



PLANNING COMMISSION STAFF REPORT

Originator Kris Aaker Assistant Planner	Meeting Date August 22, 2012	Agenda # B-12-09
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Recommended Action: Approve the 2,532 square foot lot area variance as requested.

Project Description

A 2,532 square foot lot area variance to build a new twin home to replace an existing double dwelling unit at 3928 49th St. owned by Mike and Matt Knodt.

INFORMATION/BACKGROUND

The subject property is a 12,468 square foot lot developed with a double dwelling unit located north of 49th Street and is zoned R-2, Double Dwelling Unit District, (see attached pages: A.1-A.6., site location, aerial photographs, photos of subject and adjacent Properties). The property owner is hoping to demolish the existing double for the construction of a new double dwelling home, (see attached pages: A.7-A.12 site surveys, and bulding plans).

The ordinance requires a double dwelling unit lot consist of no less than 15,000 square feet. The lot consists of 12,468 square feet, so is therefore 2,532 square feet short of the minimum 15, 000 square foot requirement. The existing double dwelling unit was built in 1954 and pre-dates the current lot area requirements.

SUPPORTING INFORMATION

Surrounding Land Uses

Northerly: Single-family homes.
Easterly: Single-family homes.
Southerly: Double-dwelling homes.
Westerly: Double-dwelling homes

Existing Site Features

The subject lot is 12,468 square feet in area and is a double dwelling unit lot.

Planning

Guide Plan designation: Double Dwelling Unit
Zoning: R-2, Double Dwelling Unit District

Building Design

The proposal is to build a new two story double home with attached two car garages.

Compliance Table

	City Standard	Proposed
Front - Side- Rear -	Average of adjacent 10+ height, (living) 35 feet	Average of adjacent 10 feet 42 feet
Building Height Lot Area	2 1/2 stories, 35 Ft 15,000 Sq Ft	2 stories, 29 Ft *12,468 Sq Ft
Lot coverage	25%	25%

*** 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-2, Double Dwelling Unit Zoning District and complies with all requirements with the exception of lot area.
2. The homes are appropriate in size and scale for the lot and the improvements will enhance the property.
3. The property is an existing nonconforming lot that has always been developed with a double dwelling unit.

4. The homes are a new two story walkout with attached two car garages and should complement the character of the neighborhood. The homes are within the setback, coverage and height requirements.

- **Is the proposed variance justified?**

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

Section 850.0.Subd., requires the following findings for approval of a variance:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

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

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

Staff believes the proposed variance is reasonable given that historically the existing double home has been on a lot that is less than the required 15,000 square foot lot since it was built in 1954. The practical difficulty for the subject property is that the ordinance has changed regarding minimum lot size for a double unit lot.

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 existing property predates the ordinance and was not self-created after the fact.

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

No. The proposed homes will not alter the essential character of the neighborhood. The new twin homes will complement the existing neighborhood homes. Approval of the variance allows the continued reasonable use of the property as a double dwelling lot.

Staff Recommendation

Recommend that the Planning Commission approve the variance.

Approval is based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-2, Double Dwelling Unit District.

- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with existing conditions.

- 3) The imposed lot area does not allow redevelopment of the property without the benefit of a variance or a zone change.

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: August 9, 2012.

Building plans and elevations date stamped: August 9, 2012.

Deadline for a City Decision: September 8, 2012.



VARIANCE APPLICATION

CASE NUMBER B-12-09 DATE 8/8/2012
FEE PAID 350.00

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

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

APPLICANT:

NAME: Mike & Matt Knodt (Signature required on back page)

ADDRESS: 5029 RICHMOND DR EDINA, MN PHONE: 612-382-9676

EMAIL: matt.knodt@gmail.com

PROPERTY OWNER:

NAME: Mike & Matt Knodt (Signature required on back page)

ADDRESS: 5029 RICHMOND DR EDINA, MN PHONE: 612-382-9676

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Lot 1, Block 1, ENOCH SWARD ADDITION

**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: 3928 49th St. W EDINA, MN

PRESENT ZONING: R2 P.I.D.# _____

EXPLANATION OF REQUEST:

Replace existing R2 on a lot less than 15,000 sq/ft

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Gary Hittle PHONE: 952-992-0488

EMAIL: studiohittle@gmail.com

SURVEYOR: NAME: Schoborg Land Services PHONE: 763-972-3322

EMAIL: Kelly@SchoborgLand.com



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 an undue hardship which was not self-imposed or a mere inconvenience:

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

Preserve a substantial property right possessed by other property in the vicinity and zoning district.

Not be materially detrimental to the public welfare or injurious to other property in the vicinity or zoning district.

- See attached add'l's description

Request for Variance:

Knodt

**3928 W 49th St.
Edina, MN**

Supporting Answers

1) Relieve an undue hardship which was not self-imposed or a mere inconvenience.

Yes.

The lot is currently zoned R2 and has (and always had) a two-family unit on it. The property cannot be put to a reasonable use as allowed by the ordinance. This was not self-imposed because this lot has always been an R2 lot- and after the lot was created and zoned as such the ordinance was amended to require any new R2 lot to be a minimum of a 15,000 sq/ft lot. This plight was not created by the petitioner; it has always been an R2 with less than a 15,000 sq/ft lot.

We believe this keeps with the intent of the ordinance because all the R2 zoned lots in this vicinity are less than the current zoning of a 15,000 sq/ft lot and any of them that require them to be re-built, cannot do so under the ordinance as it is written today.

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

Yes.

Because other properties zoned R2 throughout the zoning district have greater than 15,000 sq/ft lot, this variance would correct the extraordinary circumstance of already being an R2 zoned two-family home that is less than 15,000 sq/ft.

3) Preserve a substantial property right possessed by other property in the vicinity and zoning district.

Yes.

This exact variance was given to other properties in the vicinity (specifically 4003 49th St W) and every other R2 property in the vicinity has a current R2 built two-family home and is less than a 15,000 sq/ft lot.

4) Not be materially determinately to the public welfare or injurious to other property in the vicinity.

Yes.

Since this keeps within the current R2 zoning for this lot- and a two-family home already exists on the lot (and many others with this same situation are in the immediate vicinity), it would not be detrimental to public welfare or injury any other property in the area.

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

8/7/12

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.)

Same

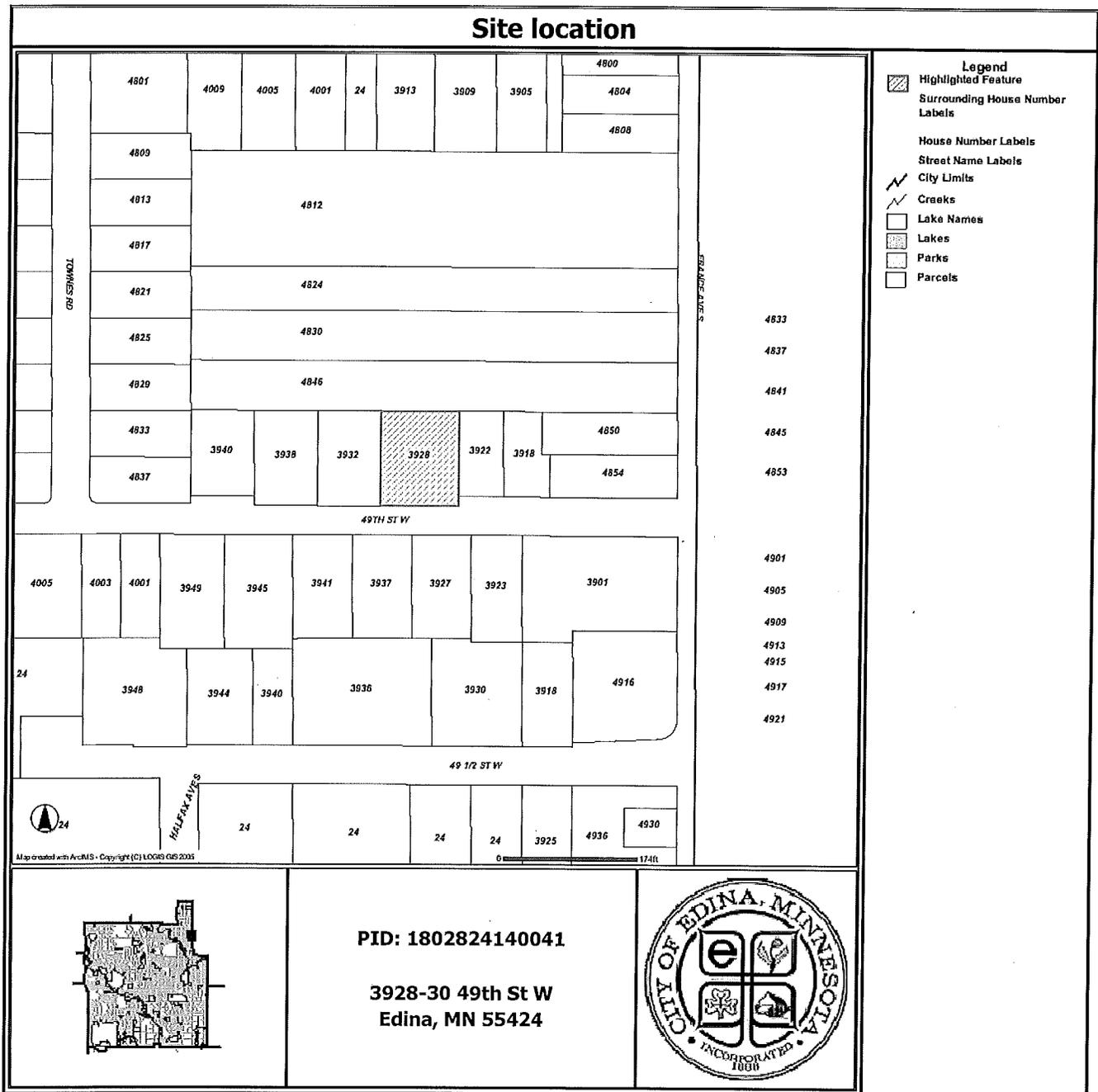


Owner's Signature

8/7/12

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.



Property	Assessing
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A. 1



A.2



A.3



A.4



*Subject Property
3928 49th St*

A.5



Neighboring
Property to the
East
@ 3922 45th

A.G

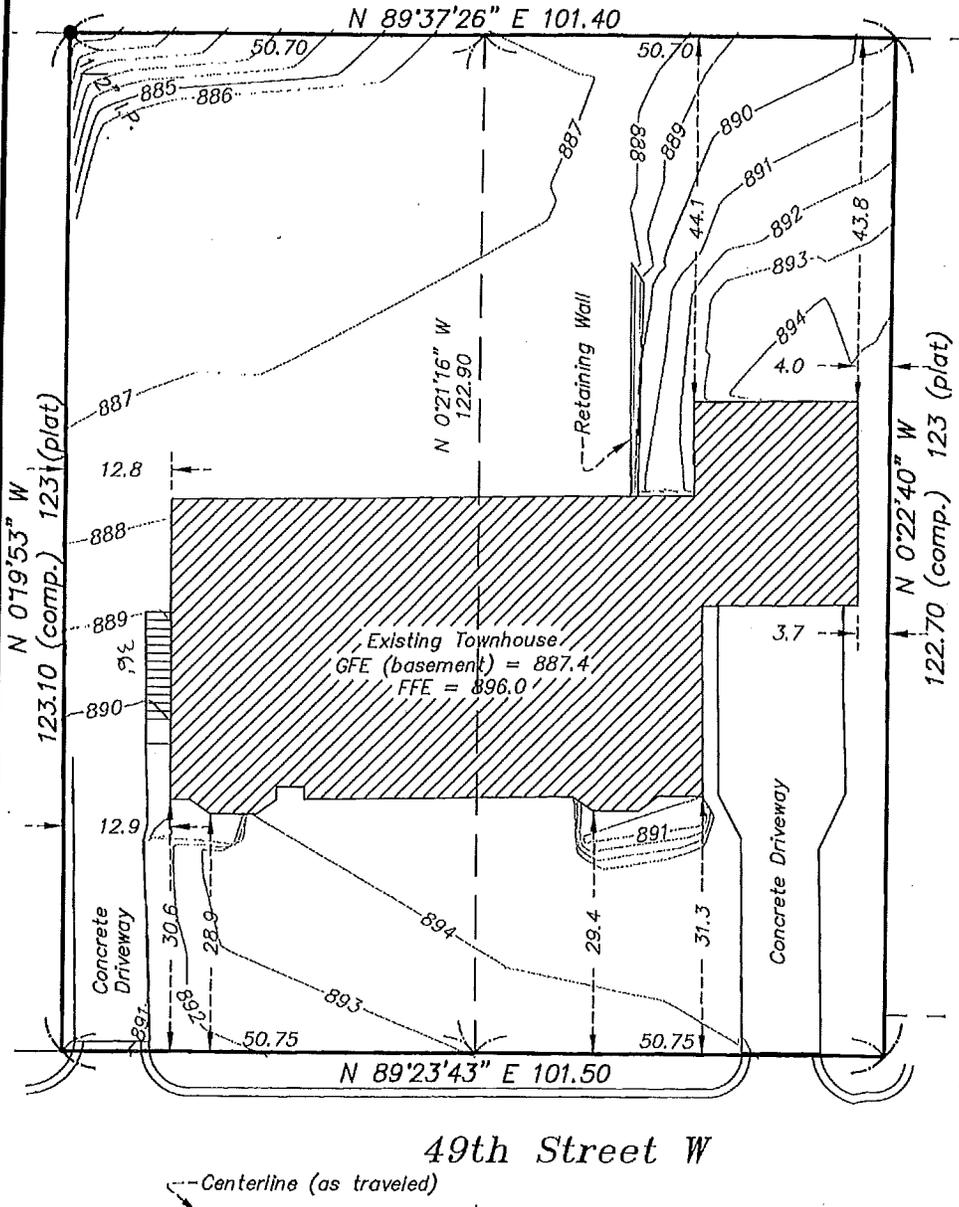


Neighboring
property to the
west
@ 3932 45th St.

A-7

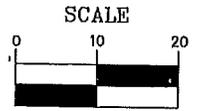
Certificate of Survey

Prepared for: Matt Knodt



Legend

● Found Iron Monument



1 inch = 20 feet

Lot 1, Block 1,
ENOCH SWARD
ADDITION,
Hennepin County,
Minnesota.

PID# 18-028-24-14-0041

Property Address:
3928 49th St. W
Edina, MN

Total Area = 0.29 Acres
(12,468 sq. ft.)

Bearings and elevations based on assumed datum.

**SCHOBORG
LAND SERVICES
INC.**

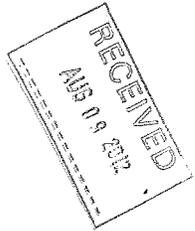
763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

I hereby certify that this certificate of 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.

Paul B. Schoborg
Paul B. Schoborg

Date: July 20, 2012 Registration No. 14700

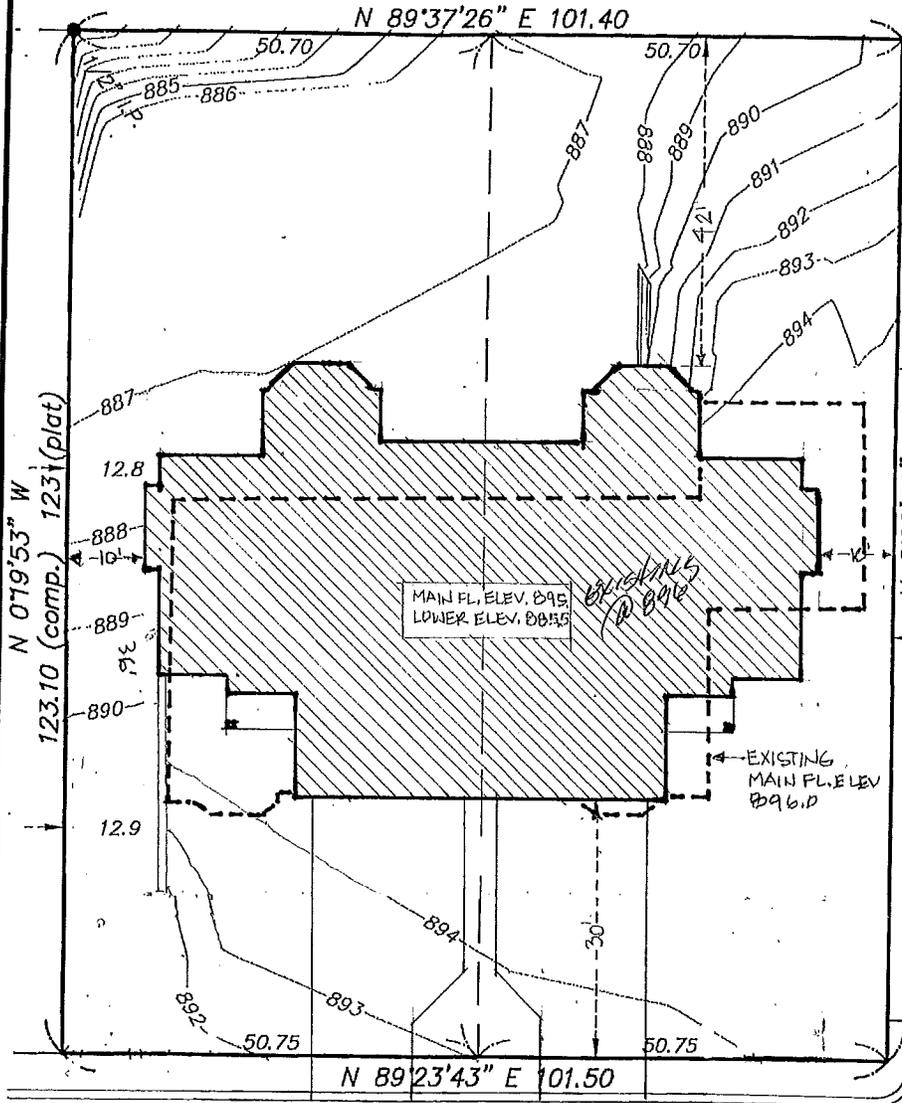
Job Number:	7443
Book/Page:	75/50
Survey Date:	7-17-12
Drawing Name:	knodt.dwg
Drawn by:	KLB
Revisions:	



A-7

Certificate of Survey

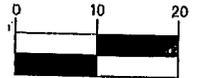
Prepared for: Matt Knodt



Legend

● Found Iron Monument

SCALE



1 inch = 20 feet

Lot 1, Block 1,
ENOCH SWARD
ADDITION,
Hennepin County,
Minnesota.

PID# 18-028-24-14-0041

Property Address:
392B 49th St. W
Edina, MN

Total Area = 0.29 Acres
(12,468 sq. ft.)

49th Street W

Centerline (as traveled)

Bearings and elevations based on assumed datum.

**SCHOBORG
LAND SERVICES
INC.**

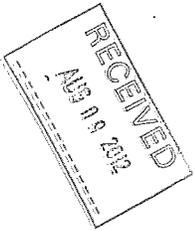
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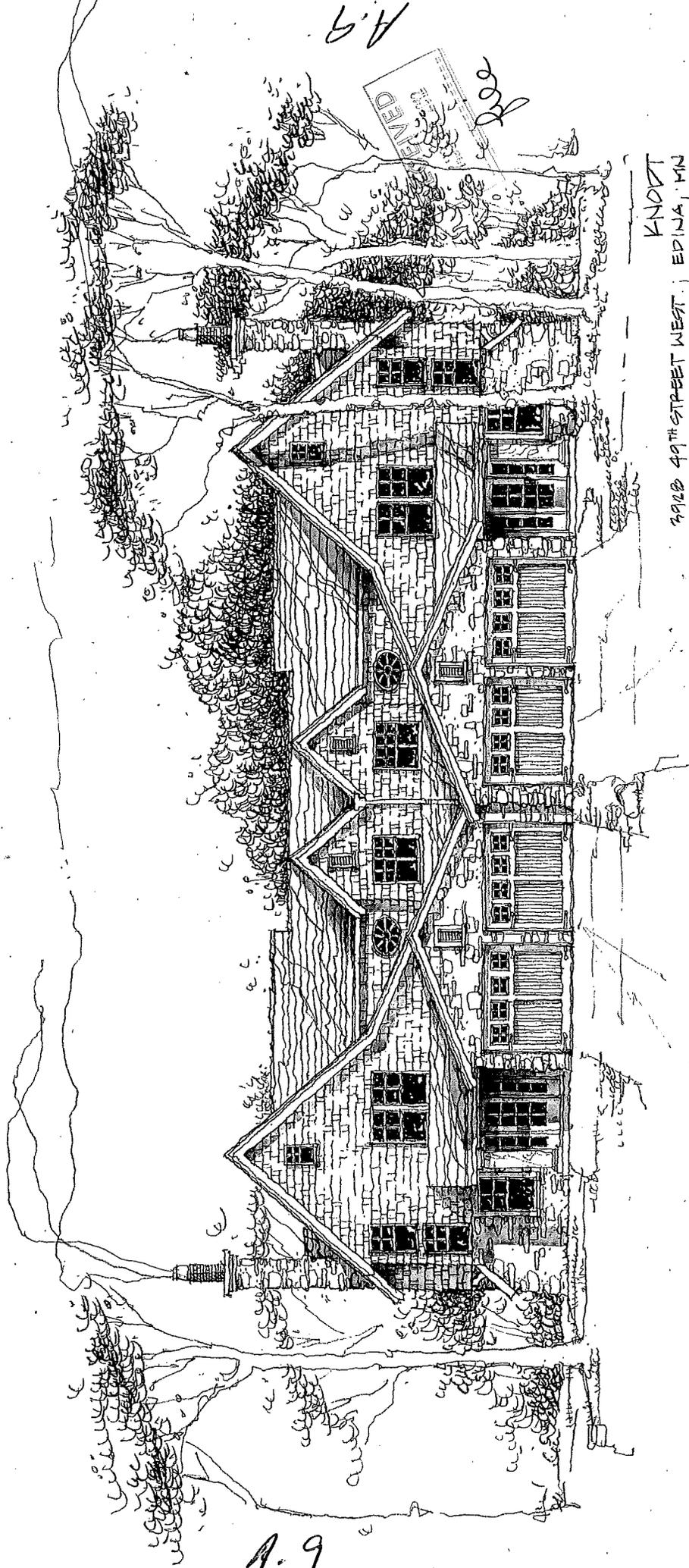
Date: July 20, 2012 Registration No. 14700

Job Number:	7443
Book/Page:	75/50
Survey Date:	7-17-12
Drawing Name:	knodt.dwg
Drawn by:	KLB
Revisions:	



* Existing & proposed 1st floor elevation 895/894
 * lot coverage
 * setback versus height
 * snowboard setback

A.B



A.9

DRAFT

KNOTT

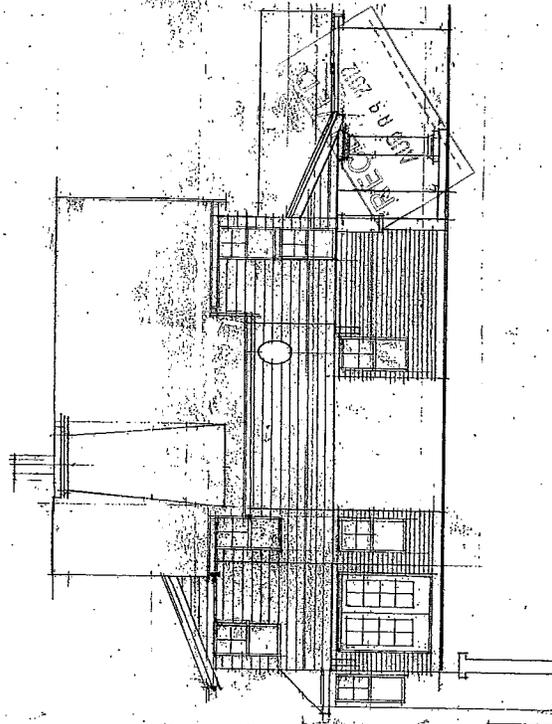
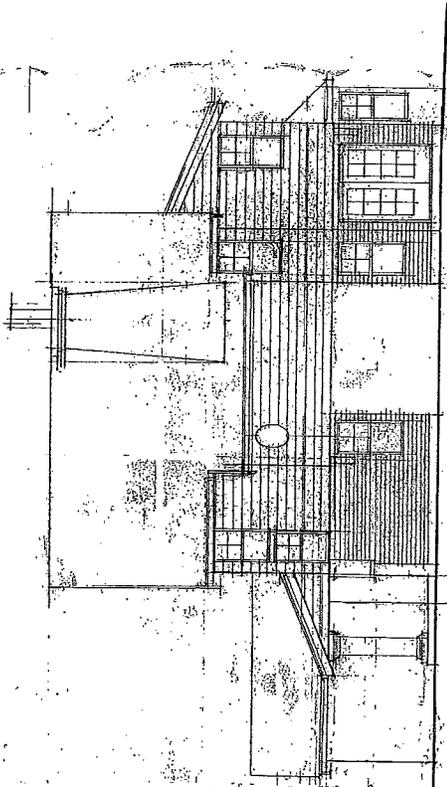
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7 AUGUST, 2012

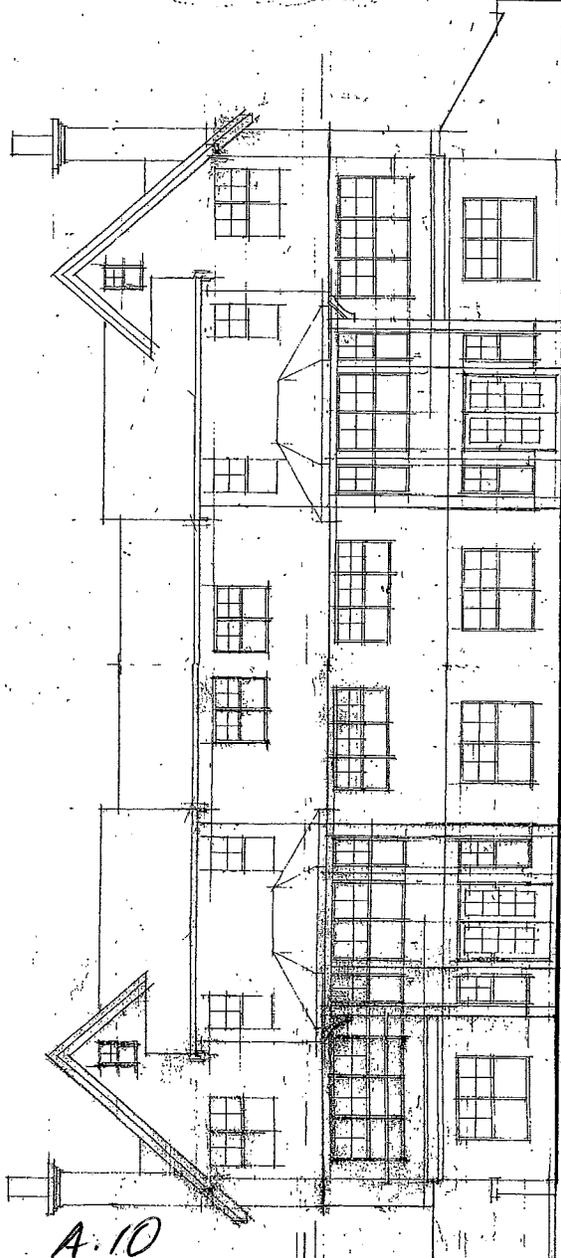
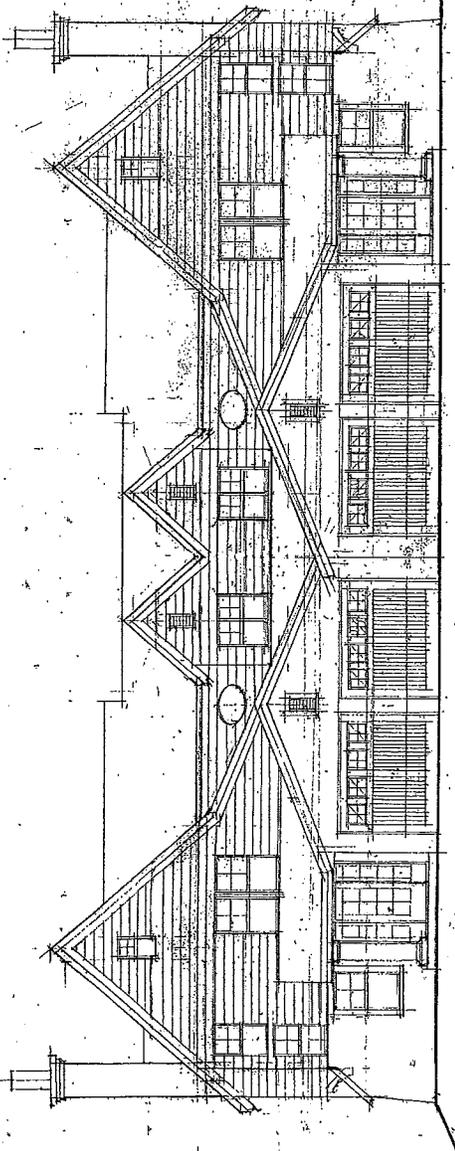
STUDIO HITTLE, DWELLINGS & LANDSCAPE ARCHITECTURE

A.9

A.10



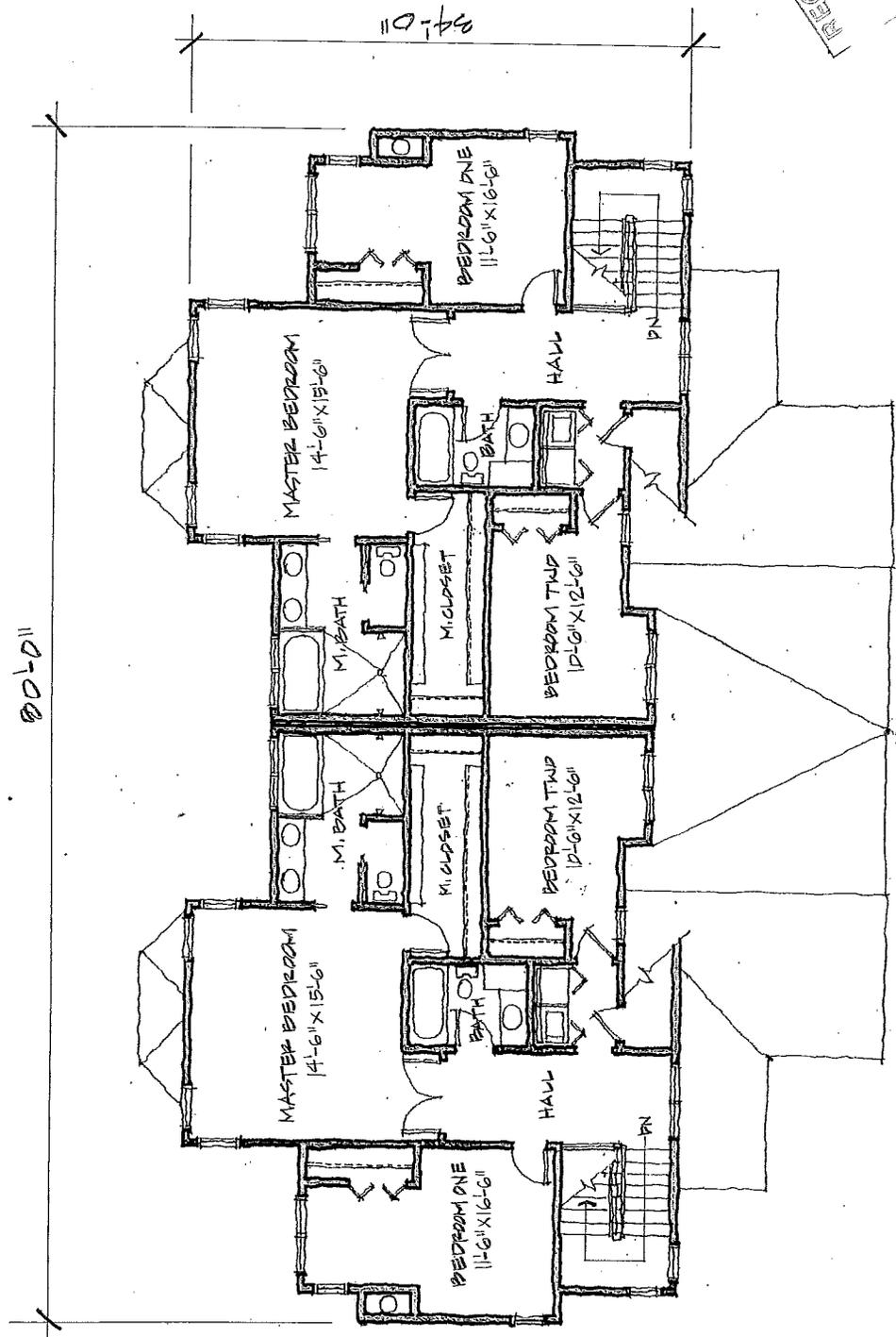
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A.10

A. 11

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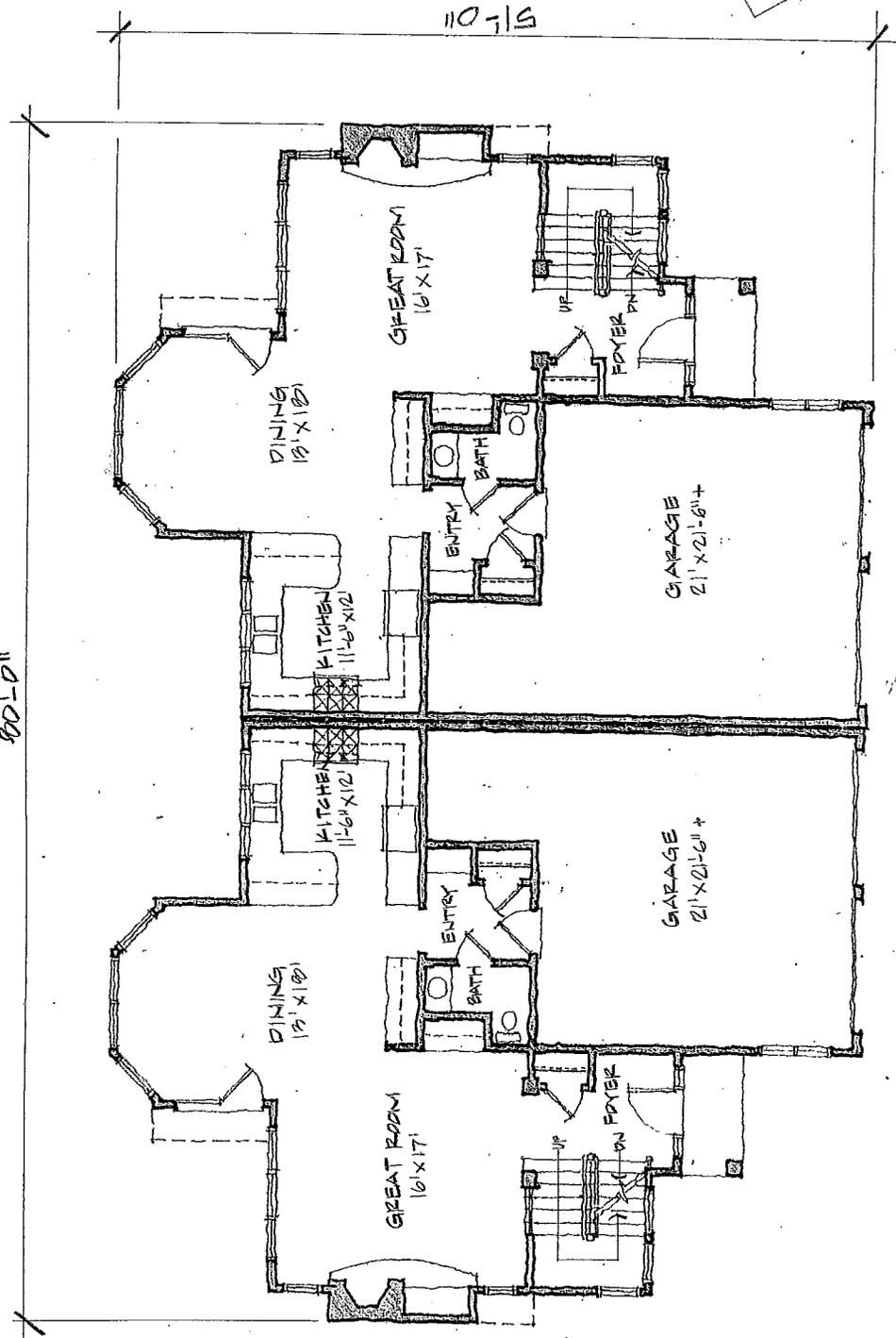


UPPER FLOOR.

A. 11

A.12

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NOV 19 2007



MAIN FLOOR.

A.12