



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Community Development Director	Meeting Date April 22, 2015	Agenda # VI.A.
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INFORMATION & BACKGROUND

Project Description

Janine and Jeffrey Johnson are proposing to subdivide their property at 5825 Ashcroft Avenue into two lots. (See property location on pages A1–A4.) The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A5–A27.) To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 75 feet to 50 feet for each lot; and
3. Lot area variances from 9,000 square feet to 6,781 square feet for each lot.

Both lots would gain access off Ashcroft Avenue. Within this neighborhood, the median lot area is 6,790 square feet, median lot depth is 135 feet, and the median lot width is 50 feet. (See attached median calculations on pages A25–A27.) The new lots would meet the median width and depth, but would be just short of the median area. There are four significant trees on the site. Each one of these trees would be maintained as a result of the subdivision. There are two smaller Cherry Trees located along the north lot line that would also be saved. (See pages A27–A29.)

Surrounding Land Uses

The lots on all sides of the subject properties are zoned and guided low-density residential.

Existing Site Features

The existing site contains a single-family home and attached garage. (See page A4.) The home would be removed. There are four significant trees on the site today. These trees would remain. (See page A27.)

Planning

Guide Plan designation: Single-dwelling residential
Zoning: R-1, Single-dwelling district

Lot Dimensions

	Area	Lot Width	Depth
REQUIRED	9,000 s.f.	75 ft	135 ft.
Lot 1	6,781 s.f.*	50 ft*	135 ft.
Lot 2	6,781 s.f.*	50 ft*	135 ft.

** Variance Required*

Grading/Drainage and Utilities

The city engineer has reviewed the proposed plans and found them acceptable, subject to conditions. (See memo from the city engineer on page A31.) There would be very minimal grading to accommodate the two new homes. The new homes would be located primarily where the existing home sits today on this relatively flat site. Very little grading would occur in the rear yards. Stormwater from the proposed homes, driveways, and the westerly half of the lots shall drain to Ashcroft Avenue. There shall be no increase in peak rate or volume to neighboring properties. Any disturbance to the roadway caused by the construction of the new homes must be repaired. The detailed grading plans would be reviewed by the city engineer at the time of a building permit application. A construction management plan will be required for the construction of the new homes. Specific hook-up locations would be reviewed at the time of a building permit for each lot. A Minnehaha Creek Watershed District permit would also be required.

History of Subdivision Requests in the Area

The City of Edina has considered several subdivision requests with variances in this area. (See attached area map showing this locations of these requests on page A30.) The following is the history in the past nine years:

Requested Subdivisions in the last five years

1. In 2006, the property at 5901 France Avenue received variances to build four (4) 66-foot wide lots consistent with the area. (**Median = 9,269 s.f. & 73 feet wide.**)
2. In 2008, 6120 Brookview Avenue was proposed to be divided into two (2) 50-foot lots by Bravura Construction; however, the applicant withdrew the request before action was taken. (**Median = 6,700 s.f. & 50 feet wide.**)
3. In 2009, a 100-foot lot at 5920 Oaklawn was granted variances to divide into two (2) 50-foot lots. (**Median = 6,699 s.f. & 50 feet wide.**)
4. In 2011, the property at 5829 Brookview was granted variances to divide into two (2) 50-foot lots. (**Median = 6,769 s.f. & 50 feet wide.**)
5. In 2012, the property at 6109 Oaklawn was **denied** the request to subdivide the property into two (2) 50-foot lots. (**Median = 6,701 s.f. & 50 feet wide.**)
6. In 2012, 6120 Brookview was again proposed for subdivision. That request was denied. (**Median = 6,700 s.f. & 50 feet wide.**)
7. In 2012, 5945 Concord was **denied** the request to subdivide the property into two (2) 50-foot lots. (**Median = 10,028 s.f. & 77 feet wide.**)

Please note above, that #7, the most recent request for a subdivision, is located two blocks south of the subject property. However, the median for that site is 10,028 square feet and the median of the subject property is 6,790 square feet. That is due to the larger lots adjacent to and south of the property at 5945 Concord.

Primary Issue

- **Are the findings for a variance met?**

Yes. Staff believes that the findings for a Variance are met with this proposal.

Per state law and 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 meets the variance standards, when applying the three conditions:

- a) *Will the proposal relieve practical difficulties that prevent a reasonable use from complying with the ordinance requirements?*

Yes. 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.

The practical difficulty is due to the fact that the subject property is double the size of all lots on this block. This area was originally platted with all 50-foot lots, including the subject property. (See page A32.) This is the only lot on this block that developed as one home over two platted 50-foot wide lots.

The requested variances to split this lot are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than other properties in the immediate area. The proposed subdivision would result in two lots more characteristic of the neighborhood and original plat. If the variances were denied, the applicant would be denied a subdivision of his property of which the lots would be the same as existing lots in the area and specifically on this block and the lots directly across the street. (See page A3 and A32.)

As demonstrated on page A25-A26, the median lot size in this neighborhood is 50 feet wide, 135 feet deep and 6,790 square feet in size. The proposed lots would be 50 feet wide, 135 feet deep and 6,781 square feet in size, which nearly meet the medians.

The City of Edina has also granted similar variances within this area. In 2009, a similar subdivision and variances were granted at 5920 Oaklawn, and in 2011 at 5829 Brookview Avenue. Please note that the median lot size and width were similar in those instances. To deny the subject variances would deny the applicant a subdivision that has been recently approved by the City. (See approved subdivisions on page A30.)

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

The condition of this oversized lot is generally unique to Ashcroft Avenue between 58th and 59th on both sides of the street. All of these lots except the subject property are 50 feet wide and generally 6,700 square feet in size. The circumstance of the oversized lot was not created by the applicant. The original builder of the home decided to build on two 50-foot lots.

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

No. The proposed improvements requested by the variance would not alter the essential character of the neighborhood. Again, all the lots on this block are 50 feet wide.

Staff Recommendation

Recommend that the City Council approve the proposed two lot subdivision of 5825 Ashcroft Avenue and the lot width variances from 75 feet to 50 feet for each lot, and lot area variances from 9,000 square feet to 6,781 square feet for each lot. Approval is based on the following findings:

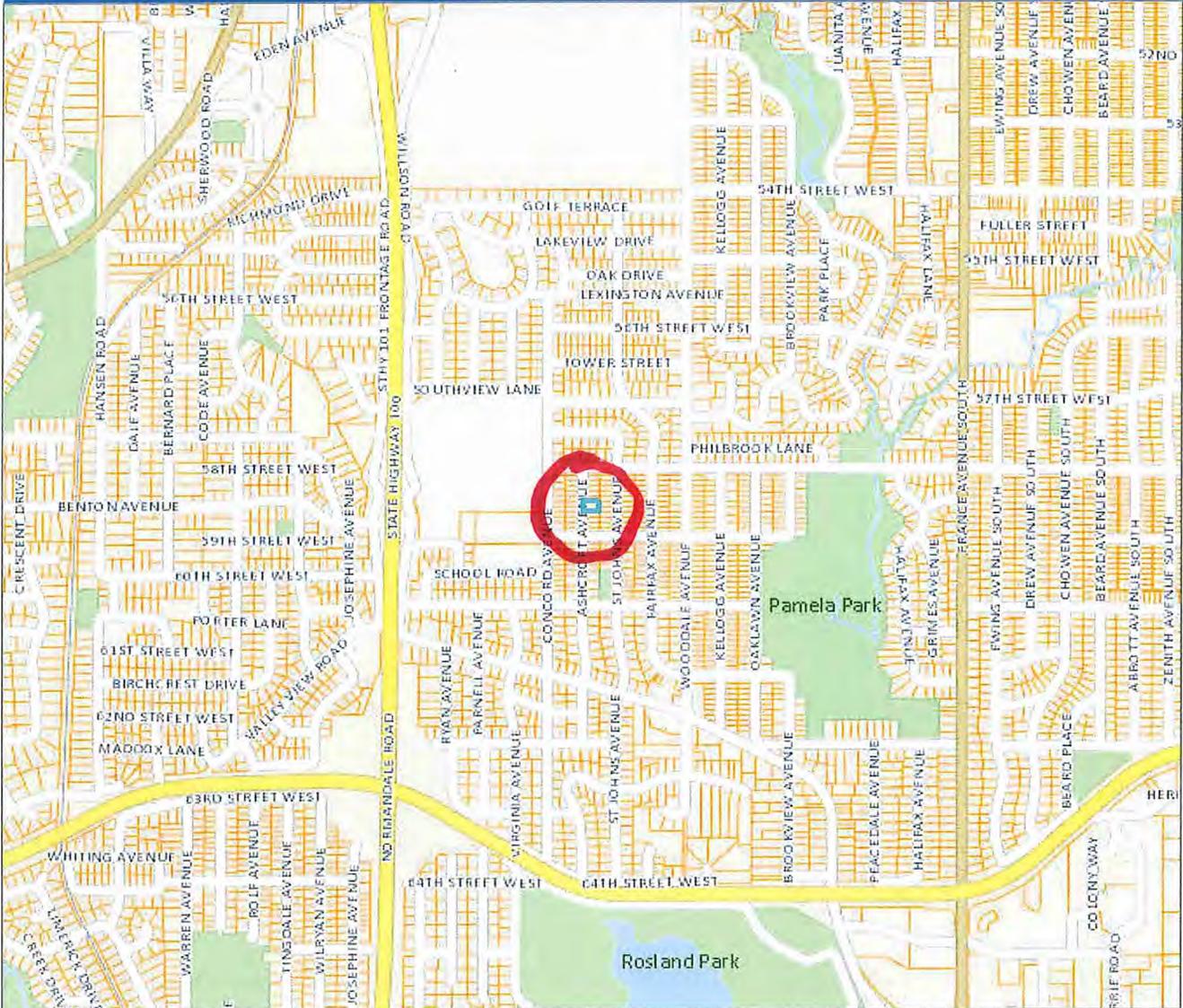
1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:
 - a. There is a unique practical difficulty to the property caused by the existing size of the property which is two times the size of every lot on the block.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - c. The proposed lots would be the same size as the lots were originally platted.
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
 - e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances

that has been previously approved with these same circumstances by the City in the last few years.

Approval is subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina engineering department.
 - c. A grading, drainage and erosion control plan subject to review and approval of the city engineer. The proposed plans shall meet all conditions outlined in the engineering memo dated April 15, 2015
 - d. There shall be no increase in peak rate or volume to neighboring private property.
 - e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
 - f. A construction management plan will be required for the construction of the new homes.
 - g. Utility hook-ups are subject to review of the city engineer.

Deadline for a City Decision: July 13, 2015



Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres
13,577 sq ft

Map Scale: 1" ≈ 1600 ft.

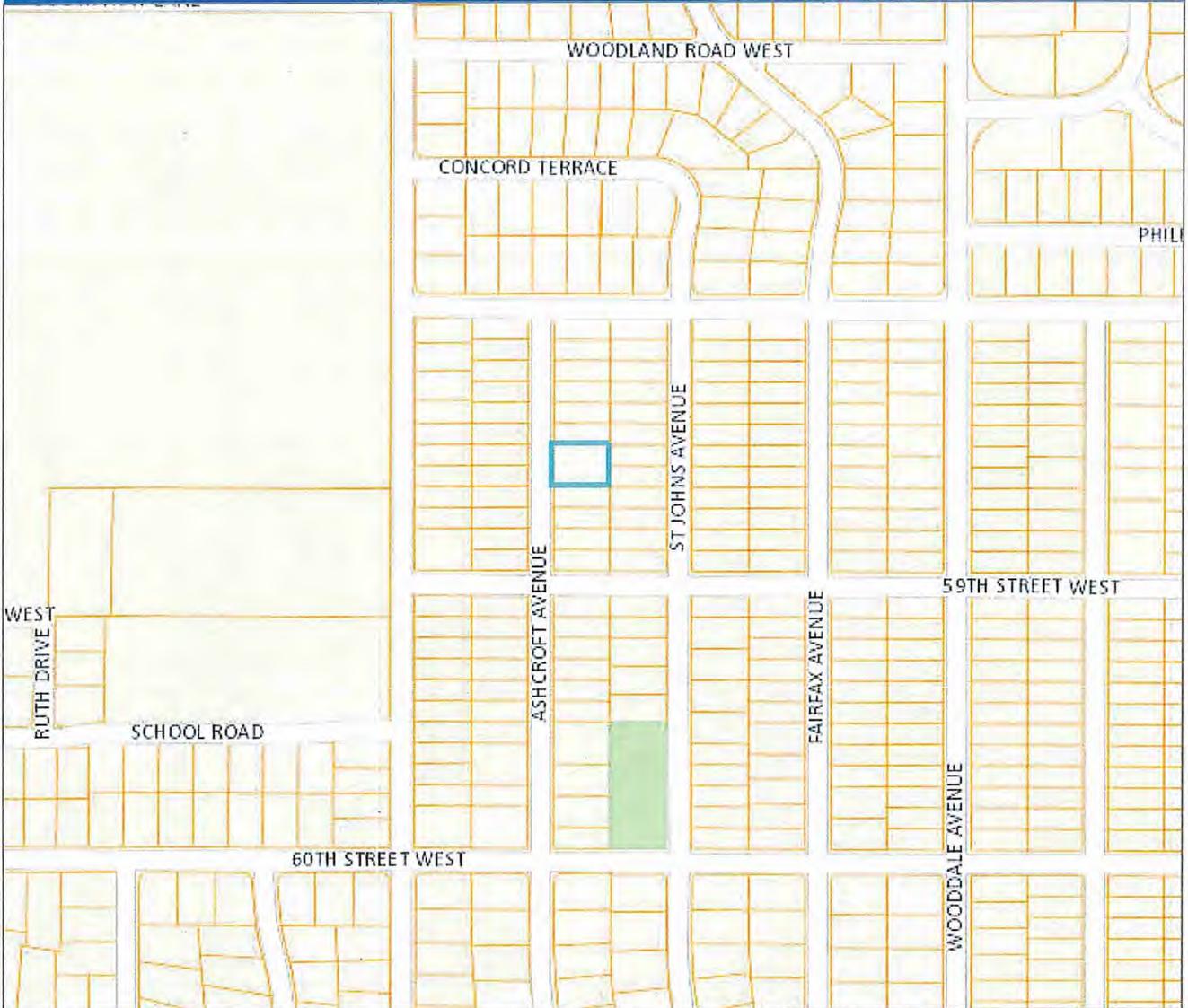
Print Date: 4/13/2015



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Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave
Edina, MN 55424

Property Type: Residential

**Home-
stead:** Homestead

Parcel Area: 0.31 acres
13,577 sq ft

Map Scale: 1" ≈ 400 ft.

Print Date: 4/13/2015



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k2



Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave, Edina, MN 55424

Property Type: Residential

Homestead: Homestead

Parcel Area: 0.31 acres, 13,577 sq ft

Map Scale: 1" = 200 ft.

Print Date: 4/13/2015

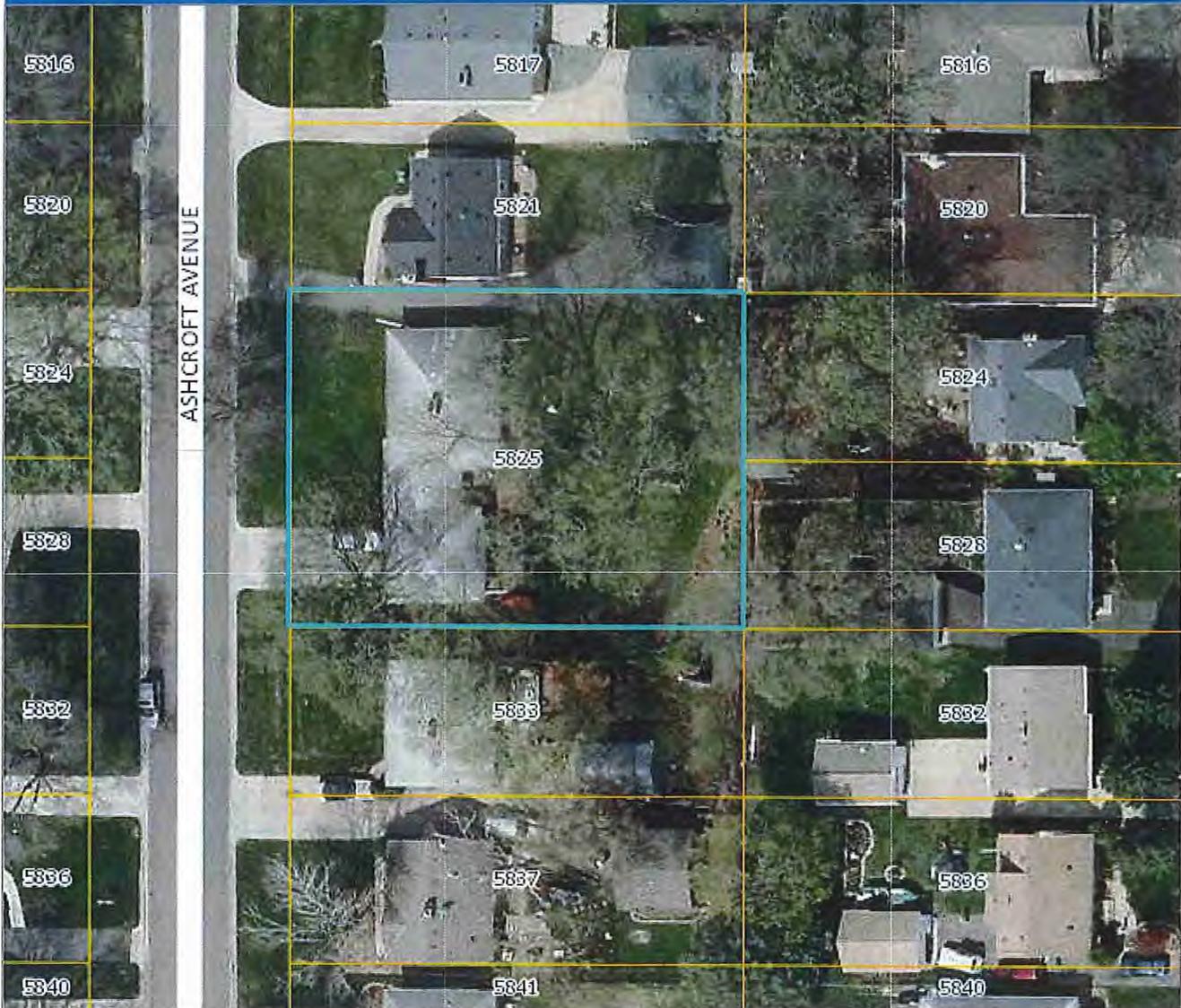


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A3



Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave
Edina, MN 55424

Property Type: Residential

**Home-
stead:** Homestead

Parcel Area: 0.31 acres
13,577 sq ft

Map Scale: 1" ≈ 50 ft.

Print Date: 4/13/2015



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AK

Owners' Statement in Support of Request for Variance

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

If approved, the proposed variance would allow for two 50-foot wide residential lots. This is considered to be a reasonable land use for this neighborhood. Many of the lots in this neighborhood and other areas of the City are 50-foot wide lots. Without the granting of this requested variance a practical difficulty exists because the applicant/property owners cannot do with their land what the neighboring property owners can do with the same land area of identically zoned land. The size of this lot of record is twice the size of most lots in its neighborhood and that has created its unique practical difficulty.

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

This property is one of only two 100-foot wide lots within the identified 500-foot ring neighborhood. It is twice the width and land area of every other lot in its block (Block 7, Fairfax). It is twice the width and land area of every lot that faces it on the opposite side of Ashcroft Avenue (east half of Block 8, Fairfax). Additionally, every lot that is part of the Ashcroft Avenue streetscape, within this 500-foot neighborhood ring, is 49 or 50 feet in width (Blocks 7, 8, part of Block 9, and part of Block 10).

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

The proposed subdivision and variance would meet the intent of zoning as it would create two lots of similar size to that of other lots within this neighborhood. The proposed subdivision and variance would restore this land to its originally platted condition of two 50-foot wide lots.

4)Not alter the essential Character of the neighborhood.

If granted, the proposed subdivision of this property would create two lots that would conform in width, depth, and land area with its neighborhood. The proposed lots are consistent with the median lot width, depth, and land area of the neighborhood lots; a) proposed lots are 50 feet wide and the median lot width in the neighborhood is 50 feet, b) proposed lots are 136 feet in depth and the median lot depth in the neighborhood is 136 feet, and c) proposed lots have land areas of 6,788 and 6,789 square feet and the median lot area in this neighborhood is 6,790 square feet. Of the 106 neighborhood lots, 11 are 49 feet wide and 72 are 50 feet wide. More than 3 of every 4 of the neighborhood lots are about the same size as the proposed lots.

If this subdivision and variance were not granted it would perpetuate a lot that is twice the size of typical lots within this neighborhood and it would forever be out of character with this neighborhood.

The proposed subdivision and granting of lot-width variance would result in two lots that are more characteristic of the neighborhood than the existing lot.

PLANNING DEPARTMENT
MAR 16 2015
CITY OF EDNA

5825 Ashcroft Avenue

Subdivision and Variance requests

- Located in the Concord Neighborhood
- East of Highway 100 & West of Wooddale Ave
- Owners: Janine & Jeff Johnson
 - Edina residents since June 1980
 - Purchased this property in July 1981

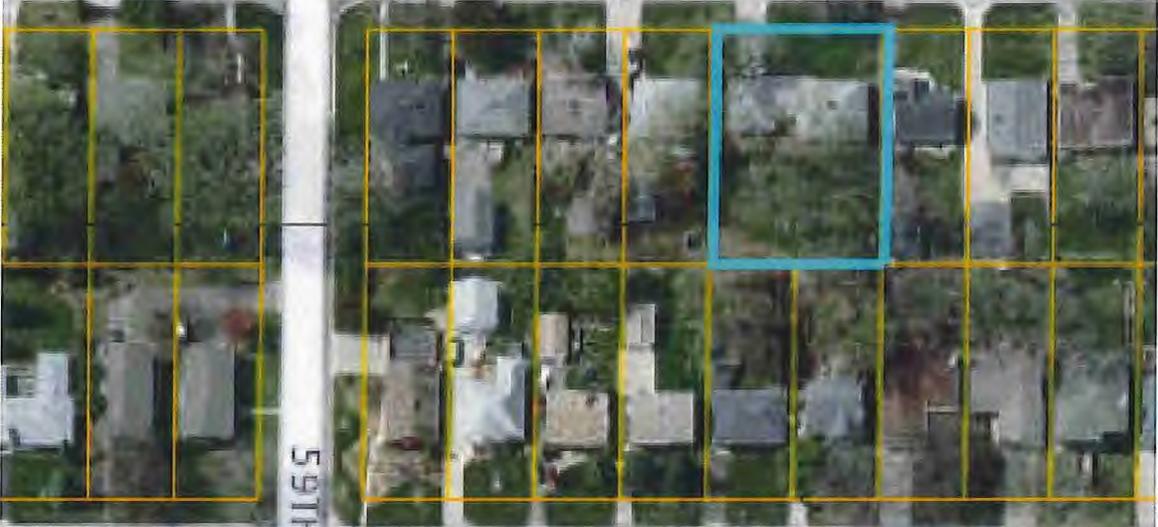
LV



CONCORD AVENUE



ASHCROFT AVENUE



59TH STREET



5825 Ashcroft Avenue

Subdivision and Variance requests

- Current legal description – Lots 17 & 18, Block 7, Fairfax, Hennepin County
- North lot (Lot 18) purchased and 3-bedroom rambler style home was built in 1953
- South lot purchased in 1954 and building permit pulled to construct a breezeway
 - In 1956 another building permit was issued for a breezeway and garage

A9

5825 Ashcroft Avenue Subdivision and Variance requests



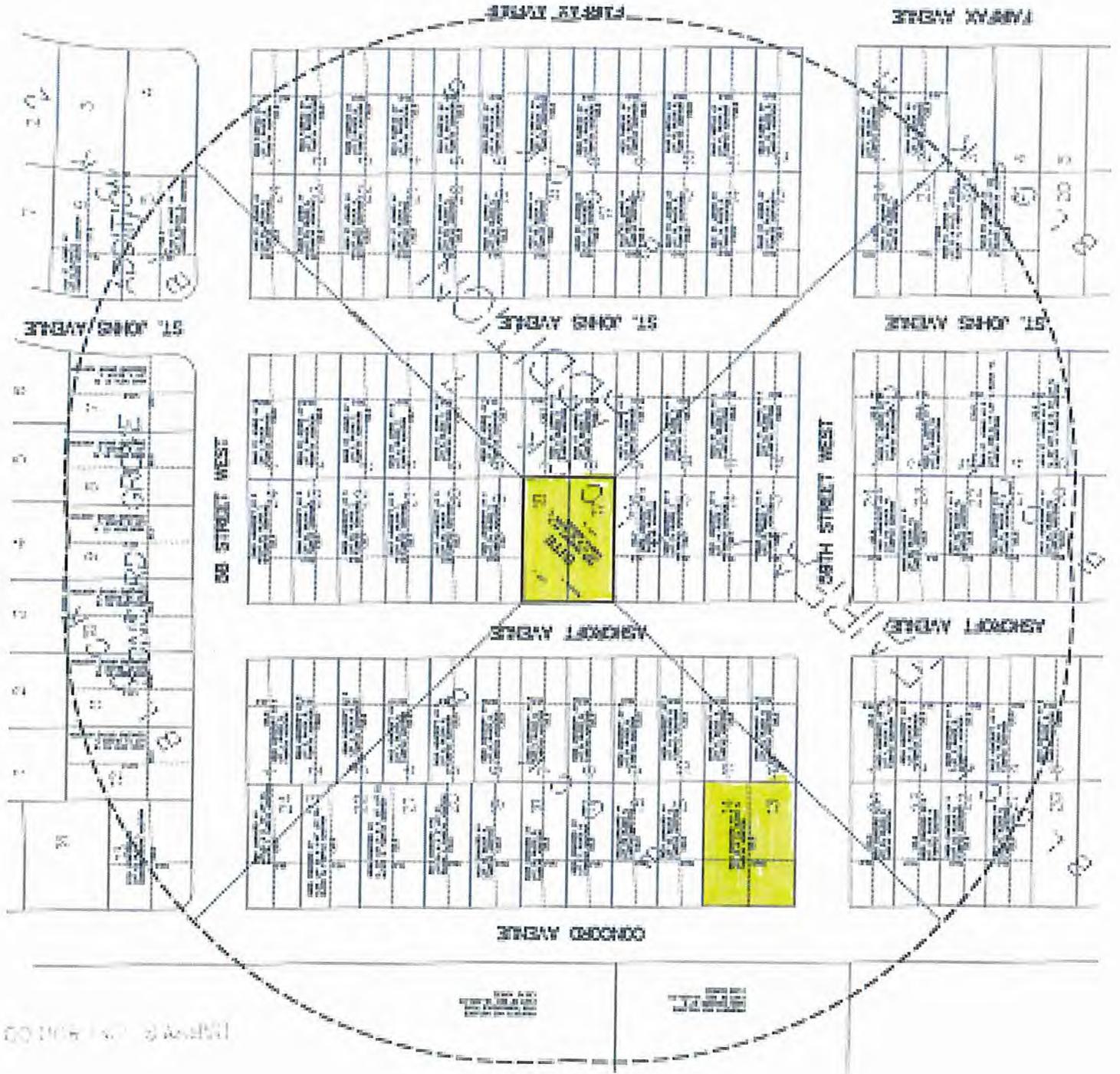
A10

Analysis of 500-foot Ring Neighborhood

- Other than the subject property, there is only one 100-foot wide lot in this neighborhood

All

– 100 feet wide: 5841 Concord Avenue South



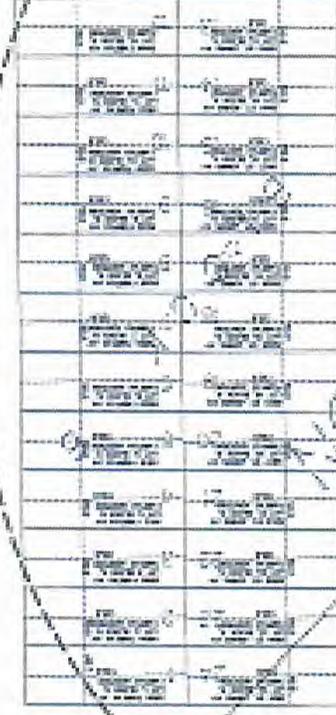
Map & Survey Co. 1910

Analysis of 500-foot Ring Neighborhood

- There are ten lots greater than 75 feet wide
 - 92 feet wide: 5721 Concord Avenue South
 - 83 feet wide: 4600 58th Street West
 - 80 feet wide: 4620 58th Street West
 - 80 feet wide: 4616 58th Street West
 - 80 feet wide: 4612 58th Street West
 - 80 feet wide: 4606 58th Street West
 - 80 feet wide: 4604 58th Street West
 - 80 feet wide: 5725 St. Johns Avenue South
 - 75 feet wide: 5905 St. Johns Avenue South
 - 75 feet wide: 5913 St. Johns Avenue South

FARMAN AVENUE

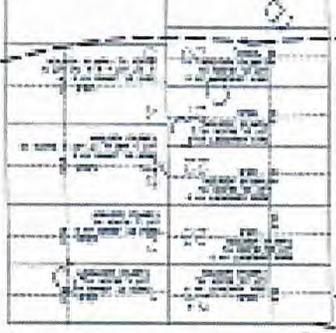
STANLEY AVENUE



ST. JOHNS AVENUE

ST. JOHNS AVENUE

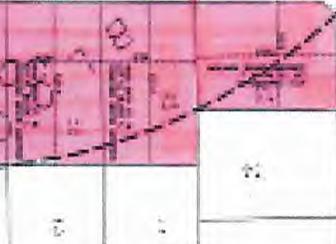
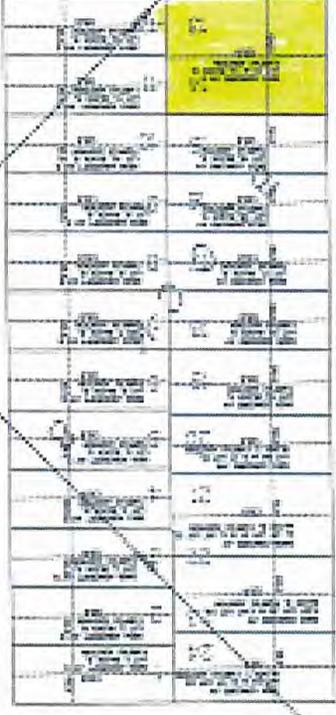
ST. JOHNS AVENUE



ASHERCROFT AVENUE

ASHERCROFT AVENUE

ASHERCROFT AVENUE



28th STREET WEST

28 STREET WEST

CONCORD AVENUE

28th STREET WEST

28th STREET WEST

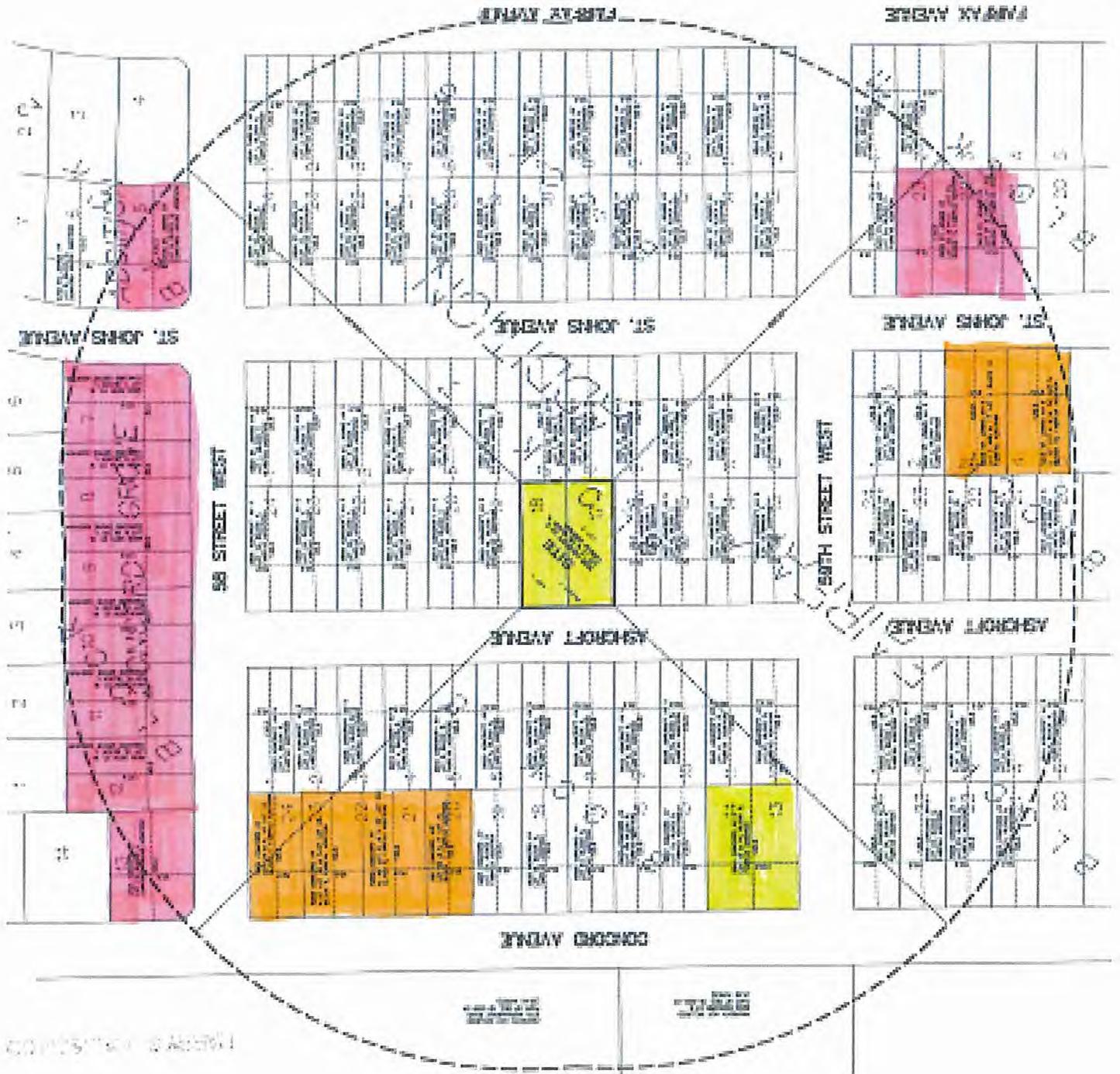
CONCORD AVENUE

A14

Analysis of 500-foot Ring Neighborhood

- There are six lots greater than 50 feet wide
 - 70 feet wide: 5809 Concord Avenue South
 - 67 feet wide: 5908 St. Johns Avenue South
 - 67 feet wide: 5916 St. Johns Avenue South
 - 65 feet wide: 5805 Concord Avenue South
 - 59 feet wide: 5801 Concord Avenue South
 - 55 feet wide: 5817 Concord Avenue South

A15



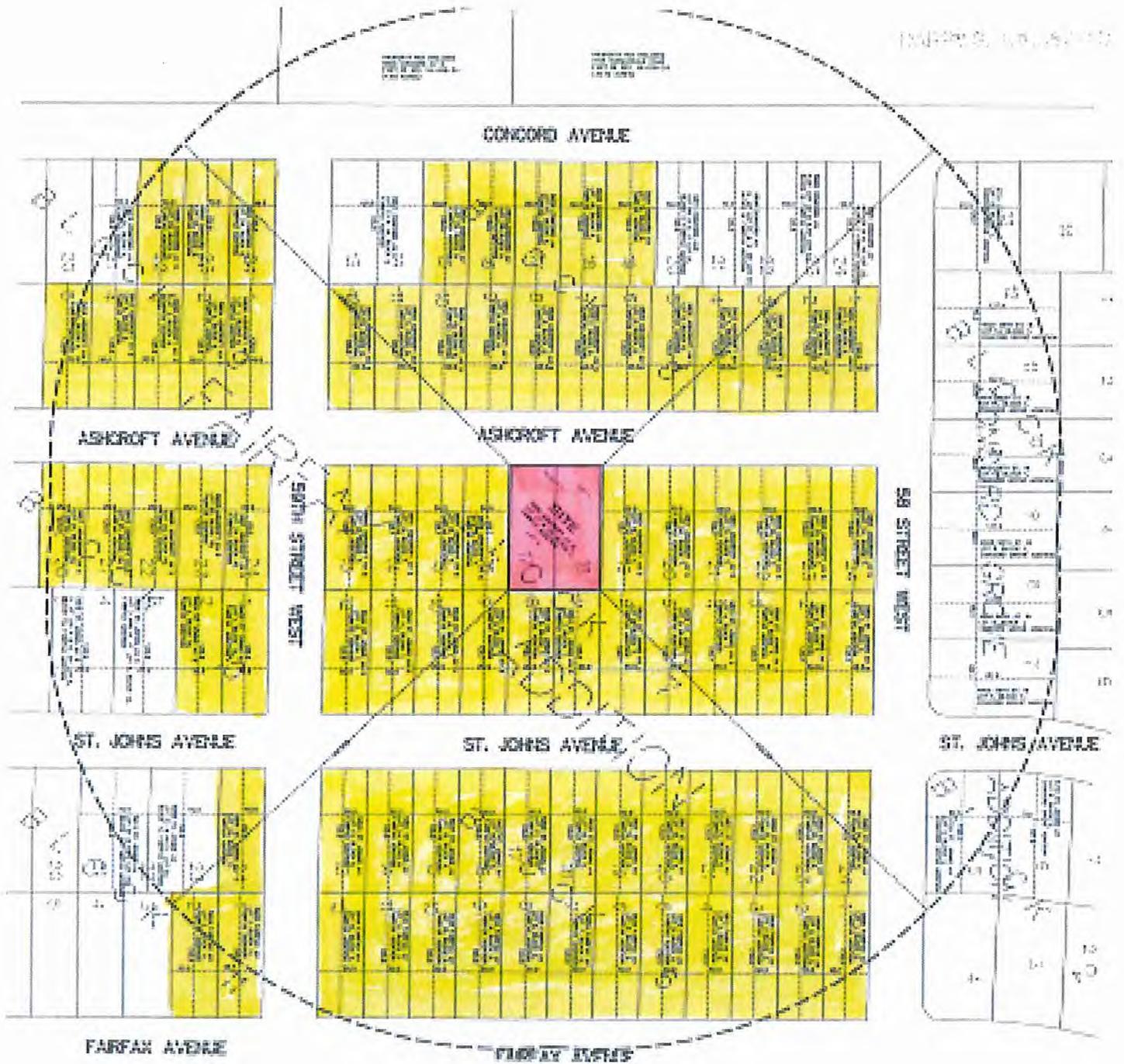
Analysis of 500-foot Ring Neighborhood

- All of the remaining eighty-one (81) lots in this neighborhood are either 50 feet wide or 49 feet wide
 - All lots on the subject block are 50 foot wide lots
 - All lots across Ashcroft Avenue from the site are 50 foot wide lots
 - All lots that would have a view of this property are 50 foot wide lots

A17

118

MAP OF S. W. 1/4, 118



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

- If approved, the proposed variance would allow for two 50-foot wide residential lots.
- Many of the lots in this neighborhood and other areas of the City are 50-foot wide lots.
- Without the granting of this requested variance a practical difficulty exists because the applicant/property owners cannot do with their land what the neighboring property owners can do with the same land area of identically zoned land.
- The size of this lot of record is twice the size of most lots in its neighborhood and that has created its unique practical difficulty.

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

- This property is one of only two 100-foot wide lots within the identified 500-foot ring neighborhood.
- It is twice the width and land area of every other lot in its block (Block 7, Fairfax).
- It is twice the width and land area of every lot that faces it on the opposite side of Ashcroft Avenue (east half of Block 8, Fairfax).
- Additionally, every lot that is part of the Ashcroft Avenue streetscape, within this 500-foot neighborhood ring, is 49 or 50 feet in width (Blocks 7, 8, part of Block 9, and part of Block 10).

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

- The proposed subdivision and variance would meet the intent of zoning as it would create two lots of similar size to that of other lots within this neighborhood.
- The proposed subdivision and variance would restore this land to its originally platted condition of two 50-foot wide lots.

Not alter the essential Character of the neighborhood.

- If granted, the proposed subdivision of this property would create two lots that would conform in width, depth, and land area with its neighborhood.
- The proposed lots are consistent with the median lot width, depth, and land area of the neighborhood lots;
 - a) proposed lots are 50 feet wide and the median lot width in the neighborhood is 50 feet,
 - b) proposed lots are 136 feet in depth and the median lot depth in the neighborhood is 136 feet, and
 - c) proposed lots have land areas of 6,788 and 6,789 square feet and the median lot area in this neighborhood is 6,790 square feet.

Not alter the essential Character of the neighborhood.

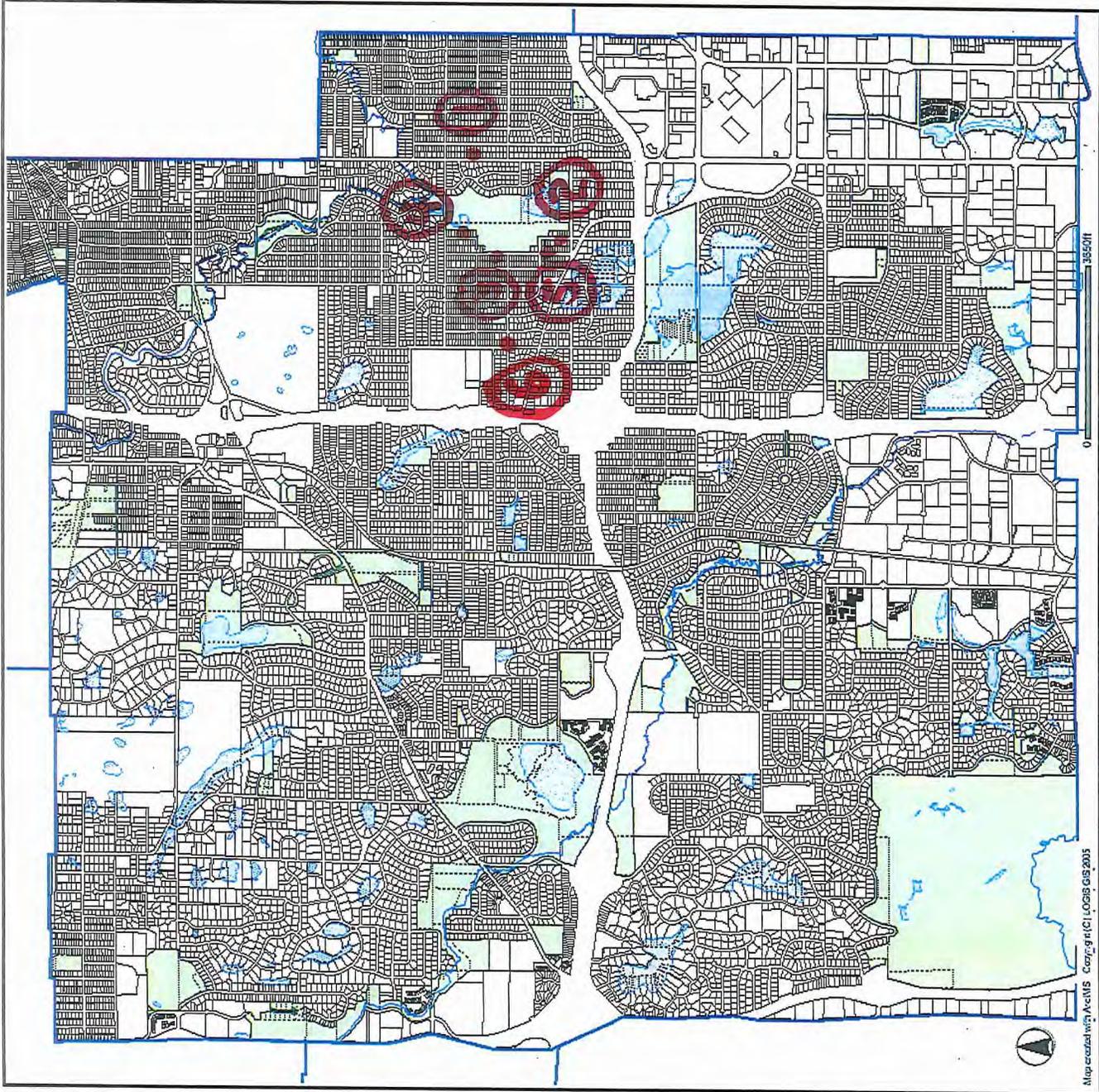
- Of the 106 neighborhood lots, 11 are 49 feet wide and 72 are 50 feet wide. More than 3 of every 4 of the neighborhood lots are about the same size as the proposed lots.
- If this subdivision and variance were not granted it would perpetuate a lot that is twice the size of typical lots within this neighborhood and it would forever be out of character with this neighborhood.
- The proposed subdivision and granting of lot-width variance would result in two lots that are more characteristic of the neighborhood than the existing lot.



Asx



421



Map created with ArcGIS. Copyright © 2008 ESRI

- * ① 5901 France
- * ② 6130 Brookview
- * ③ 5920 Oaklawn
- * ④ 5829 Brookview
- ⑤ 6109 Oaklawn
- ⑥ 5945 Concord

* Approved Subdivisions



DATE: April 15, 2015
TO: Cary Teague – Community Development Director
CC: Chad Millner PE – City Engineer
FROM: Charlie Gerk EIT – Environmental Engineering Technician
RE: **Berman Subdivision – Preliminary Plat Review**

The Engineering Department has reviewed the subject development for street and utility connections, grading, storm water, erosion and sediment control.

General Comments

1. None

Survey/ Plat

2. None

Traffic and Street

3. A curb cut permit from the engineering department will be required for each driveway.
4. The streets were reconstructed during the 2009 construction season. Great care should be taken to protect the streets from unnecessary damage. Any damage to the streets will require a full width patch from curb to curb and sawcut to sawcut.

Sanitary and Water Utilities

5. SAC and WAC fees will be required for the new lot to connect to city utilities.

Storm Water Utility

6. No increase in peak rate or volume to neighboring private properties.

Grading, Erosion and Sediment Control

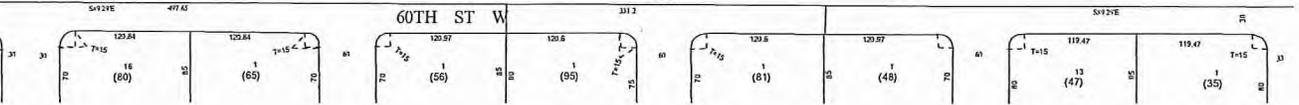
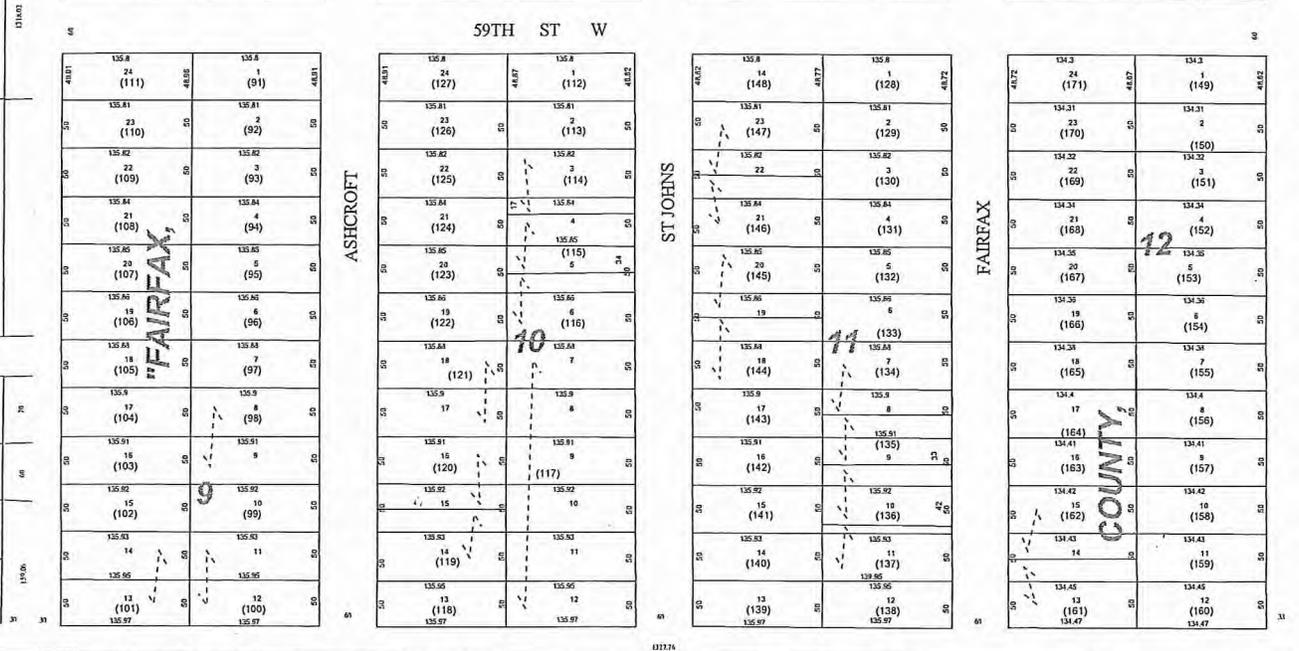
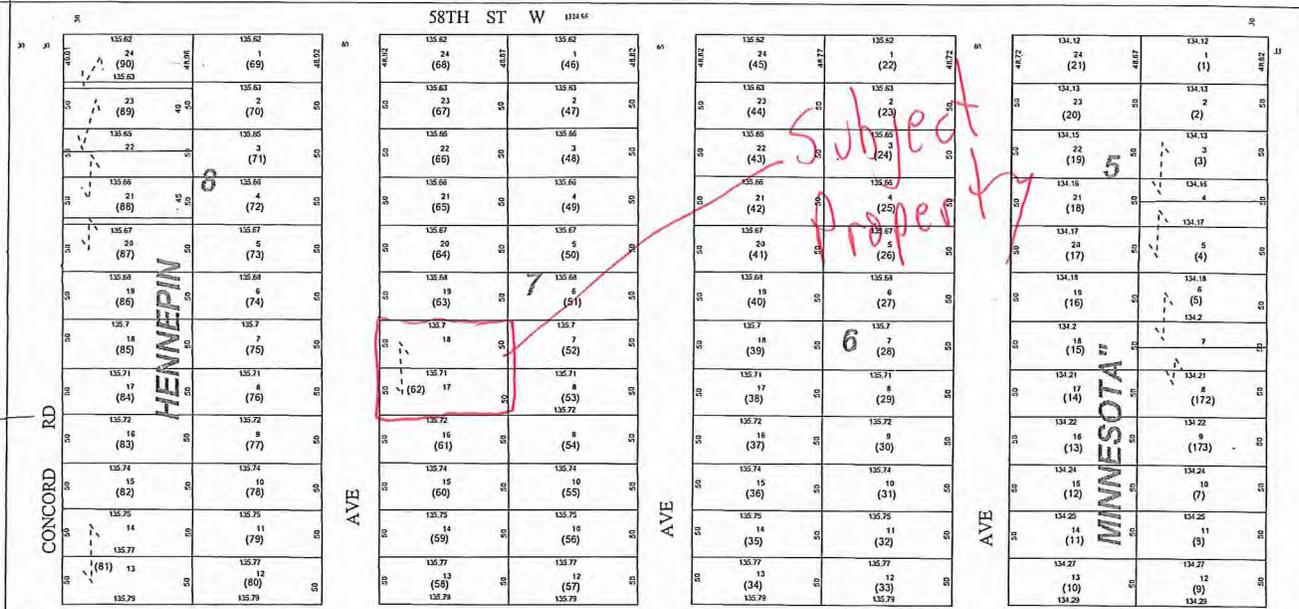
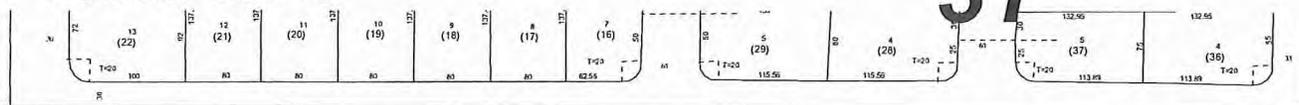
7. A grading, erosion and sediment control plan will be required for each individual lot when a building permit is submitted.

Other Agency Coordination

8. A Minnehaha Creek Watershed District permit will be required for each new lot.

EC.19 T.028 R.24

31



N.1/2 SW.1/4 SEC.19 T.028 R.24

EC.19 T.028 R.24

W / 19	S / NE / 19
W / 19	N / SE / 19
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arter/Section

Prepared by the City of Edina, MN.
Original base data supplied by Hennepin Co., MN.

A32

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