



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date August 26, 2015	Agenda # VI.B.
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Recommended Action: Approve a 3.6-foot side yard setback variance from the required 10-foot side yard setback to build a second story addition 6.4 feet from the south property line at property located at 5425 Woodcrest Drive for Lisa and David Ramsay. (See property location on pages A1-A2, and the applicant narrative and plans on pages A3-A17.)

Project Description: The applicant is proposing to construct a second story addition above a garage addition. Only the second story addition requires the variance. The first floor addition continues the existing non-conforming setback and therefore is allowed by City Code. (See the requested area of the variance on pages A8-A12.)

INFORMATION/BACKGROUND

The subject property is approximately 75 feet in width (as measured 50 feet back from the front property line) and is 14,355 square feet (.29 acres) in area. The property backs up to Minnehaha Creek. The home is two stories with an attached two car garage built in 1940.

The property owner is hoping to convert a portion of the existing garage space into livable space, (mud room), and build an addition to the front of the garage to provide more space to maneuver and store cars. The addition would include a dormer above the garage addition. The roofline slopes towards the south side yard with one continuous roofline above the bedroom dormer over to the new garage area below, (see highlighted plans).

The attached garage with living space above was expanded southward in 1995 at a time when the side yard setback for garage area was required to be 5 feet. The garage is located 6.4 feet from the side lot line and is therefore legally nonconforming. The living space expansion above the garage received a variance to match the 6.4 foot setback instead of the requirement at the time, (10

feet plus additional setback for height). The garage may be expanded at the same setback given the alternate setback standard that allows expansions of legal nonconforming structures at the same setback, (current setback required for the garage is 10 feet). The living space/dormer area must be 10 feet from the side lot line because it is not an expansion of a legal nonconforming setback. The living space expansion received a variance in 1995, so any expansion to the second floor within the 10 foot setback also requires a variance.

The proposed garage addition with dormer above will maintain the alternate setback requirement to allow expansion of a nonconforming setback of the garage side wall on the main floor, however, will not conform to the 10 foot side yard setback for living space on the second floor given the roofline. The interior living space addition/dormer will be approximately 10.9 feet from the south side lot line which is conforming to the required 10 foot setback, however, the roof line attached to the dormer extends over the garage below and will be setback 6.4 feet to the side lot line, (same setback as the existing garage with living space above). The side yard setback variance request addresses roof structure area that extends from the 2nd floor dormer addition over and down to the garage extension below. The roof area in question is lower than 5 feet in height and is non-habitable space. It is the sloped roof area above the garage, (see highlighted plan), that overlaps the setback.

The Environmental Engineer has reviewed the application, and his memo is included in the packet.

SUPPORTING INFORMATION

Surrounding Land Uses

This property is located along Woodcrest Drive amongst other single-family homes in the Minnehaha Woods subdivision.

Existing Site Features

The subject lot is 14,355 square feet in area. It is a lot with a down sloping grade change in the rear yard towards Minnehaha Creek.

Planning

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

Building Design

The proposal is to build an addition to the existing front of the garage and add a dormer above.

Compliance Table

	City Standard	Proposed
Front -	Average of the block: 28.6 feet	29 feet
Side-	10 feet	*6.4 Feet
Rear-	25 feet	Over 130 feet
Building Height	2 1/2 stories, 40 Ft	2 stories from existing grade
Lot Area	9,000 Sq. Ft or avge of nbhd	14,355 sq. ft
Lot Width	75 feet or avg of nbhd	75 feet
Lot coverage	25%	21.1%

** Variance Required*

Primary Issues

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

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

1. The proposed use is permitted in the R-1 Single Dwelling Unit District and complies with all the standards, with exception of the side yard setback due to structural roof area.
2. The additions to the home are appropriate in size and scale for the lot. The improvements would enhance the property. The variance is minimal to tie-in the second floor dormer roof with the garage extension below.
3. The design is unique to this property and allows a modest expansion to an existing nonconforming home making compliance with the ordinance a practical difficulty, due to the location of the home.
4. The proposed addition will preserve and maintain the character of the neighborhood. The proposal is a modest addition and remodel that allows practical utilization of an existing home built in 1940.

- **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.

Minnesota Statutes and Section 36-98 of the Edina Zoning Ordinance require that the following conditions must be satisfied affirmatively. The proposed variance will:

1) *Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.*

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

Staff believes the proposed variance is reasonable given that the applicant is seeking a design that ties-in the dormer with garage below with a continuous sloping roofline that is structural and not habitable. The proposed habitable living space above the garage will be 10.9 feet from the side lot line and farther from the lot line than the minimum 10-foot side yard setback requirement. Second floor living space already exists at the proposed 6.4-foot setback which was deemed appropriate by the City with the granting of a side yard setback variance. The current request to allow the same setback is less intrusive to the side yard than the variance previously granted. The practical difficulty is caused by the existing location of the home. The first level is nonconforming and the second story received a variance. The addition is consistent with the approved variance.

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

Yes. A unique circumstance is that the garage was built under a previous ordinance and conformed. The living space above the garage received a variance to allow a nonconforming side yard setback. At the time it was deemed appropriate by the City given variance approval to allow living space closer than the minimum required side yard setback of 10 feet.

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

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

neighborhood homes and the addition and would not be any closer to the side lot line than the existing garage with living space above. The addition would be less impacting given that the roofline adjacent to the side yard slopes away from the side yard, unlike the gable side wall of the existing north wall.

Staff Recommendation

Recommend that the Planning Commission approve the variance.

Approval is based on the following findings:

1. The proposed use is permitted in the R-1 Single Dwelling Unit District and complies with all the standards, with exception of the side yard setback of the non-habitable roof area.
2. The proposed additions are appropriate in size and scale for the lot and the improvements will enhance the property.
3. The practical difficulty is caused by the existing location of the home. The first level is nonconforming and the second story received a variance. The addition is consistent with the approved variance.
4. There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to an imposed side yard setback and the existence of existing living space at the proposed nonconforming side yard setback.
5. The variance, if approved, will not alter the essential character of the neighborhood. The addition will blend well with the existing architecture.

Approval of the variance is subject to the following conditions:

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

Survey dated June 29, 2015

Building plans and elevations date stamped; June 16, 2015

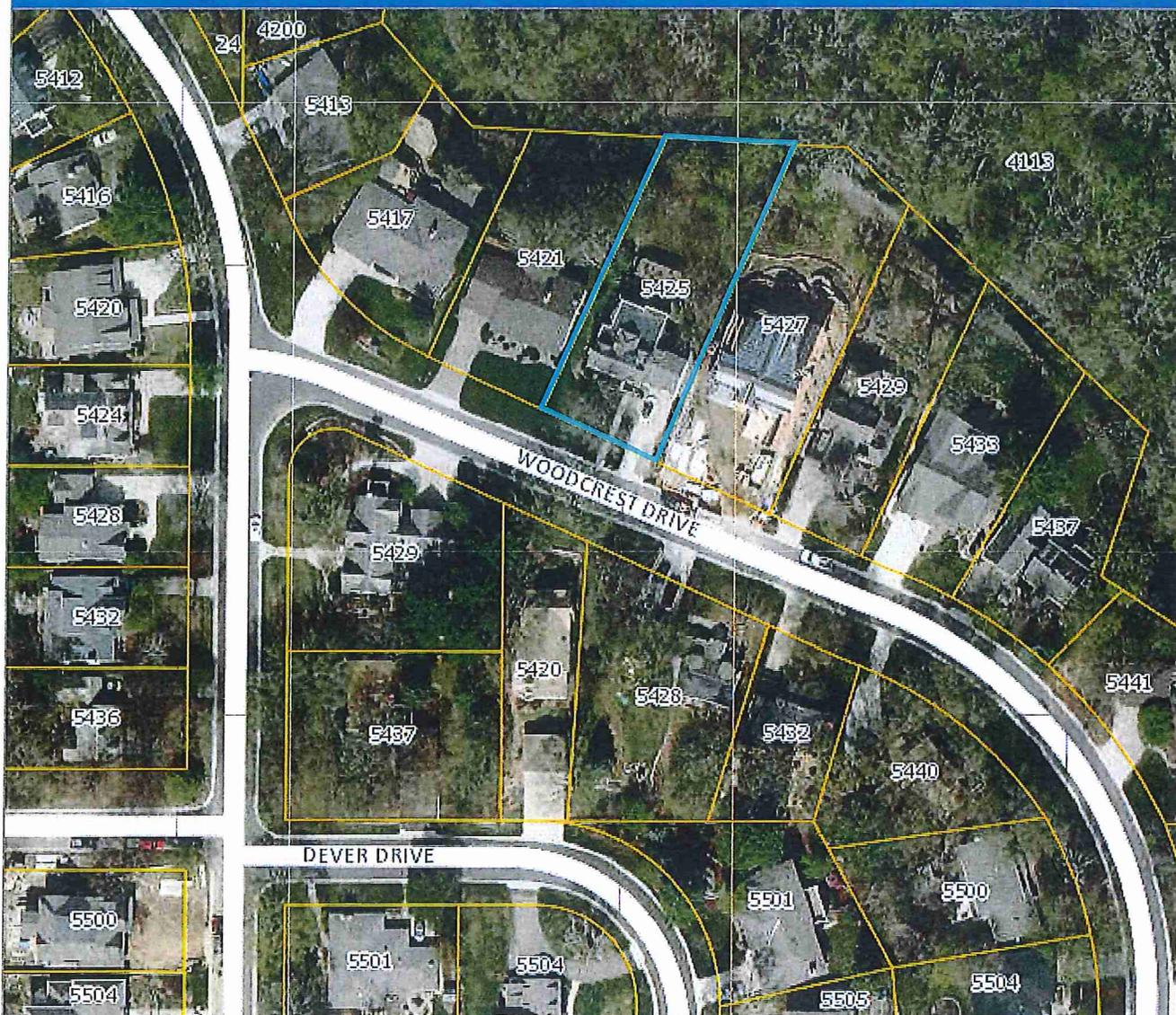
- 2) Compliance with the Environmental Engineer's memo.

Deadline for a City Decision: October 11, 2015.



Interactive
Maps

Property
Map



Parcel ID: 19-028-24-11-0067

Owner Name: D C Ramsay/L Jackman Ramsay

Parcel Address: 5425 Woodcrest Dr
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.33 acres
14,194 sq ft

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 100 ft.

Print Date: 7/30/2015



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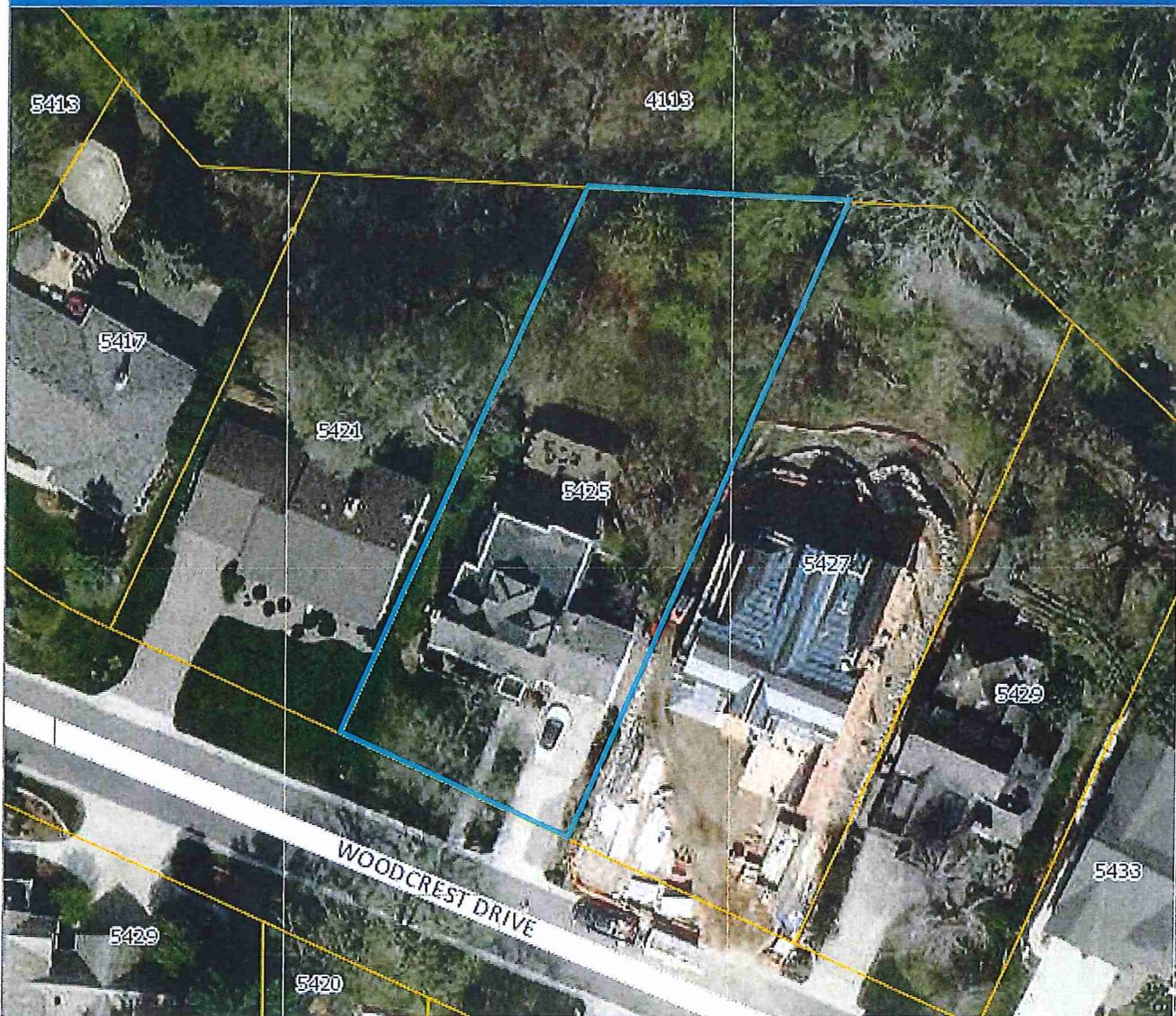


AI



Interactive
Maps

Property
Map



Parcel ID: 19-028-24-11-0067

Owner Name: D C Ramsay/L Jackman Ramsay

Parcel Address: 5425 Woodcrest Dr
Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.33 acres
14,194 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 50 ft.
Print Date: 7/30/2015



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A2

Applicant
Narrative

EXPLANATION OF REQUEST -

A 3.6 foot side yard setback variance for a second-story addition within the required 10 foot setback.

We are respectfully requesting that the necessary variance be granted in order for our family to improve our house and property by reworking and adding on to our garage area to include a mudroom. Our 1941-built house and small garage lack the general storage and transition space that is part of the standard mudroom/garage entry in most houses today.

In order for this improvement project to happen on our lot, we need to extend our garage forward and create a mudroom space in the back of the existing garage. Our architect has created a plan for this addition to the front of our garage that incorporates a second story as part of the addition to achieve the most pleasing appearance from the street and maintain harmony with the rest of the existing house.

The issue that leads to this variance request lies with the second story portion of the addition. The first floor addition meets the requirements of the city ordinance for all setbacks - including the side yard setback because of the non-conforming nature of the existing garage. Due to work done on the second story by previous owners in 1995, the upper level is considered conforming and any second story encroachment into the required 10 foot setback would require a variance. Our plans include a 9 foot deep, gable roof element for the second story over the addition to the first floor garage area. As viewed from the street, the far right, bottom portion (3.6 feet) of the triangular roofline would thus be considered encroaching on the required side yard setback (please see plans for visual).

This area in question is not living space and is, instead, roof structure. The livable space above the garage starts 4'-6" inside of the first-floor garage wall and thus will measure about 11' from the property line. The area requiring a variance is simply dead space under the outer edge of the second story sloping roof where it descends to meet the first floor bearing wall. However, this space is essential to the overall design, symmetry, and aesthetic of the entire addition.

Our ultimate goal is to remedy a significant need of our property while also improving the appearance of our house. Our addition is designed so that our house will continue to be in harmony with existing neighborhood street views. The small scale of our project will not unnecessarily infringe on our neighbors and will keep the construction disruption to a minimum. No trees will be removed as part of this project. The request for a 3.6 foot side setback variance addresses a small space of structural members that completes an essential part of the design for a much-needed addition to our family home.

We have overwhelming support of our neighbors on this issue. We all hope that the common sense and unobtrusive nature of this requested variance will be taken into consideration and that the Commission will vote to approve.

Thank you – The Ramsays

A3

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

— please see attached page for further explanation —

YES – The proposed variance will relive practical difficulties in complying with the zoning ordinance:

Because the second story area in question is part of the whole design of a 2 story addition, it is essential to the design that it be built as planned. It is not practical to omit a portion of a symmetrical roofline because the newer setback requirement renders the second story of our house subject to different rules than the first story. We feel that our situation is a perfect example of why the variance process was created, and that allowing a 3.6 foot side yard setback variance for our second story addition just makes good sense.

This is a very reasonable request that will allow for our whole addition to comply with the zoning ordinance without compromising design, symmetry, aesthetics, or the character of the neighborhood.

YES – the proposed variance will correct extraordinary circumstances applicable to only this property:

Because the first story of our garage is non-conforming, we are allowed to add on at the current side yard setback to maintain that space as a usable double garage. Above the proposed first story addition, we have an unusual case of a conforming second story that requires a variance to continue the same addition at the same side setback. Most properties in our vicinity have multiple options when adding on to their homes – we do not. Our architect and contractor have determined that our proposed plan is our only viable option.

YES – The proposed variance will be in harmony with the general purposes and intent of the ordinance:

With our addition, we only wish to follow the current side setback of our existing garage in order to retain its use as a functional double garage with a mudroom space added. The element of a gable on the second story is part of this addition - designed to make the entire addition appealing from the street and to further harmonize the addition with the existing house. We are requesting a variance to complete the full design of the second story gable – and thus, the full design of the addition – in order to improve our house without unduly infringing on our neighbors. We believe that the intent of the zoning ordinance fully supports this route of action.

YES – The proposed variance will not alter the essential character of the neighborhood:

Our requested 3.6 foot side yard setback variance is a small, but essential, piece of the puzzle to complete a small-scale, much-needed, and well-designed addition to our family home. Our project is striving to keep the original character of the neighborhood intact, while also improving the appearance of our house significantly. Our proposed addition is meant to be “in harmony with the essential character of the neighborhood given existing street views”. We have purposefully chosen this route over a “tear-down” for these very reasons. We have lived in our house for over 15 years and want nothing more than to continue raising our family in our neighborhood, surrounded by many fine people who share our perspective on the importance of preserving the character of our neighborhood.

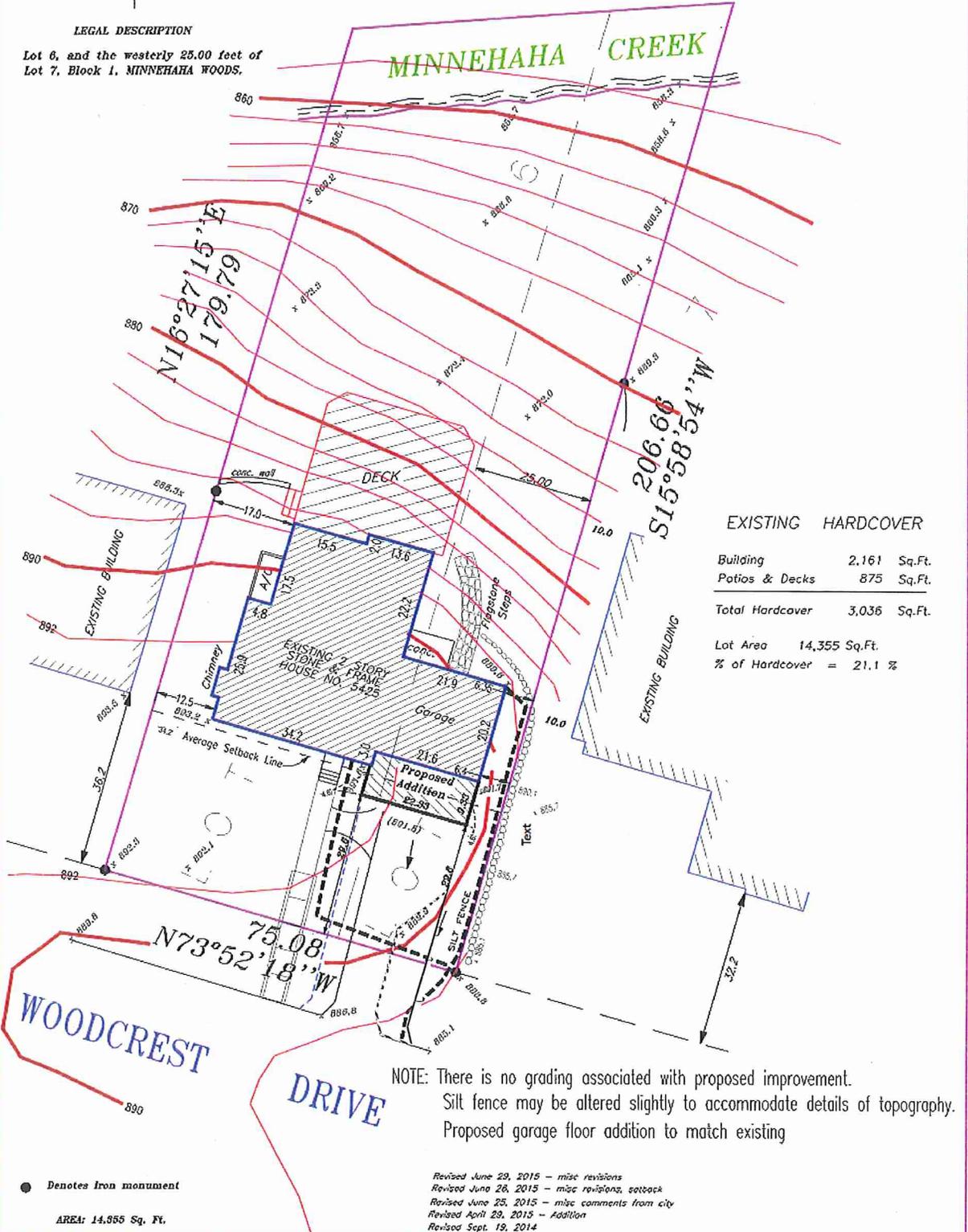


N86°03'19"E
78.29

LEGAL DESCRIPTION

Lot 6, and the westerly 25.00 feet of
Lot 7, Block 1, MINNEHAHA WOODS.

MINNEHAHA CREEK



EXISTING HARDCOVER

Building	2,161 Sq.Ft.
Patios & Decks	875 Sq.Ft.
Total Hardcover	3,036 Sq.Ft.
Lot Area	14,355 Sq.Ft.
% of Hardcover	= 21.1 %

● Denotes Iron monument

AREA: 14,355 Sq. Ft.

NOTE: There is no grading associated with proposed improvement.
Silt fence may be altered slightly to accommodate details of topography.
Proposed garage floor addition to match existing

Revised June 29, 2015 - misc revisions
Revised June 26, 2015 - misc revisions, setback
Revised June 25, 2015 - misc comments from city
Revised April 29, 2015 - Addition
Revised Sept. 19, 2014

DEMARS-GABRIEL
LAND SURVEYORS, INC.
6375 WASHINGTON AVE. SO.
SUITE 209
EDINA, MN 55439
Phone: (952) 559-0908
Fax: (952) 767-0490

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
of the State of Minnesota.
As surveyed by me this 5th day of February, 2014
David E. Cook Minn. Reg. No. 22414

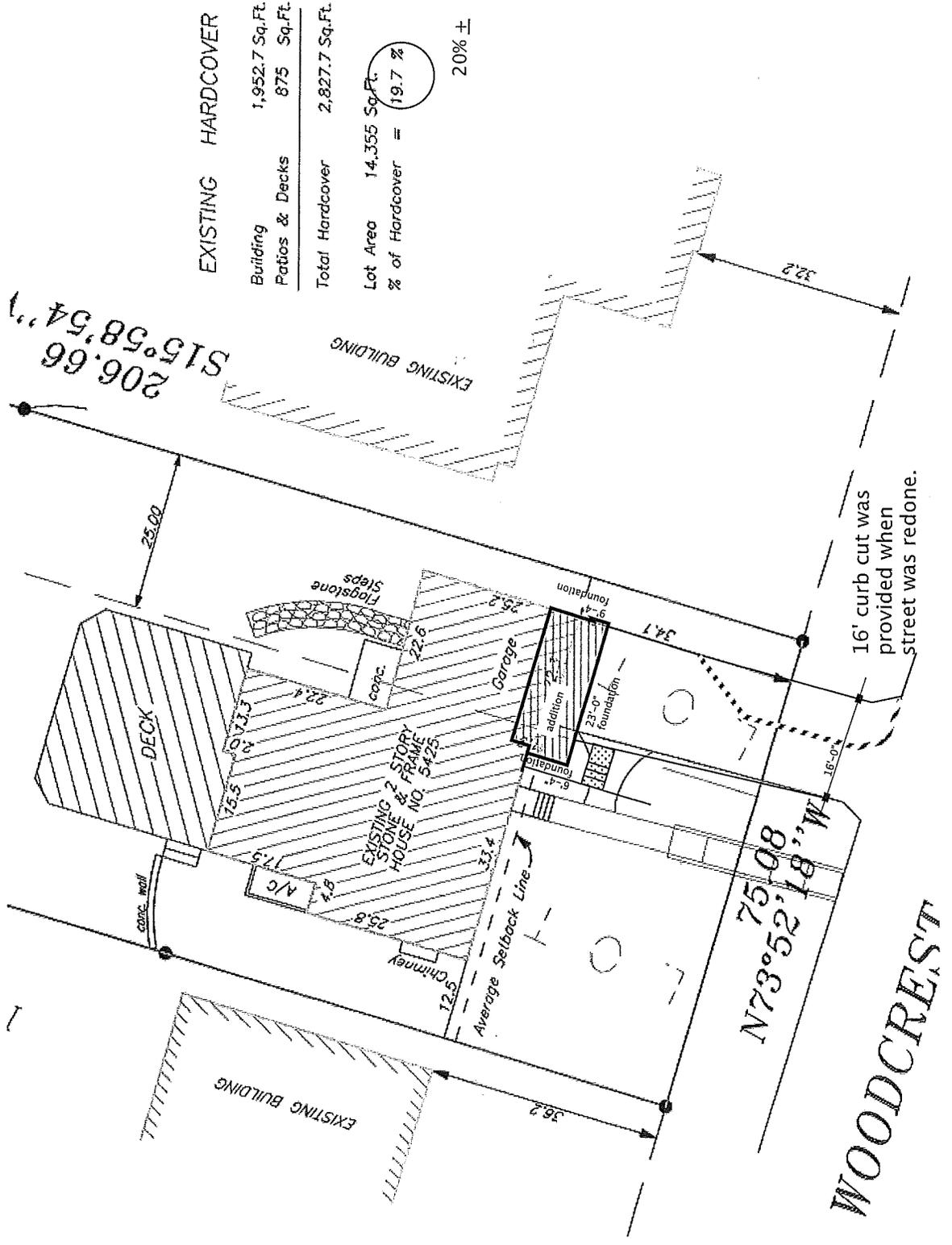
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14184

Book-Page

Scale
1"=20'

Prepared For:

**PAUL SORENSON
CONSTRUCTION**



EXISTING HARDCOVER

Building	1,952.7 Sq.Ft.
Patios & Decks	875 Sq.Ft.
Total Hardcover	2,827.7 Sq.Ft.

Lot Area 14,355 Sq.Ft.
 % of Hardcover = 19.7 %

20% ±

206.66
 S15°58'54" W

75.08
 N73°52'18" W

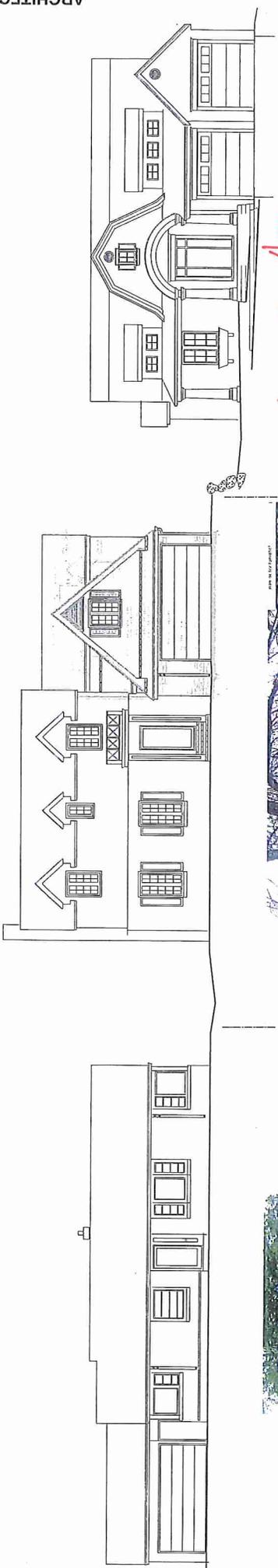
WOODCREST

16' curb cut was provided when street was redone.

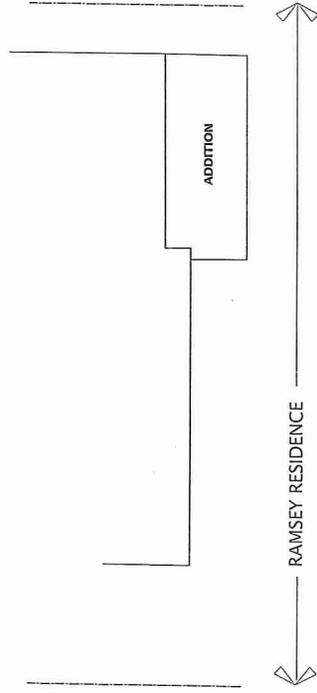
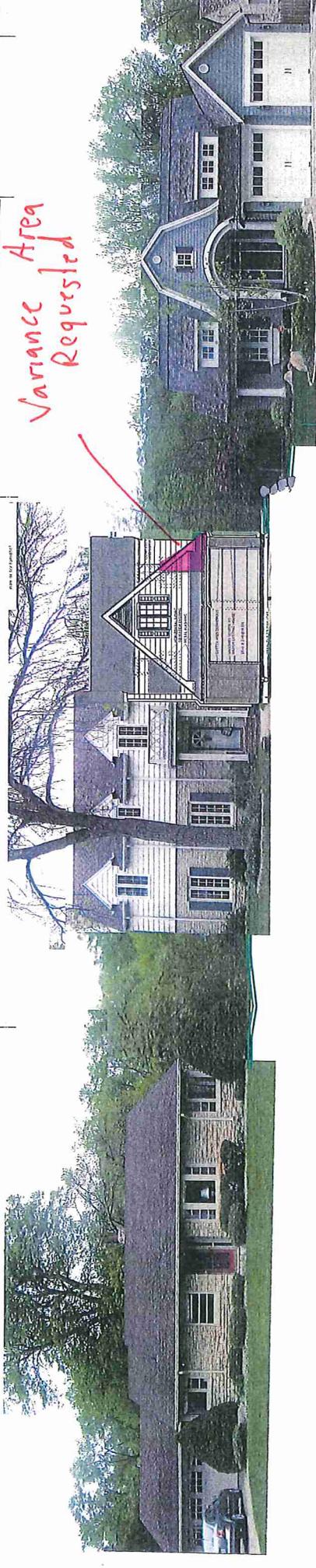
47

CITY OF EDINA
JUN 16 2015
PLANNING DEPARTMENT

AS

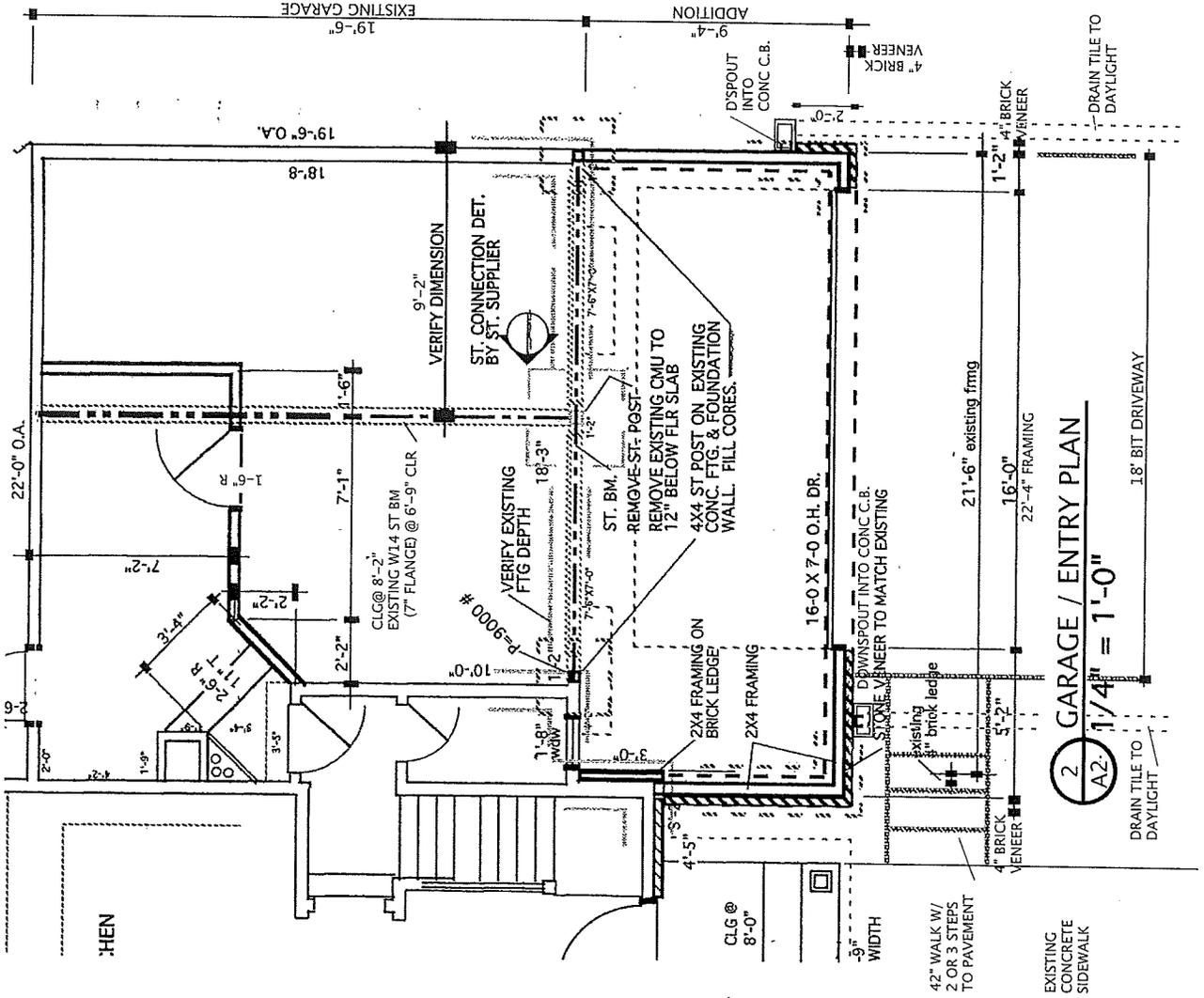


Variance Area Requested

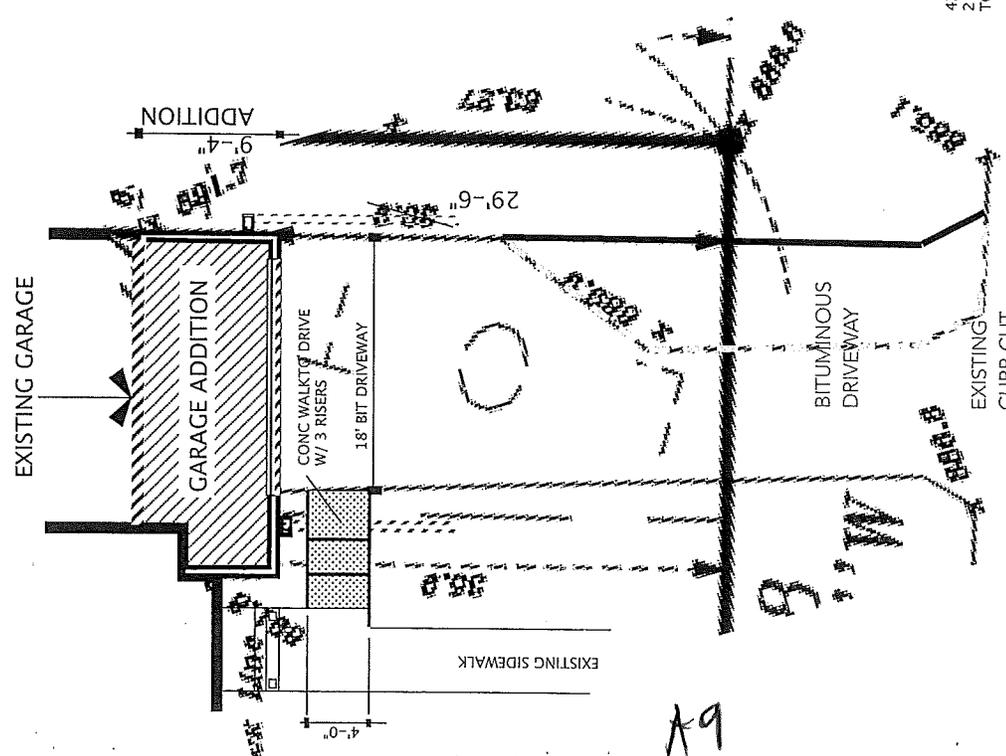


RAMSEY RESIDENCE

ADDITION

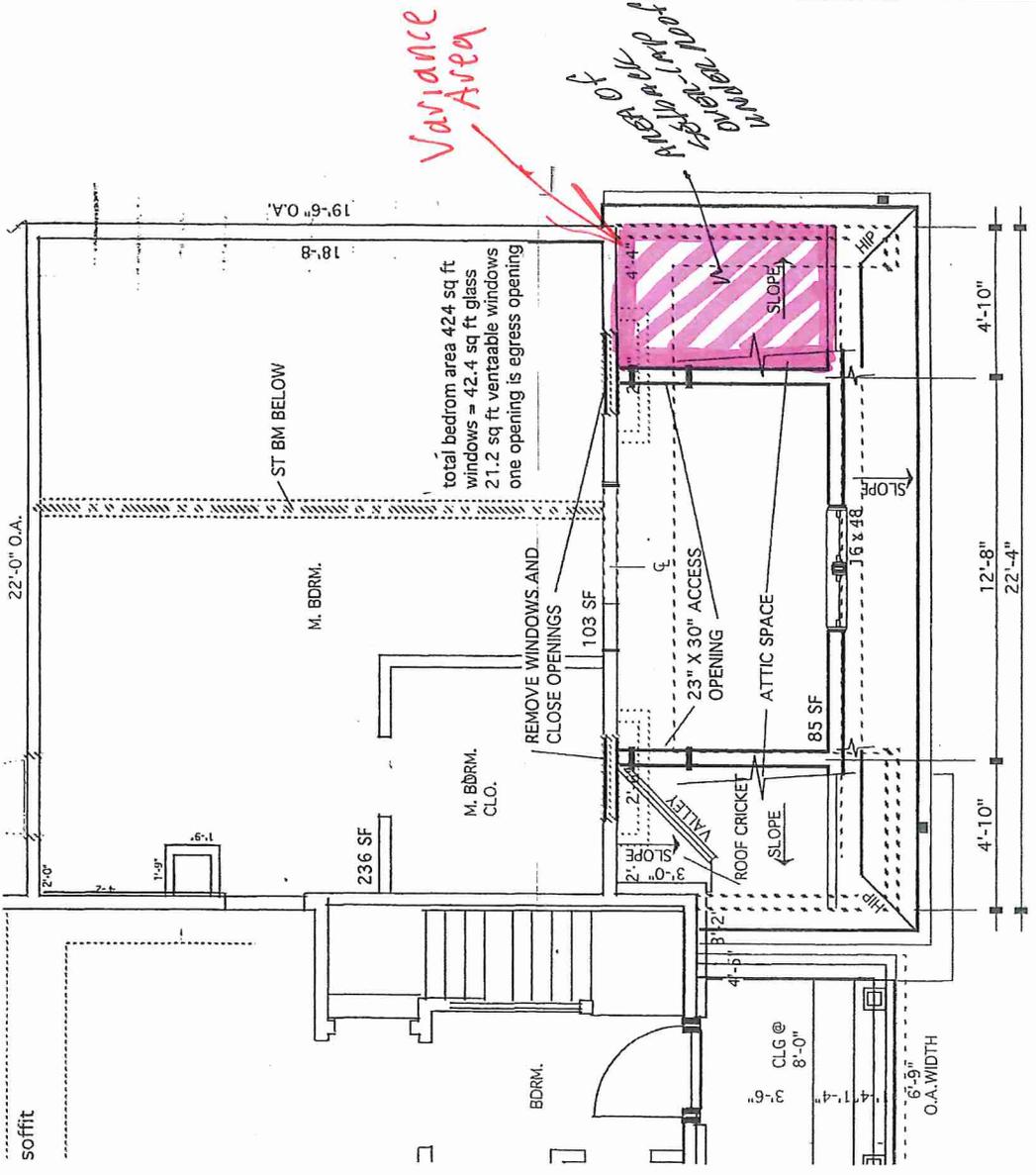


2 GARAGE / ENTRY PLAN
 A2 1/4" = 1'-0"



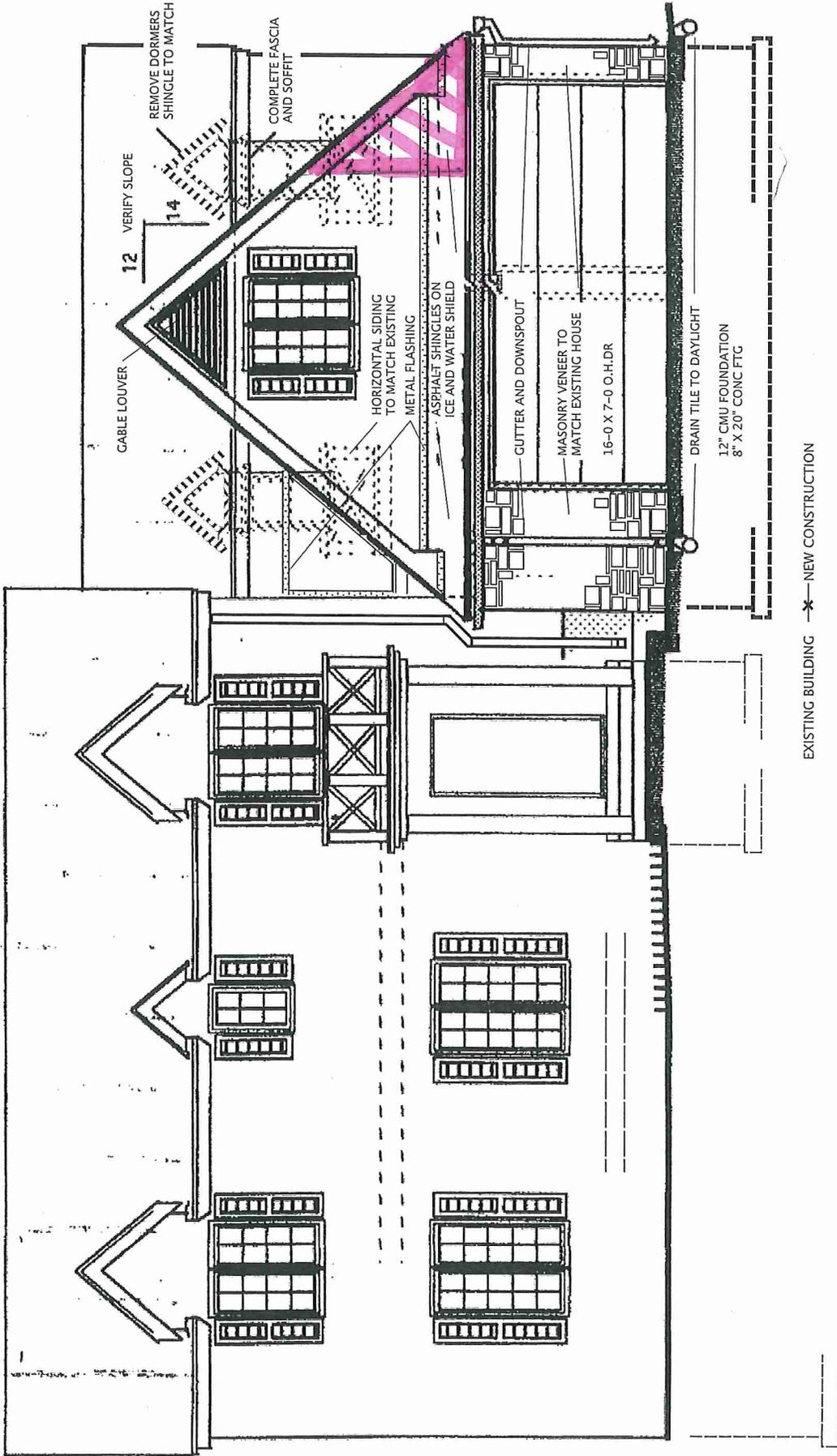
1 SITE PLAN
 A2 1/8" = 1'-0"

SITE INFORMATION FROM SURVEY BY:
 DEMARS GABRIEL LAND SURVEYORS, INC



2 LIVING LEVEL PLAN
 A4 1/4" = 1'-0"

A10



EXISTING BUILDING — * — NEW CONSTRUCTION

1 SOUTH ELEVATION
 A4a 1/4" = 1'-0"

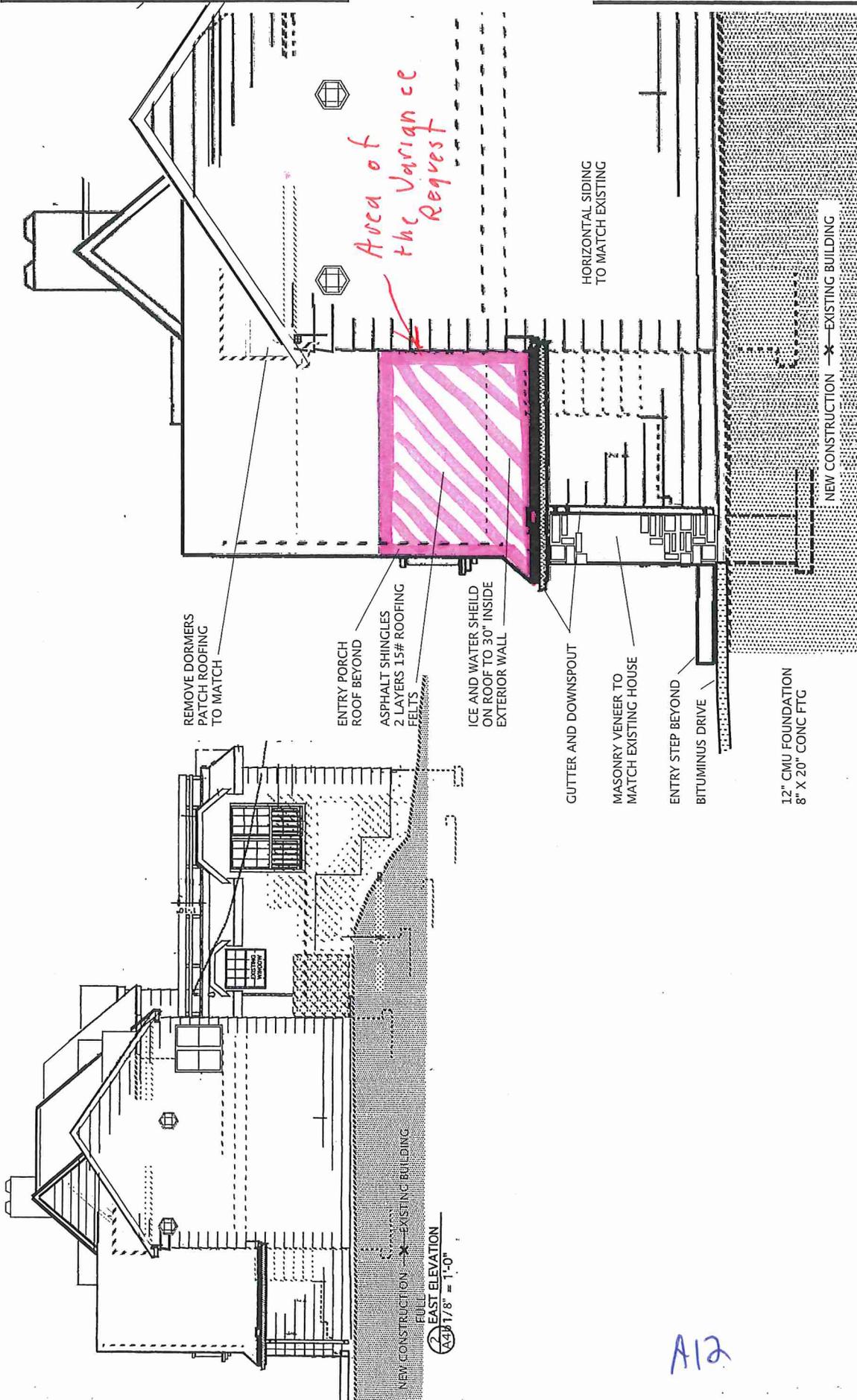
All

PHILLIP D. JOHNSON ARCHITECT
 9116 34TH AVENUE NORTH
 MINNEAPOLIS, MN 55247
 763-545-1072

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA
 PHILLIP D. JOHNSON
 NO. 10823

GARAGE RECONSTRUCTION
 DAVE RAMSEY RESIDENCE
 WOODCREST DRIVE
 EDINA, MN

MAR. 10-14
 E. EXT. ELEV.
 A4b



Area of the Variance Request

REMOVE DORMERS
 PATCH ROOFING
 TO MATCH

ENTRY PORCH
 ROOF BEYOND
 ASPHALT SHINGLES
 2 LAYERS 15# ROOFING
 FELTS

ICE AND WATER SHIELD
 ON ROOF TO 30" INSIDE
 EXTERIOR WALL

GUTTER AND DOWNSPOUT

MASONRY VENEER TO
 MATCH EXISTING HOUSE

ENTRY STEP BEYOND
 BITUMINUS DRIVE

12" CMU FOUNDATION
 8" X 20" CONC FTG

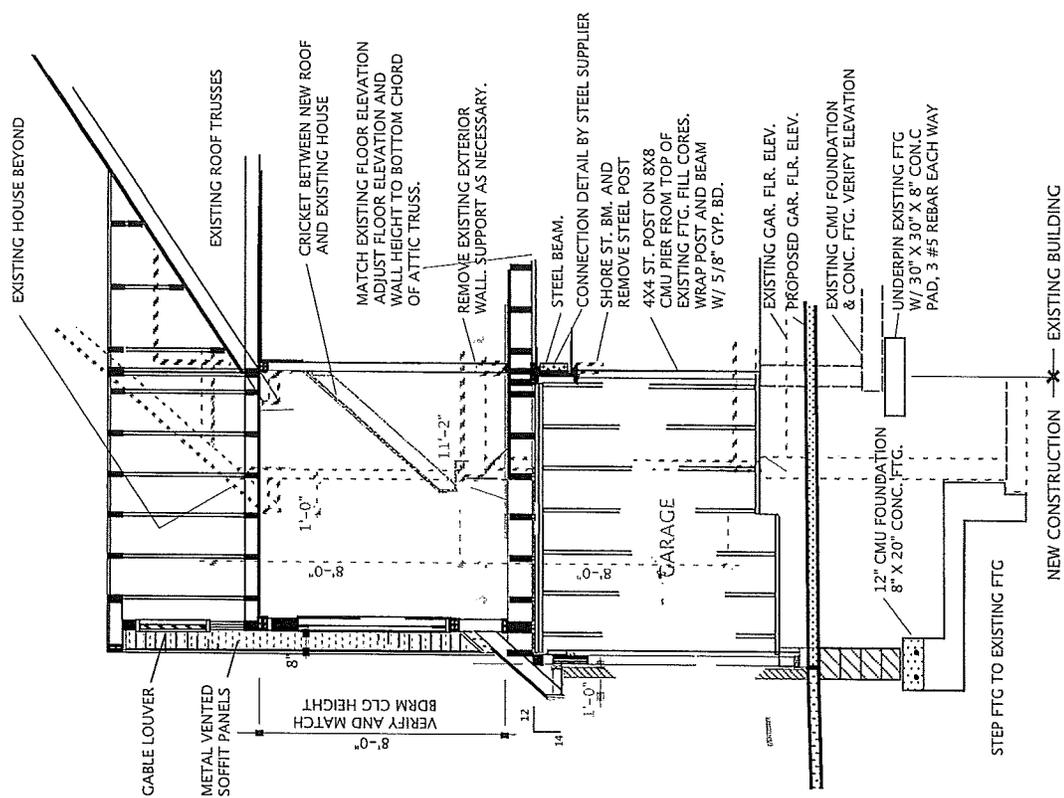
HORIZONTAL SIDING
 TO MATCH EXISTING

NEW CONSTRUCTION —*— EXISTING BUILDING

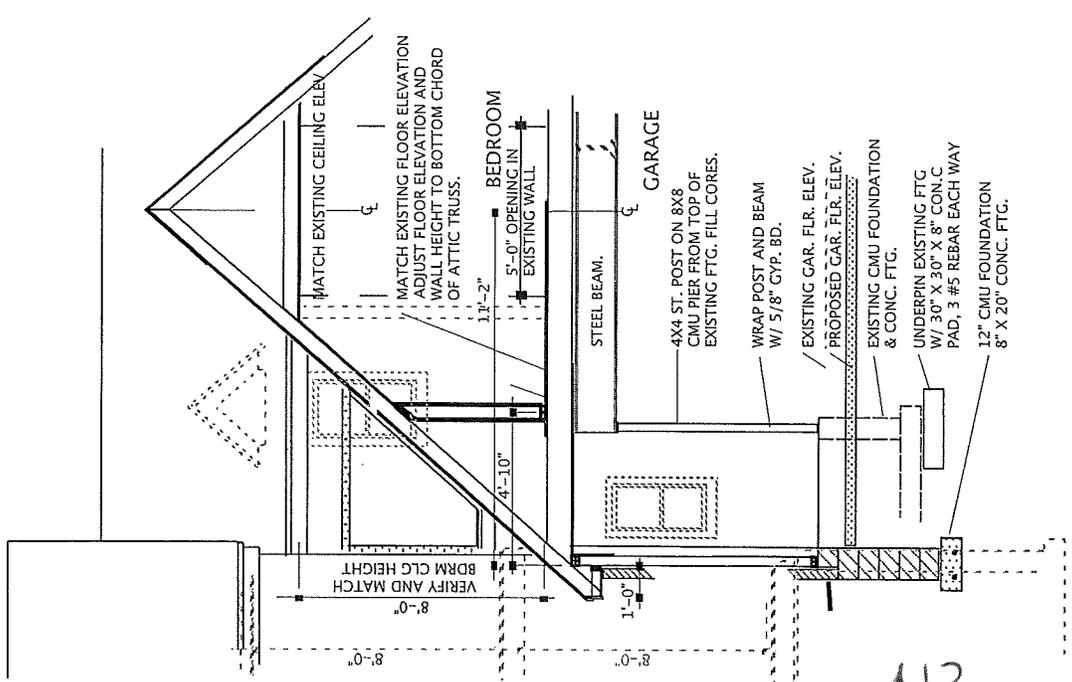
1 EAST ELEVATION
 A4b 1/4" = 1'-0"

NEW CONSTRUCTION —*— EXISTING BUILDING
 2 EAST ELEVATION
 A4b 1/8" = 1'-0"

A12

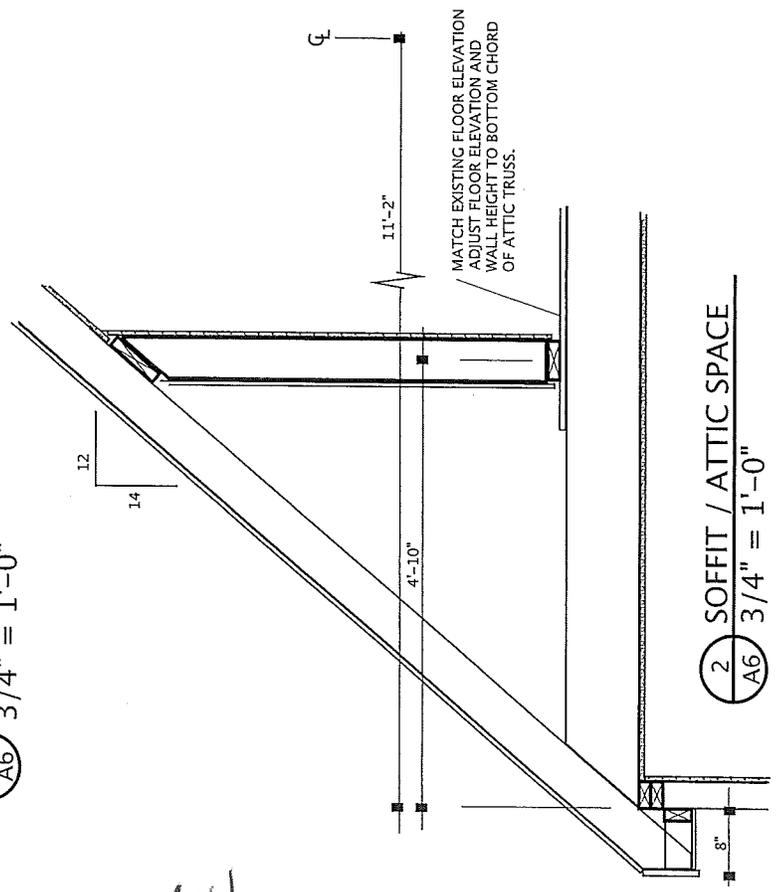
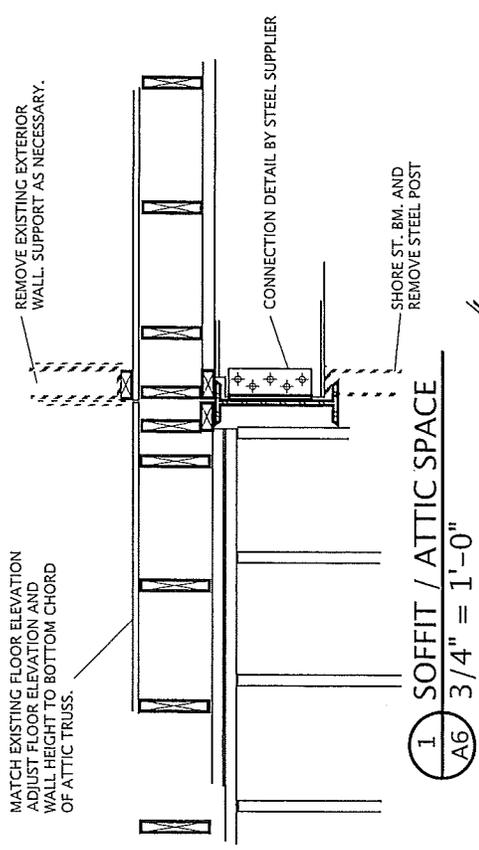


2 SECTION THRU GAR/BDRM
 A5 1/4" = 1'-0"



1 SECTION THRU GAR/BDRM
 A5 1/4" = 1'-0"

A13



A14

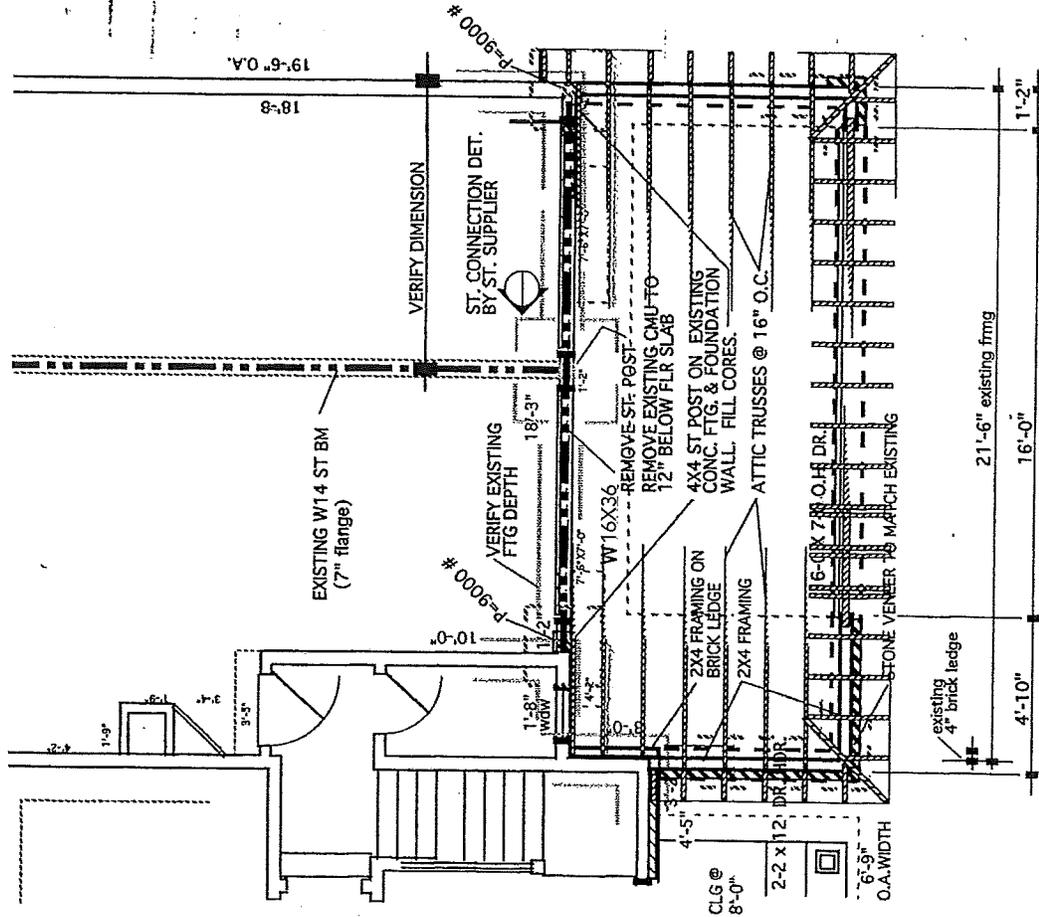
PHILLIP D. JOHNSON ARCHITECT
 9116 34TH AVENUE NORTH
 MINNEAPOLIS, MN 55247
 763-545-1072

PHILLIP D. JOHNSON
 ARCHITECT
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 STATE OF MINNESOTA
 LICENSED ARCHITECT UNDER THE LAWS OF THE
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 DIRECT SUPERVISION AND THAT I AM A duly
 LICENSED ARCHITECT UNDER THE LAWS OF THE
 STATE OF MINNESOTA
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
 OR REPORT WAS PREPARED BY ME OR UNDER MY
 DIRECT SUPERVISION AND THAT I AM A duly
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GARAGE RECONSTRUCTION
 DAVE RAMSEY RESIDENCE
 WOODCREST DRIVE
 EDINA, MN

MAR. 10-14

DETAILS
A6



1 ROOF FRAMING PLAN
 S2 1/4" = 1'-0"

A16



Parcel ID: 19-028-24-11-0067

Owner Name: D C Ramsay/L Jackman Ramsay

Parcel Address: 5425 Woodcrest Dr Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.33 acres 14,194 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 200 ft.

Print Date: 8/13/2015



LETTERS FROM NEIGHBORS

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A17

Dear Planning Commission Members,

Having lived on Woodcrest Dr. for 44 years, I was disheartened to hear that one of my dear neighbors is lacking an adjacent neighbor's approval for their addition. Tear-downs have been epidemic in our neighborhood the last few years. The Ramsays are only asking to improve the liveability of the home they've been living in for many years. This should be encouraged, not discouraged. It also seems unfair that one person, who has only recently moved into the neighborhood, has the power to affect a family's lives.

This has been such a supportive neighborhood. After I lost my husband last fall, Lisa Ramsay, recovering from a serious leg injury, was one of the first people to send over food for the family. Then Dave and 12 yr. old Cy were there to rake my whole front yard. I do not want to lose this caring family from our neighborhood.

The Ramsays have the support of the entire neighborhood except for one person. I'm hoping the Planning Commission will grant the Ramsays their needed variances. They are not unreasonable requests. Thank you -

Sincerely,
Sue Crabtree

5428 Woodcrest

Maenner

5432 Woodcrest Drive
Edina, Minnesota 55424
herb.maenner@gmail.com
612-386-0090

July 13, 2015

City of Edina Planning Commission
4801 West 50th Street
Edina, Minnesota 55424

Re: Variance Request for Ramsay Home
5425 Woodcrest Drive

Via Email

Dear Planning Commission:

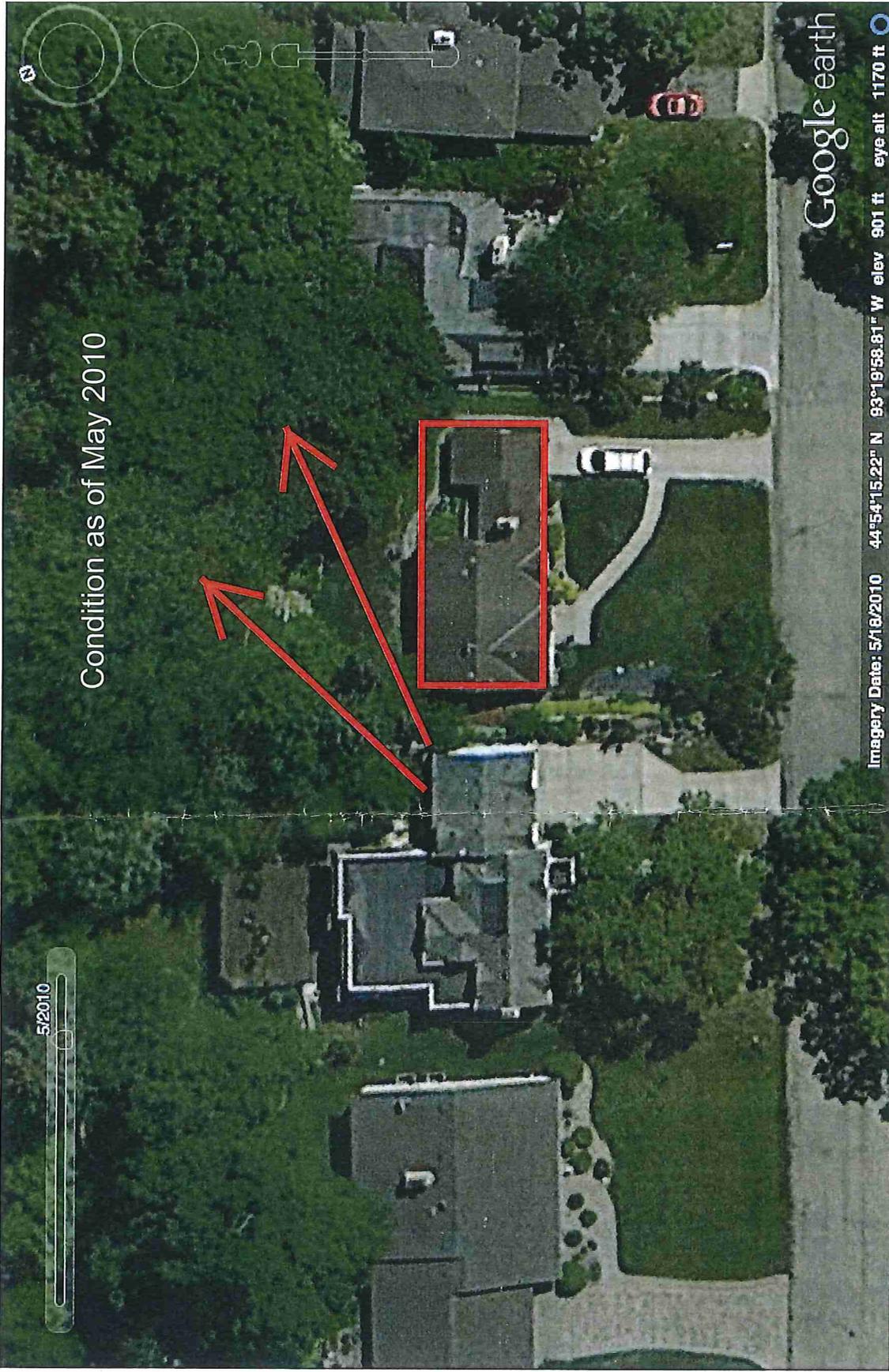
We write to support the Ramsay Family's request for front-yard and side-yard setback variances to accommodate their proposed construction project. We support their request for the following reasons:

1. We believe the preservation of existing homes is as vitally important to our community as the construction of replacement stock. The Ramsay home project preserves an existing and highly functional home;
2. We understand that the project is not possible without these variances. We support capital reinvestment in all property and wish to encourage their additional investment;
3. As across-the-street neighbors, we believe their project will continue a series of upgrades to the home, which have occurred over the past twenty years, all of which have improved its exterior appearance. In short, our view will be enhanced;
4. We believe the approval of their requests is an equitable solution to an evolving neighborhood. The new home to the east of the Ramsay's virtually doubled the size of the previous building footprint, while obscuring the Ramsay's view and enjoyment of the adjacent Minnehaha Creek. This expansion extended the home approximately 43 feet further than the previous home to accommodate new living space, which logically takes advantage of the view of the creek (to the detriment of the Ramsays; see attached exhibits.) The Ramsay's variance requests would allow for the addition of a mudroom and second floor addition, neither of which will detract from the neighbor's use, enjoyment or appeal of the home.

The Ramsays have been good stewards of their property and its location along Minnehaha Creek. We support their desire to accommodate their growing family, and urge the Commission to approve their request.

Sincerely,

Paul and Sally Maenner



Condition as of October 2014

43 Feet



Google earth

Imagery Date: 10/11/2014 44°54'15.22" N 93°19'58.81" W elev 901 ft eye alt 1170 ft

1991

June 30, 2015

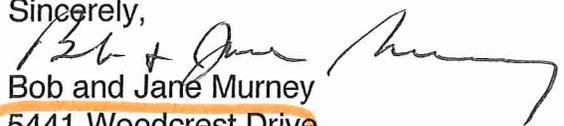
TO: Planning Commission
Edina City Council
City of Edina

Dear Members of the City Planning Commission:

My wife and I, Jane, would like you to strongly consider the variance requested by Dave and Lisa Ramsay. The Ramsay's have lived in their present home for over 16 years. They have raised two exceptional children here and have always been the family who "shows up" – block parties, fundraisers, bar-b-q's, OTHER kids' hockey games, Memorial Day Celebrations – you name it, and the Ramsay family are there. We personally will never forget Dave and Cy walking house to house on the Minnehaha Creek last summer, sandbagging for each and every family who needed their help -- and this from a neighbor who's home wasn't affected by the heavy flooding. It is rare in a small neighborhood like ours to have such great people who consistently give to their friends in the neighborhood. So when the Ramsays request a variance to make their home more livable, you can be certain of one thing: Dave and Lisa have thought through the impact of their request on their neighbors and have carefully and considerately put their ideas in front of people, and the reason for their decisions. They are responsible and caring citizens in a neighborhood where we value each other. Please know their variance request is a minor imposition on their neighbors and if you were to walk up and down our street, there would be nearly unanimous support for anything the Ramsays needed to improve the quality of their home.

Please feel free to call me with any questions you might have.

Sincerely,


Bob and Jane Murney

5441 Woodcrest Drive

Edina, MN 55424

5437 Woodcrest Drive

Edina, MN 55424

June 30, 2015

Members of the Planning Commission

City of Edina

City Hall

4801 W. 50th Street

Edina, MN 55424

Dear Planning Commission Members,

As a neighbor of the David Ramsey family at 5425 Woodcrest Drive in Edina, I am writing to express my very definite and enthusiastic support for the small addition of a mudroom to their existing home.

The Ramsey family has lived in this quiet, older residential neighborhood for many years. The small but needed mudroom addition they are hoping to build can, in my view, do nothing but enhance this neighborhood by bringing more architectural interest while honoring the classic style of their attractive older home. Unlike so many McMansions finding their way into our neighborhood, their plan simply adds very modestly to an existing structure without affecting site lines, views, light or privacy of adjacent neighbors on either side and/or across the street from them. No trees would need to be removed; no huge boulders or unsightly fences would be installed. Nothing would change for anyone except that the four members of the Ramsey family would now have a little more elbow room. Their set-back from the street would be very much in keeping with the overall average set-back of houses along the street on either side.

In all ways, I say YES! I heartily approve this simple, unobtrusive addition to Woodcrest Drive. I only wish more residents of Edina would simply consider enhancements to existing homes rather than destroying them for structures that do not assimilate, but rather serve only to create a far larger carbon footprint and impose sometimes heartbreaking privacy intrusions on close-by neighbors, all the while destroying the character of Edina's picturesque established neighborhoods. Good for the Ramseys!

Sincerely,

Brenda B. Becker



MEETING OF THE EDINA PLANNING COMMISSION

CASE FILE: B-15-13

TO: Properties Within 200-Feet

APPLICANT: Lisa and David Ramsay

PROPERTY ADDRESS: 5425 Woodcrest Drive, Edina, MN

LEGAL DESCRIPTION: Lot 6, and the westerly 25.00-feet of Lot 7, Block 1, Minnehaha Woods

PURPOSE: A 5.6-foot front yard setback variance for a garage and 2nd floor addition

DATE OF HEARING: Wednesday, July 22, 2015

TIME OF HEARING: 7:00 P.M.

PLACE OF HEARING: Council Chambers
Edina City Hall
4801 West 50th Street

HOW TO PARTICIPATE:

- * Submit a letter expressing your views,
- * Attend the hearing and give testimony,
- * Fax your views/952/826-0389 or,
- * E-Mail to jhoogenakker@edinamn.gov

FURTHER INFORMATION: Write City Hall Planning Department
at 4801 West 50th Street, Edina, MN 55424
or call (952) 826-0369

DATE OF NOTICE: July 10, 2015

7-13-15

We have no objection
to the requested variance
it would be an improvement.
Richard B. Keegel
5421 Woodcrest Drive

Larry Lomax
5516 Park Place
Edina, MN 55424

City of Edina Building/Zoning Department
4801 W. 50th St.
Edina, MN

RE: Ramsay Addition/Variance (5425 Woodcrest)

To Whom it May Concern:

I understand that our neighbors, the Ramsays, are attempting to obtain a small variance to allow for an improvement to their home at 5425 Woodcrest and I would like to voice my support for their plan.

It pains me that so many houses are being torn down in our neighborhood to make way for giant houses, so I wholeheartedly support their plan to make small alterations to modernize their house. Granting a small variance to improve the flow and function of an existing house not only makes tremendous sense, but is also a more environmentally-friendly solution compared to tearing down the structure and starting over.

Sadly, nearly every house sale in our neighborhood in recent years has resulted in the house being torn down and being replaced with a much larger structure. I would very much like to see the City encourage and incent more homeowners to rehab and retrofit their existing houses – by granting this variance, the City can take a step in that direction without any negative effect on the character of the neighborhood or any surrounding properties.

Please look favorably on the Ramsays' request for a variance and approve their project – the neighborhood and our environment will thank you.

Feel free to contact me if you have any questions regarding my thoughts on this matter.

Regards,



Ramsay's Variance Project

To Whom it may Concern,
July 1st, 2015

We are writing in support of the request for a variance for Lisa and Dave Ramsay in their building project on Woodcrest Drive. We live just down the road from their home and gone through several changes in the neighborhood that have been improvement to either rebuild or remodel the cureent homes on the block.

Honestly, when we were house hunting back in 2009 Lisa and Dave Ramsay told us how terrific the neighbors and neighborhood were based on their recommendation we purchased the house and thank you to Ramsay. We are happy im Edina we also have a Business on 50th and France.

We feel that this variance and project that the Ramsay's are requesting would also be an improvement to the neighborhood as well as needed up date to their much beloved home. Any proposed inconvenience to this project would be very minimal and dealt with in the utmost respect as this family has lived in the community for many years and would like to keep The Intergrity that we all appreciate in Edina. This family helps a lot with diffrent non profit organizationa as well as Edina Schools.

Please consider this while you are making your decision and know we are not the only neighbors in support of their plan we appreciate your time and consideration in this matter.

If you have a any quetions regarding this matter please fell free to contact us. You can always reach us on

Jim & Deepali Roth

J. Roth & Deepali Roth

5501 Woodvrest Drive
Edina, MN 55424

July 1, 2015

Planning Commission
City of Edina
4801 West 50th Street
Edina, MN 55424-1394

Re: 5425 Woodcrest Drive
Edina, MN 55424

Dear Sir/Madam,

The purpose of this letter is to support the request for variances by Chris (Dave) and Lisa Ramsey. We are the husband and wife owners of 5501 Park Place. In a neighborhood where most homes are being demolished in favor of new (bigger) construction, we support the Ramseys' desire to renovate their existing home for future use. We believe that the Ramsey's request is a modest and reasonable one and urge the planning commission to grant this variance.

Thank you for your consideration.

Sincerely,



Mark R. Birchard



Kari L. Clark

Barb Wendt
5516 Park Place
Edina, MN 55424

City of Edina Building Department
4801 W. 50th St.
Edina, MN

RE: Ramsay Addition and Variance request for 5425 Woodcrest

To Whom it May Concern:

I would like to register my support for the variance being requested by the Ramsays for their house at 5425 Woodcrest. I have seen their plans and understand that they only need a small variance on the side and front to enable them to make a much-needed mud room and garage addition.

I know they want to stay in the neighborhood and they have been great friends and neighbors for many years. Unfortunately, the pattern in the neighborhood has lately been for people to sell their houses so that they can be torn down to put in giant houses that don't really fit in the existing housing mix. It would be so sad if the Ramsays had to leave because they were unable to make a small addition to their house while attempting to maintain the current character of their structure and the neighborhood.

Please grant them the variance so that they can modernize their house and make it more livable, which would in turn allow them to remain in that house in this neighborhood. Compared to the many giant houses which have replaced the existing housing stock (including the house just next door to us which, although legal, has now blocked all of the southern/winter sunshine which previously made our dining and living rooms quite pleasant), the Ramsays small addition and variance seems a completely positive result with negligible impact on the surrounding neighbors and neighborhood.

Please call or email me if you want to hear more of my thoughts on this matter – but I strongly support the Ramsays' request for a variance.

Sincerely,



Amy Scott

5509 Dever Drive, Edina, MN 55424
Phone: 612-760-0434 • E-Mail: amyraescott@gmail.com

Date: 6/29/2015

City Council of Edina

Dear Council Members:

I am writing this letter in support of the request for a city variance for the Ramsay addition on Woodcrest Drive. We have seen the plans and feel this proposal helps maintain the integrity of the neighborhood by preventing a tear-down/rebuild, which tends to disrupt the neighborhood and eliminate a lot of mature trees. This proposal is a small addition to the home to allow for a mudroom and updated garage on a lot that cannot support building in the backyard because of the hill and the creek. We hope that you will approve this variance to allow updating our current housing stock in the neighborhood and preventing more unnecessary and disruptive teardowns.

Sincerely,

Amy Scott

A handwritten signature in cursive script, appearing to read 'Amy Scott', with a long horizontal line extending to the right.

Neighbor to the Ramsay family

June 30, 2015

Members of the Planning Commission

City of Edina

City Hall

4801 W. 50th St.

Edina, MN 55424

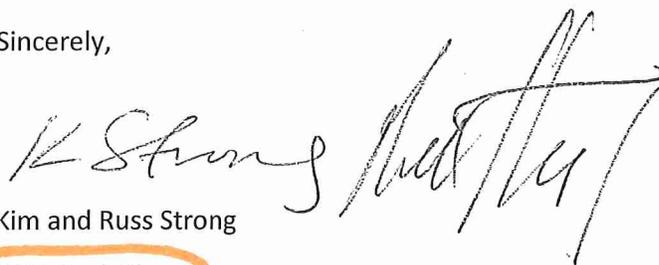
Dear Members of the Planning Commission:

We're writing in support of two variances requested by the Ramsay family at 5425 Woodcrest Dr. After seeing the plans, we believe that the exceptions involved are reasonable, will enhance the street scene, and serve to retain these long time Edina residents. It seems that this project is a perfect example of why the variance process exists.

The majority of the housing in our neighborhood dates from an earlier time. Lifestyles and expectations have changed and housing should be able to change along with it. The alternative to granting minor variance requests like these would seem to be controversial replacement with new housing and new owners.

We strongly support approval of these variance requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim and Russ Strong", written over a light blue horizontal line.

Kim and Russ Strong

5412 Park Place

Edina, MN 55424

Lisa & Chris,

Mark sent this message this morning to the planning commission. I hope this helps. You have a lot of support from the neighbors who are also your friends.

Marcy

Begin forwarded message:

From: Mark Swenson <mark.swenson@esgarch.com>

Subject: Ramsey residence variances

Date: June 30, 2015 at 3:07:13 PM CDT

To: 'Marcy Swenson' <marcy.swenson@comcast.net>

Edina Planning Commission:

I live at 5501 Dever Drive a few houses away from Lisa Ramsey. This is a letter of support for the variances that the Ramseys are requesting. These variances are very minor and do not take away light and view from the neighbor to the east. The new architectural expression is actually more consistent with the house to the east. I am speaking both as a neighbor and as an architect. I was the principal architect on the Westin Edina Galleria Hotel and am currently working the Edina's Grandview project. Thank you for your consideration.

Sincerely,

Mark G. Swenson, FAIA, LEED AP

Principal and President

Elness Swenson Graham Architects, Inc.

p: 612.373.4625

f: 612.339.5382

e:

June 30, 2015

Dear Members of the Planning Commission,

We have lived near the Ramsay family for 15 years and I know they have been talking about a new mudroom and driveway for sometime now.

I believe what they have proposed will enhance their home and fit nicely into the neighborhood.

What they are planning to do isn't out of harmony with the rest of the neighborhood.

I am in support of the Ramsay project and feel the plans I saw will fit nicely into the neighborhood.

Thank you for your time and consideration for this small but very important project.

Sincerely,

Big and Scott Dorn

5424 Park Place

Edina, MN 55424

Jeremiah J. Kearney
Pamela E. Kearney
5420 Woodcrest Drive
Edina, MN 55424

July 1, 2015

Members of the Planning Commission
City of Edina
City Hall
4801 W. 50th St.
Edina, MN 55424

Re: David and Lisa Ramsay Variance Request
5425 Woodcrest Drive
Case No. B-15-13

Ladies and Gentlemen:

Pamela Kearney and I have resided at 5420 Woodcrest Drive since 1988. Our home is directly across the street from David and Lisa Ramsay's home at 5425 Woodcrest Drive (the "Property"). We are writing to support the Ramsay's variance request, particularly the request for a minor variance for the front yard set-back.

We believe that the Ramsay's proposed garage forward design is consistent with the designs of many of the new homes that have been built in our neighborhood, including the immediately adjacent property at 5427 Woodcrest (the Variance Application includes a picture of that adjacent property) and will therefore modernize the curb appeal of the Property. Completion of the proposed improvements will improve the streetscape from our "out the front door" perspective because the Ramsay's home will create eye appealing transition from the 3 bungalows immediately west of the Property to many rebuilds lying east of the Property.

Accordingly, we respectfully request that the Planning Commission approve the variance application because the proposed improvements are entirely consistent with, and do not alter, the essential character of the 5400 block of the Woodcrest neighborhood as it is evolving from bungalows to larger two stories homes.

Thank you for your consideration.

Very truly yours,

Jeremiah J. Kearney

Fwd: retaining wall

Delete Reply Reply all Forward

Mark as unread

LR

Wed 7/15/2015 12:18 PM

Inbox

To: Dave Ramsay;

Pls print letter

Sent from my iPhone

Begin forwarded message:

From: Mark Bretheim
Date: July 14, 2015 at 7:35:27 AM CDT
To:
Cc:
Subject: retaining wall

Hi Lisa & David,

Sorry we are out of town to deliver this in person. Jenny tried to reach you by phone yesterday but you were out.

We thought we would send this mail so you can have a letter from us in support of your remodeling plans.

I'm sure you will enjoy the modifications and I'm sure they will be in keeping with the character of our wonderful neighborhood.

We find it incredible that the only negative feedback you are getting from the neighbors seems to be from the one house that was most egregious in its use of retaining walls. We were subjected to a wall on our lot line that goes from four feet to nearly 10 feet and filled it with dozens of dump truck loads of clay. (in fact the wall went over the lot line we discovered when we had a survey done after the work was done) (and the clay spilled over into our yard coating our backyard gardens) How could she possibly object to work six feet back from the lot line?

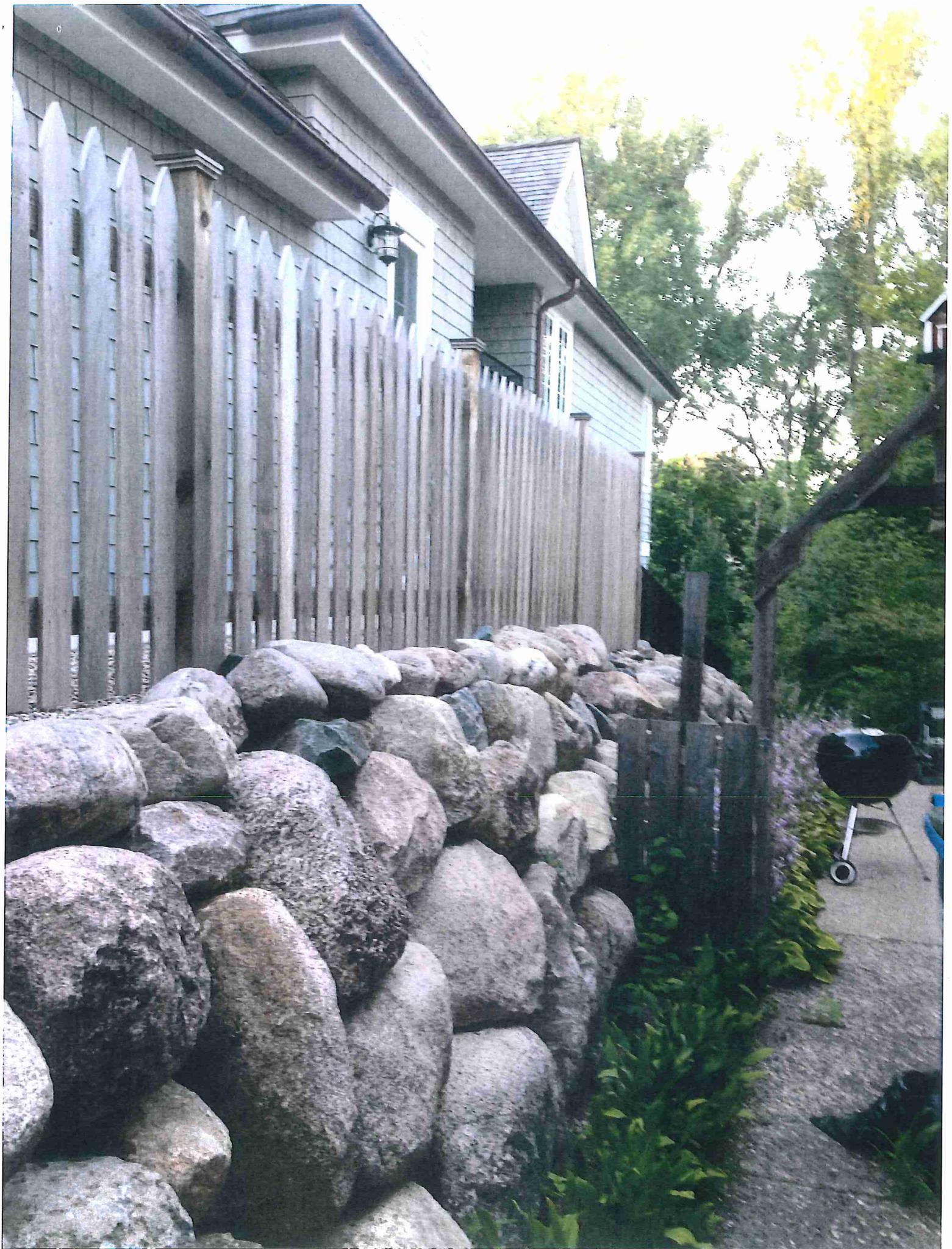
You are welcome to take photos from our side of their property to show how it is odd for the "pot to call the kettle black"

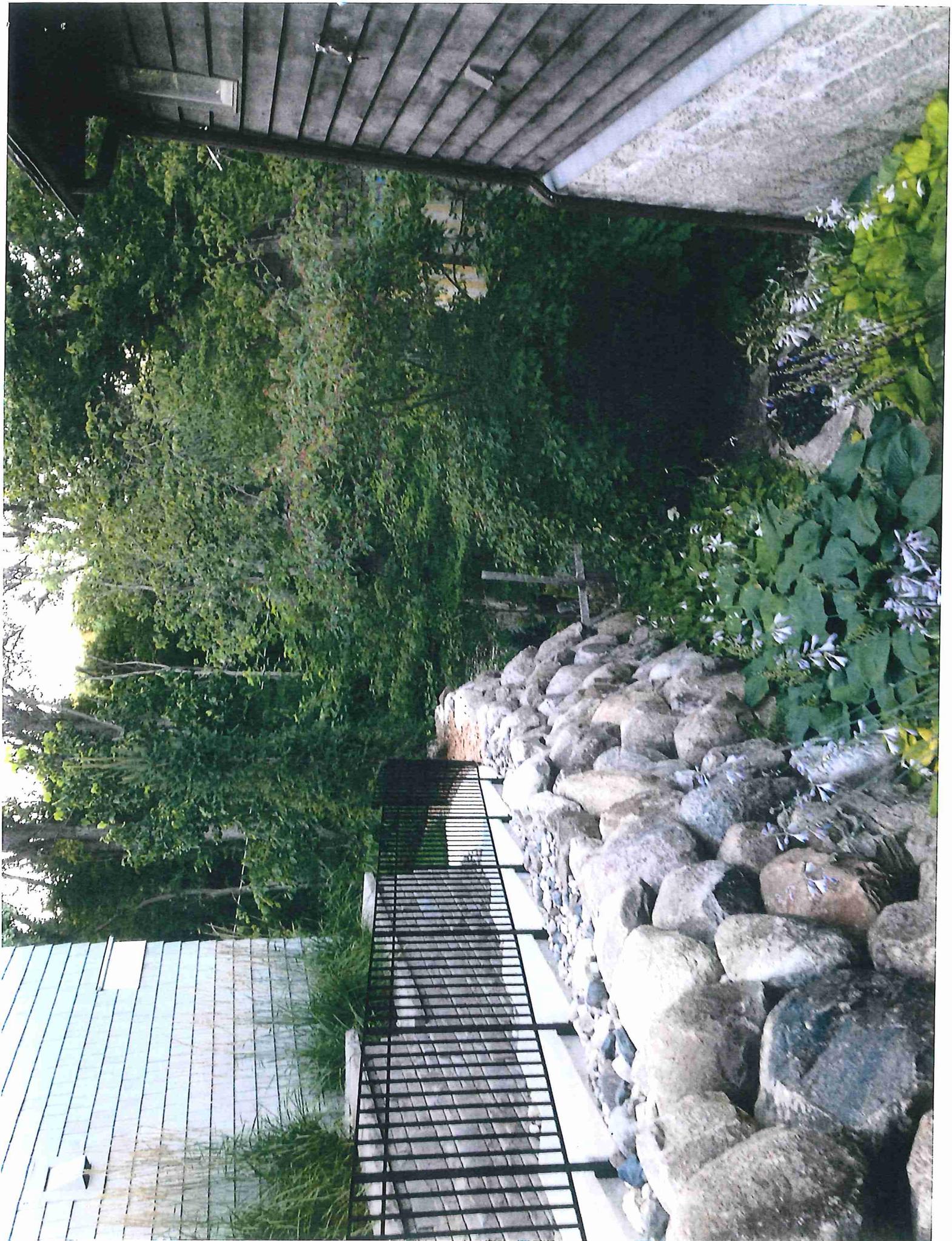
We can write a letter to the city - but we won't be back in town until next week.
If you would like a letter we can draft one to attach to you that you can bring to the city -- otherwise we thought you could just print this mail out as a letter in support of the project.

Good luck in the project.

Jenny & Mark Bretheim
5429 Woodcrest Drive









TO: The City of Edina Planning Department
RE: Variance Request for 5425 Woodcrest Drive – Ramsay

To the Planning Council -

I am in full support of the Ramsay's proposed house project. They are trying to improve the home that they have lived in for 16 years with as little disruption as possible to the neighborhood. I believe that the addition they are proposing will not hurt the neighborhood in any way- it will make it more beautiful!
Thank you for your consideration.

Patrice Holton
5604 Woodcrest Dr

Sent from my iPhone

Kristine Donatelle
5427 Woodcrest Drive
Edina, MN 55424

August 21, 2015

Re: Opposition to Variance: 5425 Woodcrest Drive

Dear members of the city of Edina Planning Commission:

My name is Kristine Donatelle and I live at 5427 Woodcrest Dr. I am the east side-abutting neighbor and ask the Planning Commission to reject the variance for the proposed two-story front yard garage addition at 5425 Woodcrest Drive.

Of all the neighbors, the Ramsays' proposed 23-foot tall garage addition would most directly impact me and negatively impact my views, light, use and enjoyment of my property.

My home is already tucked 14-feet behind the face of the Ramsays' existing two-story garage structure and there is a grade change between our two properties supported by a 4-1/2-foot tall boulder retaining wall. This variance would bring the Ramsays' two-story garage forward an additional 9 feet on their steeply graded driveway, **creating a massive 27-foot tall wall of solid structure visible from the east side.** (See attached photos with staked property line).

This massive front yard garage addition will block light and views I enjoy up the street from the southwest side of my house. My home would effectively be backed into a tunnel and I would view **at least 23-feet of continuous building mass, including a steeply pitched 23-foot tall gable roof, situated just six feet off my property line.** The addition will cast a large shadow on my front yard, young trees, and mulch bed plantings. I have consulted with real estate appraisers who say this addition would significantly affect the use and enjoyment of my home and devalue it.

My house was built in 2012 entirely in compliance with city zoning code requirements and my builder met with neighbors including the Ramsays to discuss our plans before construction. Though my home is new, it is just *one story* so it is built in proportion with the neighborhood. My lot is the deepest on this south side of the creek so it made sense to build further back somewhat, but my abutting neighbors also have deck structures that extend back even further than the back of my house.

I designed my home within the zoning code requirements, not anticipating the code would be circumvented by an abutting property owner. This property owner has displayed no consideration for my concerns in their variance application. Nor have they considered reducing the scale of the roofline and height to try to accommodate my concerns.

Stormwater Concerns

The design, height and steep pitch of their proposed roof just six-feet off my property line creates potentially significant storm water runoff and erosion issues for my property. Attached photos depict how close the existing garage stands to the staked property line. In a hard rainfall, water and debris would easily cascade off that roof and pour down into my property and landscaped mulch beds.

The Ramsays have not presented any plan demonstrating how storm water would be safely directed away from my property and down to the curb. Their plans merely depict an above-ground drain spout on the east side within just a few feet of the lot line.

Other Viable Options

The Ramsays have other viable options such as building their mudroom addition on the backside of their garage where there is at least 8 feet of level grade (see Ramsays' East side elevation A4b), and at least 12.5 feet of access via the west side of their home. This would not obstruct views and light because it would be connected to the back of their home. The Ramsays even had an opportunity in the fall of 2011 to replace or upgrade their flagstone foundation to support a back exterior mudroom addition with the help of my building contractor, but they elected not to do so.

Alternatively, the proposed roof design and second story addition is NOT an essential design element for the Ramsays' mudroom addition and it creates too many negative impacts. In fact, at a height of 23 feet and depth of 9 feet, the second story portion should be eliminated and the mass and scale of the roofline reduced. As designed, the addition's gabled roof is steeply pitched because it spans two garage stalls. It could be redesigned to lessen the impacts. Furthermore, the Ramsays have not attempted to include any design features, windows and landscaping to break up that continuous building mass visible on the east side.

Expanding the Scope of Encroachment

City Planning Commission members may not be aware that this variance would effectively expand the scope of a prior side yard setback variance approved for this garage in 1995.

In 1983, the original one-car attached garage was expanded to two stalls resulting in a 6.4-foot sideyard setback. In 1995, the 5425 Woodcrest Drive property owner requested a side yard setback variance to build a second story addition above the garage. Meeting records show that city zoning board members expressed concerns then, which are just as relevant today:

- *"if the addition is approved it will create an imposing presence for the adjoining property."*
- *"after the addition is constructed it will tower over the adjacent home"*
- *"the board must be careful not to allow additions to get out of hand and become invasive to our streetscape"*
- *"the roof pitch, and its presence from the street, is extreme."*

- "...very concerned with the mass of the addition"

Those same concerns apply here. This front yard addition would intrusively project out an additional 5.6 feet closer toward the street than the 34.2-foot average front street setback for abutting properties. It also creates 23-feet of uninterrupted building mass visible along the east side. This is *inconsistent with the character of the neighborhood*.

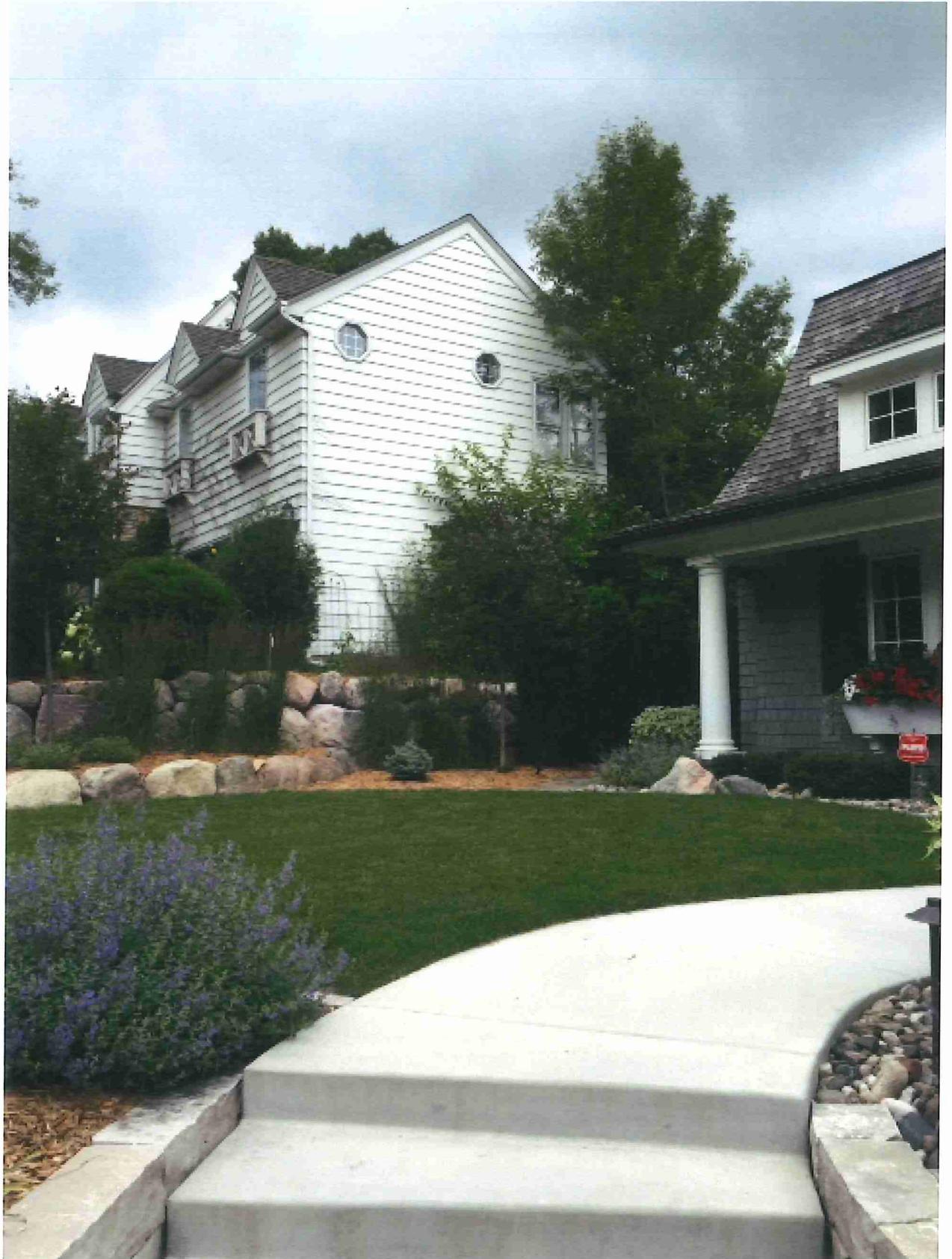
Some neighbors have sought to compare the Ramsays' proposed garage design with my garage. Theirs is not comparable because my garage complies with the 10-foot side yard setback. The additional 4 feet of side setback makes a significant difference for storm water control and my garage sits no further forward than the abutting garage. I have 9-inch wide gutters to capture the runoff and an *underground drainage system* to the curb. Furthermore, my asymmetrical garage roofline only spans one garage stall – it's not as tall or severely pitched as the Ramsays'. My driveway is not as steep as the Ramsays'.

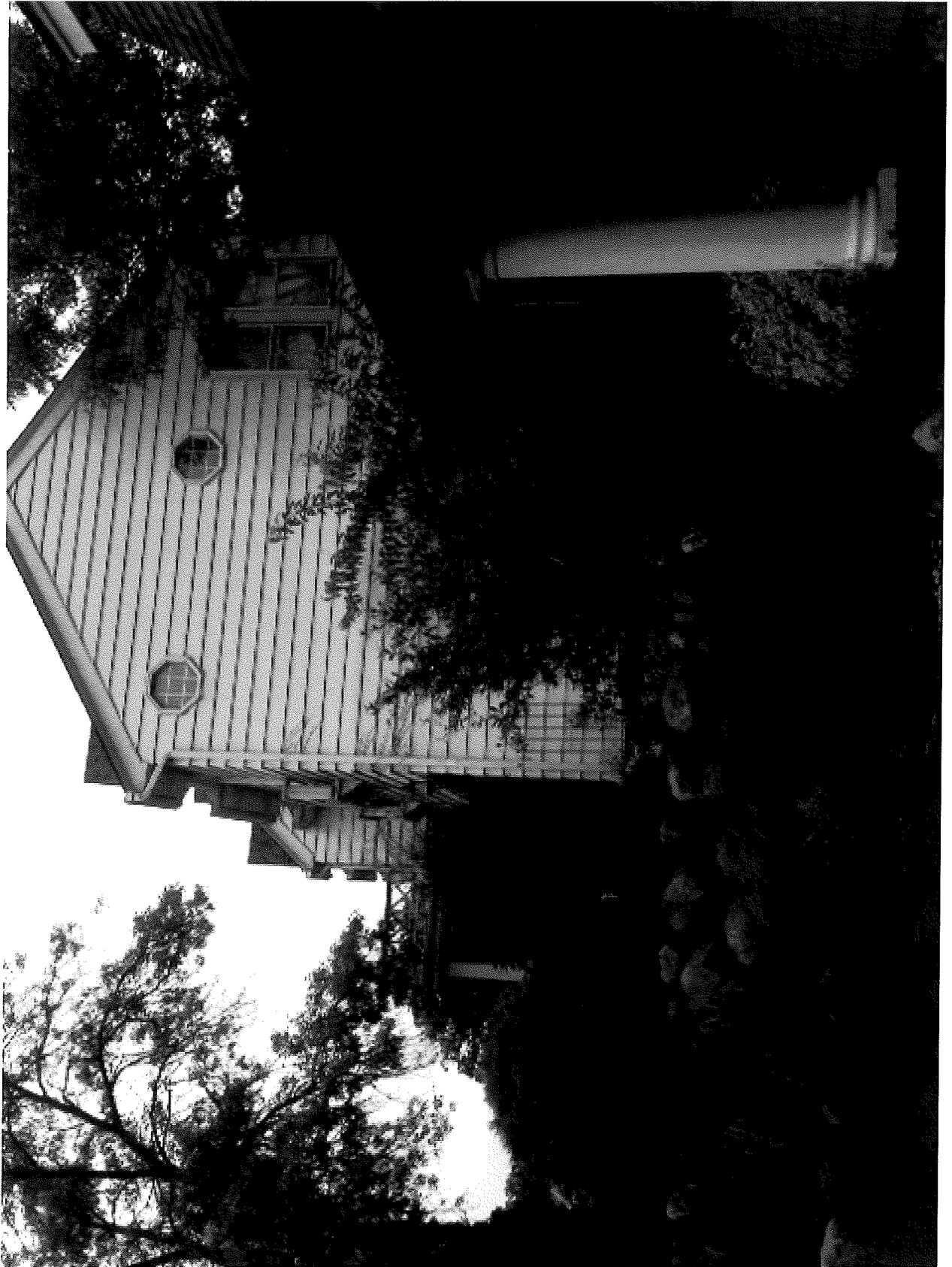
Lastly, this variance is not necessary to preserve existing housing stock and avert the "tear down trend." The Ramsays can still make exterior improvements to their driveway and build their mudroom addition on the back of their home without need for a variance. Improvements can viably be made that comply with the zoning code and do not block light and views and encroach upon abutting properties. I would welcome those improvements as well!

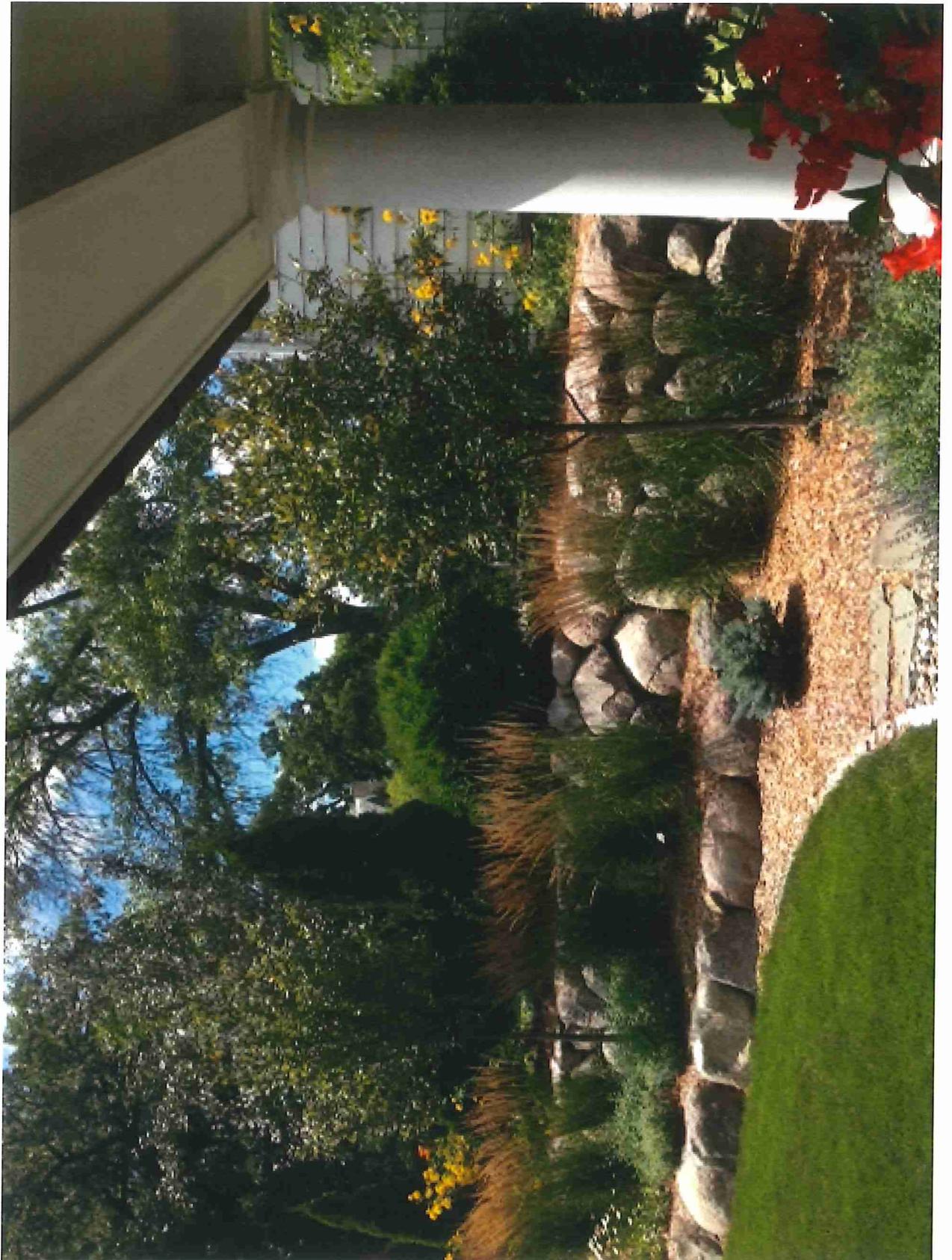
Sincerely,



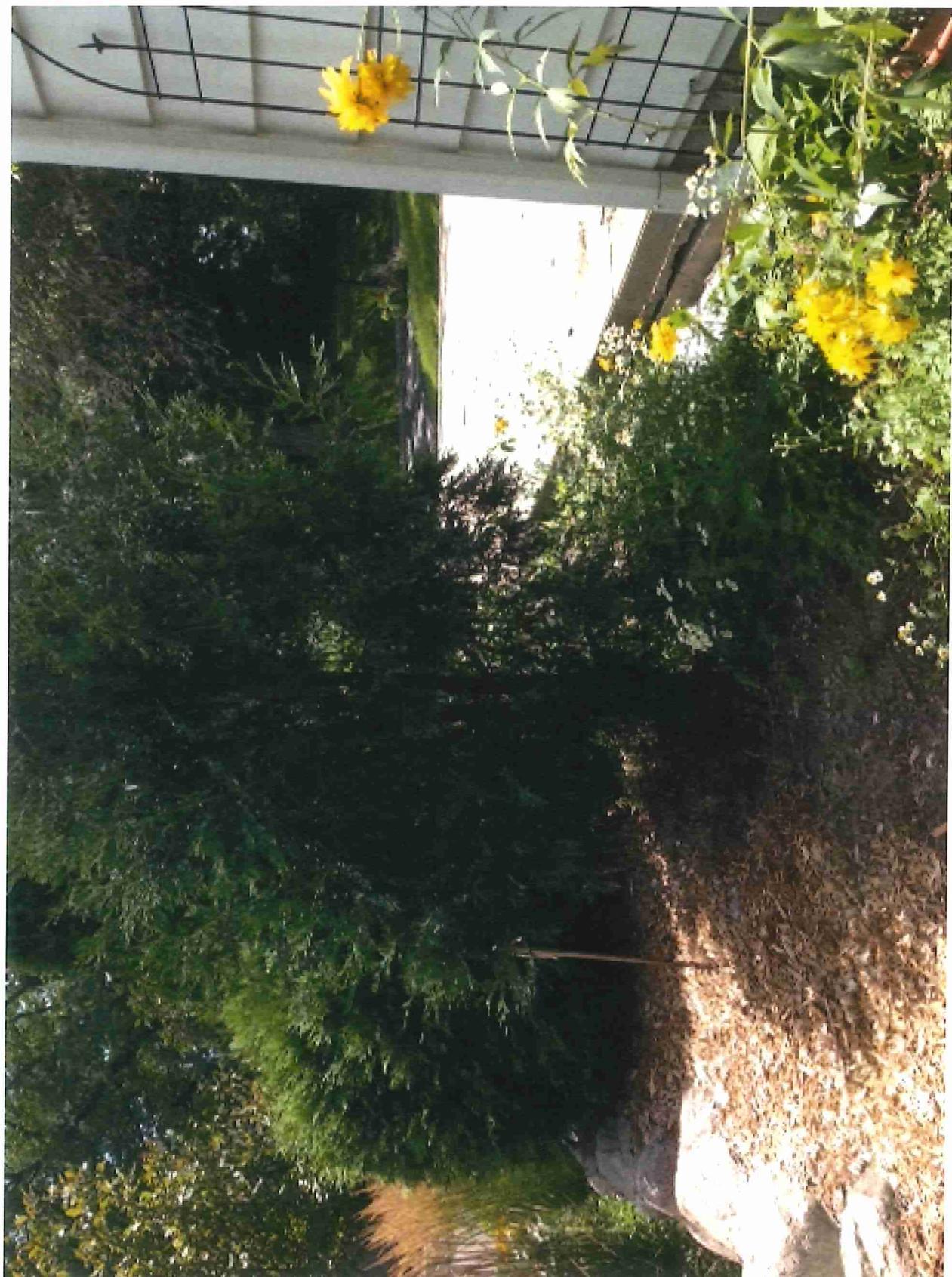
Kristine Donatelle
5427 Woodcrest Drive

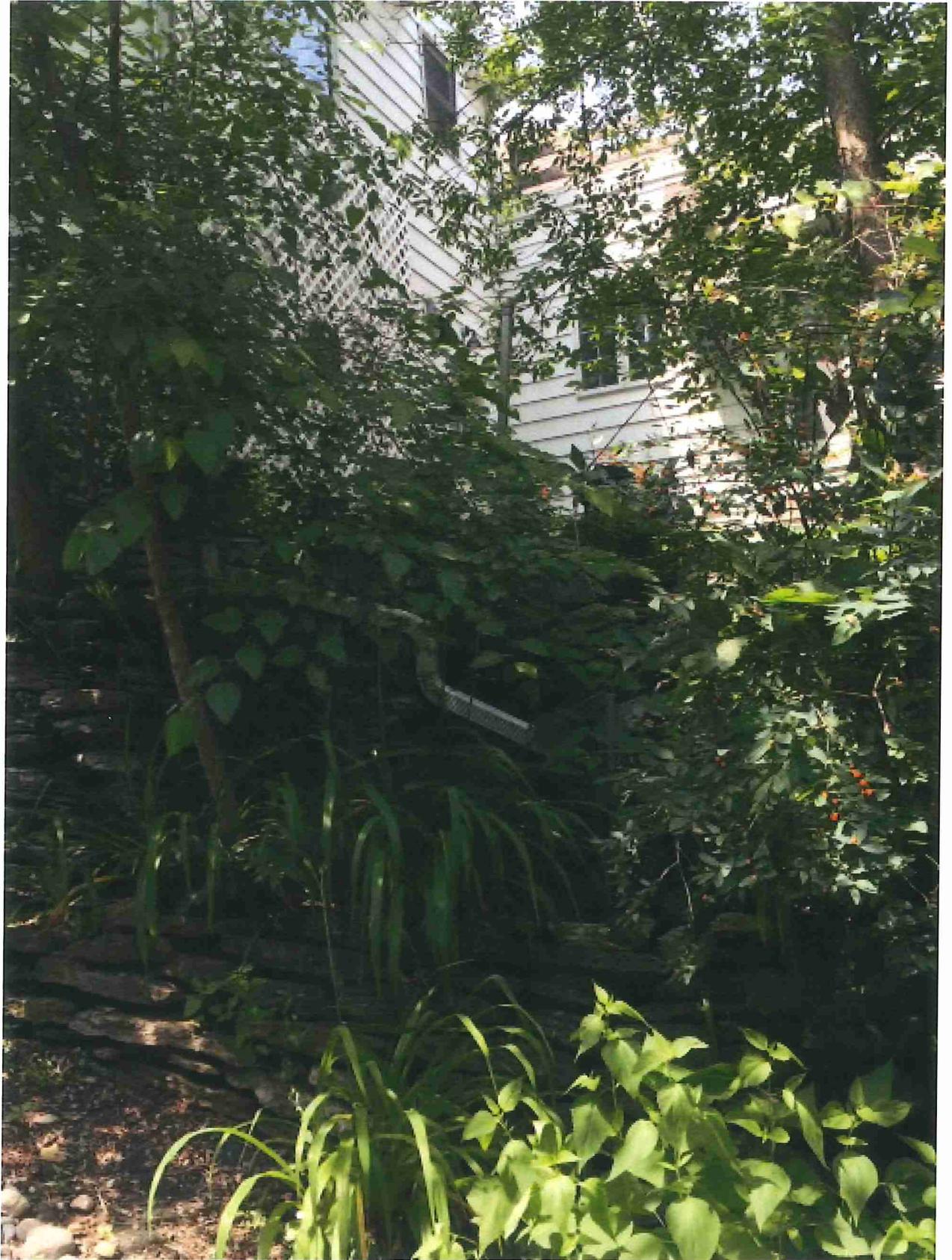


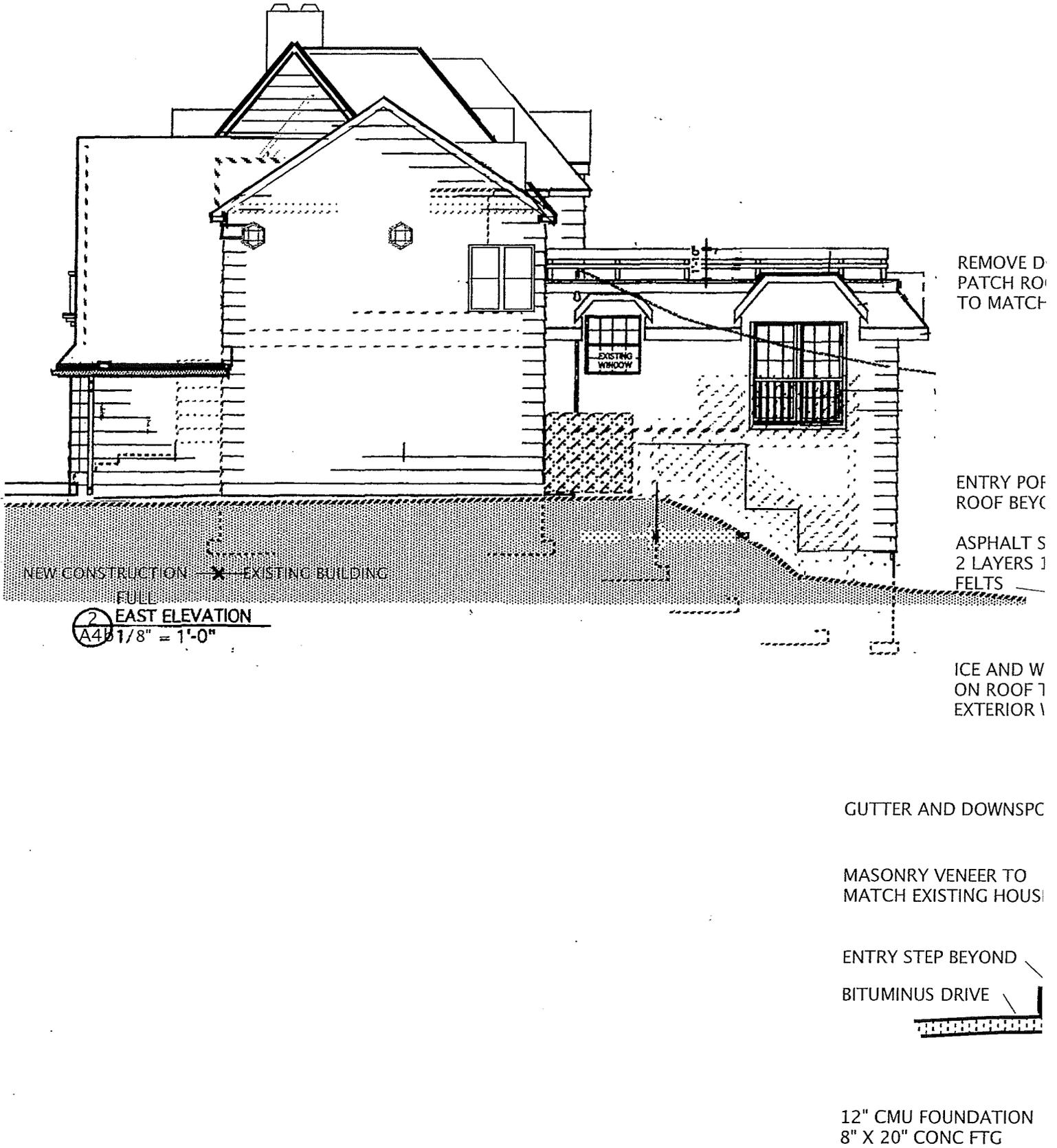












REMOVE D
PATCH RO
TO MATCH

ENTRY POE
ROOF BEYC

ASPHALT S
2 LAYERS 1
FELTS

NEW CONSTRUCTION ———— EXISTING BUILDING

FULL

EAST ELEVATION

2 A4B 1/8" = 1'-0"

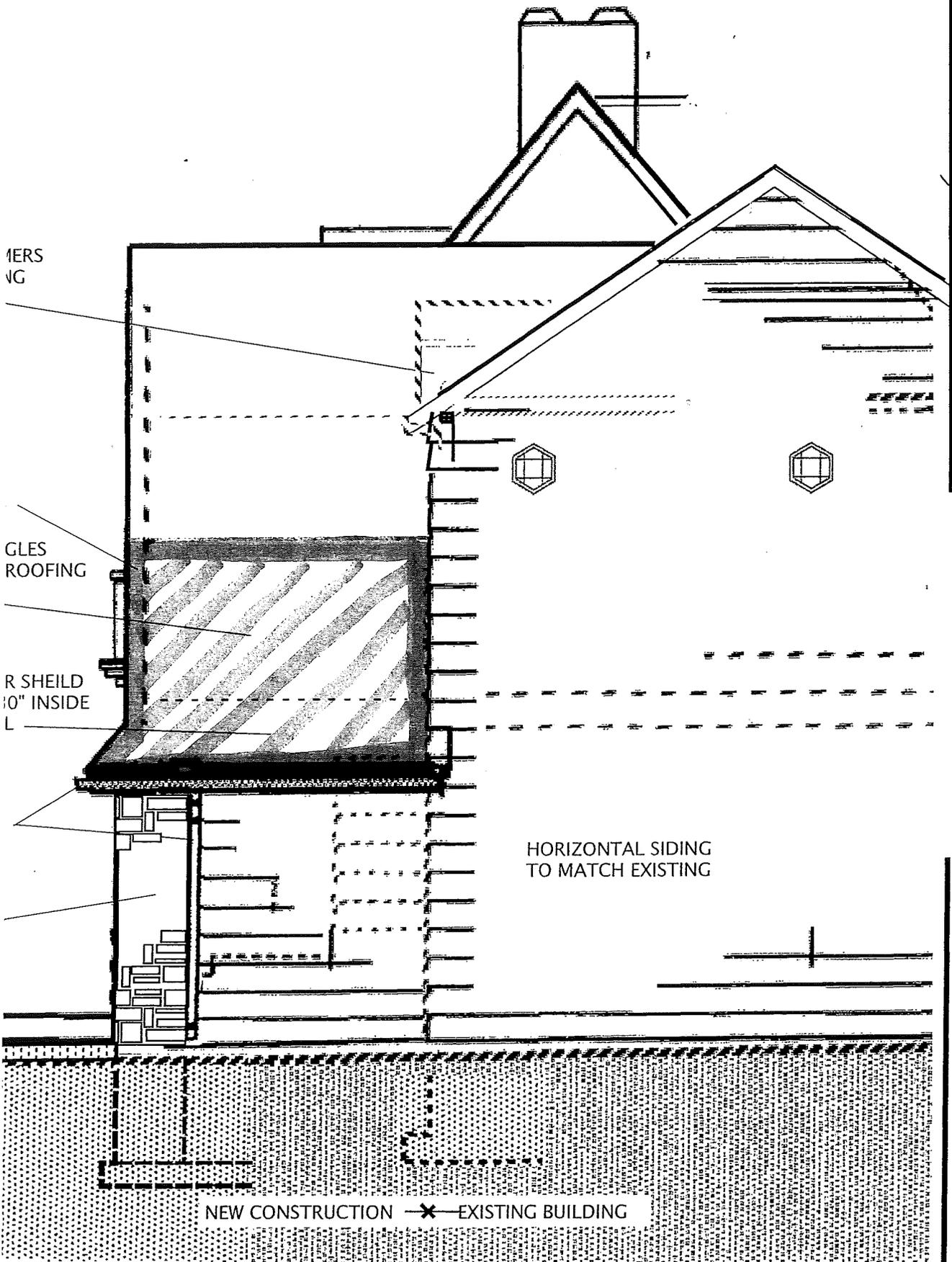
ICE AND W
ON ROOF 1
EXTERIOR 1

GUTTER AND DOWNSPC

MASONRY VENEER TO
MATCH EXISTING HOUS

ENTRY STEP BEYOND
BITUMINUS DRIVE

12" CMU FOUNDATION
8" X 20" CONC FTG



PHILLIP D. JOHNSON
 ARCHITECT
 9116 34TH AVENUE NORTH
 MINNEAPOLIS, MN
 55247
 763-545-1072

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
 OR REPORT WAS PREPARED BY ME OR UNDER MY
 DIRECT SUPERVISION AND THAT I AM A DULY
 LICENSED ARCHITECT UNDER THE LAWS OF THE
 STATE OF MINNESOTA
 NO. 10823 PHILLIP D. JOHNSON

GARAGE RECONSTRUCTION
 DAVE RAMSEY RESIDENCE
 WOODCREST DRIVE
 EDINA, MN

MAR. 10-14

E. EXT ELEV.
A4b

1 EAST ELEVATION
 A4b
 1/4" = 1'-0"



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

August 21, 2015

Edina Planning Commissioners
Attn: Cary Teague
City of Edina
4801 W. 50th Street
Edina, MN 55424

Via Email and US Mail

Re: Opposition to Variance: 5425 Woodcrest Drive
Our File #38,589-00

Dear Members of the Planning Commission:

This firm represents Kristine Donatelle, the owner of 5427 Woodcrest Drive, in the City of Edina (the "City") with regard to the variance application (the "Variance") by David and Lisa Ramsay (together, the "Applicant") to construct a second story addition (the "Addition") in the required interior side yard at 5425 Woodcrest Drive (the "Property"). Approval of the Variance will be injurious to the use and enjoyment of Ms. Donatelle's property, which immediately abuts the Property. Based on the inability of the Applicants to meet the variance findings required under Minnesota law and the City ordinance, we respectfully request that the Planning Commission deny the Variance.

Introduction and Background

The proposed Addition would extend the Applicant's two-story, two-car garage an additional 9.4 feet towards the front property line. The existing structure consists of a two-car garage with a full second story of living space above the garage. In 1983, the garage was expanded to two stalls resulting in the current 6.4-foot side yard setback from the property line. In 1995, the owner of the Property applied for a side yard variance to construct the existing second floor within the required interior side yard at the same 6.4-foot setback. The 1995 variance was initially proposed at the Zoning Board of Appeals in September 1995, but failed to gain approval due to concerns about the massing and height impacts of the addition on the adjacent property. The application was continued until October 1995 and, despite the concerns of multiple commissioners, the variance was approved subject to the condition that required "two casement windows installed in the garage wall." *See attached Zoning Board of Appeals Minutes*, dated Sept. 21, 1995, and Oct. 5, 1995. It should be noted that the current garage does not have any windows and therefore does not comply with the 1995 variance condition. The resulting addition was a twenty-five (25)-foot tall building wall that now looms over Ms. Donatelle's property.

Given the City's flexible calculation of the front yard setback ordinance, the proposed Addition will project approximately 5.6 feet further beyond the average setback of the two immediately adjacent properties, and approximately twenty-three (23) feet beyond the front building wall of the habitable

portion of Ms. Donatelle's home. The proposed second story would again be constructed within the required side yard and create additional massing at a height of approximately twenty-three (23) feet, on top of a four (4)-foot retaining wall. However, with the proposed additional four (4)-inch brick façade the one (1)-foot eave projection, the Variance would even further decrease the existing 6.4-foot setback. If approved, the Addition will be only approximately six (6) feet from the property line on the first floor and 5.4 feet from the property line on the second floor.

Variance Standard and Findings

Under both Minnesota Statutes section 462.357, subd. 6(2) and Edina Code of Ordinance (the "City Code") section 36-98, a variance request must be predicated on "practical difficulties" in meeting the municipality's ordinance standards. This must be demonstrated by meeting the required findings under the City Code. Minnesota courts will reverse a zoning authority's decision, including a variance, if the decision is arbitrary and capricious. A decision is arbitrary and capricious where it is based on insufficient evidence or arises from a failure of the zoning authority to apply relevant provisions of the zoning ordinance. *In re Stadsvold*, 754 N.W.2d 323, 332 (Minn. 2008). As is described below, the Applicant has not satisfied the conditions necessary to approve the Variance under state law or the City ordinance. Therefore, we respectfully request that this Variance be denied.

1. *The Variance would not be in harmony with the general purposes and intent of the City Code Chapter 36.*

The purpose of Chapter 36 of the City Code is to "establish minimum requirements for [zoning] districts as to the location, height, parking, landscaping, bulk, mass, building coverage, density and setbacks of buildings and structures." City Code § 36-4 (*emphasis added*). As proposed, the Variance would contradict the intent and purpose of the City Code and further reduce the ten (10) foot "minimum" side yard setback and establish additional height and massing at a distance that is *even less* than the existing 6.4 feet setback from Ms. Donatelle's front yard.

Side yard setbacks are established to create minimum separations between properties and to preserve access to light and air between adjacent uses. By approving the Variance, the Planning Commission would directly contravene this intent by allowing the construction of a structure that would rise approximately twenty-seven (27) feet above the first floor and project approximately twenty-three (23) feet beyond the habitable portion of Ms. Donatelle's home. Granting the Variance would not be in harmony with the general purposes and intent of the City Code.

2. *If granted, the Variance would be inconsistent with the Comprehensive Plan.*

If approved, the Variance would be inconsistent with policies and guidelines established in the Comprehensive Plan (the "Comp Plan"), including guidelines for low-density residential design that call for "design standards that guide the stepping back of building mass and height from adjacent residential buildings." *Comp Plan 4-42*. As proposed, the Addition would not step back building mass and height, but increase building mass and height at a setback that is even less than the current 6.4-foot setback. The Variance would also conflict with Comp Plan policy 4.4(2), to "protect and preserve the essential character of existing residential neighborhoods." *Comp Plan 4-21*. As

proposed, the Variance would alter the character of the immediate neighborhood by dramatically towering over Ms. Donatelle's front yard and further reduce the existing setback.

3. *Practical difficulties, as described under Minnesota law and City Code Section 36-98 do not exist based on the following required findings:*

a. *The property owner proposes to use the Property in a manner that is unreasonable given the reasonable alternatives.*

The Variance would effectively expand the scope of the original 1995 variance by adding a substantial amount of additional height and massing to the structure in the required interior side yard. The existing massing and height in the side yard is detrimental to the use and enjoyment of Ms. Donatelle's property, and the Applicant proposes to further expand the structure into the required setback, despite the minimum setback requirements. The request for yet another variance to increase the building mass in the required yard is not a reasonable request given the impacts on the adjacent property.

The Addition dramatically expands the building mass in the front and side yard despite reasonable alternatives. The Property can and is being put to reasonable use without the Variance. Viable and reasonable alternatives exist for building additional habitable space on the rear of the house behind the garage that would not obstruct views. Despite the Applicant's contentions, the slope and creek do not prevent the Applicant from building towards the rear, as the grade is level enough directly behind the garage for the proposed mudroom addition that the Applicant asserts necessitates the Variance. An existing 800-square foot deck extends towards the rear of the Property on the same slope. Additionally, the Property provides at least 12.5 feet of access along the west property line, which is enough room to get building equipment to the back of the lot. In light of the alternatives, the proposed Addition is unreasonable.

b. *The plight of the landowner is due to circumstances created by the landowner and not unique to the Property.*

The circumstances requiring the Variance are directly related to the aesthetic desire of the Applicant, and not the Property itself. These are not circumstances that are unique to the Property, but unique to the Applicant's aesthetic tastes, as reasonable alternatives not requiring the Variance exist.

The Applicant is seeking the Variance to expand further into the required side yard, beyond the existing 1995 variance, predicated on the location of the existing structure. However, to contend that the approval of the 1995 variance somehow justifies the approval of yet another variance is nonsensical. To follow such logic would result in a cycle of unfettered and arbitrary granting of variances with no regard to the current City Code.

c. *The variance, if granted, will alter the essential character of the locality.*

If approved, the proposed Addition will substantially alter the essential character of the immediate vicinity and be detrimental and injurious to Ms. Donatelle's use and enjoyment of her property. The proposed twenty-three (23)-foot tall Addition would be constructed above the existing four (4)-foot tall retaining wall and will therefore rise approximately twenty-seven (27) feet above Ms.

Donatelle's front yard, spanning twenty-three (23) feet beyond her front window. The result is a massive blank building wall and steeply pitched roof with zero windows or building openings that is even closer than the existing 6.4-foot setback from the property line. The massing will substantially alter the essential character of Ms. Donatelle's property and of properties in the vicinity.

Additional Issues

The proposed Addition raises many concerns for Ms. Donatelle that should be addressed through conditions before any permit approval moves forward. The extreme gable height and proposed 12/14 roof pitch should be lowered and any building addition should include underground stormwater controls to the curb to reduce the likelihood of runoff or erosion damage. The stormwater issue is a major concern in light of the substantial elevation of the Addition over Ms. Donatelle's property; the proposed one (1)-foot eave projection, which terminates at only 5.4 feet from the property line; and the severe 12/14 roof pitch. These factors will combine to dramatically increase stormwater runoff that will adversely affect Ms. Donatelle's property and increase the likelihood of runoff or erosion damage.

At a minimum, design elements like windows and landscaping should also be required to increase aesthetics and break up the building mass on the east side of the structure. As it exists today, the house is noncompliant with the 1995 variance conditions, which required the installation of "two casement windows installed in the garage wall." The only windows provided are located on the second floor. Any addition, whether one or two stories should be conditioned on compliance with the original approvals and the proposed massing should be softened with additional windows, architectural features, or landscaping.

In light of the inability of the Applicant to meet the required findings and the structure's noncompliance with the existing 1995 variance conditions of approval, we strongly encourage the Planning Commission to deny the Variance.

Please contact me with any questions about this letter.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

Direct Dial: 952-896-3239
Direct Fax: 952-842-1738
Email: jsteen@larkinhoffman.com

cc: Kris Aaker, Assistant City Planner
Kristine Donatelle

Enclosures



City of Edina

October 5, 1995

Marda Winnick
5425 Woodcrest Drive
Edina, MN 55424

Re: B-95-41, A 6.8 foot sideyard setback variance for building height for Lot 6, and the west 25 feet of Lot and Block 1, Minnehaha Woods

Dear Ms. Winnick:

This letter is to inform you your request for the above referenced variance has been heard and approved. The Zoning Board of Appeals met on Thursday, October 5, 1995, and issued the enclosed Order.

Your next step is to apply for a building permit. Please feel free to contact the Building Department if you have questions on the permitting process.

If you have any questions regarding the variance process feel free to call Kris Aaker or me at 927-8861.

Sincerely,

Jackie Hoogenakker
Zoning Board of Appeals

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CITY OF EDINA

PLANNING # B-95-41

ZONING BOARD OF APPEALS

IN RE PETITION OF:

Marda Winnick, A 6.8 foot sideyard setback variance for 5425 Woodcrest Dr.
For a variance under Ordinance No.'s 850, ~~815xxxxxxx160~~

The above entitled Zoning Board of Appeals for the City of Edina at a regular (~~special~~) meeting thereof has duly considered the above Petition and after hearing, and examining all of the evidence and the file herein does hereby:

FIND AS FACT:

- 1. Petition filed September 6, 1995
- 2. Fee paid \$100.00 on September 6, 1995
- 3. Notice Mailed September 25, 1995
- 4. The proposed variance would:

	<u>YES</u>	<u>NO</u>
A. Relieve an undue hardship	<u>X</u>	---
B. Correct extraordinary circumstances applicable to this property, but not applicable to the other property in the vicinity of zoning district.	<u>X</u>	---
C. Preserve a substantial property right possessed by other property in the vicinity and zoning district.	X	
D. Not be materially detrimental to the public welfare or injurious to other property in the vicinity or zoning district.	<u>X</u>	---

CONCLUSIONS:

- 1. The procedural requirements of the Ordinance have been met.
- 2. The variance should ~~(not)~~ ^{XXXXX} be granted as requested.

PLANNING # B-95-41

3. **Conditions to the granting of said variance**

Subject to the plans presented and the use of like materials and the installation of casement windows(2) in the garage (side elevation)

4. This Order shall be effective October 4, 1994, however, this variance shall lapse and be of no effect unless the erection or alterations permitted shall have commenced within one (1) year of the effective date unless said period of time is extended pursuant to the appropriate procedures prior to the expiration of one year from the effective date hereof.

ZONING BOARD OF APPEALS

BY: Rosemary Anne
Chair

DATED: October 4, 1995

Order Mailed to Petitioner October 5, 1995.

Time to appeal expires October 14, 1995.

(Notice of Appeal shall prevent the issuance of a building permit until said Appeal has been determined.)

**MINUTES OF THE REGULAR MEETING
OF THE EDINA ZONING BOARD OF APPEALS
HELD ON THURSDAY, OCTOBER 5, 1995
5:30 P.M., MANAGER'S CONFERENCE ROOM**

MEMBERS PRESENT: Chair, Rose Mary Utne, Len Olson, Nan Faust, Ann Swenson

STAFF PRESENT: Kris Aaker, Jackie Hoogenakker

I. APPROVAL OF THE MINUTES

The minutes of the August 3, 1995, meeting were filed as submitted

II. OLD BUSINESS:

B-95-41 **Marda Winnick**
 5325 Woodcrest Drive

Request: **A 6.8 foot sideyard setback variance for building height**

Ms. Aaker explained at their September 21, 1995, meeting, the Zoning Board of Appeals reviewed the above mentioned request. A board member moved for variance approval, the motion failed on a split 2-2 vote (two in favor and two opposed). The board allowed the applicant to continue the request to another hearing.

Ms. Aaker concluded staff supports the variance request subject to the use of matching materials and subject to the plans submitted.

Ms. Winnick was present to respond to questions.

Mrs. Utne said she visited the area and found that very similar conditions exist for some property owners in the vicinity.

Mrs. Faust added she also visited the site, and in her opinion the proposed addition would tower over the house next door as mentioned by the previous board.

Ms. Winnick explained the most impacted neighbor has indicated their support for the addition, adding a majority of the neighbors have indicated to her that they never liked the flat roof. Concluding, Ms. Winnick said the proposed addition changes the roof line to match the house, and is in keeping with the character of the house.

Mrs. Clemetson, 5427 Woodcrest Drive told the board she is the most impacted neighbor and

Minutes of the Zoning Board

Page 2

December 5, 1995

reiterated that she supports the proposal, and has never liked the existing flat roof.

Mrs. Faust said her concern is with the building mass, and wall length, and asked if it would be a problem to install windows in the garage to break up the mass.

Ms. Winnick said it would not be a problem to add windows to the garage wall. Mrs. Faust interjected that she would like to see good casement windows added with grid work to match the existing house.

Mrs. Utne acknowledged that the addition will be higher than what is existing, but in her opinion altering the flat roof is an aesthetic improvement. Mrs. Swenson interjected that she believes the addition will visually impact the neighborhood. Neighbors will notice the change.

Mrs. Faust moved variance approval subject to the plans presented with the following conditions; 1) addition of two casement windows installed in the garage wall, and 2) the use of matching materials, both roof and siding. Mr. Olson seconded the motion. All voted aye; motion carried.

MEMO

To: Members of the Zoning Board
From: Kris Aaker
Subject: 5425 Woodcrest Drive/B-95-41
Date: September 29, 1995

At their September 21, 1995, meeting, the Zoning Board of Appeals reviewed the above mentioned request. A board member moved for variance approval, the motion failed on a split 2-2 vote (two in favor and two opposed). The board allowed the applicant to continue the request to another hearing. Attached for reference are the following:

- * Staff Report
- * Plans and drawings
- * Draft meeting minutes of the September 21, 1995 Zoning Board meeting

Draft minutes zoning board meeting September 21, 1995

B-95-41 **Marda Winnick**
 5425 Woodcrest Drive
 Lot 6, and the West 25 feet of Lot &, Block 1, Minnehaha Woods

Zoning: **R-1**

Request: **A 6.8 foot sideyard setback variance for building height**

Ms. Aaker informed the board the subject property is located North of Woodcrest Drive and South of west 54th Street. The property backs up to Minnehaha Creek and consists of a two story home with an attached two car garage. The home originally had a one car attached garage with a sideyard setback of 14.4 feet. In 1983 the addition of a second stall was attached to the garage to accomplish a two car garage. The addition resulted in a 6.4 foot sideyard setback.

Ms. Aaker explained the property owner hopes to remove an existing porch above a portion of the existing garage and replace it with a master bedroom that includes a bath and porch. The required setback for the addition is 13.2 feet due to the height of the side building wall of 21.25 feet.

Ms. Aaker pointed out the neighborhood in which the property is located is a mixture of housing styles and lot configurations. The home is located on a lot that backs up to Minnehaha Creek with the lot sloping quite dramatically from front to rear, which makes an addition to the rear of the home difficult.

Ms. Aaker concluded given the steep slopes in the rearyard area and support of the neighbors, staff supports the request.

The proponent, Ms. Winnick and Mr. Erickson, her architect were present to respond to questions.

Mr. Johnson questioned Ms. Aaker about the windows, adding they appear to be similar to the existing windows. Ms. Aaker responded that is correct, the existing windows will be re-used.

Ms. McClelland asked if the same elevation is being implemented for the roof. Ms. Winnick explained the pitch of the roof will generally be the same, but will be slightly lower.

Mr. Erickson explained to members of the board one reason for the addition being located in this location is due to the number of trees located in the rear yard. Continuing, Mr. Erickson said if the addition were constructed toward the rear of the lot, a large number of trees would be lost.

Ms. McClelland explained her concern is focused on the roof line, and the mass it presents, and questioned if anything can be done to soften the mass of the roof.

Mr. Johnson said in his opinion the design of the roof blends well with the existing roof.

Mr. Workinger said in reviewing the proposal he observed he has concerns with the elevation contrast between adjoining homes. He pointed out the property next door (south east side) to the addition will be compromised because of the mass of the addition. Continuing, Mr. Workinger said after the addition is constructed it will impose on the entire neighborhood.

Ms. Winnick explained the house was originally constructed across the lot to maintain the character of the rearyard area. Ms. Winnick added the house is not large, and the porch that is being converted into living area is already existing. Ms. Winnick pointed out in her opinion as you travel down the street there are homes that have been added to, and are as imposing, as indicated, this house will be. Continuing, Ms. Winnick said it is her desire to add an office, and a functional bathroom constructed to meet her needs. Ms. Winnick concluded explained another issue she considered when redesigning an addition was for her safety. She explained it is her desire to have her sleeping area on the 2nd floor for safety reasons.

Mr. Johnson explained to Ms. Winnick if she is going to work out of her home, she needs to be aware to the home occupation portion of the zoning ordinance.

Mr. Lewis said he does not have a problem with the proposal. He stated he believes the roof line matches the existing house, the placement of the addition makes sense because it retains the character of the rearyard area, and does not negatively impact the neighborhood.

Mr. Lewis moved variance approval subject to the plans presented, and the use of like materials.

Mr. Workinger said he is very concerned with the impact this property will have on the adjoining property. He reiterated there is a grade change which will create an imposing present to the neighboring property. Continuing, Mr. Workinger said while he believes expansion opportunities should be allowed to residents, he cannot support the request as proposed.

Ms. McClelland stated she agrees with Mr. Workinger, adding she is very concerned with the mass of the addition, commenting in her opinion we must be careful we do not allow additions to get out of hand and become invasive to our streetscape. Ms. McClelland added the architect should look into the possibility of redesign.

Mr. Johnson pointed out as he views the plan the only adjustment that can be made would be to shorten the size of the room, which may or may not be a viable solution.

Ms. McClelland reiterated the roof pitch, and its presence from the street, in her opinion is extreme. She asked if the roof really needs to be that high.

A G E N D A

**REGULAR MEETING OF THE
EDINA ZONING BOARD OF APPEALS
HELD ON THURSDAY, OCTOBER 5, 1995
5:30 P.M., MANAGER'S CONFERENCE ROOM**

MEMBERS SCHEDULED TO ATTEND: Rose Mary Utne, Ann Swenson, Len Olson, Nan Faust

I. APPROVAL OF THE MINUTES:

August 3, 1995

II. OLD BUSINESS:

**B-95-41 Marda Winnick
 5425 Woodcrest Drive**

Request: A 6.8 foot sideyard setback variance for building height

III. NEW BUSINESS:

**B-95-35 Lee S. Chapman
 7032 Wexford**

Request: A 2.16 foot sideyard setback variance

**B-95-45 Chris and Barb Hayhoe
 4211 Morningside Road**

Request: An 8.8 foot sideyard setback variance

**B-95-46 Kelsey and Patricia Smith
 4801 West 44th Street**

Request: A 7.81 foot rearyard setback variance

B-95-47

G. Charles Hann
5615 Woodcrest Drive

Request:

A 398 square foot lot coverage variance

IV. NEXT MEETING DATE:

October 19, 1995

V. ADJOURNMENT