



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date August 26, 2015	Agenda # B-1-15
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Recommended Action: Approve the 1.75 foot front yard setback variance as requested for property located at 5732 France Ave. So., for owner Anne Bishop.

Project Description

A 1.75 foot front yard setback variance is requested to add a bay window to the front of the home located on the west side of France Ave. So. The owner is requesting a variance to allow a small bay window to her home in the dining room by approximately 2 feet. (See property location, aerial photos, photos of the subject and neighboring homes). The project is a remodel to the interior to include a small bay window towards the front to add front façade interest and a small extension of floor area. All of the improvements will match the existing façade and will mirror a dormer on the second floor. The required setback from France Ave. is established by the average front yard setback of the home to the north located at 5724 France Ave. and to the south at 5740 France Ave. The home to the north is setback 69.1 feet from France Ave. and the home to the south is located 63 feet from France Ave. The average front yard setback between the properties is 66 feet. The bay window will be located 64.3 feet to the front lot line. The proposed bay window will be farther from the street than the front yard setback of the home to the south at 63 feet.

INFORMATION/BACKGROUND

The subject property is located on the west side France Ave. The lot is 12,764 square feet in area. The owner is proposing the bay window improvement to be setback from the front, (east), lot line approximately 64.3 feet, which is a greater distance than provided by the home to the south.

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-1, single dwelling unit district and guided residential.

Existing Site Features

The subject property is a 12,764 square foot lot with a story and one half home that has a two attached car garage built in 19.

Planning

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

Building Design

The finish on the home will be the same as existing conditions.

Compliance Table

	City Standard	Proposed
Front -	66 feet	*64.3 feet
Side-	10	12.6/6.9 feet
Rear -	25 feet	35 feet
Building Height	2 1/2 stories 30 feet to the ridge,	1 1/2 story, 19 feet
Lot coverage	25%	14.4%

*** 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.
2. The home is appropriate in size and scale for the lot. The improvement will enhance the property and not detract from the neighborhood.
3. The improvements will provide a reasonable use of a rather compact dining room.

4. The bay window is a minor intrusion into the front yard area and will be farther from the street than the front yard setback of the home to the south.

- **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 and very minor.

The lot is large, with generous spacing between the subject home and the adjacent homes. The purpose behind the ordinance is to maintain an established front yard sight line and street scape. The ordinance is meant to prevent a continual erosion of the established front yard setback pattern in an existing neighborhood by holding all new construction to the existing neighborhood standard and to avoid new structure build-out beyond existing conditions. The bay window will not compromise the intent of the ordinance. The addition to the existing home will maintain the existing pattern of setback on the block and will not be the closest front yard 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 a front yard setback that is deeper than the location of an adjacent home that is 3 feet closer to the street. The required setback reduces the buildable area preventing a small bay window improvement.

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

No. The proposed additions will be consistent with the location of the existing homes on the block and will not change the streetscape along France Ave. The character of the neighborhood consists of a variety of housing styles. The applicant is asking to preserve a setback pattern along the block that has included a closer setback of the neighboring property.

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 difficulty is caused by the location of the home to the north.
 - b) The encroachment into the setback continues a setback pattern and will not affect neighboring properties or the street scape.
 - c) The request is reasonable given the location of the existing home and existing floor plan.

Approval of the variance is subject to the following condition:

1. The home must be construction per the proposed plans date stamped August 9, 2015.

Deadline for a City decision:

October 5, 2015

The setback to the new bay window will be 64.3'

setback to 5740 France is 63.0'

setback to 5724 France is 69.1'

132.1'

÷ 2

66.05'

64.30'

Setback to new bay window

Variance to setback

1.75'

PLANNING DEPARTMENT

AUG 06 2015

CITY OF EDINA

Metes and Bounds

The following is the County Auditor's description of this tax parcel. It may not be the legal description on the most recent conveyance document recording ownership. Please refer to the legal description of this property on the public record when preparing legal documents for recording

PID: 19-028-24-14-0095

Municipality: EDINA

Addition Name: UNPLATTED 19 028 24

Lot:

Block:

THE NORTH 9 FEET OF THE SOUTH 119 FEET OF THE WEST 165 FEET OF THE EAST 198 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 28, RANGE 24; AND THAT PART OF THE EAST 216 FEET OF THE NORTH HALF OF THE EAST HALF OF THE SOUTH QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 28, RANGE 24, LYING SOUTH OF THE NORTH 145 FEET THEREOF; AND THE NORTH 46 FEET OF THE SOUTH 165 FEET OF THE EAST 198 FEET OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 28, RANGE 24, EXCEPT ROAD.



PLANNING DEPARTMENT
AUG 06 2015
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

The current setback special requirements do not allow the installation of the proposed bay window. The variance will allow a reasonable adjustment to the average setback and allow the bay window.

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

The existing setback is well beyond the standard required setback but the special requirements setback of the average of neighboring houses limits all work on the front of the house at this property

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

The proposed bay window will not encroach on any views from neighboring properties.

Not alter the essential Character of a neighborhood

The propose variance will allow the installation of a bay window on the front of the house. Bay windows are not out of character on homes in this neighborhood.

PLANNING DEPARTMENT

AUG 06 2015

CITY OF EDINA

August 3 2015

5732 France Ave S Bay Window Seat

Anne Bishop

John Crist

To the Edina Building Dept.:

We moved into our home Sept. 30 of 2014. We previously lived at 5324 Halifax for 28yrs. Our home at 5732 France Ave S does not have a dining room. We are turning a current bedroom into a dining room rather than add a large addition to the house.

Our remodeler, Sylvestre Remodeling, was told that the bay window seat we want to add to our house is not in compliance with the Edina building code.

We want to add a bay window seat to the small window on the right side of our house.

The Bay window would protrude 20" from the front wall of our home.

The eaves of our house protrude 40" from the front of our house.

5724 France Ave north side is set back 69.1' with an additional 8' entry roof with footings, protruding from the front of their house for a total of a 61.1' set back

5732 France Ave Our house setback is 65.2'.

5740 France Ave south side 5740 is set back 63'.

We are grateful for any assistance you can give us.

Thank you very much.

Anne Bishop

John Crist

John cell

5732 France Ave.
5732 France Ave

August 5, 2015

City of Edina Building Department
To whom it may concern:

I understand that my new neighbors that 5732 France Avenue S. are requesting a variance to add a Bay window which is 90 inches wide X 64 inches height X 20 inches deep. The window would face France Avenue on the east side.

I have no objection to this addition. Frankly, I appreciate the fact that my new neighbors, Anne Bishop and John Crist are not razing the house to build a HUGE mansion. My residence is at 5740 France Ave. S. I don't believe that this bay window would affect my personal enjoyment of my property.

Should there be questions about this situation, please feel free to contact me at
My email address is

Very truly yours,

Elin N. Ohlsson

A handwritten signature in black ink, appearing to read "Elin N. Ohlsson", with a long horizontal line extending to the right.

5729 France Ave

AUGUST 7, 2017

DEAR CITY OF EDINA,

I NOT ONLY APPROVE OF
BUT PREFER THE ADDITION
OF A BAY WINDOW TO
OUR NEIGHBORS HOUSE (ACROSS
THE STREET FROM US) THEY HAVE
UNDER TAKEN MANY PROJECTS
SINCE MOVING IN AND ALL
HAVE BEEN VISUALLY BENEFICIAL
IMPROVEMENTS. PLEASE GRANT
PERMISSION FOR THE LOVELY WINDOW
THEY HAVE PLANNED AS I
WOULD LIKE TO LOOK
AT IT AS WELL 😊

.AMY MURPHY

5729 France

5724 France Ave

August 5, 2015

To Whom It May Concern:

I am a homeowner and Ann's next door neighbor at 5724 France Ave S., Edina. I give Ann my approval for the proposed addition of a bay window that will protrude 20 inches from the wall at the front of the house.

Sincerely,



Carol Killen



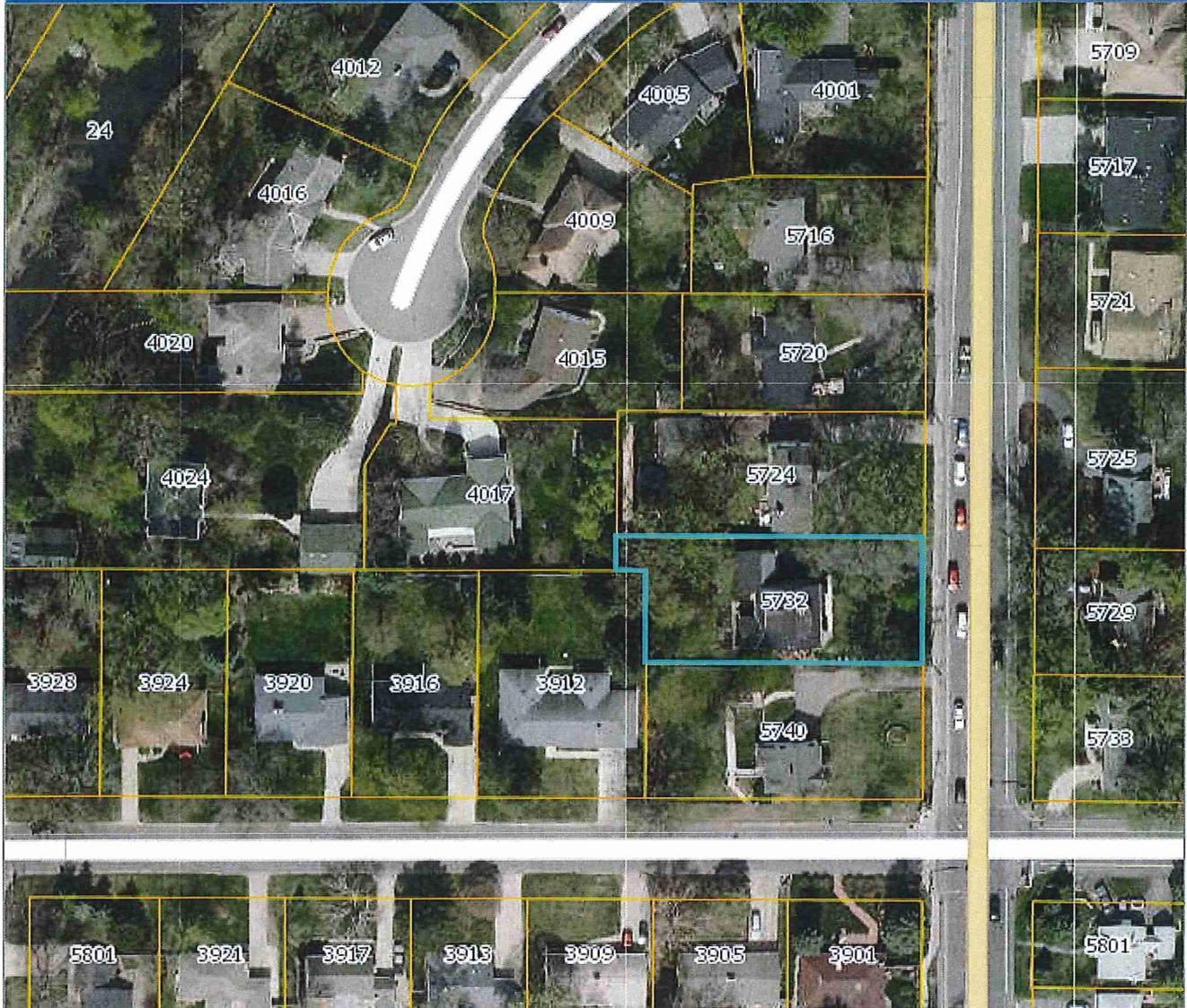
H Interactive Maps
Property Map

<p>Parcel ID: 19-028-24-14-0095</p> <p>Owner Name: J R Crist & A M Bishop</p> <p>Parcel Address: 5732 France Ave S Edina, MN 55410</p> <p>Property Type: Residential</p> <p>Home-stead: Homestead</p> <p>Parcel Area: 0.29 acres 12,761 sq ft</p>	<p>A-T-B:</p> <p>Market Total:</p> <p>Tax Total:</p> <p>Sale Price:</p> <p>Sale Date:</p> <p>Sale Code:</p>	<p>Map Scale: 1" ≈ 400 ft.</p> <p>Print Date: 8/12/2015</p> <div style="text-align: center;"> </div> <p style="font-size: 10px;">This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p style="font-size: 10px;">COPYRIGHT © HENNEPIN COUNTY 2015</p> <p style="text-align: right; font-size: 12px;"> Think Green!</p>
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Interactive
Maps

Property
Map



<p>Parcel ID: 19-028-24-14-0095</p> <p>Owner Name: J R Crist & A M Bishop</p> <p>Parcel Address: 5732 France Ave S Edina, MN 55410</p> <p>Property Type: Residential</p> <p>Home-stead: Homestead</p> <p>Parcel Area: 0.29 acres 12,761 sq ft</p>	<p>A-T-B: </p> <p>Market Total: </p> <p>Tax Total: </p> <p>Sale Price: </p> <p>Sale Date: </p> <p>Sale Code: </p>	<p>Map Scale: 1" ≈ 100 ft.</p> <p>Print Date: 8/12/2015</p> <p style="text-align: right;"></p> <p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2015</p> <p style="text-align: right;"></p>
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 **Interactive Maps** **Property Map**



58TH STREET WEST

<p>Parcel ID: 19-028-24-14-0095</p>	<p>A-T-B:</p>	<p>Map Scale: 1" ≈ 50 ft.</p>	
<p>Owner Name: J R Crist & A M Bishop</p>	<p>Market Total:</p>	<p>Print Date: 8/12/2015</p>	
<p>Parcel Address: 5732 France Ave S Edina, MN 55410</p>	<p>Tax Total:</p>	<p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p>	
<p>Property Type: Residential</p>	<p>Sale Price:</p>		
<p>Home-stead: Homestead</p>	<p>Sale Date:</p>		
<p>Parcel Area: 0.29 acres 12,761 sq ft</p>	<p>Sale Code:</p>	<p>COPYRIGHT © HENNEPIN COUNTY 2015</p>	
			







SYLVESTRÉ DESIGN & RENDERING
 7005 Fifth Avenue South Minneapolis, Minnesota 55423
 Phone: 612-861-0189
 Fax: 612-861-0189
 Email: info@sylvestre.com

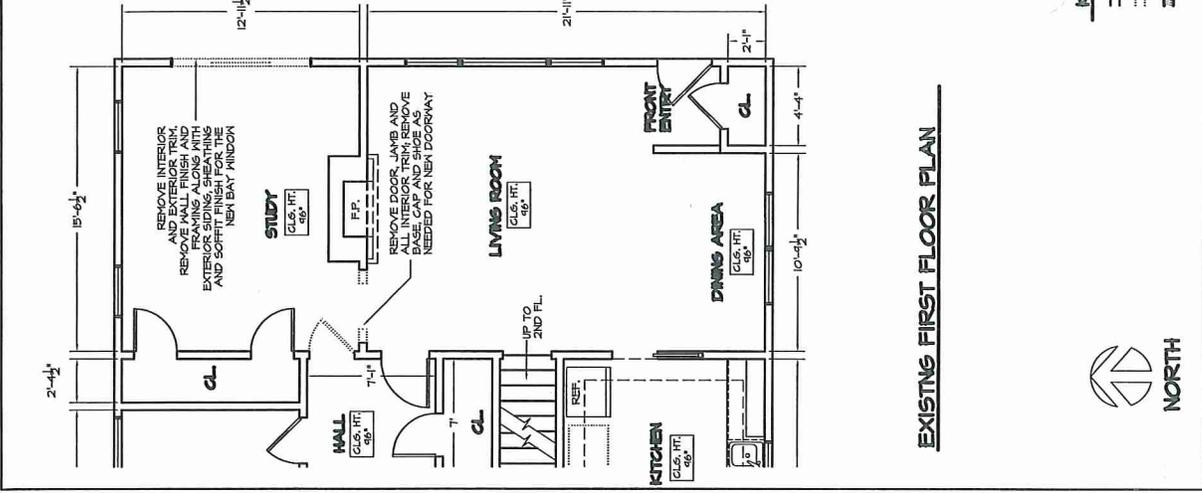
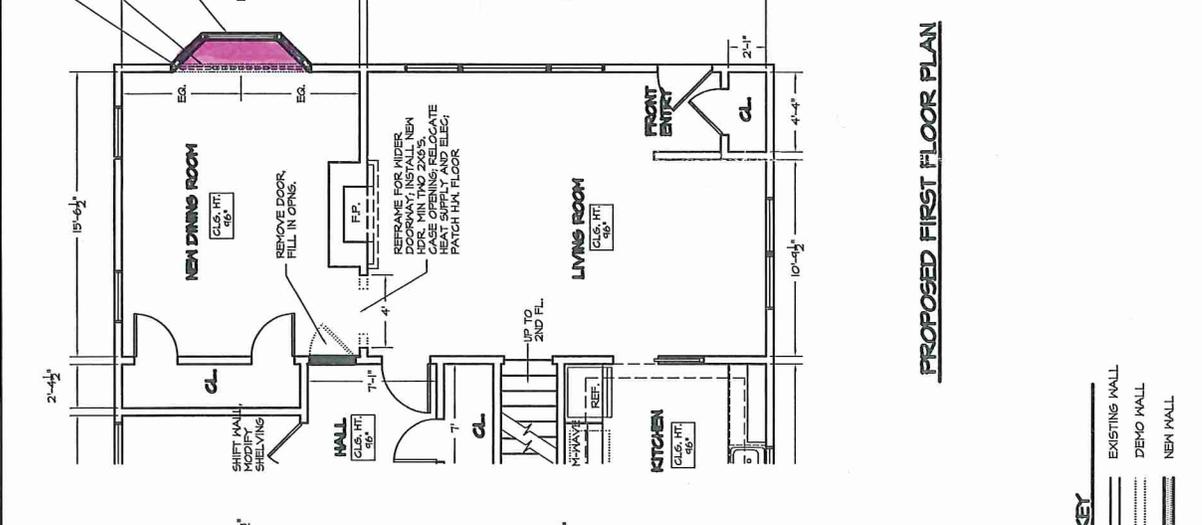
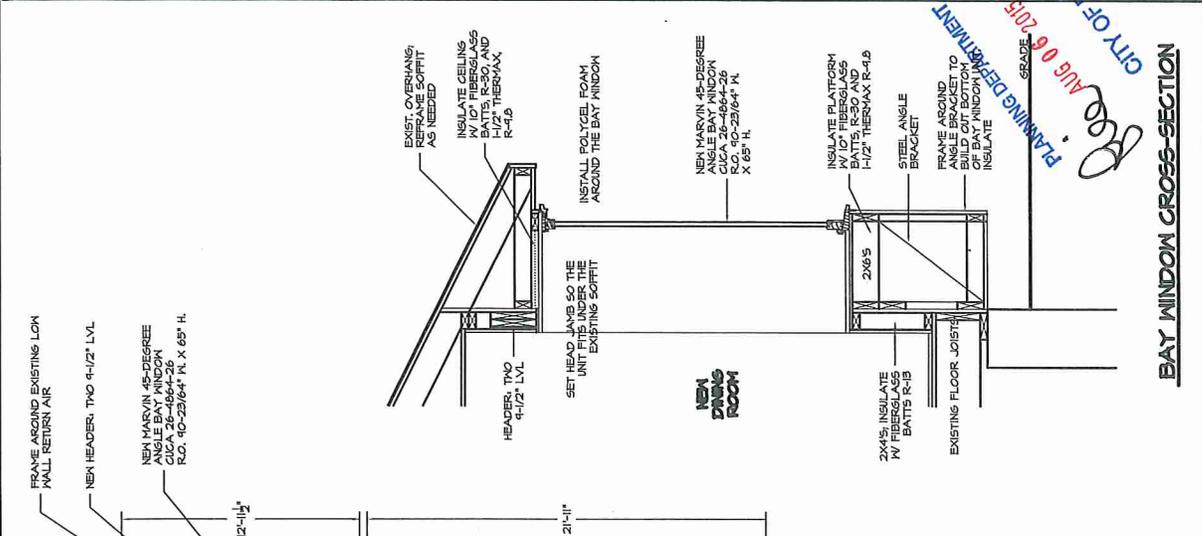
PROJECT: ANNE BISHOP AND JOHN CRIST
 5732 BRACE AVENUE SOUTH
 EDINA, MN 55420

DATE: 09-17-18
 DRAWN BY: L. KURTZ
 CHECKED BY: J. KURTZ
 FILENAME: C:\DWG\208 BISHOP VYVANK

REVISIONS:
 01-18
 02-18
 03-18

PREPARED FOR:
 BISHOP/CRIST RESIDENCE
 5732 BRACE AVENUE SOUTH
 EDINA, MN 55420

SHEET 1



PROPOSED FIRST FLOOR PLAN

EXISTING FIRST FLOOR PLAN

- KEY**
- EXISTING WALL
 - DEMO WALL
 - NEW WALL



CITY OF EDINA
 AUG 06 2018
 PLANNING DEPARTMENT

PREPARED FOR:
 ANNE BISHOP AND JOHN CRIST
 5732 FRANCE AVENUE SOUTH
 EDINA, MN 55420

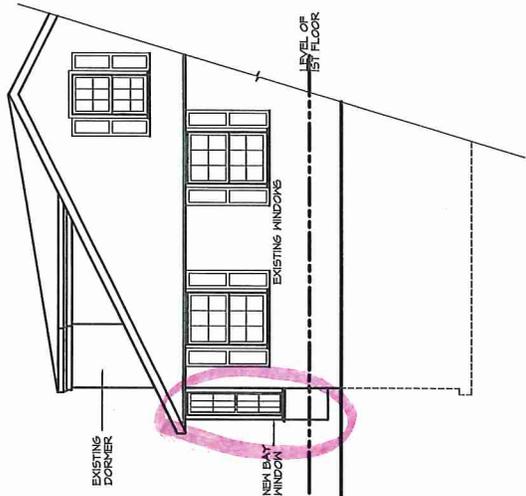
PLANNING DEPARTMENT
 AUG 6 2015

CITY OF EDINA
 SHEETS
 PROPOSED ELEVATIONS

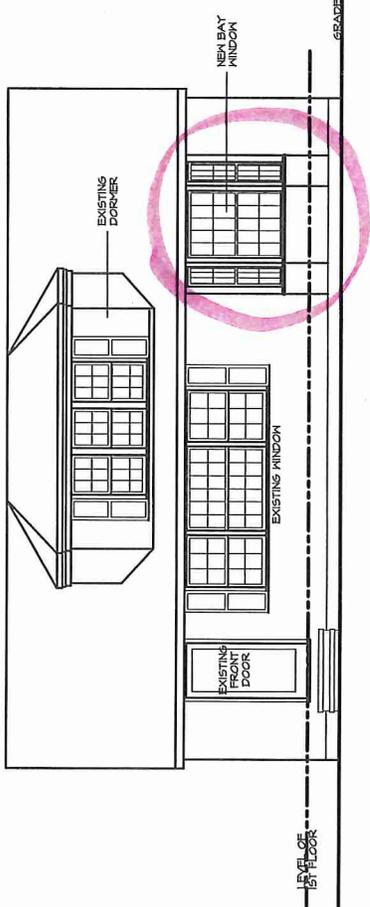
DATE: 02-27-15
 DRAWN BY: J. KANTZ
 JOB NO: CAD2008 205
 FILENAME: BISHOP_VR0001.rvt

REVISIONS:
 02-02-15
 02-04-15
 02-11-15

SYLVESTRÉ
 DESIGN & RENDERING
 7709 Fifth Avenue South Minneapolis, Minnesota 55423
 612-851-0188
 481 LICENSE #1428



PROPOSED NORTH ELEVATION



PROPOSED FRONT ELEVATION