



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant City Planner	Meeting Date June 10, 2015	Agenda # B-15-10
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Recommended Action: Approve a 34 foot variance from Wooddale Ave. to the required front yard/side street setback of 59 feet to allow for a 25 foot front yard/side street setback.

Project Description: The applicant is requesting a 34 foot variance to the required 59 foot front yard/side street setback to construct a new home on the lot located at 5115 Wooddale Glen (subject property) at a front/side street setback of 25 feet from Wooddale Ave.

INFORMATION/BACKGROUND

The subject property is approximately 98 feet in width and is 11,931 square feet in area. The property is a corner lot with frontage along both Wooddale Ave. and Wooddale Glen. The property is subjected to two front yard setbacks along both street frontages. The property owner is requesting to demolish the existing single-family home with a single stall garage, which currently does not meet the setback required from Wooddale Ave. of 59 feet or the required interior side yard setback to the east of 10 feet for the purposes of building a new home on the site. The applicant has stated that the current home is in disrepair, is unlivable at this time and is functionally obsolete. The existing one car garage is only 8 feet wide and is quite close to the east side yard at 4 feet, (6 feet closer than allowed by ordinance). The zoning ordinance requires a minimum two car garage per single dwelling unit with a minimum, (east), side yard setback of 10 feet. The existing home is nonconforming to current code requirements regarding setback from Wooddale Ave., the interior side yard setback to the east and providing a minimum two car garage. The proposed new home will conform to all zoning requirements with the exception of setback from Wooddale Ave., which the current home also does conform to.

The proposed home will be two stories with an attached three car garage, (one stall to be tandem behind the other). Garage width from the front façade will be 23 feet and present as a two car garage from Wooddale Glen. The new home will be

upgraded to meet modern needs and conform to the minimum two car garage requirement. The applicant has indicated that the home will be a "cottage style" home with highly articulated facades on all sides to include multiple windows, layered roof lines, box outs, brackets, shutters and a stone chimney. A design concern with a conforming solution given the deep setback from Wooddale is the narrow building width opportunity along Wooddale Glen, which pushes a front loading garage into prominence with the potential to create what is known as a "snout house" design. The proposal is to avoid a garage prominent design by locating it on the west side of the house which also buffers living areas from traffic along Wooddale Ave. The intent is to also work with neighboring property owners on clearing up mismatched fencing, buckthorn, wood piles etc. while implementing a mutually beneficial landscape plan for all on site. The applicant has indicated that he has approached adjacent property owners and that they have been supportive of his ideas for the site

There are existing single-family homes on the adjacent north and west lots, facing both on Wooddale Ave. and Wooddale Glen. The north lot has a front setback of 59 feet. The lot to the west of the subject property fronting Wooddale Glen is set back 43 feet from the front property line. The existing home to be torn down is located 42.9 feet from Wooddale Ave. and is nonconforming to the required 59 foot street setback. The existing and proposed new homes conform to the 43 foot front yard setback required from the lot line adjacent to Wooddale Glen, but neither the existing or proposed homes conform to the required setback from Wooddale Ave. The required setback from Wooddale Ave. cuts the lot in half with buildable area of the lot reduced even farther given the 25 foot rear yard setback, 10 foot side yard setback requirement and 43 foot setback required from Wooddale Glen. The lot area of 11, 931 square feet should allow for building coverage of 2,982 square feet, (25% of the lot), however, given setback requirements, the buildable area of the lot is approximately 1,400 square feet or roughly less than 12% of the lot area.

Section 36-439, I (a) requires a front yard setback equal to the setback of the adjacent home to the north, or 59 feet for this lot. The street setback required for typical corner lots that do not have homes facing a side street is 15 feet. The proposed home will be 25 feet from the lot line adjacent to Wooddale Ave. It should be noted that the two nearest corner lots on the cul-de-sacs of Wooddale Glen and Wooddale Lane are also closer to Wooddale at 15.7 feet and 33.1 feet instead of 59 feet as required for the subject lot.

SUPPORTING INFORMATION

Surrounding Land Uses

This property is located on the corner of Wooddale Ave. and Wooddale Glen and is within the Arden Park neighborhood. The property is

surrounded by single dwelling units with the exception of Edina Country Club parking lot across Wooddale Ave. to the west.

Existing Site Features

The subject lot is 11,931 square feet in area. The existing home is located 42.9 feet from Wooddale Ave. and is nonconforming to the required setback of 59 feet from Wooddale Ave., 10 foot setback from the east lot line and does not provide the minimum required two car garage.

Planning

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

Building Design

The proposal is to build a new two story single family residence and a three car attached garage with a footprint of 2,337 square feet.

Compliance Table

	City Standard	Proposed
Front/Side Street-Side-Front/Wooddale Glen Rear	Match adjacent 59 feet 10 feet 43 feet 25 feet	25 feet* 14.3 feet 43 feet 25 feet
Building Height Lot Area Lot Width	2 1/2 stories, 36.9 Ft 9,000 Sq. Ft or avg of nbhd 75 feet or avg of nbhd	2 stories, 32 feet from 11,932 square feet 98 feet
Lot coverage	25%	22.5%

* **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 westerly front/side street setback (as determined by the adjacent home to the

north). The variance allows for a two car garage fronting Wooddale Lane beside the home, (to the west), instead of creating a façade that is all garage front facing Wooddale Glen in order to fit within the required buildable area.

2. The home is appropriate in size and scale for the lot and the improvements will enhance the property. The building coverage will be less than the 25% allowed by ordinance and the over-all height is 4.9 feet lower than the maximum allowed. The new home will increase spacing from 4.2 feet to 11.3 feet between the subject home and the home to the east.
3. The property is subject to a setback from Wooddale Ave. that cuts the lot in half regarding building opportunity. The existing home doesn't conform to the required street setback, so historically there has always been encroachment towards Wooddale. There are two other homes facing cul-de-sacs along Wooddale Ave. that also do not conform to the deeper setbacks required.
4. The proposed new home will improve upon existing nonconforming conditions that are currently on-site and will comply with the zoning ordinance more than the existing conditions.

- **Is the proposed variance justified?**

Yes. Per the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the zoning ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

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 existing home immediately to the north of the lot is set back much farther than the

existing home's setback and farther back than neighboring homes to the north along Wooddale. Lots along Wooddale north of the subject property are much deeper and back up to Minnehaha Creek which afford more opportunity to build farther back to take advantage of creek views. The setback required From Wooddale is a practical difficulty when trying to design within the 1,400 square feet of buildable area left after all setback requirements are imposed. A practical difficulty is trying to provide a two car garage within the footprint area that isn't dominant towards Wooddale Glen.

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 the impact that the required front setback along Wooddale has on just the subject property and no others. Properties to the north fronting Wooddale are much deeper than a typical lot, so much so that locating farther back from Wooddale than a typical 30 foot front yard setback isn't a challenge. The deep setback imposed by the neighbor's home is not a self-created condition of the property owner.

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

No. The proposed home will not alter the essential character of the neighborhood. The proposed home will complement the existing neighborhood homes. Approval of the variance allows the continued reasonable use of the property. There is Edina Country Club's parking lot across Wooddale from the proposed improvements, so there should be no impact on property across the street.

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 front/side street setback (as determined by the adjacent home).
2. The home is appropriate in size and scale for the lot and the improvements will enhance the property.
3. The property is subject to an unreasonably deep street setback that severely diminishes the building opportunity for the lot.

4. The proposed home will be more conforming than the existing home by providing for more than the minimum two car garage requirement and increasing the east side yard setback to be greater than the minimum 10 feet required.
5. There is a practical difficulty in meeting the ordinance requirements and there are circumstances unique to the property due to an imposed front yard setback from the adjacent home that shrinks building footprint options to less than 12% of the lot area.
6. The variance, if approved, will not alter the essential character of the neighborhood. The new home will be well articulated and will enhance the character of the neighborhood.

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, unless modified by the conditions below:

Survey date stamped: May 11, 2015

Building plans and elevations date stamped: May 11, 2015.

Deadline for a City Decision: July 10, 2015.



DATE: June 3, 2015
TO: Cary Teague – Planning Director

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

FROM: Charles Gerck EIT – Engineering Technician

RE: **5115 Wooddale Glen - Special Review of Variance Application**

The Engineering Department has reviewed the subject property for street and utility concerns, grading, storm water, erosion and sediment control and for general adherence to the relevant ordinance sections. This review was performed at the request of the Planning Department; a more detailed review will be performed at the time of building permit application.

Summary of Review

Engineering has no concerns with the plans as submitted. The proposed plans are for the demolition of an existing home and construction of a new home. The proposed plans show a grading design that properly controls run-off from the home and lot. The public storm water utility on Wooddale Glen has sufficient capacity to handle the additional volume. The applicant will need to obtain a Minnehaha Creek Watershed District permit prior to the start of construction. If the applicant proposes relocation of the driveway, a curb cut permit will need to be applied for.

Grading and Drainage

The proposed plans show a grading design that properly controls run-off from the home and lot. The run-off from the home will be collected and directed on site VIA graded swales, these swales keep the run-off on site until it eventually discharges to Wooddale Glen. Once discharged to the street the water will run east to a catch basin on Wooddale Glen and discharge into Minnehaha Creek. The public storm water utility on Wooddale Glen has sufficient capacity to handle the additional volume.

Erosion and Sediment Control

Minnehaha Creek Watershed District permit will be required prior to the start of construction.

Street and Curb Cut

Applicant will need to apply for a curb cut permit through the engineering department if driveway is to be relocated.

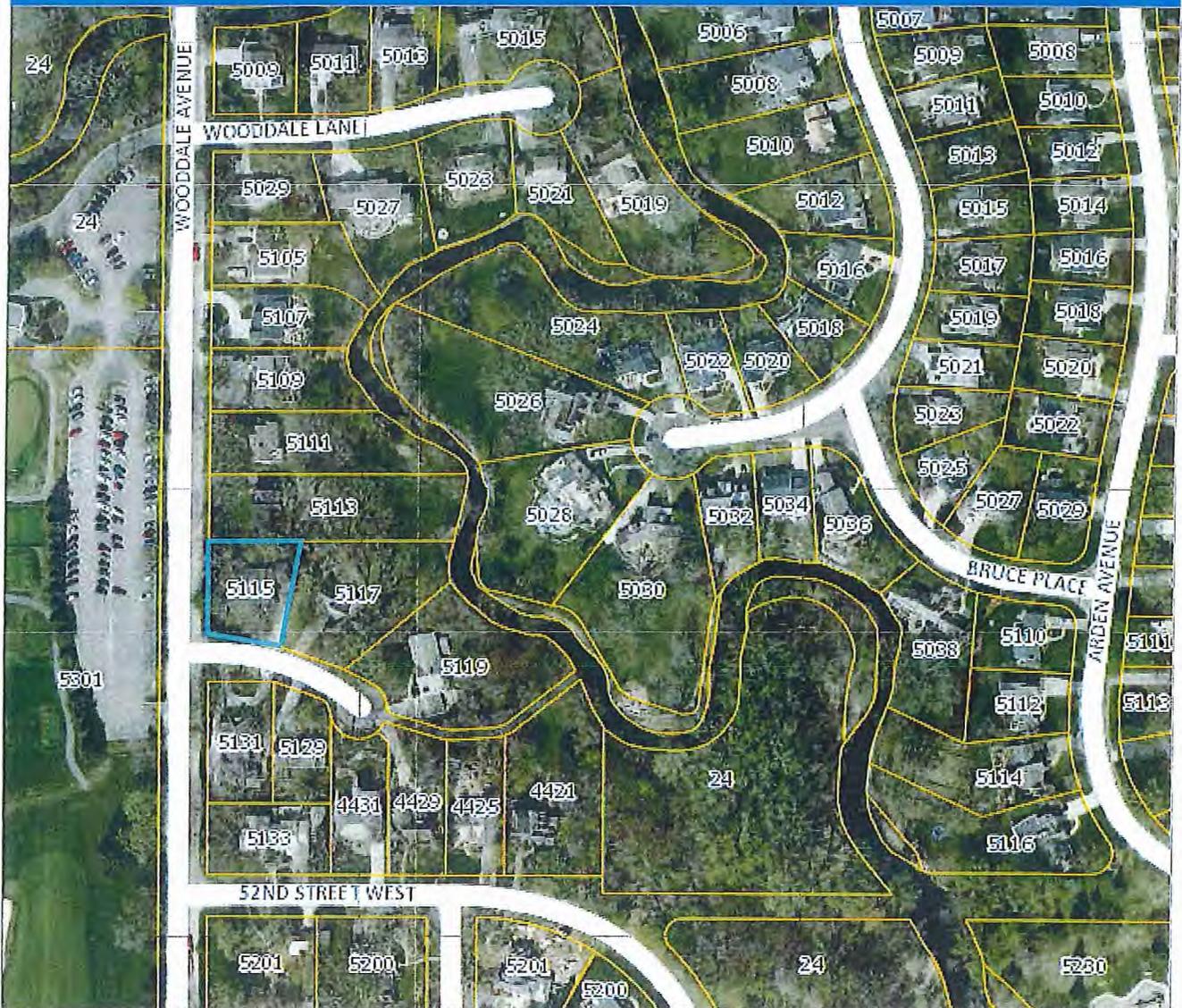
Water and Sanitary Utilities

No comments

ENGINEERING DEPARTMENT

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

Hennepin Interactive Maps Property Map



<p>Parcel ID: 18-028-24-42-0081</p> <p>Owner Name: Cwmb's Inc Chl Mortgage</p> <p>Parcel Address: 5115 Wooddale Glen, Edina, MN 55424</p> <p>Property Type: Residential</p> <p>Home-stead: Homestead</p> <p>Parcel Area: 0.27 acres, 11,949 sq ft</p>	<p>A-T-B: Abstract</p> <p>Market Total:</p> <p>Tax Total:</p> <p>Sale Price:</p> <p>Sale Date:</p> <p>Sale Code:</p>	<p>Map Scale: 1" ≈ 200 ft.</p> <p>Print Date: 6/4/2015</p> <p style="text-align: center;">  </p> <p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2015</p> <p style="text-align: right;"></p>
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City of Edina Property Images



*Neighbor to the
North on Wooddale Ave*

City of Edina Property Images



Subject property

City of Edina Property Images



*Neighbor to the
East on Wooddale Glen*



DATE: June 3, 2015
TO: Cary Teague – Planning Director

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

FROM: Charles Gerck EIT – Engineering Technician

RE: **5115 Wooddale Glen - Special Review of Variance Application**

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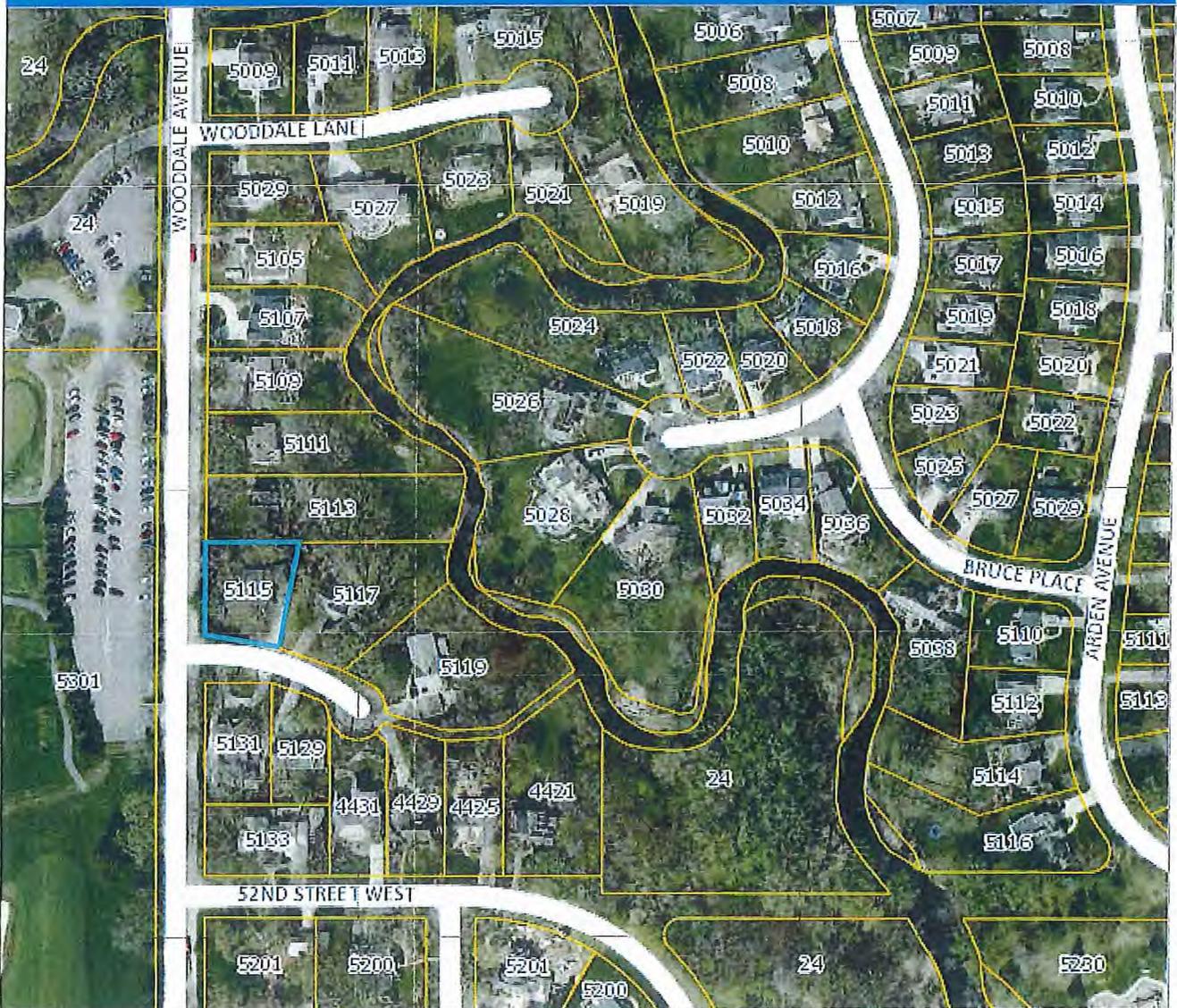
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No comments

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City of Edina Property Images



*Neighborhood to the
North on Wooddale Ave*

City of Edina Property Images



subject property

City of Edina Property Images



*Neighbor to the
East on Wooddale Glen*



VARIANCE APPLICATION

CASE NUMBER B-15-10 DATE 5/11/2015
FEE PAID 450.00

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

FEE: RES - \$450.00 NON-RES - \$700.00

APPLICANT:

NAME: Great Neighborhood Homes (Signature required on back page) Scott Busyn

ADDRESS: 3939 W. 50th St. Suite 103A PHONE: 952-807-8765

EMAIL: scott@greatneighborhoodhomes.com

PROPERTY OWNER:

NAME: Residential Credit Solutions (Signature required on back page)

ADDRESS: 4708 Mercantile Dr. Fort Worth, TX 76137 PHONE: 800-737-1192

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Lot 10 Country Club District Wooddale Section

**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: 5115 Wooddale Glen

PRESENT ZONING: R-1 P.I.D.# 18-028-24-42-0081

EXPLANATION OF REQUEST:

Requesting a 34' Front set back variance
From Wooddale Avenue

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Ben Nelson PHONE: 763-717-1907

EMAIL: NA

SURVEYOR: NAME: Woody Brown PHONE: 952-1854-4055
EMAIL: wblandsurvey@aol.com

PLANNING DEPARTMENT

MAY 11 2015
CITY OF EDINA

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

NO

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

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

PLANNING DEPARTMENT

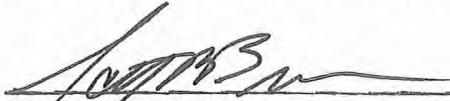
MAY 11 2015

CITY OF EDINA

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.

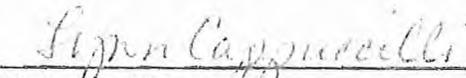

Applicant's Signature

5/11/15
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

Lynn Cappuccilli
By NRT REOExperts LLC.,
as Attorney in Fact

5-11-15
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.

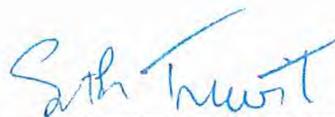
PLANNING DEPARTMENT
MAY 11 2015
CITY OF EDINA

NRT REOExperts LLC
Assistant Secretary's Certificate

I, Seth I. Truwit, am a duly elected, qualified and acting Senior Vice President and Assistant Secretary of NRT REOExperts LLC, a limited liability company formed and existing in good standing under the laws of the State of Delaware (the "Company").

I HEREBY CERTIFY that the attached Exhibit A is a true and complete copy of the resolutions adopted by the unanimous written consent of the Board of Managers of the Company on January 30, 2015.

IN WITNESS WHEREOF, the undersigned has executed this Assistant Secretary's Certificate the 5th day of February, 2015.



Seth I. Truwit, Senior Vice President
and Assistant Secretary

PLANNING DEPARTMENT

MAY 11 2015

CITY OF EDINA

EXHIBIT A

RESOLVED, that Jay Baker and Ximena Wolf are hereby appointed and authorized by the Company to manage, market, sell and convey 1-4 family residential real estate properties that have been acquired by Residential Credit Solutions, Inc. ("Residential Credit Solutions") pursuant to foreclosure, power of sale, deed-in-lieu of foreclosure or similar process to the extent such properties are identified in a letter or electronic communication from Residential Credit Solutions directing that such services be provided by the Company; and to perform those acts necessary and appropriate to carry out the powers granted to the Company pursuant to the Limited Power of Attorney dated November 11, 2013 ("POA") by Residential Credit Solutions, including but not limited to executing and delivering deeds, certificates of title or other title documents to vest title to real or personal property in the purchase of any REO Properties, as defined in the POA between Residential Credit Solutions and the Company; and be it

FURTHER RESOLVED, that Ximena Wolf, Edwina Vaca, John Curtis, Ronald Semich, Lynn Pimenta, Kadija Dunn, Robert Letourneau, Scott Brady, Lisa Dicarlantonio, Lynn Cappuccilli, Makala Mullen, Claudia Lee are hereby appointed and authorized by the Company to sign listing agreements and sales contracts and HUD1 Statements with regard to the REO Properties as defined in, and to the extent permitted under the POA.

**NRT REOEXPERTS LLC
UNANIMOUS WRITTEN CONSENT OF THE
BOARD OF MANAGERS IN LIEU OF MEETING**

The undersigned, being all of the members of the Board of Managers of NRT REOEXPERTS LLC, a Delaware limited liability company (the "Company"), hereby adopt the following actions with the same force and effect as if such resolutions were approved and adopted at a duly constituted meeting of the Board of Managers of the Company:

RESOLVED, that Jay Baker and Ximena Wolf are hereby appointed and authorized by the Company to manage, market, sell and convey 1-4 family residential real estate properties that have been acquired by Residential Credit Solutions, Inc. ("Residential Credit Solutions") pursuant to foreclosure, power of sale, deed-in-lieu of foreclosure or similar process to the extent such properties are identified in a letter or electronic communication from Residential Credit Solutions directing that such services be provided by the Company; and to perform those acts necessary and appropriate to carry out the powers granted to the Company pursuant to the Limited Power of Attorney dated November 11, 2013 ("POA") by Residential Credit Solutions, including but not limited to executing and delivering deeds, certificates of title or other title documents to vest title to real or personal property in the purchase of any REO Properties, as defined in the POA between Residential Credit Solutions and the Company; and be it

FURTHER RESOLVED, that Ximena Wolf, Edwina Vaca, John Curtis, Ronald Semich, Lynn Pimenta, Kadija Dunn, Robert Letourneau, Scott Brady, Lisa Dicarlantonio and Lynn Cappuccilli, Makala Mullen, Claudia Lee are hereby appointed and authorized by the Company to sign listing agreements and sales contracts and HUD1 Statements with regard to the REO Properties as defined in, and to the extent permitted under the POA.

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of Managers of the Company, have executed this written consent as of the 30th day of January, 2015.



Marilyn J. Wasser, Manager

Clark W. Toole III, Manager

Bruce G. Zipf, Manager

**NRT REOEXPERTS LLC
UNANIMOUS WRITTEN CONSENT OF THE
BOARD OF MANAGERS IN LIEU OF MEETING**

The undersigned, being all of the members of the Board of Managers of NRT REOEXPERTS LLC, a Delaware limited liability company (the "Company"), hereby adopt the following actions with the same force and effect as if such resolutions were approved and adopted at a duly constituted meeting of the Board of Managers of the Company:

RESOLVED, that Jay Baker and Ximena Wolf are hereby appointed and authorized by the Company to manage, market, sell and convey 1-4 family residential real estate properties that have been acquired by Residential Credit Solutions, Inc. ("Residential Credit Solutions") pursuant to foreclosure, power of sale, deed-in-lieu of foreclosure or similar process to the extent such properties are identified in a letter or electronic communication from Residential Credit Solutions directing that such services be provided by the Company; and to perform those acts necessary and appropriate to carry out the powers granted to the Company pursuant to the Limited Power of Attorney dated November 11, 2013 ("POA") by Residential Credit Solutions, including but not limited to executing and delivering deeds, certificates of title or other title documents to vest title to real or personal property in the purchase of any REO Properties, as defined in the POA between Residential Credit Solutions and the Company; and be it

FURTHER RESOLVED, that Ximena Wolf, Edwina Vaca, John Curtis, Ronald Semich, Lynn Pimenta, Kadija Dunn, Robert Letourneau, Scott Brady, Lisa Dicarlantonio and Lynn Cappuccilli, Makala Mullen, Claudia Lee are hereby appointed and authorized by the Company to sign listing agreements and sales contracts and HUD1 Statements with regard to the REO Properties as defined in, and to the extent permitted under the POA.

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of Managers of the Company, have executed this written consent as of the 30th day of January, 2015.

Marilyn J. Wasser, Manager



Clark W. Toole III, Manager

Bruce G. Zipf, Manager

NRT REOEXPERTS LLC
UNANIMOUS WRITTEN CONSENT OF THE
BOARD OF MANAGERS IN LIEU OF MEETING

The undersigned, being all of the members of the Board of Managers of NRT REOEXPERTS LLC, a Delaware limited liability company (the "Company"), hereby adopt the following actions with the same force and effect as if such resolutions were approved and adopted at a duly constituted meeting of the Board of Managers of the Company:

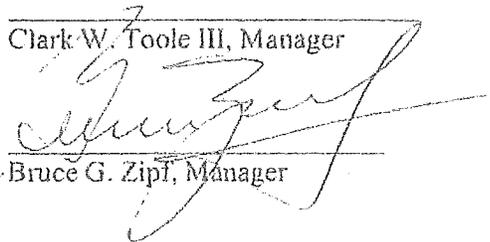
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FURTHER RESOLVED, that Ximena Wolf, Edwina Vaca, John Curtis, Ronald Semich, Lynn Pimenta, Kadija Dunn, Robert Letourneau, Scott Brady, Lisa Dicarantonio and Lynn Cappuccilli, Makala Mullen, Claudia Lee are hereby appointed and authorized by the Company to sign listing agreements and sales contracts and HUDI Statements with regard to the REO Properties as defined in, and to the extent permitted under the POA.

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of Managers of the Company, have executed this written consent as of the 30th day of January, 2015.

Marilyn J. Wasser, Manager

Clark W. Toole III, Manager



Bruce G. Zipt, Manager

LIMITED POWER OF ATTORNEY

Residential Credit Solutions, Inc. (hereinafter called "Servicer") hereby appoints NRT REO Experts LLC ("Vendor"), as its true and lawful attorney-in-fact to act in the name, place and stead of Servicer for the purposes set forth below. This Limited Power of Attorney is given in connection with a certain Master Asset Management Agreement by and between Catalyst Asset Management LLC and Vendor dated September 3 2013, (the "Agreement") to which reference is made for the definition of all capitalized terms herein.

Now therefore, Servicer does hereby constitute and appoint Vendor the true and lawful attorney-in-fact of Servicer and in Servicer's name, place and stead with respect to each Property for the following, and only the following, purposes:

1. To execute, acknowledge, seal and deliver deeds, bills of sale, and other instruments of sale, conveyance, and transfer, appropriately completed, with all ordinary or necessary endorsements, acknowledgments, affidavits, and supporting documents as may be necessary or appropriate to effect its execution, delivery, conveyance, recordation or filing.
2. To execute and deliver in the name of and on behalf of Servicer listing agreements, contracts for sale and any other documents necessary for the marketing and sale of any Property on behalf of Servicer.

Servicer intends that this Limited Power of Attorney be coupled with an interest. This Limited Power of Attorney shall expire upon expiration of the Agreement unless earlier expressly terminated by Servicer.

Servicer further grants to its attorney-in-fact full authority to act in any manner both proper and necessary to exercise the foregoing powers, and ratifies every act that Vendor may lawfully perform in exercising those powers by virtue hereof.

Vendor shall indemnify, defend and hold harmless Servicer and its successors and assigns from and against any and all losses, costs, expenses (including, without limitation, actual attorneys' fees), damages, liabilities, demands or claims of any kind whatsoever, ("Claims") arising out of, related to, or in connection with (i) any act taken by Vendor pursuant to this Limited Power of Attorney, which act results in a Claim solely by virtue of the unlawful use of this Limited Power of Attorney (and not as a result of a Claim related to the underlying instrument with respect to which this Limited Power of Attorney has been used), or (ii) any use or misuse of this Limited Power of Attorney in any manner or by any person not expressly authorized hereby.

Variance Application for 5115 Wooddale Glen – Supplement

Great Neighborhood Homes has purchased the property at 5115 Wooddale Glen (see photo 1) with the intent of demolishing the existing home and building a new home on the site. 5115 Wooddale Glen is a corner lot with the existing one car garage facing Wooddale Glen. The existing home is in very poor condition with much deferred maintenance and is unlivable as is. The existing garage is only 8 feet wide and was shoehorned into the right side of the house leaving only a 4' setback from the lot line. The garage will not hold a standard SUV (see photo 2). Several unsuccessful attempts were made to widen this garage. The previous owner requested and was denied a variance to widen the garage, and subsequently made an unsuccessful attempt to purchase additional land from the owner of 5117 Wooddale Glen to try and add more buildable area for the garage. Being so close to the east lot line also creates a treacherous driveway with a 2' drop off on the east side (see photo 3). The property is also overgrown with buckthorn on the corner of Wooddale Glen and Wooddale Avenue (see photo 4). The plan for the new home will include removing the buckthorn to make the corner safer for cars, the active bike line, and sidewalk pedestrians while creating a more pleasing and better-kept entrance for the homeowners on Wooddale Glen. I am also working with the adjacent homeowners at 5117 Wooddale Avenue and 5117 Wooddale Glen to develop a joint landscaping plan to clean up the jumble of different fence styles, wood piles, and an old shed in the area that is our shared view of Minnehaha Creek.

The zoning code requires a new home on 5115 Wooddale Glen to meet both the 43' front setback of the home to the east (5117 Wooddale Glen, see photo 5) and the 59' front setback of the home to the north (5113 Wooddale Avenue, see photo 6). Both of these setbacks are greater than the minimum setback of 30' on standard lots. These adjacent properties also have deep back yards, affording them the luxury of deep front setbacks. In addition, zoning for 5115 Wooddale Glen requires a 25' rear yard setback on the north lot line and a 12' side yard setback on the east lot line. The lot area of 11,931 square feet should allow building lot coverage of 2982 (25%). However, the zoning setbacks only allow approximately half of the allowable lot coverage or about 1400 square feet. The remaining buildable area is too small to build a new home (see photo 7) with the character and stateliness of nearby homes (nor would it allow the existing home to be rebuilt, see photo 8).

In addition, the 59' setback from Wooddale Avenue zoning limits the design possibilities of a new home on the site. An attached two-car garage would take up almost 100% of the frontage of the house. This would create a garage-dominant "snout house" (see photo 9) look that would not be in character with the understated garages on the cul-de-sac.

The proposed home will have a front loading, understated garage facing Wooddale Glen - in character with all other homes on the cul-de-sac (see photo 10). It is also in character with the corner lot at 5131 Wooddale Glen (see photo 11), and the corner lot at 5029 Wooddale Lane (see photo 12). The proposed garage is articulated and

PLANNING DEPARTMENT
MAY 11, 2015
CITY OF EDINA

attractive, in character with the vintage charm of the other homes in the neighborhood.

The proposed variance will relieve practical difficulties in complying with the zoning ordinance and the use is reasonable. This setback requirement creates the following practical difficulties:

1) It limits the buildable area of the lot significantly. Allowable lot coverage for a similar sized lot in Edina R-1 district is 2982 square feet. The front setback requirement from Wooddale Avenue limits the lot coverage to approximately 1400 sf. While we are not proposing a home at the maximum 2982 square feet of lot coverage, our proposed home does require 2337 square feet of lot coverage. (house lot coverage 1432 sf, garage footprint 905 sf). We are not trying to max out the lot, but build a home adequate in size for a growing family.

2) The setback requirement from Wooddale Avenue limits design options for a new home on the site. Since we end up with a very small frontage on Wooddale Glen, a new home would either have to be designed to have mostly garage facing Wooddale Glen, or have a side load garage creating a new curb cut through the decorative stone wall and sidewalk on Wooddale Avenue (see photo 13). A garage-dominant design, often referred to as a "snout house" (see photo 9), would be out of character for the cul de sac. Then we are left with the other alternative, a side load garage facing Wooddale Avenue. This would require a new curb cut on Wooddale Avenue, deteriorating the character of the stone wall on that stretch of road as well as create a safety hazard for the heavily used sidewalk and bike lane on Wooddale. In addition, the proposed plan was designed to protect large mature trees on the property west side of the property (see photo 14). The Wooddale side has a majestic white pine that we don't want to get near the root structure as part of our tree protection plan.

The plight of 5115 Wooddale Glen is due to the zoning requirements for corner lots combined with the deep setback of 5113 Wooddale Avenue (59'). These circumstances were not created by the us. Our proposed home will not alter the essential character of the property or its surroundings. The home across the street at 5131 Wooddale Glen has a similar design to our proposal with a setback from Wooddale Avenue of 15.7' (see photo 11). 5115 Wooddale Glen was also platted as a smaller lot than adjacent lots and lacks the creek lot depth of the two neighbors.

The proposed variance will correct extraordinary circumstances applicable to this property but not applicable to other properties in the vicinity. The two nearest corner lots on the cul-de-sacs of Wooddale Glen and Wooddale Lane have an average setback of 24.4' from Wooddale Avenue. 5131 Wooddale Glen (see photo 11) is at 15.7' and 5029 Wooddale Lane (see photo 12) is at 33.1'. Both of these lots have garages setback from Wooddale Avenue with a driveway on their respective cul-de-sacs (similar to our proposal).

PLANNING DEPARTMENT

MAY 11 2015

CITY OF EDINA

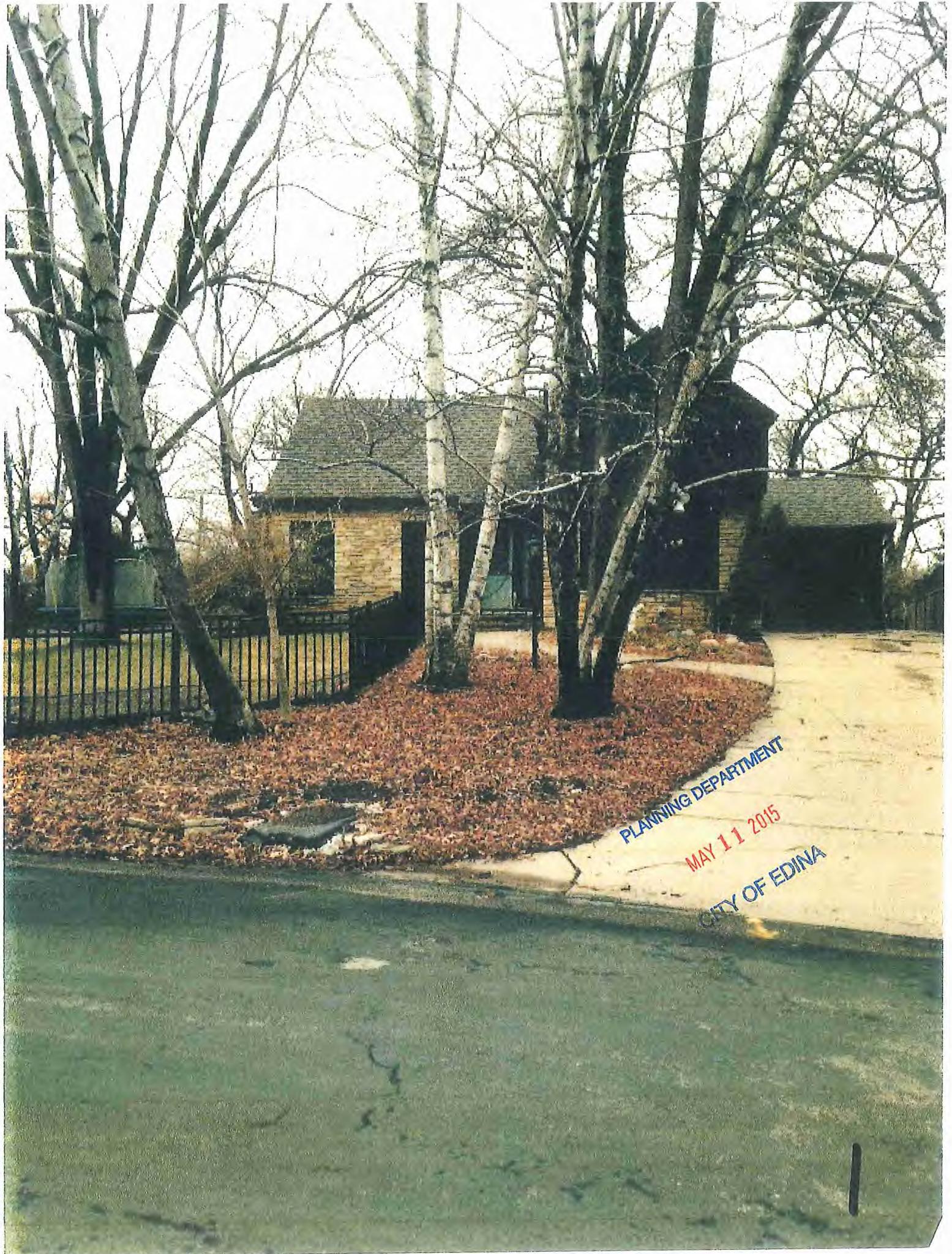
The proposed variance will be in harmony with the general purpose and intent of the zoning ordinance. The intent of the front street setback rule is to prevent obtrusive structures impairing the sightlines of the neighboring homes. The new 10' setback will be further way from the home to the east than the existing setback of an improvement over the existing 4.2' setback. The neighbor at the home to the east also had such ongoing issues with the close setback and garbage being left out that he built a fence to block the view (see photo 15). After meeting with the homeowner, he is excited about getting rid of the fence and creating more open space between the properties. The view of the home to the north will not be obstructed as the existing home already has a 42.9' setback from Wooddale Avenue. In addition, there is an existing deck and bench structure 10' from their property, 6' fence between the properties, and heavy buckthorn and pine trees between the properties (see photo 16). As part of our project we will mediate the buckthorn and remove the fence to create better views and light for the homeowner in the home to the north.

The proposed variance will not alter the essential character of the neighborhood. All of the garages on Wooddale Glen face the street (see photo 10). We have designed a storybook cottage home with four-sided architectural detail. Not only will the front façade be highly detailed, the other four sides are designed to be highly articulated with minimal flat façade. Features such as a stone chimney, multiple windows, layered roof lines, box outs, brackets and charming shutter details will make the facades pleasing to the eye and a welcome addition to the corner of Wooddale Glen and Wooddale Avenue. In addition, we will maintain the flow of the stone detail along Wooddale Avenue that exists today from Wooddale Lane to 52nd Street. The look is a graceful rhythm of stone walls that come down to manicured corners at each intersection (see photos). The variance will allow us to maintain the character of this landmark stretch of Wooddale Avenue.

5115 Wooddale Glen new home proposed building materials:

- Stucco and stone siding
- Asphalt roof
- Detailed soffit and eaves
- Period shutters
- Divided light windows
- Coach arch panel garage doors
- Window planter boxes

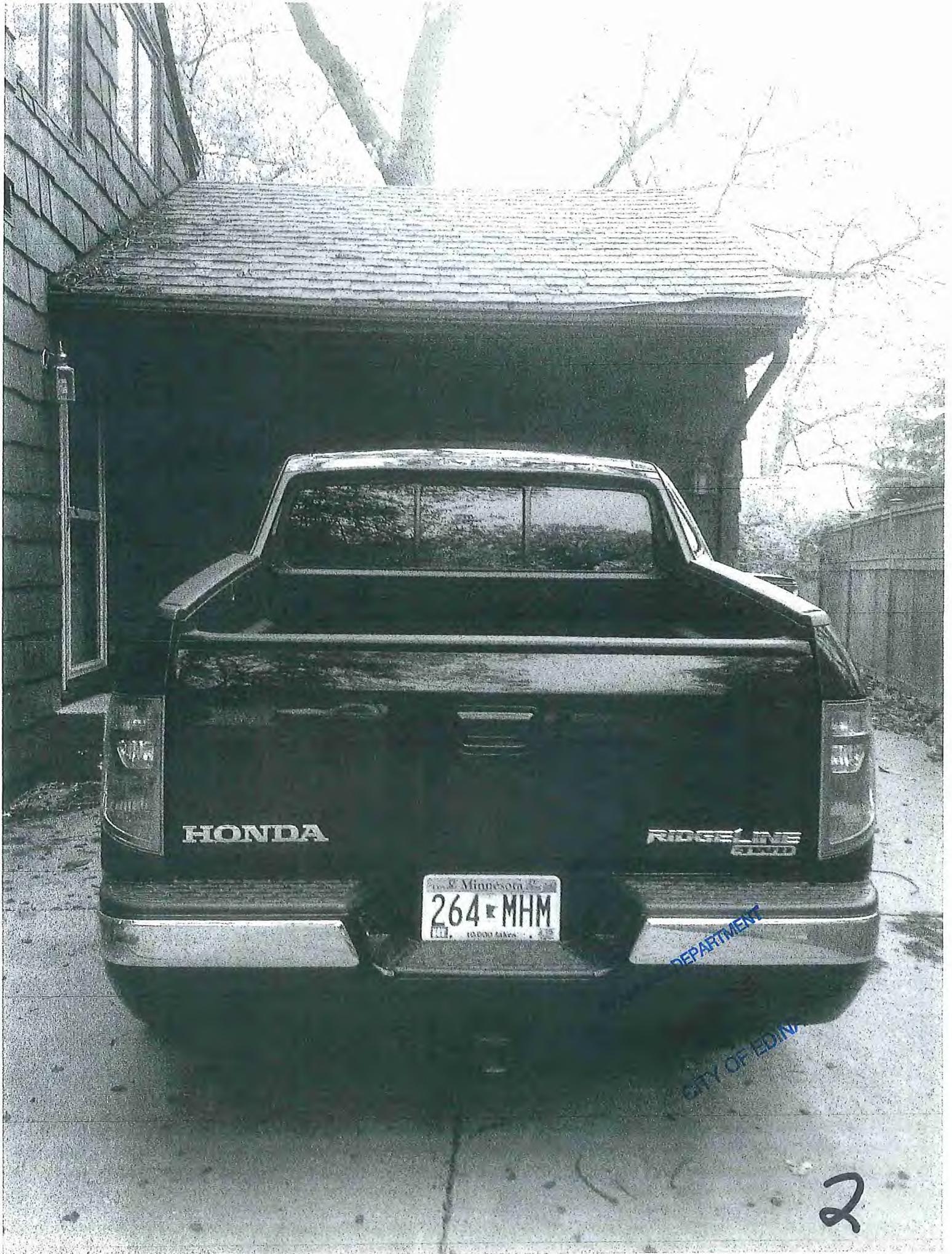
PLANNING DEPARTMENT
MAY 11 2015
CITY OF EDINA



PLANNING DEPARTMENT

MAY 11 2015

CITY OF EDINA



HONDA

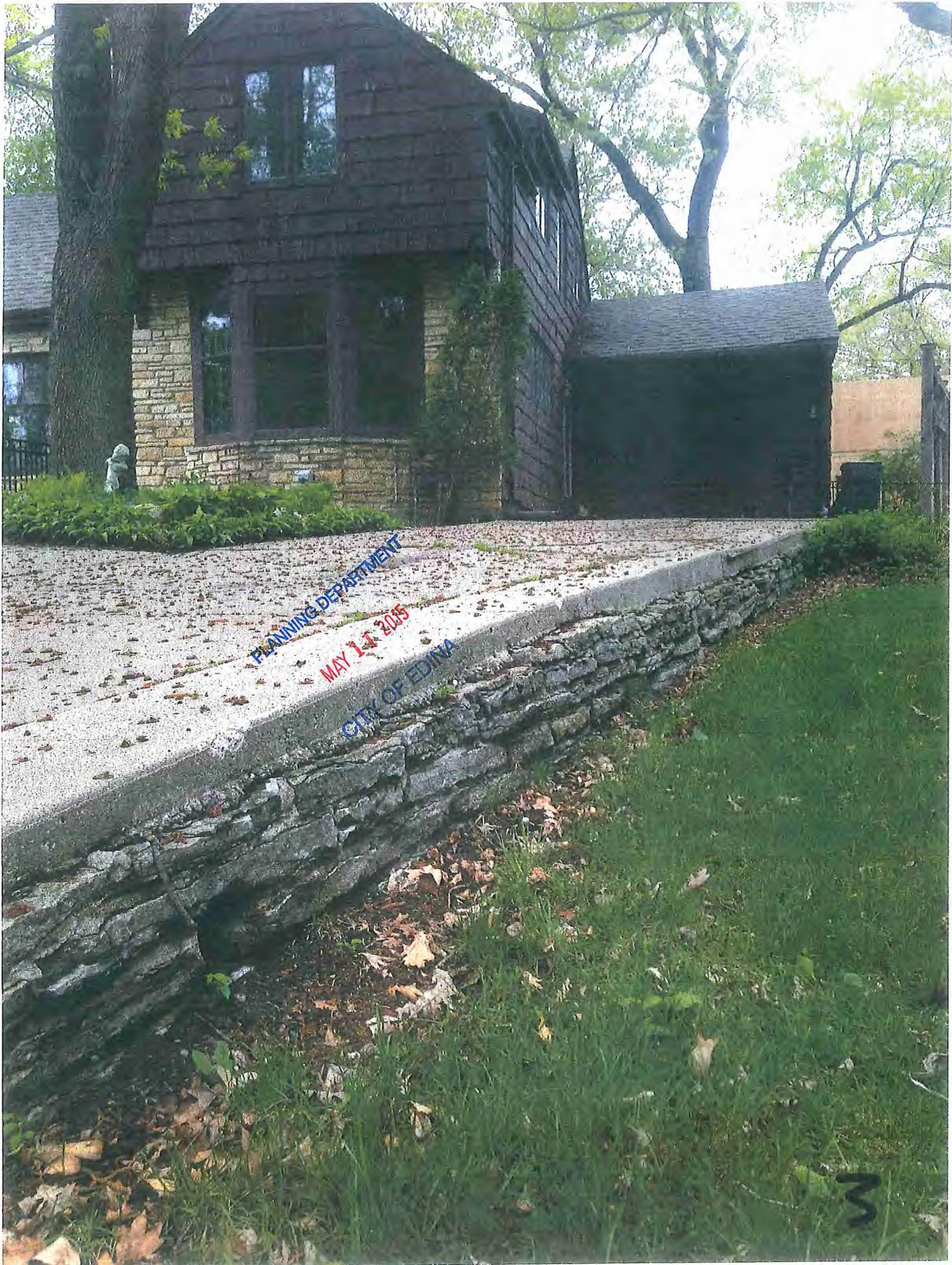
RIDGELINE

Minnesota
264 MHM
1999 MINN.

DEPARTMENT

CITY OF EDINBURGH

2

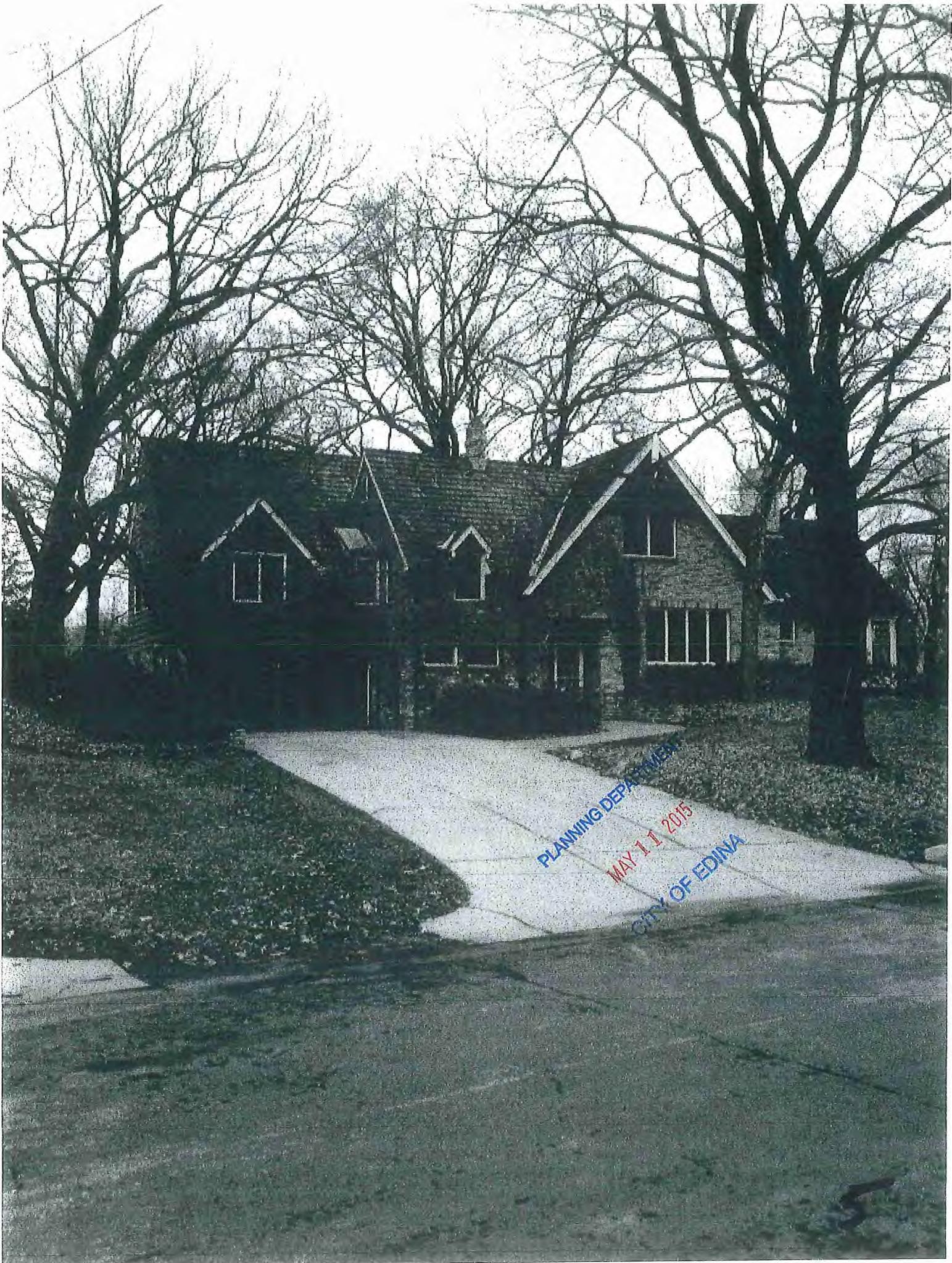


PLANNING DEPARTMENT
MAY 14 2005
CITY OF EDINA

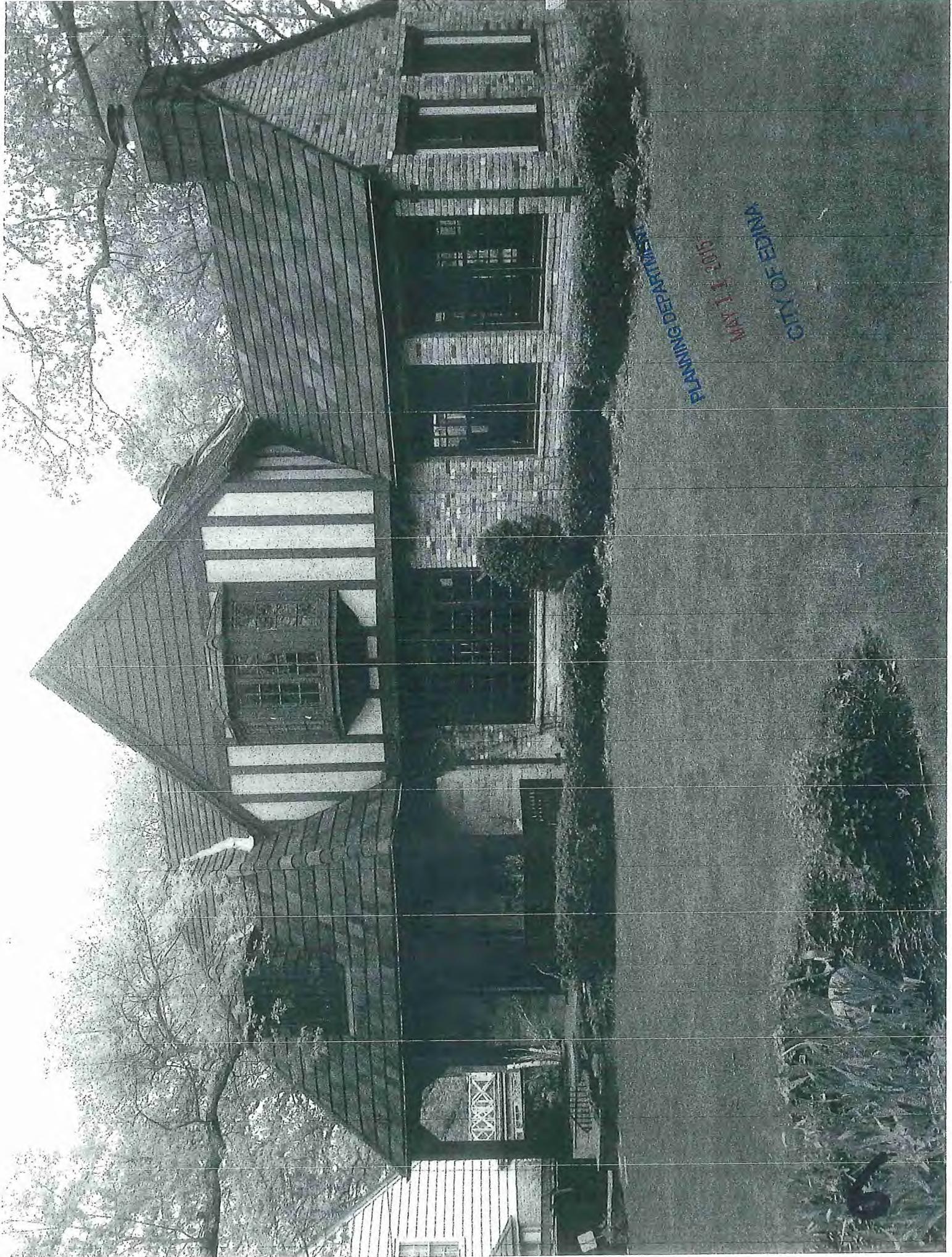
Wooddale Glen

COLDWELL BANKER
BURNET
763-574-2000

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MAY 11 2015
CITY OF EDINA



PLANNING DEPARTMENT
MAY 11 2015
CITY OF EDINA



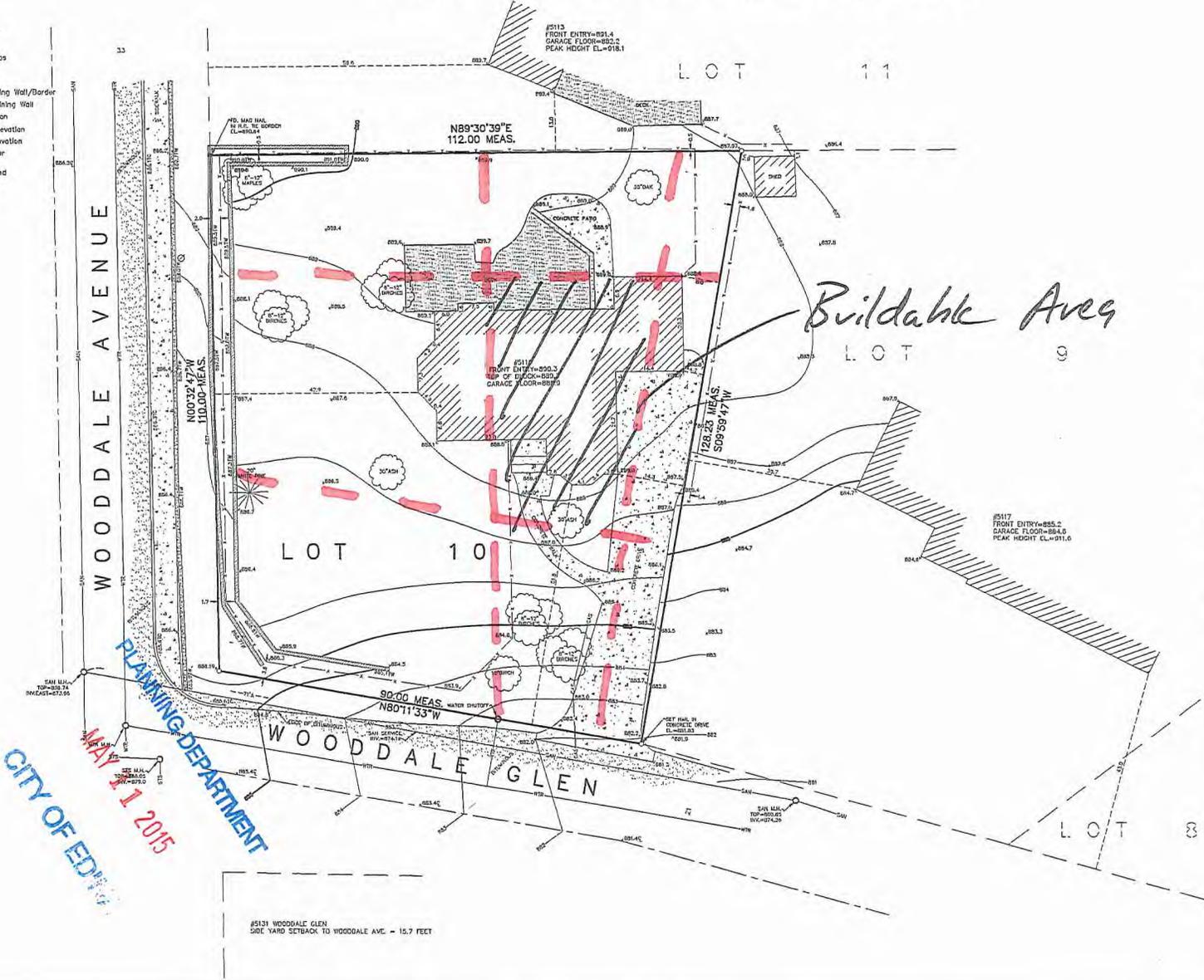
PLANNING DEPARTMENT
MAY 14 2016
CITY OF ERIENA

SITE ADDRESS: 5115 WOODDALE GLEN
EDINA, MN 55424

EXISTING CONDITION SURVEY FOR: GREAT NEIGHBORHOOD HOMES

Legend

- Fence
- STS- Storm Sewer
- SAN- Sanitary Sewer
- WTR- Water
- GAS- Underground Gas
- o Manhole
- o Power Pole
- R.R. Tie Retaining Wall/Border
- Flagstone Retaining Wall
- Existing Elevation
- >900.0TC Top of Curb Elevation
- >900.0TW Top of Wall Elevation
- 900 Existing Contour
- o Denotes Iron Monument Found
- o Denotes Set, 1/2" x 1/4" Iron Pipe w/ Plastic Cap Incribed R.L.S. 19230.



SCALE: 1 INCH = 10 FEET

SETBACK TO WOODDALE AVE.
#5131 WOODDALE GLEN - 15.7' SIDE YARD SETBACK

EXISTING AREA CALCULATION:
Lot Area = 11,931 SF
IMPERVIOUS SURFACE:
House = 1,517 SF
Deck, Lawn = 150 SF Allowance = 438 SF
Concrete Patio = 169 SF
Total = 2,135 SF
= 17.9%

PROPERTY DESCRIPTION:
Lot 10, COUNTRY CLUB DISTRICT WOODDALE SECTION,
Hennepin County, Minnesota.

BENCHMARK:
Eline #335
T.I.R.M. at #2105 Wooddale Ave.
Elevation = 856.19.

NOTE: No Search Was Made For Any Easements.

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

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

W. BROWN LAND SURVEYING, INC.

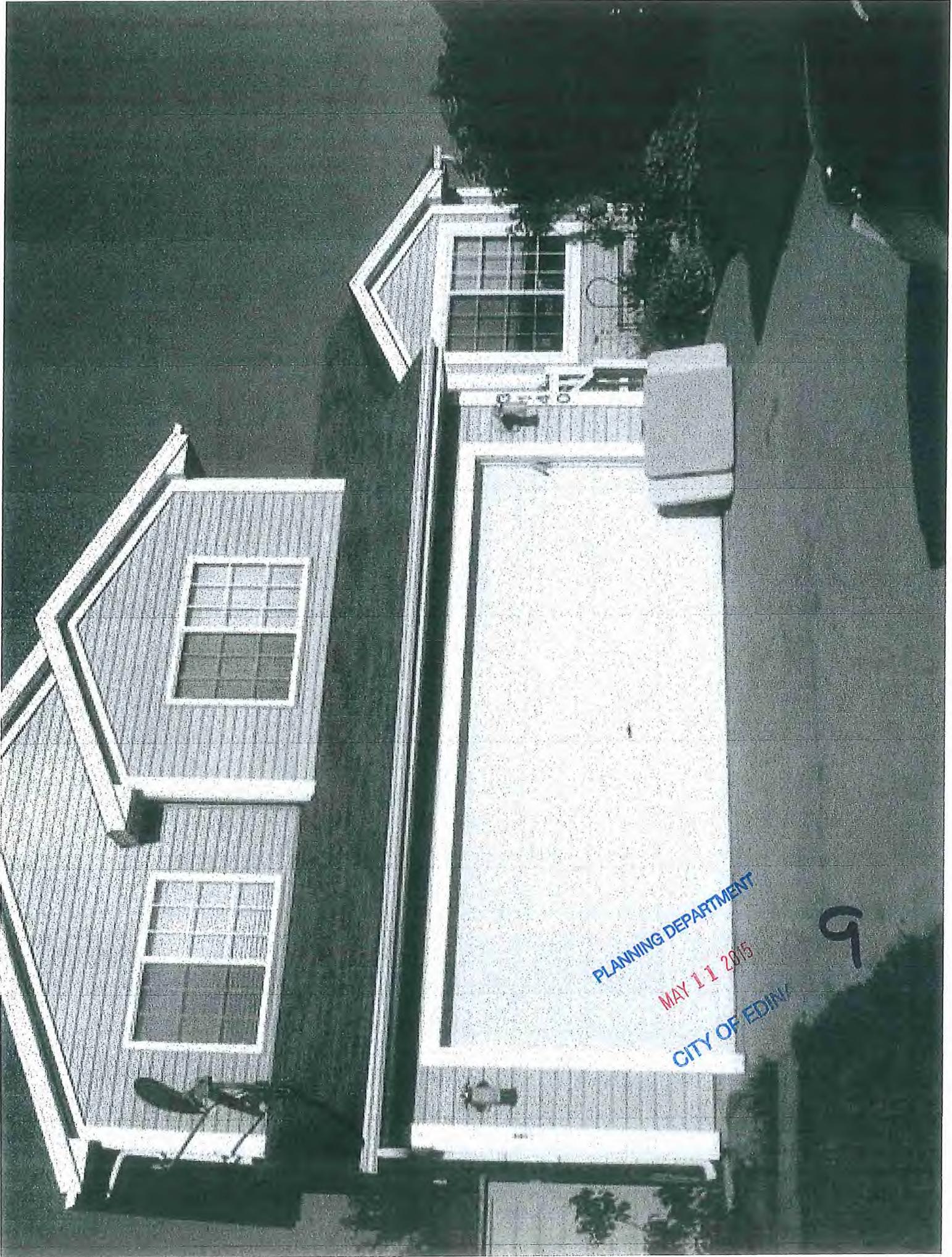
Woodrow A. Brown, R.L.S. MN REG 15230
Dated: 03-31-2015

PLANNING DEPARTMENT
CITY OF EDINA
MAY 1 2015

EXISTING CONDITION	09-15-14/1/14	03-31-2015	CME
PROPOSED SITE PLAN			
HOUSE STAKE			
FOUNDATION AS-BUILT			
FINAL AS-BUILT			

W. BROWN LAND SURVEYING, INC.
9030 Cedar Avenue SE., Suite 222E
Bloomington, MN 55425
Bus: (952) 854-4055
Fax: (952) 854-4268

Drawing:	Date: 03-31-2015	
59-15	Scale: 1 inch = 10 Feet	1 of 1



PLANNING DEPARTMENT

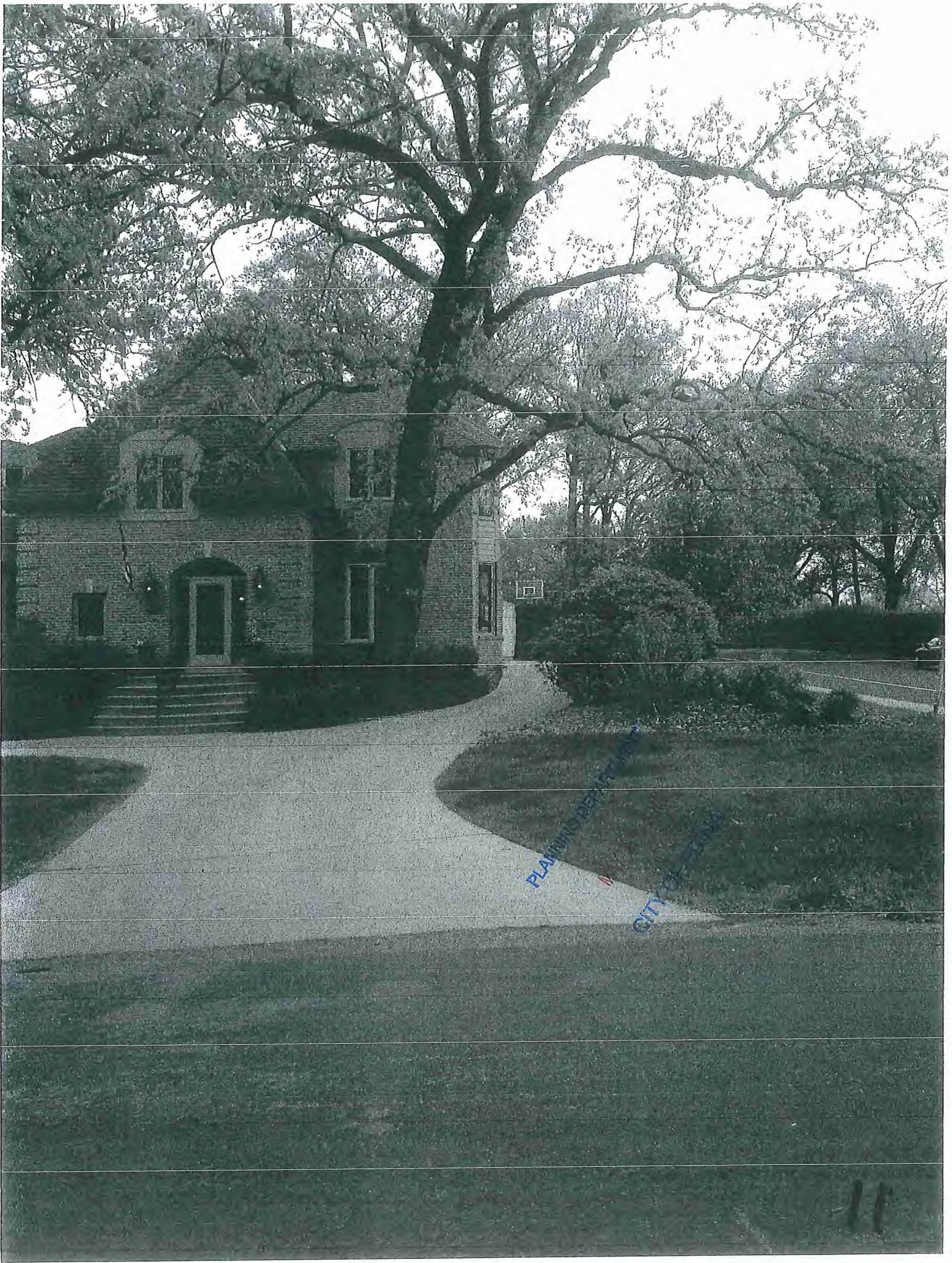
MAY 11 2015

CITY OF EDINBURGH

9

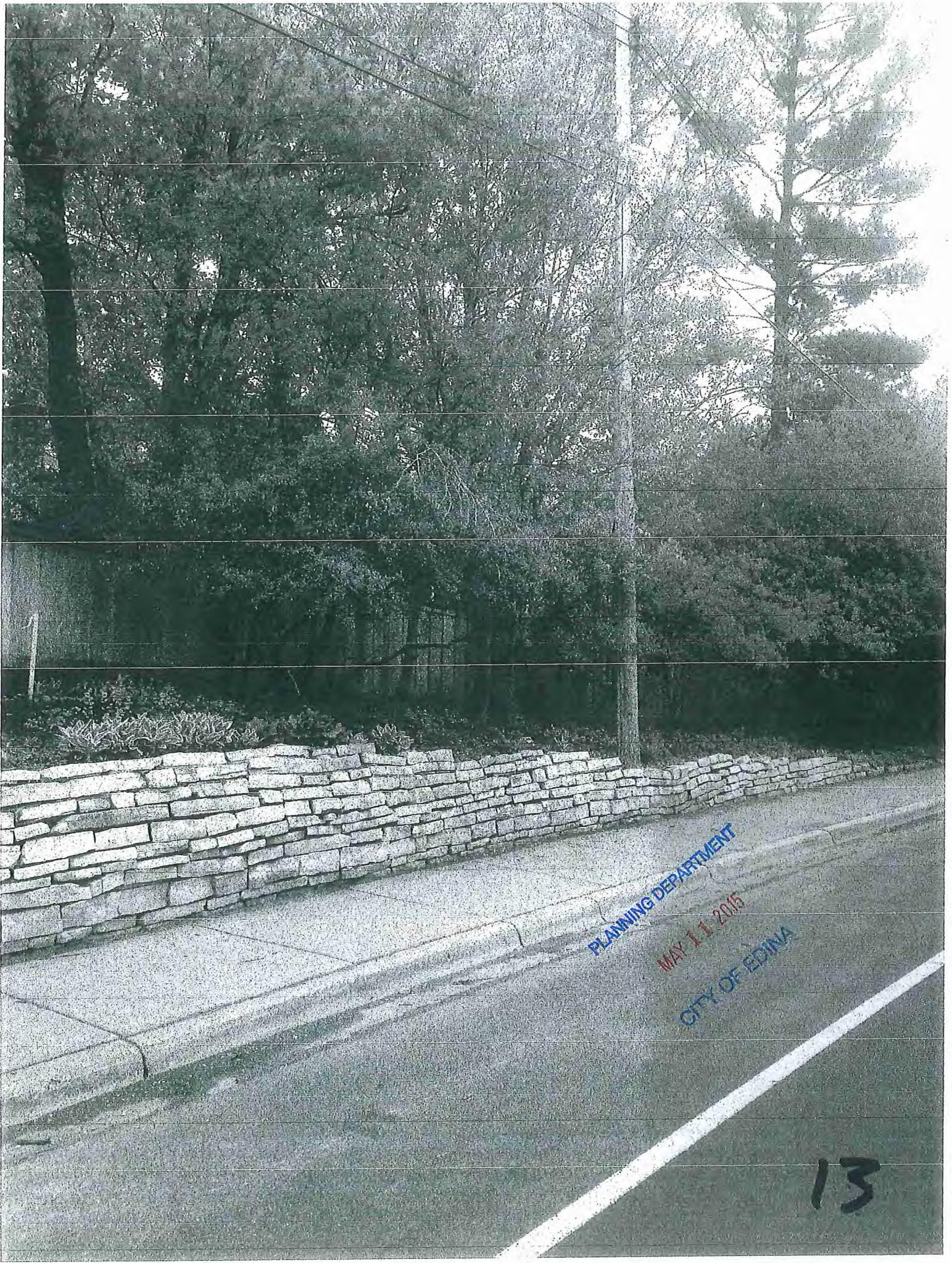


PLANNING DEPARTMENT
MAY 11 2015
CITY OF EDINA



PLANNING DEPARTMENT
CITY OF DENVER





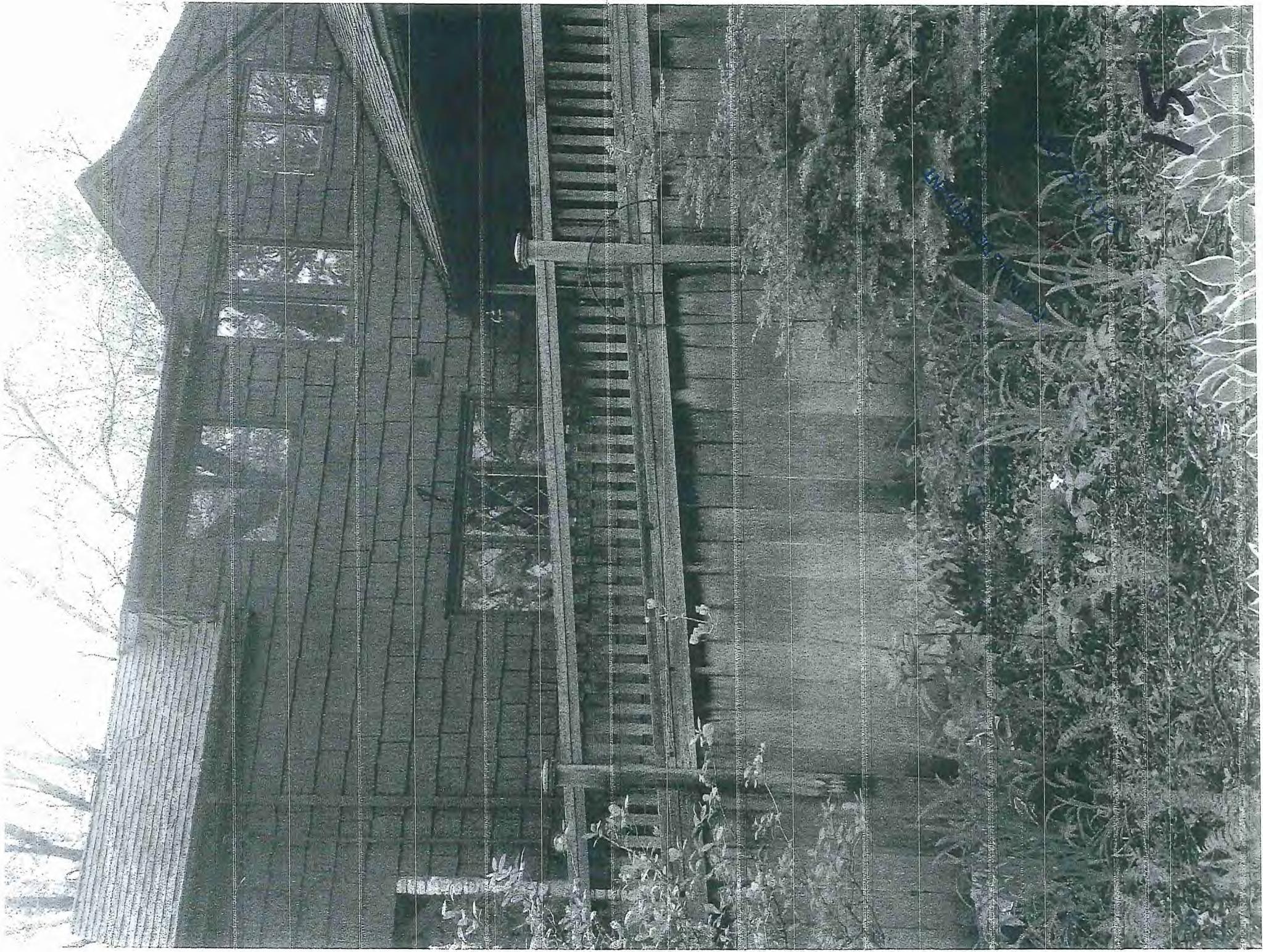
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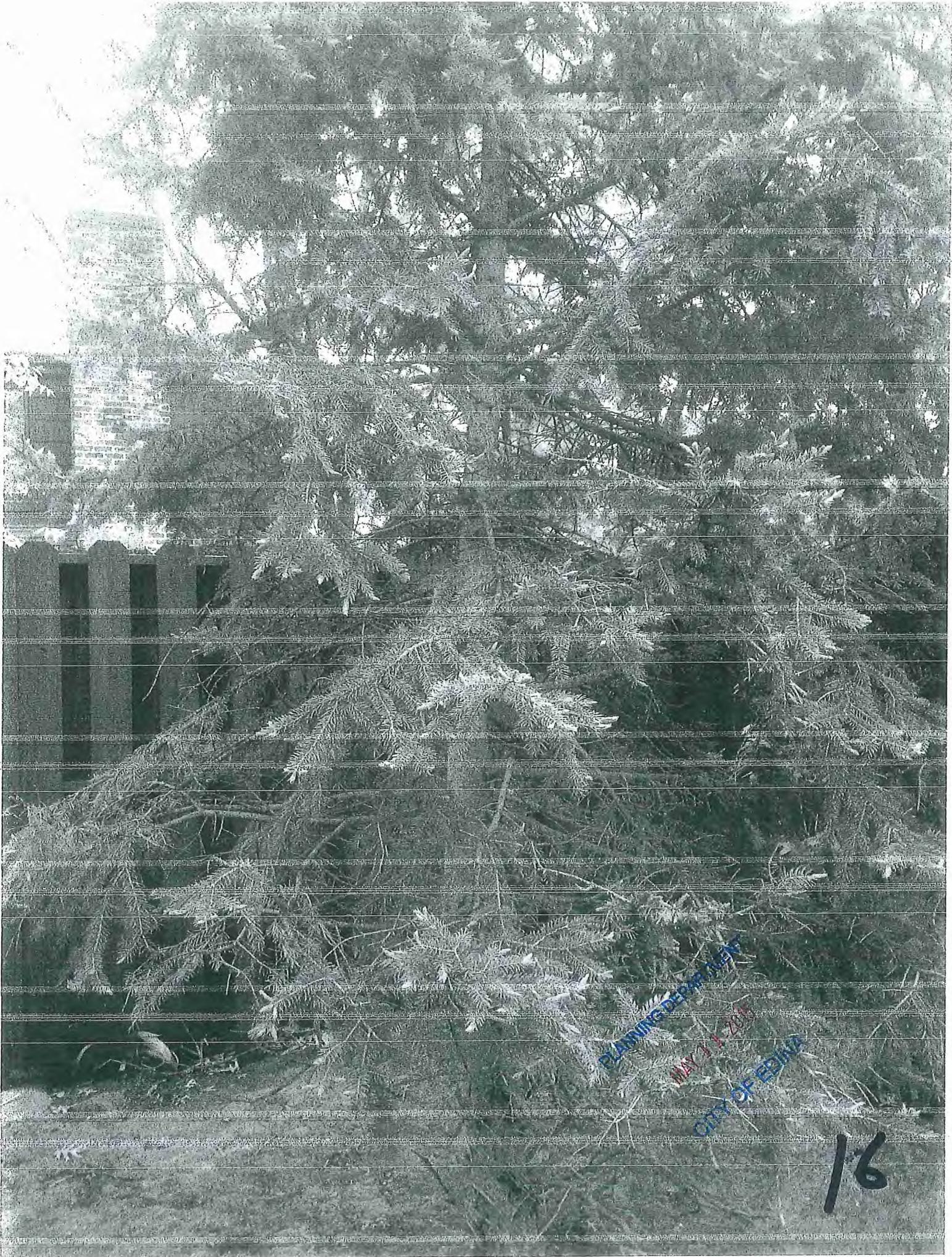
MAY 11 2015

CITY OF EDINA

13







PLANNING DEPARTMENT
MAY 11 2015
CITY OF EDINA

16

32' MAX = 36.9'



PRELIMINARY

ENTRY ELEVATION

1/8" = 1'-0"

515 WOODDALE GLEN

EDINA

GNH

5.5.15
 5.4.15
 5.2.15
 NRDI

PLANNING DEPARTMENT

MAY 11 2015

CITY OF EDINA

NRDI

5.2.15

5.4.15

5.8.15

GNN

EDINA
515 WOODGATE GLEN

1/8" = 1'-0"
EAST / INTERIOR ELEVATION

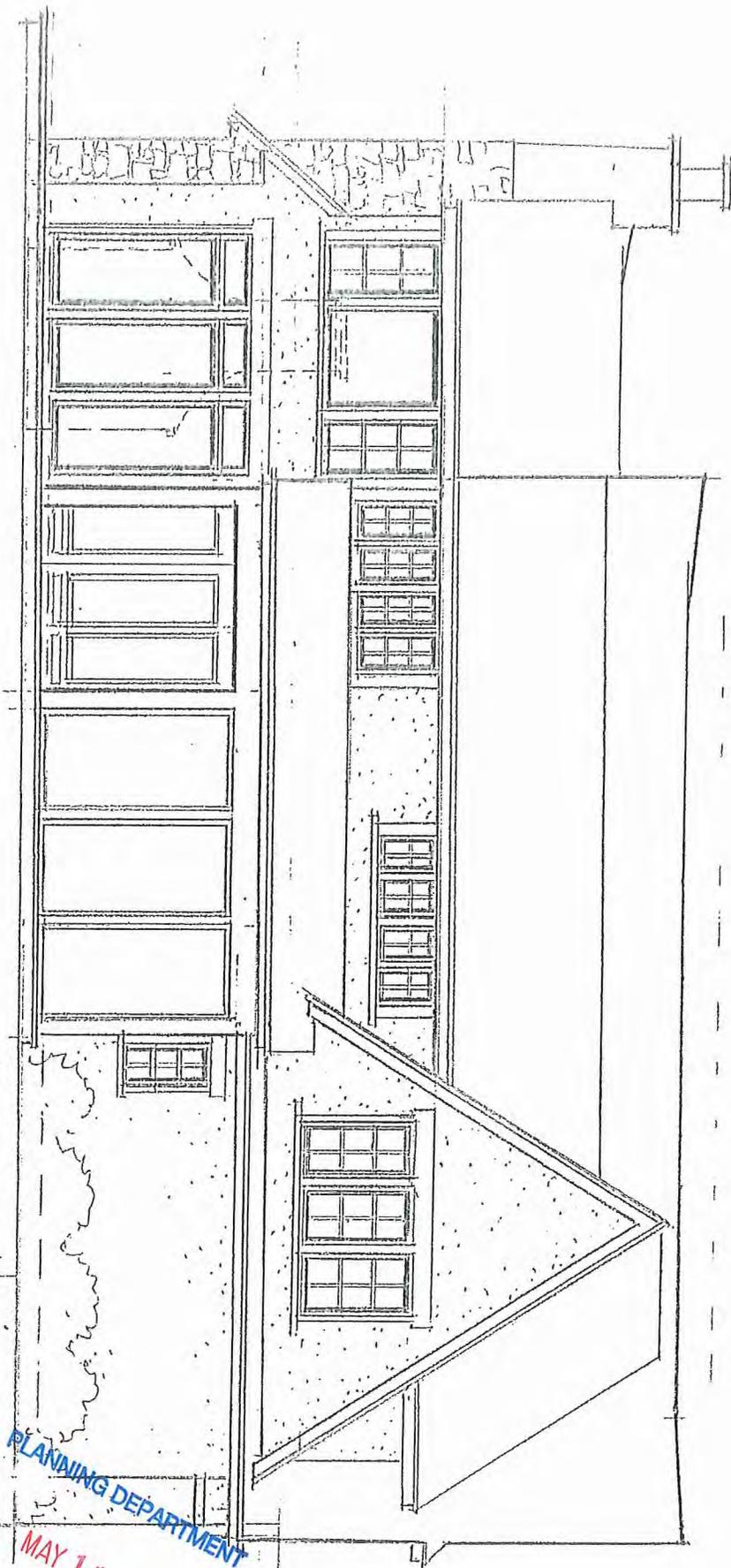
CITY OF EDINA

MAY 11 2015

PLANNING DEPARTMENT



PROPOSED
GRADE & HOUSE
FOUNDATION
EXIST
GRADE



-NORTH INTERIOR ELEVATION
1/8" = 1'-0"

5115 WOODDALE GLEN
E D I N A

GNH

5.8.15
5.4.15
5.2.15
NRDT

PLANNING DEPARTMENT

MAY 11 2015

CITY OF EDINA

6115 WOODLAKE AVENUE

GND

1st FLOOR PLAN 1478 SF
1/2" = 1'-0"

5.3.15
5.4.15
5.2.15

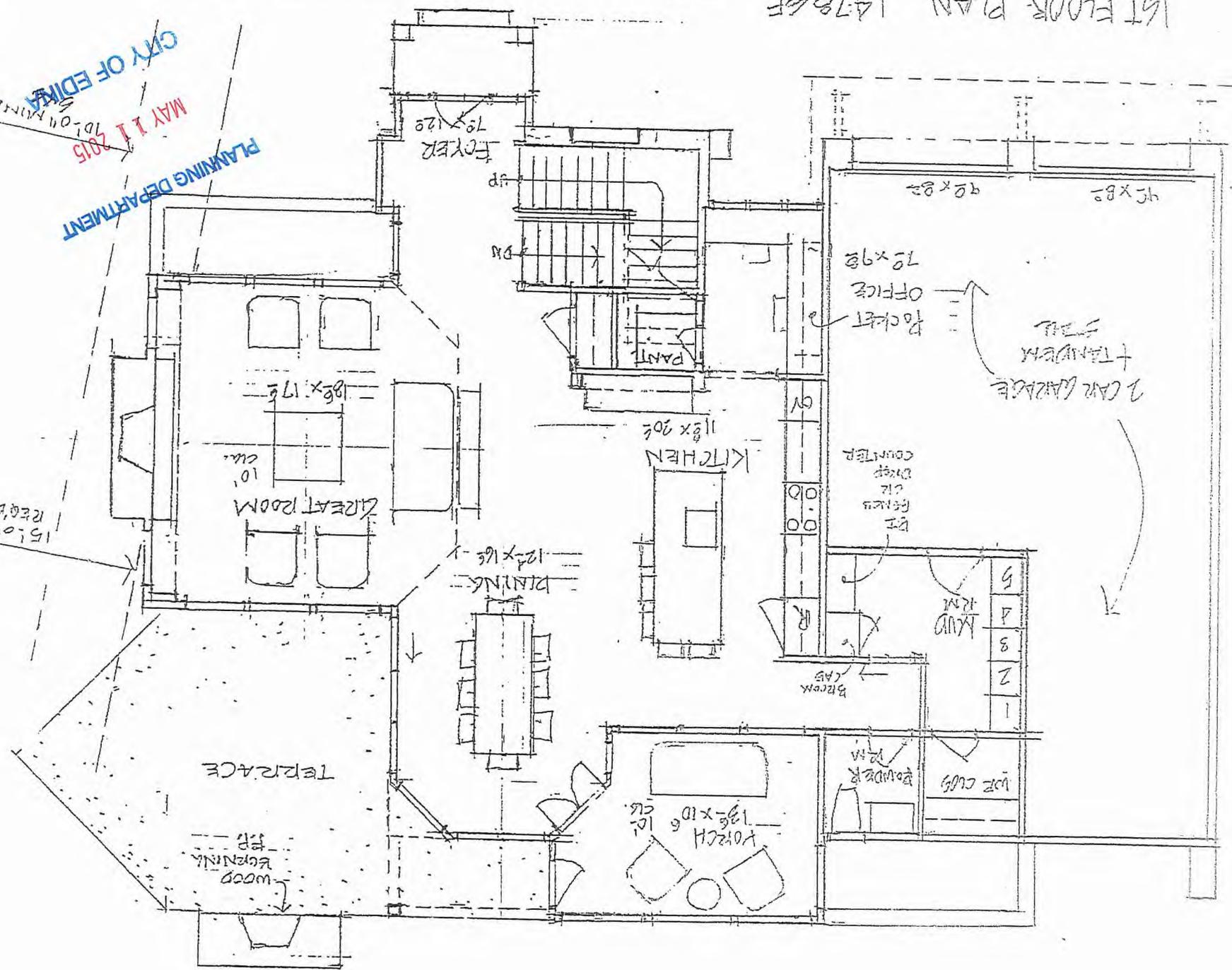
CITY OF EDINA

MAY 11 2015

PLANNING DEPARTMENT

10'-0" MIN.

15' on SYS
REQ'D @ 2ND FLR.



2 CAR GARAGE
+ TANDEN
STALL

OFFICE
POCKET

KITCHEN
11' x 20'

GREAT ROOM
18' x 17'

DINING
12' x 16'

PORCH
13' x 10'

1
2
3
4
5
KID
R.M.

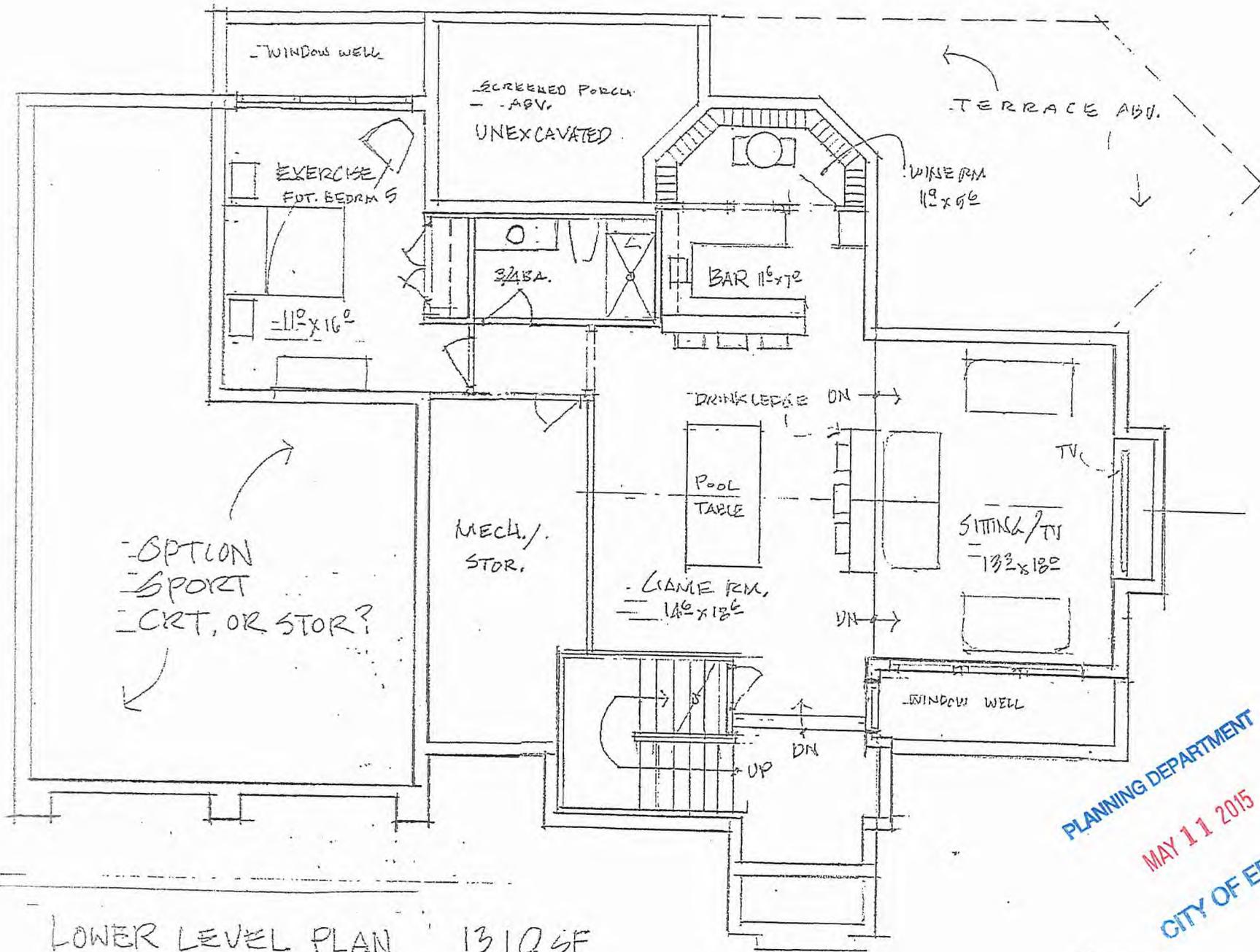
BI
FENCES
OR
DIEP
COUNTER

TERRACE
WOOD
SP.
EQUIPMENT

BROOM
CAB

POWDR
R

WIP
CAB



PLANNING DEPARTMENT

MAY 11 2015

CITY OF EDINA

LOWER LEVEL PLAN 1310 SF

1/8" = 1'-0"

5115 WOODDALE GLEN

EDINA

GINU

5.8.15
5.4.15
5.2.15
KIRNT