



## PLANNING COMMISSION STAFF REPORT

Originator <b>Kris Aaker</b> Assistant Planner	Meeting Date <b>January 14, 2015</b>	Agenda # <b>B-14-27</b>
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**Recommended Action:** Approve a variance from the minimum two car garage requirement for a single dwelling unit for property located at 5533 Oaklawn Ave.

**Project Description:** NIWA Design/ Brian Belanger, (the applicant), is requesting a variance to the required minimum two car garage requirement to reconstruct a one stall garage on the lot located at 5533 Oaklawn Ave.

### INFORMATION/BACKGROUND

The subject property is located on the east side of Oaklawn Ave. consisting of a two story home with a detached one stall garage located south of the home. The homeowner is hoping to replace it with a slightly larger garage that will be one foot closer to the south side lot line. The proposed garage conforms to all of the zoning ordinance requirements with the exception of the garage size. The zoning ordinance requires a garage to be a minimum of two stalls. There is no definition of a two car garage in the zoning ordinance, however, it's been City policy to consider a two car garage to be no less than 20' x 20'. The new garage will be 15 feet in width instead of the existing width of 14.3 feet and 20 feet in depth instead of the existing 20.2 feet in depth. The new garage will be 1 foot closer to the south lot line. The proposed garage conforms to all of the setback, coverage, height, etc. requirements with the exception that it will continue to be a one stall garage instead of a minimum two car garage.

The lot is approximately 60 feet in width and is 8,034 square feet in area.

The property owner is requesting to rebuild a single stall garage in approximately the same location as the existing one car garage. The new garage will have hardie lap siding, wood brackets and 1 x 4" trim boards. The shingles will be asphalt. The over-all design has been proposed to match the existing home.

The Environmental Engineer has reviewed the application, and his memo is included in the packet, which indicates that there will be no significant changes to the site.

**SUPPORTING INFORMATION**

**Surrounding Land Uses**

This property is located on the east side of Oaklawn Ave. with single-family homes surrounding it and is within the Minnehaha Woods neighborhood.

**Existing Site Features**

The subject lot is 8,034 square feet in area, consisting of a two story home with a detached two car garage.

**Planning**

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

**Building Design**

The proposal is to re-build/ add a new, one-car garage on the south side closer to the south side property line.

**Compliance Table**

	<b>City Standard</b>	<b>Proposed</b>
Front -	Average of adjacent (33.65)	34 feet
Side-	5 feet, (detached garage)	5 feet
Rear-	25 feet	51.2 feet
Building Height	1 1/2 stories, 18 Ft	15 feet
Lot Area	9,000 Sq Ft or avg of nbhd	8,034 sq. ft
Lot Width	75 feet or avg of nbhd	60 feet
Garage stalls	2 minimum	<b>*1 Stall</b>
Lot coverage	25%	23.7%

**\* 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 complies with all the standards, with exception of the minimum two stall garage requirement.
2. The garage is nearly the same in size and scale as the existing one car garage on site.
3. The property has always had a one car garage. The new garage will be slightly wider and slightly closer to the south lot line.
4. The new garage will be virtually the same as existing conditions and will not affect neighboring properties.

- **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 and that there are practical difficulties given that the applicant is seeking to minimize impact on the property and the streetscape by keeping the existing one car garage that will meet the needs of the owner.

***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 property has always provided a one car garage which was not a self- created feature of the applicant. The applicant is asking to slightly modify the new structure to be just a bit wider and slightly closer, (within ordinance limits), to the south lot line.

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

No. The proposed garage will not alter the essential character of the neighborhood. The proposed garage will be virtually the same condition as exists currently.

**Staff Recommendation**

Recommend that the Planning Commission approve the variance.

Approval is based on the following findings:

1. The proposed use complies with all the standards, including the setback, height and coverage requirements.
2. The proposed garage is appropriate in size and scale for the lot and the improvements will be virtually seamless as to existing conditions.
3. There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to the current existence of a one car garage and no need expressed by the owner for a two car garage.
4. The variance, if approved, will not alter the essential character of the neighborhood. The new one car garage will maintain the existing character of the neighborhood.

Approval of the variance is subject to the following conditions:

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

Survey dated November 11, 2014

Building plans and elevations date stamped December 5, 2014.

Compliance with the Environmental Engineer's memo.

**Deadline for a City Decision: February 3, 2015**



VARIANCE APPLICATION

CASE NUMBER B14-27 DATE 12/5/2014  
FEE PAID 1350.00

City of Edina Planning Department \* [www.cityofedina.com](http://www.cityofedina.com)  
4801 West Fiftieth Street \* Edina, MN 55424 \* (952) 826-0369 \*  
fax (952) 826-0389

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

L NIWA CHK #12408 12/4/14

APPLICANT:

NAME: NIWA DESIGN STUDIO (Signature required on back page)

ADDRESS: 10909 MARLBOROUGH CIRCLE PHONE: 612-272-5029 MOBILE  
MINNETONKA, MN 55345

EMAIL: MEJ@NIWADESIGN.COM

PROPERTY OWNER:

NAME: BRIAN BELANGER (Signature required on back page)

ADDRESS: 5533 OAKLAWN AVENUE PHONE: 952-922-7834

LEGAL DESCRIPTION OF PROPERTY (written and electronic form): LOT 12, BLOCK 13  
SOUTH HARRIET PARK  
HENNEPIN CO., MN

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

PROPERTY ADDRESS: 5533 OAKLAWN AVENUE

PRESENT ZONING: R-1 P.I.D.# 19-28-24-12-0129

EXPLANATION OF REQUEST:

SEE COVER LETTER.

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DEC 05 2014  
CITY OF EDINA

(Use reverse side or additional pages if necessary)

DESIGNER ARCHITECT: NAME: MARK JOHNSON PHONE: 612-272-5029

EMAIL: MEJ@NIWADESIGN.COM

SURVEYOR: NAME: RANDY STERN PHONE: 612-558-0727  
EMAIL: RMSTERN3@COMCAST.NET

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

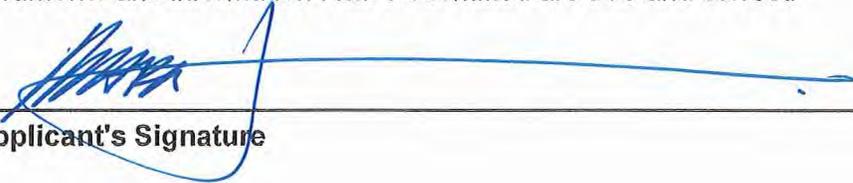
Not alter the essential Character of a neighborhood

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**APPLICANT'S STATEMENT**

This application should be processed in my name, and I am the party whom the City should contact about this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the City by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other City approvals that have been granted to me for any matter.

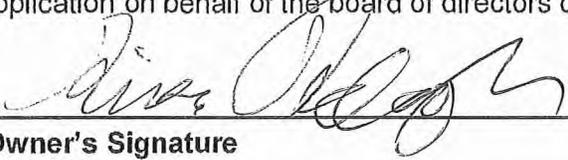
I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

  
\_\_\_\_\_  
Applicant's Signature 12/4/14 Date

**OWNER'S STATEMENT**

I am the fee title owner of the above described property, and I agree to this application.

(If a corporation or partnership is the fee title holder, attach a resolution authorizing this application on behalf of the board of directors or partnership.)

  
\_\_\_\_\_  
Owner's Signature 27-NOV-2014 Date

**Note. Both signatures are required (if the owner is different than the applicant) before we can process the application, otherwise it is considered incomplete.**

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To: City of Edina  
4801 West Fiftieth Street  
Edina, MN 55424

From: Niwa Design Studio, Ltd  
Mark Johnson  
16909 Marlborough Circle  
Minnetonka, MN 55345

Re: Variance Application Cover Letter for 5533 Oaklawn Ave

Our variance application request is for the physical property 5533 Oaklawn Avenue. Brian Belanger is the owner of the property and our client. There are two requests within our application.

1. We are proposing to construct a new one car garage that is slightly different in size than the existing one car garage. The difference in length and width is below:

	Existing	Proposed
Long Axis	20.2 ft.	20.0 ft.
Short Axis	14.3 ft.	15.0 ft.

2. We are also proposing to construct the new garage up to the standard side yard setback, or 5'-0" from the south property line. The existing one car garage is 6'-0" from the same property line. Thus the request to move the structure 12" from its current location.

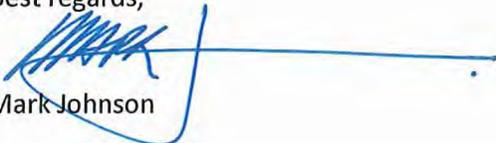
Brian has lived alone in his home at 5533 Oaklawn for almost 30 years, has no intentions to move and has no need for a two car garage. We therefore have designed a single car that fits the character of his home and neighborhood. The proposed changes in size was made to keep the structure on a modular 1 ft. grid, thus being slightly shorter on the long axis and slightly longer on the short axis. Proposing to build the new garage up to the 5' setback was done to help keep the garage door better aligned with the position of the existing driveway, which has little room for change.

There are no extraordinary difficulties, but there are practical ones and allowing these simple requests will provide a one car garage that better fits the existing space, while retaining the character of the home and neighborhood.

Lastly, please notify us if you expect any attorney fees to be charged in association with this application.

Thank you for taking your time to consider our application request.

Best regards,

  
Mark Johnson

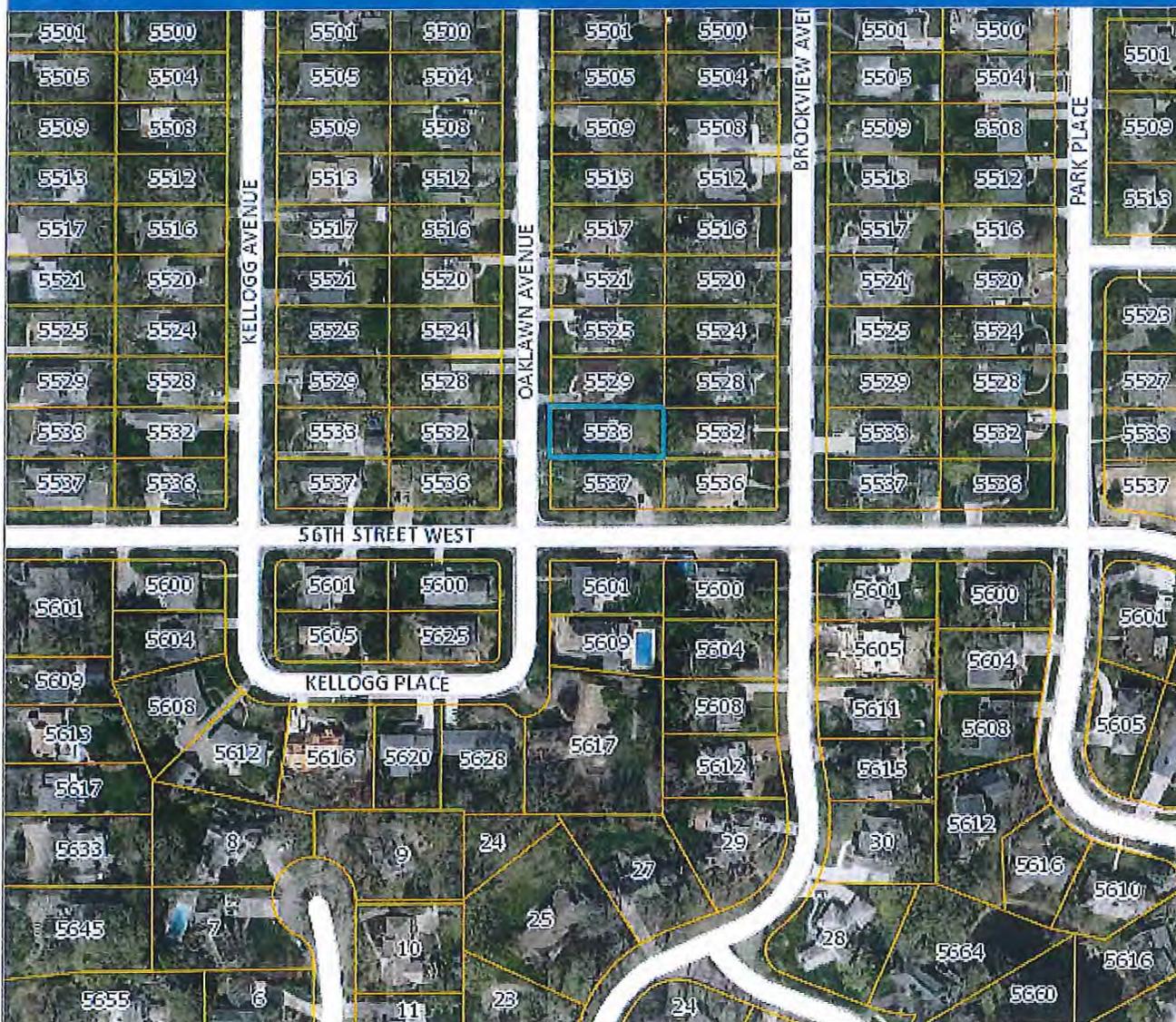
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Interactive  
Maps

Property  
Map

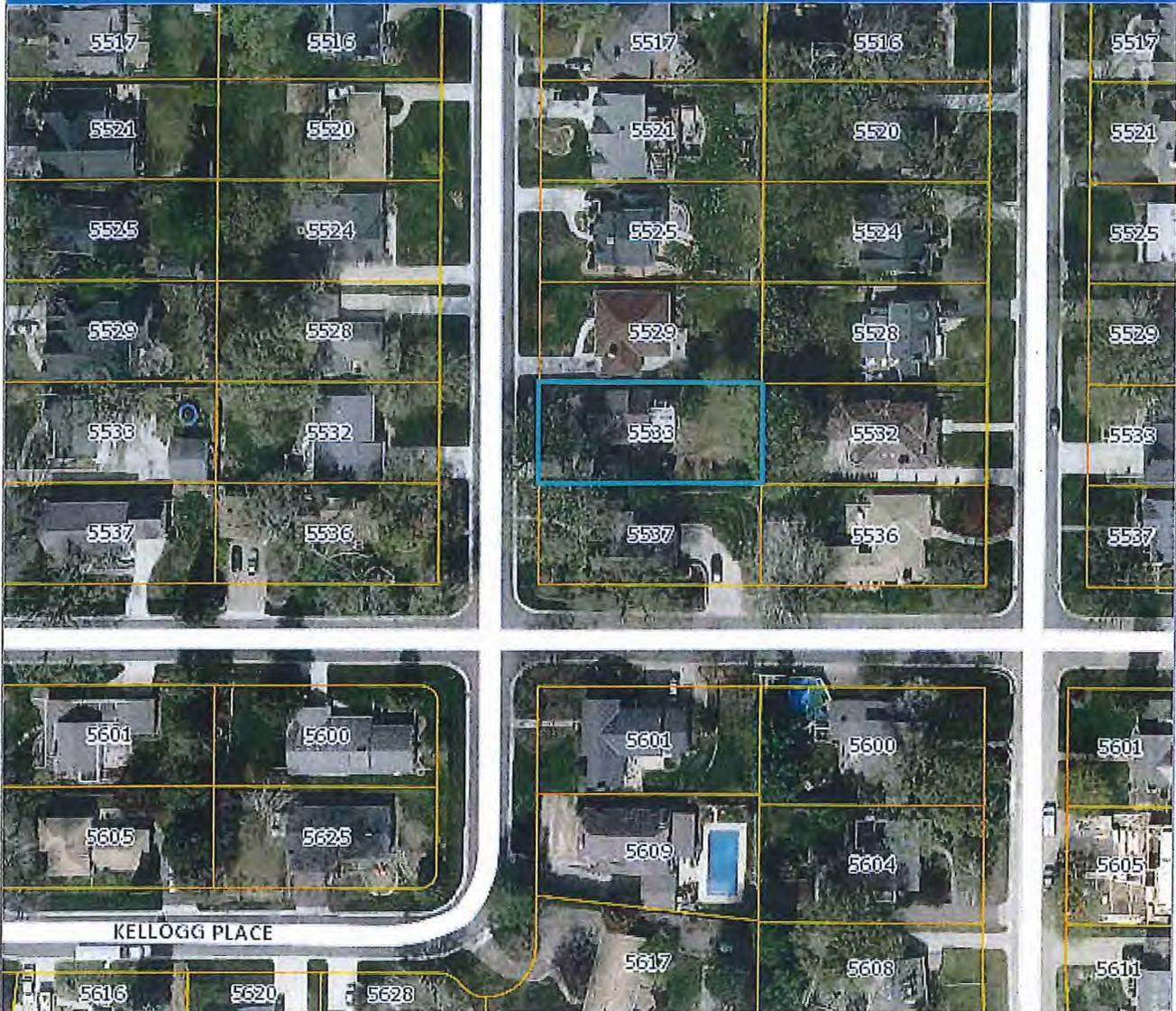


<p><b>Parcel ID:</b> 19-028-24-12-0126</p> <p><b>Owner Name:</b> Brian A Belanger</p> <p><b>Parcel Address:</b> 5533 Oaklawn Ave, Edina, MN 55424</p> <p><b>Property Type:</b> Residential</p> <p><b>Home-stead:</b> Homestead</p> <p><b>Parcel Area:</b> 0.19 acres, 8,065 sq ft</p>	<p><b>A-T-B:</b> Abstract</p> <p><b>Market Total:</b></p> <p><b>Tax Total:</b></p> <p><b>Sale Price:</b></p> <p><b>Sale Date:</b></p> <p><b>Sale Code:</b></p>	<p>Map Scale: 1" ≈ 200 ft.</p> <p>Print Date: 1/7/2015</p> <p></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></p>
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Interactive  
Maps

Property  
Map

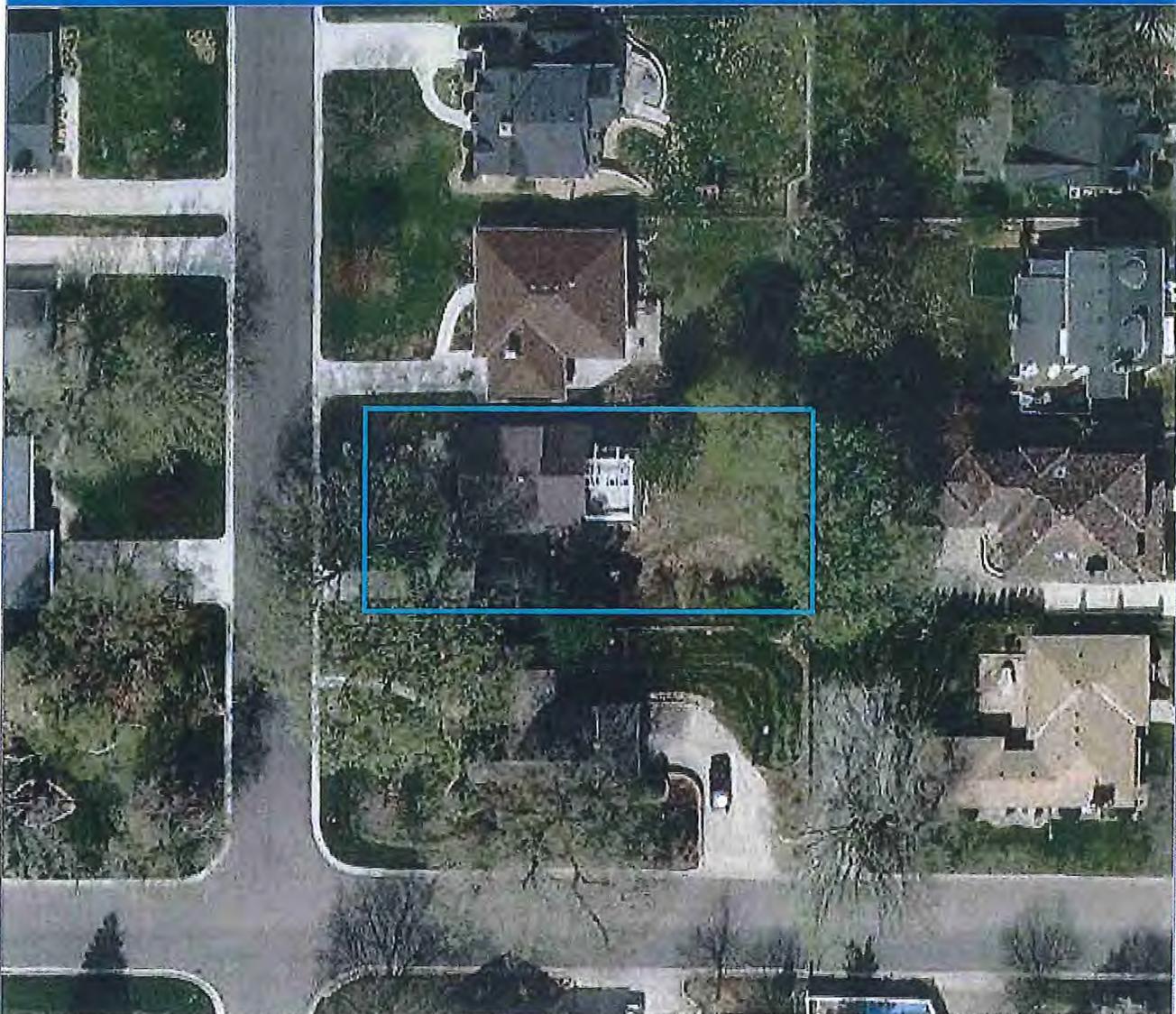


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Interactive  
Maps

Property  
Map



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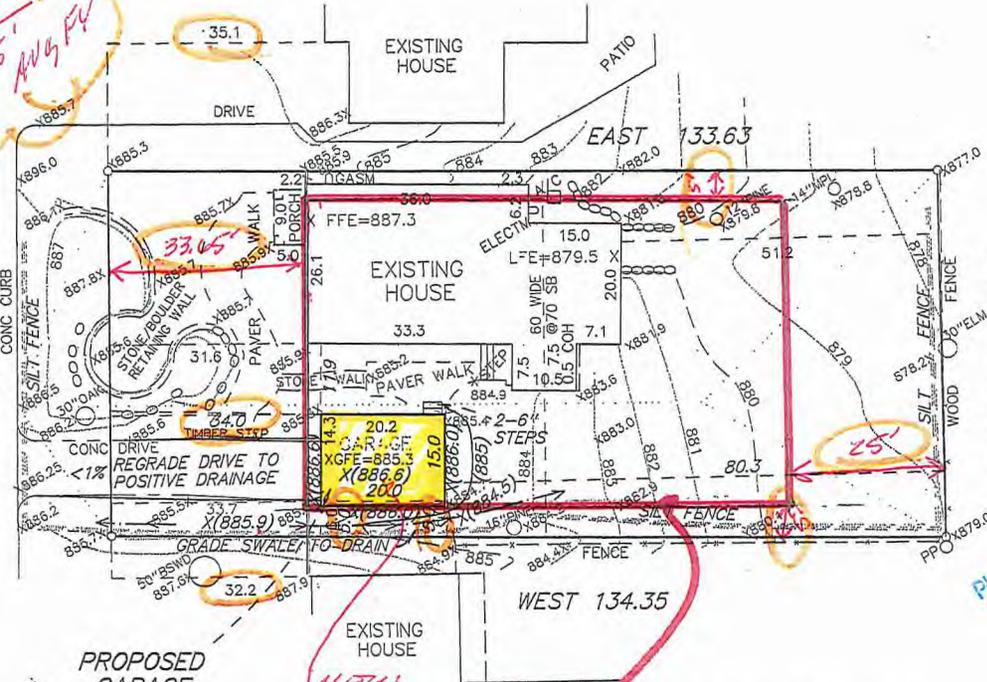


STRUCTURE HARDCOVER  
EXISTING  
HOUSE = 1316 SF  
FPORCH = 45 SF  
(-50ALSFC)  
GARAGE = 290 SF  
TOTAL = 1606 SF/ 30.0%  
402 SF ST HC REMAINING

PROPOSED  
GARAGE = 300SF/3.7%  
TOTAL EXISTING AND  
PROPOSED = 1906 SF/23.7%

102 SF STRUCTURE  
HC REMAINING

OAKLAWN N 0°35' W AVENUE  
60.0

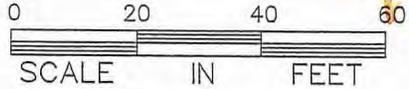


Handwritten notes in a cloud: 35.1, 32.2, 33.65', AUG 14, FY

Handwritten note: @34.1

Handwritten note: NEW LEAVE GARAGE

Handwritten note in a cloud: REQUIRED SETBACKS



- x992.5 = EXISTING SPOT ELEVATION.
- X(998.0) = PROPOSED SPOT ELEVATION
- ..... = DIRECTION SURFACE DRAINAGE
- COH = CANTILEVERED OVERHANG
- OHL = OVERHEAD UTILITY LINE
- GFE = GARAGE FLOOR ELEVATION
- TFE = TOP OF FOUNDATION ELEVATION
- LFE = LOWEST FLOOR ELEVATION

EXISTING GARAGE AND  
DRIVE TO BE REMOVED

NO SIGNIFICANT GRADING IS  
REQUIRED FOR CONSTRUCTION

BENCHMARK  
TN HYD  
ELEV = 888.13

LEGAL DESCRIPTION:  
LOT 12, BLOCK 13,  
SOUTH HARRIET PARK,  
HENNEPIN CO., MN.

ADDRESS - 5533 OAKLAWN AVENUE  
PID#19-28-24-12-0129

LOT AREA = 8034 SF/ 0.18 AC  
X 25% = 2008 SF HC ALLOWED

SURVEY IS SUBJECT TO CHANGE PER  
TITLE OR EASEMENT INFORMATION

VERIFY ALL DIMENSIONS AND  
ELEVATIONS WITH HOUSE PLANS

VERIFY ALL SETBACKS WITH CITY

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CITY OF EDINA  
Stall

Land  
Frank R. Cardarelli Surveyor  
6440 FLYING CLOUD DRIVE  
EDEN PRAIRIE, MN 55344  
952-941-3031

GARAGE BUILDING  
PERMIT SURVEY  
BELANGER RESIDENCE  
for NIWA DESIGN

PROJECT NO.	BOOK	PAGE
DATE OCT 24, 2014		
REVISIONS 11/28/14 GAR TO 5		
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.		
FRANK R. CARDARELLI REG. NO. 6508		

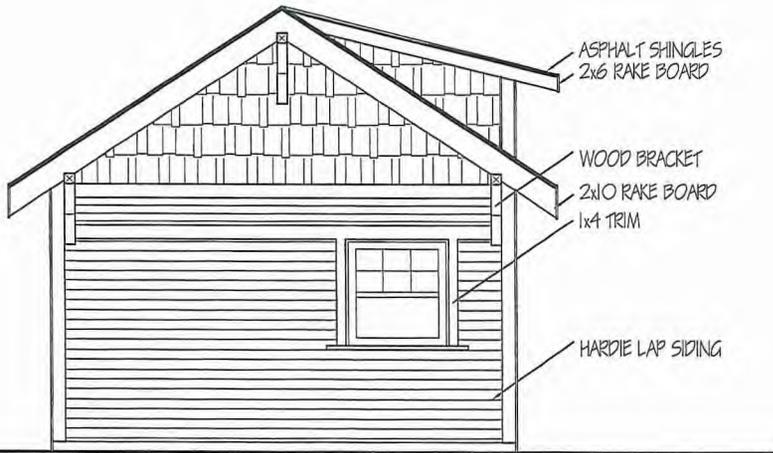


**3**  
**A1** **FRONT ELEVATION**  
SCALE 1/4" = 1' - 0"

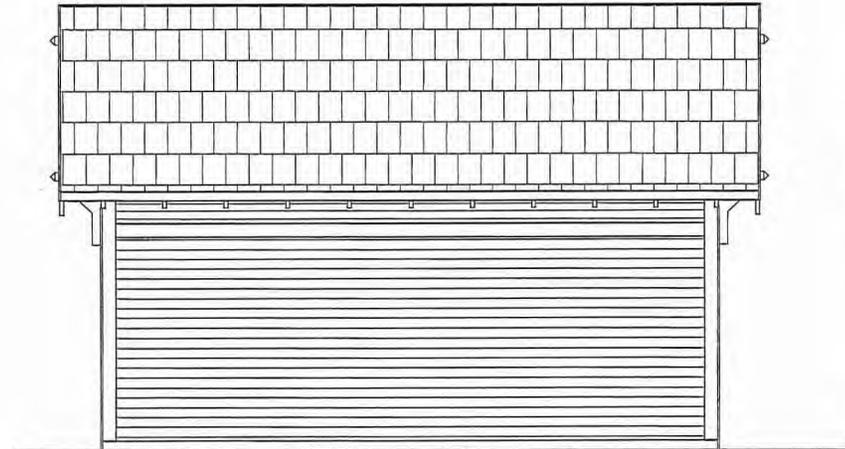


**1**  
**A1** **LEFT SIDE ELEVATION**  
SCALE 1/4" = 1' - 0"

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**4**  
**A1** **REAR ELEVATION**  
SCALE 1/4" = 1' - 0"



**1**  
**A1** **RIGHT SIDE ELEVATION**  
SCALE 1/4" = 1' - 0"

**GARAGE ELEVATIONS**

**Niva** Design Studio, Ltd.  
Landscape Design/Build Contracting

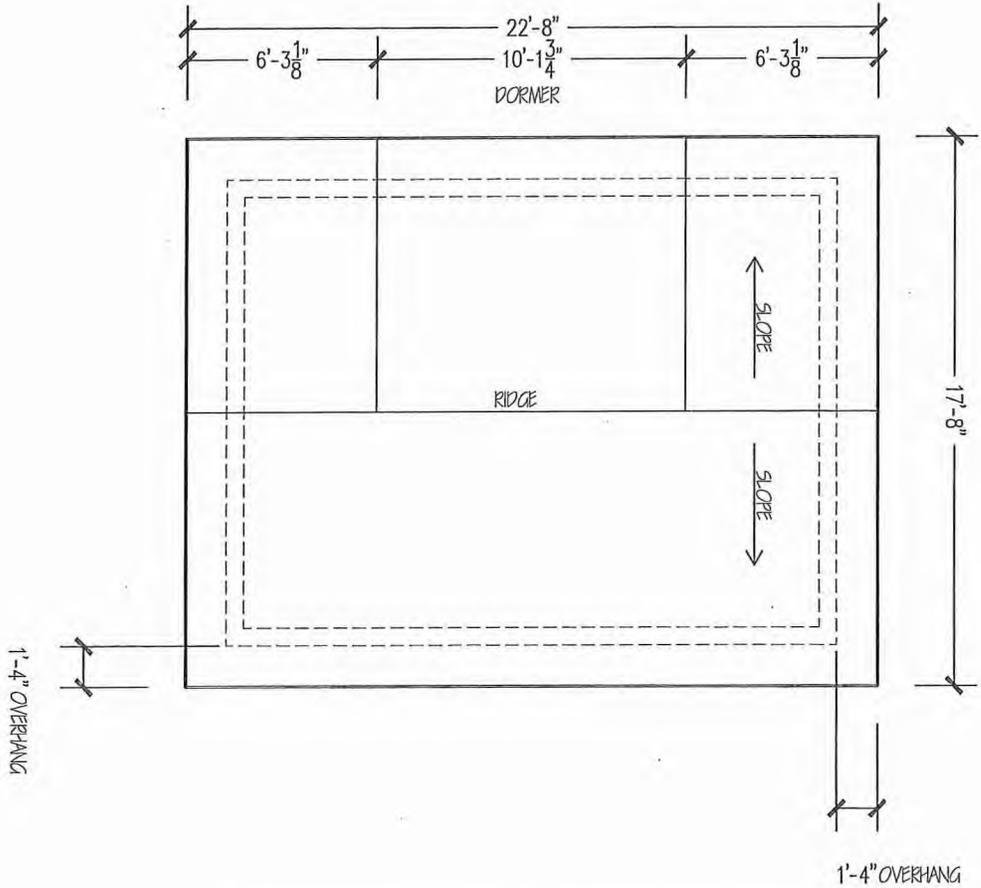
1609 Burroughs Circle, Edina, Minnesota 55425 TEL: 952.474.1122

**Belanger Residence**  
5533 OAKLAWN AVE.  
Edina, MN

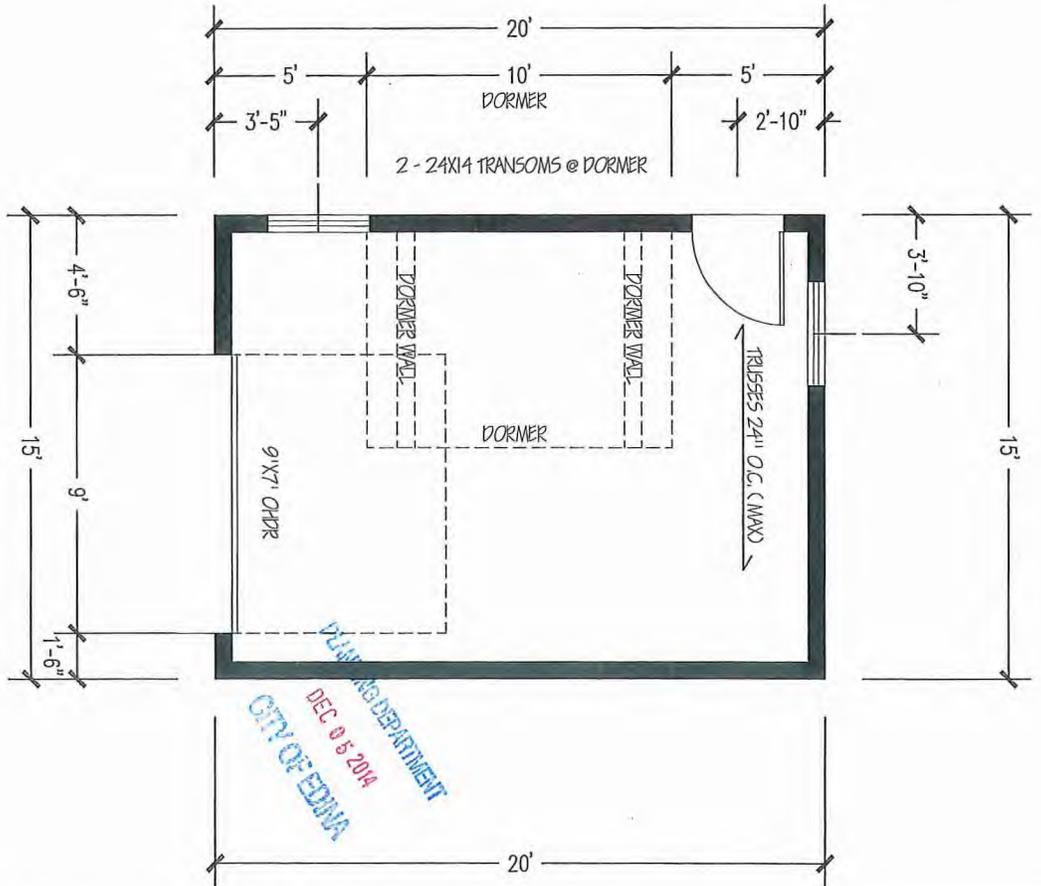
Job Number: 14-03  
Drawn By: JLS  
Date: 03/10/14  
Revision:  
08/27/14  
09/20/14  
10/02/14  
10/08/14 56" PEDESTAL DOOR

Sheet  
**A1** of **3**

**ROOF PLAN**  
SCALE 1/4" = 1'-0"



**GARAGE FLOOR PLAN**  
SCALE 1/4" = 1'-0"



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**GARAGE PLAN**

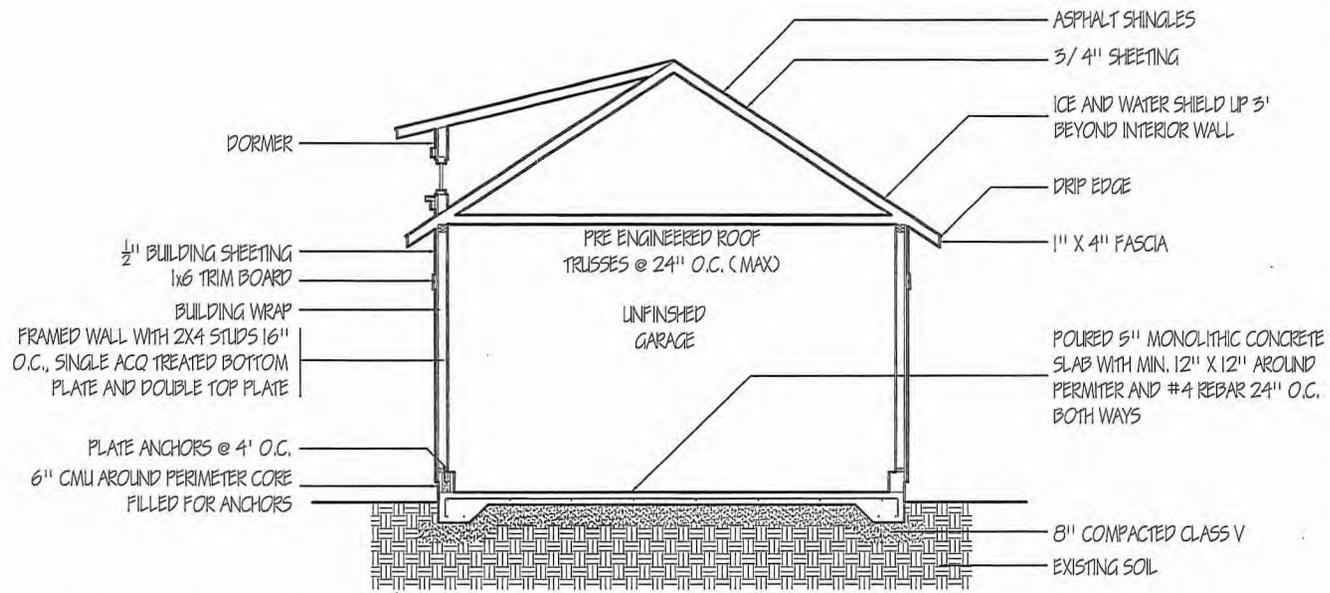
Sheet  
A2 of 3

Job Number: 14-03  
Drawn By: JKL  
Checked By: JKL  
Revised: 02/27/14  
01/20/14  
10/08/14 5/4" TRANSOM DOOR

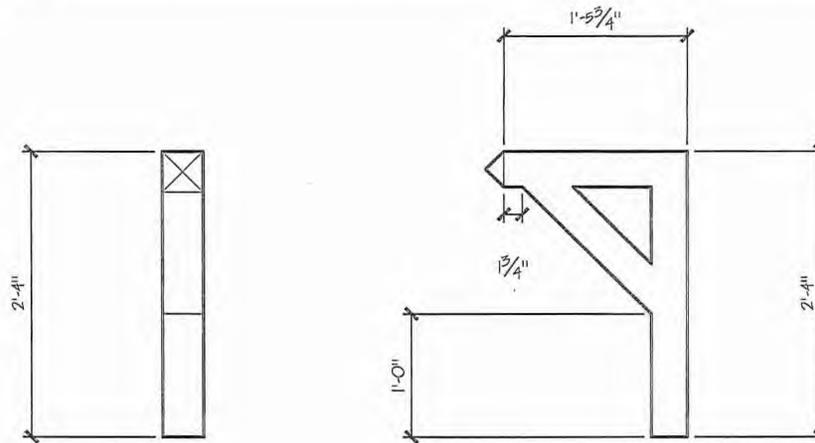
**Belanger Residence**  
5533 OAKLAWN AVE.  
Edina, MN

**Niva** Design Studio, Ltd.  
Landscape Design/Build Contracting

16503 Marlborough Circle • Minneapolis • MN • 55448 LIC #20131237 • TEL 552.470.1652



**1**  
**A3** **GARAGE SECTION**  
 SCALE 1/4" = 1' - 0"



**1**  
**A3** **BRACKET DETAIL**  
 SCALE 1" = 1' - 0"

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 DEC 05 2014  
 CITY OF EDINA

**GARAGE SECTION & DETAILS**

**Niva** Design Studio, Ltd.  
 Landscape Design/Build Contracting  
 10000 Burdette Ave. #100 • Edina, MN • 55438  
 612.521.1237 • TEL. 524.1414

**Belanger Residence**  
 5533 OAKLAWN AVE.  
 Edina, MN

Job Number: 14-03  
 Drawn By: MEJ  
 Date: 05/10/14  
 Revision:  
 05/21/14  
 09/30/14  
 12/05/14  
 10/05/14 50% PERMISSIVE DOC  
 12/04/14 SHEET SIZE - 1817

Sheet  
**A3** of **3**