEIVED
9/13/14
952.941.2359

TO: Edina Planning Commission
FM: Dorothy Lillestrand
Owner @7104 Down Road
DATE: September 16, 2014
RE: 7100 TRALEE DRIVE EDINA, MN 55439

After meeting with Cate Faulkner of 7104 Tralee Drive and hearing about the new plans for 7100 Tralee Drive I am very encouraged about the proposed site plans. However, I understand that the City of Edina has suggested that the setback of the new home be the same as the property at 7104 Tralee Drive with an 81.60 foot setback from the street (Tralee Drive). I think that this seems unrealistic for the lot at 7100 Tralee Drive. The revised plan that the builder suggests with the set back being at 63.84 seems much more appropriate for the development of that lot. It appears that this suggested plan will allow the new home to be placed more evenly between my home at 7104 Down Road and the Faulkner's home at 7104 Tralee Drive.

I hope that you allow TC Homebuilders and the new owners John and Karen Williams to develop the property according to their revised plan. I think that all of the larger lots in our neighborhood are each a little bit different with individual topography challenges. It seems to me that they should be developed based on what is best for those topography challenges and not based on the measurement of each home's distance to the street.

Thank you for your consideration of this matter.

Dorothy Lillestrand
Dorothy Lillestrand

9/16/14
Date

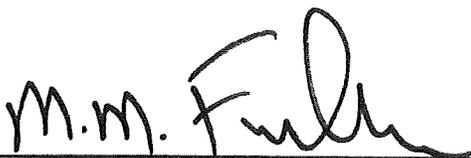
TO: Edina Planning Commission
FM: Matt and Cate Faulkner
Owners @7104 Tralee Drive
DATE: September 16, 2014
RE: 7100 TRALEE DRIVE EDINA, MN 55439

We are pleased to learn about the development of the property next door at 7100 Tralee Drive. It has been a long time since there has been a home on that property. Unfortunately the previous owners did a very poor job of keeping the property in good shape and the current owners have a big challenge ahead. Let's work together to make this challenge as easy as possible!

After meeting with the builder Tony Giannakakis of TC Homebuilders last week we are very impressed with the proposed site plans. Currently our home at 7104 Tralee Drive has an 81.60 ft. setback from the street. It appears that the City of Edina has suggested that the new home have the same setback as our property. This seems very unrealistic for the lot at 7100 Tralee Drive. The revised plan that Tony suggests with the set back of 63.84 feet seems much more appropriate for the development of that lot. It also provides better separation for our two homes.

Please allow TC Homebuilders and the new owners John and Karen Williams to develop the property according to their suggested plan. Each lot in our neighborhood is a little different and has their own topography challenges. In our opinion, each lot should be developed based on what is best for those topography challenges and not based on the measurement of each home's distance to the street.

Thank you for your consideration and interest in this matter.



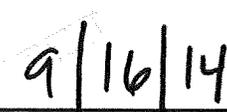
Matt Faulkner



Date



Cate Faulkner



Date

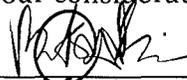
RECEIVED
SEP 24 2014
CITY OF EDINA

To: Edina Planning Commission
From: Alan and Betsy Weiner
Owners of 7105 Tralee Drive, Edina, MN 55439
Date: September 30, 2014
RE: 7100 Tralee Drive, Edina, MN 55439

It has come to our attention that the setback at 7100 Tralee Drive has changed from 81.60 to 63.84. This change has been suggested by the builder in order to create a better placement for the home that is about to be built. This new setback at 63.84 would allow the home to be placed more evenly among its closest neighbors.

We hope that you will allow TC Homebuilders, and the new owners, to develop the property with this new placement. All of the lots in this neighborhood seem a little different, and the topography of this lot poses its own challenges. There should not be a "one size fits all" mentality with regards to dealing with what the builder has to work with and in regards to how the home should be situated most effectively on the site. We appreciate the builder, and the new owners, for developing the lot with the idea that they will work with these challenges, and with the neighbors, and not just measurement from lot to street. This will be a best case scenario for everyone.

Thank you for your consideration.

Alan Weiner  Date September 30, 2014

Betsy Weiner  Date September 30, 2014

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: 0811621220026
 7100 Tralee Dr
 Edina, MN 55439

Owner/Taxpayer

Owner: John Williams/Karen Williams

Taxpayer: JOHN WALTER WILLIAMS
 KAREN FONG WILLIAMS
 7100 TRALEE DR
 EDINA MN 55439

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 1

Parcel

Parcel Area: 1.08 acres
 47,253 sq ft

Torrens/Abstract: Torrens

Addition: Prospect Hills 2nd Addn

Lot: 001
Block: 002

Metes & Bounds:

Tax Data (Payable 2014)

Legend

Measure





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: 0811621220026
 7100 Tralee Dr
 Edina, MN 55439

Owner/Taxpayer

Owner: John Williams/Karen Williams
 JOHN WALTER WILLIAMS

Taxpayer: KAREN FONG WILLIAMS
 7100 TRALEE DR
 EDINA MN 55439

Tax District

School Dist: 273
Sewer Dist:
Watershed Dist: 1

Parcel

Parcel Area: 1.08 acres
 47,253 sq ft

Torrens/Abstract: Torrens

Addition: Prospect Hills 2nd Addn

Lot: 001
Block: 002

Metes & Bounds:

Tax Data (Payable 2014)

Legend

Measure









ADVANCE SURVEYING & ENGINEERING CO.
 5100 N. Hwy 56, St. 101, Minnetonka, MN 55341 Phone (953) 474-2954 Fax (953) 474-8197

SURVEY FOR: TED FLEENER

SURVEYED: October, 2006 **DRAWN:** November 1, 2006

LEGAL DESCRIPTION:
 Lot 1, Block 2, PROSPECT HILLS 2ND ADDITION, Hennepin County, Minnesota

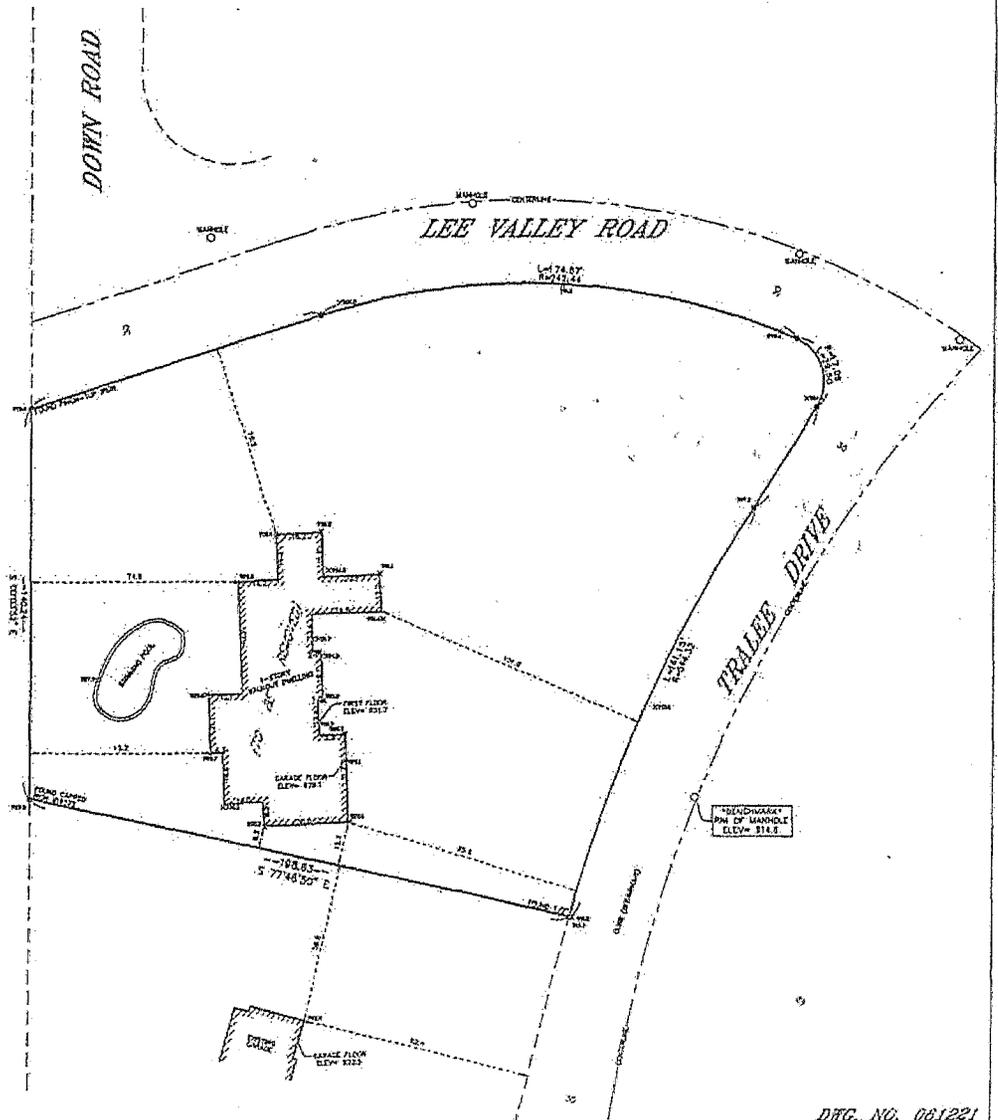
LIMITATIONS & NOTES:

1. Showing the length and direction of boundary lines of the above legal description. The scope of our surveys does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements (we do not demolish).
3. Setting ever monuments or verifying old monuments to mark the corner of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. The elevations shown relate only to the benchmark provided on this survey. Use the benchmark and check at least one other feature shown on the map when determining other elevations for use on this site.

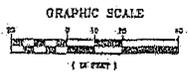
STANDARD SYMBOLS & CONVENTIONS:
 6" Diameter 1/2" ID pipe with plastic plug bearing State License Number 5213, set, unless otherwise noted

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

James H. Park
 James H. Park, P.E. & L.S. No. 5213



*HOUSE
 DEMO
 VACANT
 LOT*



SITE ADDRESS: 7100 TRALEE DR.
EDINA, MN 55439

PROPOSED SITE PLAN FOR: TC HOMEBUILDERS

Legend

- SAN— Sanitary Sewer
- WTR— Water
- UG— Underground Gas
- Catch Basin
- Sanitary Manhole
- Power Pole
- Water Shutoff
- Well
- Gas Stub
- Electric Box
- Deciduous Tree
- 18"-20" Hemlock
- Bituminous Curb
- Shoulder Retaining Wall
- Existing Elevation
- x100.0 Top of Curb Elevation
- x100.0TC Top of Walk Elevation
- x100.0TW Existing Contour
- Denoting Iron Monument Found
- Denoting Gal. 1/2" x 1/4" Iron Pipe w/ Plastic Cap inserted R.L.S. 15230.

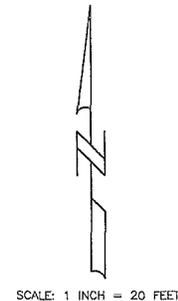
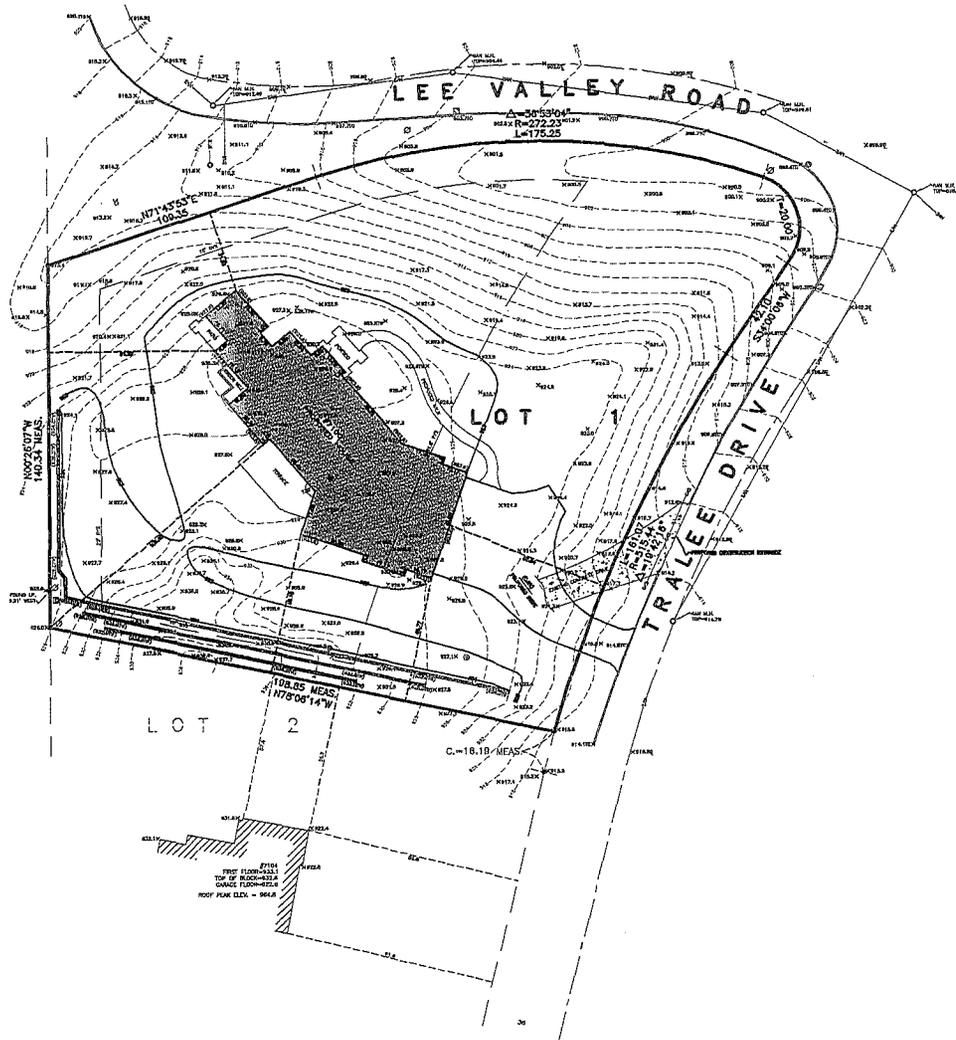
PROPOSED ELEVATIONS:

FIRST FLOOR = (925.00)
BASEMENT FLOOR = (914.27)
SPORT COURT FLOOR = (903.27)
TOP OF FOUNDATION = (893.37)
GARAGE FLOOR = (822.80)

NOTE: Lot is currently vacant.

PROPOSED AREA CALCULATIONS:

Lot Area = 47,840 SF
IMPERVIOUS SURFACE:
House = 4,373 SF
Terrace Lays 20 SF Allowance = 101 SF
Terrace Lays 150 SF Allowance = 297 SF
Patio = 08 SF
Total = 5,158 SF
= 10.8%



PROPERTY AREA = 47,840 SF

PROPERTY DESCRIPTION: Lot 1, Block 2, PROSPECT HILLS 2ND ADDITION, Hennepin County, Minnesota.

BENCHMARK: Edina #883
TANK on the North Side of Lee Valley Rd. at Tralee Dr.
Elevation = 928.97.

NOTE: No Search Was Made For Any Encumbrances

NOTE: The location of all utilities shown are from observed evidence in the field and from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.

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

W. BROWN LAND SURVEYING, INC.

Wendrow A. Brown
Wendrow A. Brown, R.L.S., MN REC 15230

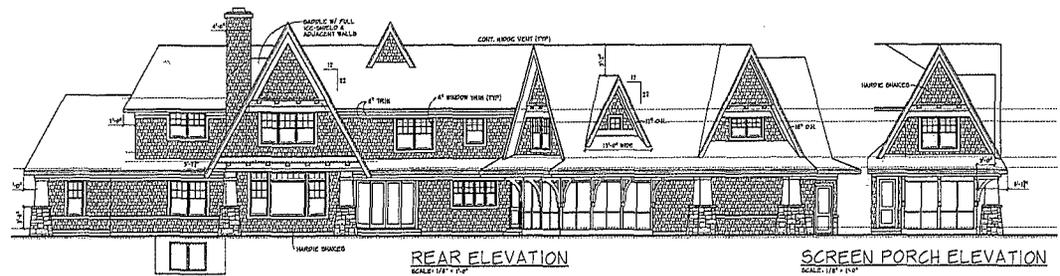
Dated: 09-17-2014
09-17-2014 - ADJACENT ROOF ELEVATION

W. BROWN LAND SURVEYING, INC.
8030 Cedar Avenue So., Suite 226,
Cincinnati, MN 55435
Omn: (652) 854-4055
Fax: (652) 854-4258

Drawing:	Date: 09-17-2014
156-14	Scale: 1 inch = 20 Feet

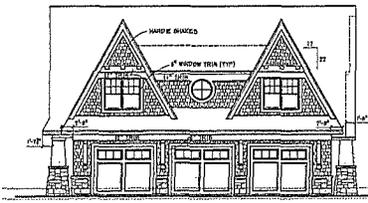
1 of 1



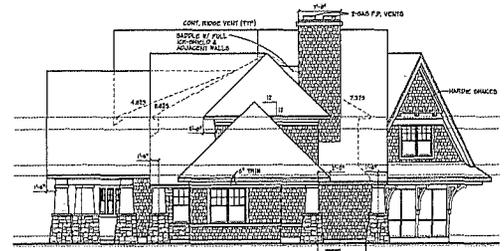


REAR ELEVATION
SCALE: 1/8" = 1'-0"

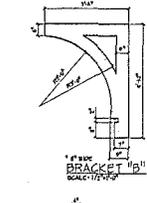
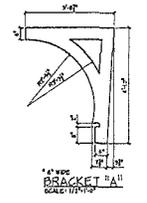
SCREEN PORCH ELEVATION
SCALE: 1/8" = 1'-0"



GARAGE FRONT ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"

1ST FLOOR
2ND FLOOR
3RD FLOOR
4TH FLOOR

1ST FLOOR CL.
2ND FLOOR CL.
3RD FLOOR CL.
4TH FLOOR CL.
5TH FLOOR CL.
6TH FLOOR CL.
7TH FLOOR CL.
8TH FLOOR CL.
9TH FLOOR CL.
10TH FLOOR CL.

1ST FLOOR 128 SQ. FT.
2ND FLOOR 128 SQ. FT.
3RD FLOOR 128 SQ. FT.
4TH FLOOR 128 SQ. FT.
5TH FLOOR 128 SQ. FT.
6TH FLOOR 128 SQ. FT.
7TH FLOOR 128 SQ. FT.
8TH FLOOR 128 SQ. FT.
9TH FLOOR 128 SQ. FT.
10TH FLOOR 128 SQ. FT.

11TH FLOOR
12TH FLOOR

