

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VI.B

**From:** Cary Teague, Community Development Director

**Action**

**Discussion**

**Information**

**Date:** May 7, 2013

**Subject:** PUBLIC HEARING – Conditional Use Permit & Variance, Allow First Floor Elevation Of More Than One Foot Above Existing Floor Elevation, 4924 East Sunnyslope Road, Edina, Kris & Amy Aadalen, Resolution No. 2013-42

**Action Requested:**

Adopt the attached resolution.

**Information / Background:**

The applicants are proposing to tear down the existing house and construct a new home at 4924 East Sunnyslope. A Conditional Use Permit and Variance is requested to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant is proposing to raise the first floor elevation 11.5 feet above the existing first floor elevation; 10.5 feet about the allowable limit. (See applicant narrative and plans on pages A.4–A.12 of the Planning Commission Staff Report.) The first floor of the existing home is at 928.5 feet with an allowed increase in height by code to 929.5 feet. The height of first floor for the new home would be at 940 feet.

The property is a through lot with frontage along Sunnyslope East and Hilltop Lane. The new home would front Hilltop Lane with the back walk-out facing Sunnyslope. The orientation of the home would be completely switched from existing front yard along Sunnyslope to the new front yard along Hilltop Lane. The reorientation of the home requires that the first floor be elevated to a height relating to the street level of Hilltop Lane. The topography slopes from a high point near Hilltop down to a lower rear yard near Sunnyslope.

Planning Commission Recommendation: On April 10, 2013, the Planning Commission unanimously recommended approval of the Conditional Use Permit subject to the following additional conditions:

1. No driveway access to East Sunnyslope.
2. Submit a landscape plan prior to City Council review.

The applicant has submitted a landscape plan as recommended by the Planning Commission. (See attached date stamped May 1, 2013.)

**ATTACHMENTS:**

- Revised Landscape Plan and Elevation
- Resolution No. 2013-42
- Draft minutes from the April 10, 2013, Edina Planning Commission meeting
- Planning Commission Staff Report, April 10, 2013



**RESOLUTION NO. 2013-42**  
**APPROVING A CONDITIONAL USE PERMIT & VARIANCE**  
**AT 4924 EAST SUNNYSLOPE FOR KIRK AND AMY AADALEN**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

**Section 1. BACKGROUND.**

- 1.01 The applicant is requesting a Conditional Use Permit and Variance to tear down and construct a new home at 4924 East Sunnyslope.
- 1.02 A Conditional Use Permit and Variance is requested to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant is proposing to raise the first floor elevation 11.5 feet above the existing first floor elevation; 10.5 feet about the allowable limit. The first floor of the existing home is at 928.5 feet with an allowed increase in height by code to 929.5 feet. The height of first floor for the new home would be at 940 feet.
- 1.03 The property is a through lot with frontage along Sunnyslope East and Hilltop Lane. The new home would front Hilltop Lane with the back walk-out facing Sunnyslope. The orientation of the home would be completely switched from existing front yard along Sunnyslope to the new front yard along Hilltop Lane. The reorientation of the home requires that the first floor be elevated to a height relating to the street level of Hilltop Lane. The topography slopes from a high point near Hilltop down to a lower rear yard near Sunnyslope.
- 1.04 The property is legally described as follows:  
  
Lot 4, Block 4, Sunny Slope Section, Country Club District,
- 1.05 On April 10, 2013, the Planning Commission unanimously recommended approval of the Conditional Use Permit and Variance.

**Section 2. FINDINGS**

- 2.01 Approval is based on the following findings:
  1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.04, Subd E.
  2. The proposal meets all applicable Zoning Ordinance requirements.
  3. The proposed new home is in character with this neighborhood.

- 4. The practical difficulty is that this is a through lot with slopes that rise from Sunnyslope to Hilltop Lane

**Section 3. APPROVAL**

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Conditional Use Permit and Variance to allow construction of a new home at 4924 East Sunnyslope, subject to the following conditions:

- 1. The site must be developed and maintained in conformance with the following plans:
  - Survey date stamped February 6, 2013
  - Landscape plans and elevation date stamped May 1, 2013.
  - Building plans and elevations date stamped March 22, 2013.
- 2. Submit a copy of the Minnehaha Creek Watershed District permit if required. The City may require revisions to the approved plans to meet the district's requirements.
- 3. Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit. Drainage patterns may not be directed to adjacent properties.
- 4. No driveway access to East Sunnyslope shall be allowed.

Adopted by the city council of the City of Edina, Minnesota, on May 7, 2013.

ATTEST: \_\_\_\_\_  
Debra A. Mangen, City Clerk

\_\_\_\_\_  
James B. Hovland, Mayor

STATE OF MINNESOTA            )  
COUNTY OF HENNEPIN        )SS  
CITY OF EDINA                    )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of May 7, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2012.

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City Clerk

# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

REVISED  
22 MARCH 2013  
30 APRIL 2013



RECEIVED  
May 1, 2013



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**C. Conditional Use Permit. Kirk and Amy Aadalen – 4924 East Sunnyslope Road, Edina, MN**

**Planner Presentation**

Planner Teague informed the Commission Kirk and Amy Aadalen, are requesting a variance from Conditional Use Permit requirements to tear down an existing house and construct a new home at 4924 East Sunnyslope. A Conditional Use Permit is requested to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant is proposing to raise the first floor elevation 11.5 feet above the existing first floor elevation. The first floor of the existing home is at 928.5 feet with an allowed increase in height by code to 829.5 feet. The height of first floor for the new home will be at a 940 feet.

The property is a through lot with frontage along Sunnyslope East and Hill Top Lane. The new home will front Hill Top Lane with the back walk-out facing Sunnyslope. The orientation of the home will be completely switched from existing front yard along Sunnyslope to the new front yard along Hill Top Lane. The reorientation of the home requires that the first floor be elevated to a height relating to the street level of Hill Top Lane. The topography slopes from a high point near Hill Top down to a lower rear yard near Sunnyslope.

Planner Teague stated staff believes approval of the conditional use permit subject to the following findings:

1. The proposal meets the Conditional Use Permit findings of Section 850.04, Subd. E. as demonstrated on pages 3 of this report, however, the request would not meet required findings for additional conditions of Section 850.11. Subd. 2. for a Conditional Use Permit to allow the new first floor to exceed one foot. The Conditional Use Permit criteria to raise the first floor higher than 1 foot does not take into consideration a complete re-orientation of a new home on a lot with significant grade differences. There are homes facing both East Sunnyslope and Hill Top with the subject property a through lot allowing opportunity to front the home towards either street.
2. As demonstrated on the Compliance Table on page 4 of this report, the proposal meets all minimum Zoning Ordinance standards with the reorientation of the house.
3. The finished grade along the new front building wall of the home facing Hill Top Lane will be between 938 – 940. The adjacent neighbor facing Hill Top Lane to the west has similar grade elevations within the front yard, (939.1 – 941.8). The front yard elevation of the new home will be consistent with the adjacent neighbor's front yard elevations.
4. The proposed home is in character within this neighborhood. There are a variety of housing styles throughout the Sunnyslope neighborhood. There have been a number of properties that have had homes re-built on them that are of similar size, mass and scale.

Planner Teague concluded that staff recommends that the City Council approve the variance from the Conditional Use Permit criteria for property located at East Sunnyslope Road. The Conditional Use Permit allows the new home to have a first floor elevation 10.5 feet above the one foot first floor increase of the existing home.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.04, Subd E.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The proposed new home is in character with this neighborhood.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
  - Survey date stamped February 6, 2013.
  - Building plans and elevations date stamped March 22, 2013.
2. Submit a copy of the Minnehaha Creek Watershed District permit if required. The City may require revisions to the approved plans to meet the district's requirements.

#### **Appearing for the Applicant**

Kirk and Amy Aadalen, applicants and Peter Eskuche, 2212 Indian Road West, architect for the project.

#### **Discussion**

Chair Staunton commented this conditional use permit request is also a request for a variance from the conditions of the Conditional Use Permit. Teague responded in the affirmative adding staff is seeing more requests of this type.

Commissioner Scherer said she noticed the applicants have petitioned for an address change from Sunnyslope Road to Hilltop and asked Planner Teague if this was a usual occurrence. Planner Teague responded this request is not uncommon; especially on corner and through lots and in commercial areas.

#### **Applicant Presentation**

Amy Aadalen, 7630 S Bay, Bloomington, informed the Commission her family has a close relationship with the Sunnyslope neighborhood having grown up in the immediate area. Aadalen explained the house has been designed to "fit" the lot and neighborhood, adding they reached out to the immediate neighbors apprising them of their plan. Continuing, Aadalen said they recently learned from a representative for neighbors across the street that they have some concerns about the rear yard. Aadalen said their intent is to make sure the rear yard is screened affording privacy for both them and their neighbors, adding they plan on a berm with natural plantings, reiterating their intent is to minimize impact and maintain privacy.

Commissioner Forrest asked Mr. Eskuche if he knows what the building height is at the rear. Eskuche responded that the building height at the rear is around 43-feet. He added that the proposed house meets the City's building height requirement. Chair Staunton asked Planner Teague to clarify where building height is measured. Planner Teague explained that City Ordinance states building height is measured from the average ground elevation at the front building line. Teague said it's not unusual for rear elevations to be above 40-feet especially in walk out situations.

Chair Staunton opened the public hearing.

### **Public Comment**

Scott Massey, representing Andres & Heidi Faris, 4929 East Sunnyslope Road, Edina, MN (neighbor across the street)

David Angler, 4924 East Sunnyslope Road, Edina, MN

### **Discussion**

Chair Staunton asked the applicants if they have discussed and drafted specific landscaping plans. Mrs. Aadalen responded that they have discussed creating a natural buffered area including berm with plantings. Mr. Eskuche shared photos of the property, adding at this time a landscape architect hasn't been chosen. Mrs. Aadalen reiterated their intent is to enhance the natural features of the site; possibly adding arborvitae and additional plantings. Planner Teague explained that technically a landscaping plan is not required.

Commissioner Forrest said she observed a patio on the plans and questioned if lot coverage was an issue. Mr. Eskuche said after construction lot coverage is at 19%.

Commissioner Schroeder commented that a central element of development is land form, adding in this instance the proposed landscaping "plan" reestablishes the original pattern of this lot. Schroeder pointed out the lot naturally rises from Sunnyslope to Hilltop and when first developed it was developed with a front walkout with driveway accessing Sunnyslope. That cut into the natural land form, reiterating in his opinion the proposal as submitted reestablishes the original land form. Continuing, Schroeder said the Conditional Use Permit requirement limiting elevation change was drafted to accommodate homes with ground water issues; adding the Commission is now hearing the ramifications of that change. Concluding, Schroeder said in his opinion this actually benefits the neighborhood.

Commissioner Platteter said he agrees with Schroeder adding that he would like to see the applicant "flush out" a landscaping plan prior to Council.

Planner Teague commented that as part of the approval process conditions could be added addressing the driveway and landscaping if the Commission is leaning in that direction.

A brief discussion ensued on landscaping and the driveway off Sunnyslope Road.

## Motion

Commissioner Carr moved Conditional Use Permit approval based on staff findings and subject to staff conditions, including two additional conditions:

- Provide a detailed landscape plan
- Eliminate driveway off Sunnyslope Road

Commissioner Carpenter seconded the motion. All voted aye; motion carried. 8-0.

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## VII. REPORTS AND RECOMMENDATIONS

### A. Zoning Ordinance Update – Residential Development

#### Discussion

Chair Staunton reminded the Commission they are in the process of considering potential zoning ordinance amendments regarding residential redevelopment. Staunton referred to a memo from staff listing issues the Commission has been discussing over the past months. Staunton explained that this evening he would like an informal discussion on the issues, adding this isn't a public hearing. Staunton concluded that the end result this evening would be to direct staff to formulate ordinance amendments for future consideration.

Staunton said he would like to take each item in the memo step by step to gauge where their direction.

**#1. Options 1 & 2** indicates side yard setbacks on lots less than 75-feet in width, adding there are two options.

Commissioner Forrest said in her opinion this is a complicated item. Forrest said she would like more information from other cities; especially how the side building wall is addressed. Forrest said she believes Wayzata has an ordinance that addresses side building walls greater than a specific number in length. Forrest said she was also concerned with the potential impact changes could create for lots less than 50-feet in width, pointing out Edina has a number of 40+ foot lots.

Commissioner Platteter asked Planner Teague what the side yard setback was for lots under 50-feet in width. Planner Teague responded the side yard setback is 5-feet from the side; both attached garage and living space. Commissioner Platteter said what he also wants to eliminate are the long blank side walls and mass, adding staggering setbacks and finding the right number for building height could reduce the impact of the new house.

Chair Staunton commented it is possible that staggering the setbacks (5/7 etc.) may work. Commissioners agreed. A discussion ensued on staggering setbacks, 5/7, 6/6, 9/5, 8/6 for lots



## PLANNING COMMISSION STAFF REPORT

Originator <b>Kris Aaker</b> Assistant City Planner	Meeting Date <b>April 10, 2013</b>	Agenda # <b>2012-0009</b>
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**Recommended Action:** Approval of a Conditional Use Permit and Variance to allow the first floor elevation of a new home to exceed the 1-foot maximum allowed by ordinance.

### INFORMATION & BACKGROUND

The applicants, Kirk and Amy Aadalen are proposing to tear down the existing house and construct a new home at 4924 East Sunnyslope. (See site location/surveys on pages A.1–A.4) A Conditional Use Permit is requested to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant is proposing to raise the first floor elevation 11.5 feet above the existing first floor elevation; 10.5 feet about the allowable limit. (See applicant narrative and plans on pages A.4–A.12). The first floor of the existing home is at 928.5 feet with an allowed increase in height by code to 929.5 feet. The height of first floor for the new home will be at 940 feet.

The property is a through lot with frontage along Sunnyslope East and Hilltop Lane. The new home will front Hilltop Lane with the back walk-out facing Sunnyslope. The orientation of the home will be completely switched from existing front yard along Sunnyslope to the new front yard along Hilltop Lane. The reorientation of the home requires that the first floor be elevated to a height relating to the street level of Hilltop Lane. The topography slopes from a high point near Hilltop down to a lower rear yard near Sunnyslope.

### Surrounding Land Uses

- Northerly: Single-Unit residential homes; zoned and guided low-density residential.
- Easterly: Single Unit residential homes; zoned and guided low-density residential.
- Southerly: Single Unit residential homes; zoned and guided low-density residential.

Westerly: Single-family residential homes; zoned and guided low-density residential.

The home has been designed as a 2-story walk-out with an attached three car garage.

### Existing Site Features

The existing 24,000 square foot lot contains a multi-level, single-family home with an attached two car garage built in 1947. The existing home is located fronting East Sunnyslope Road.

### Planning

Guide Plan designation: Low-Density Residential  
Zoning: R-1, Single-Dwelling District

### Grading & Drainage

The grading must not impact adjacent neighbors. The City Engineer supports the proposed elevation of the home. The City Engineer has indicated that if the elevations on the proposed plan are not approved, the driveway of the new home facing Hill Top will back-slope towards the proposed home causing future drainage issues, (see the memorandum from the City Engineer as attached page A.19). Final grading and drainage plans are subject to review and approval of the City Engineer at the time of building permit application. The proposed plans may require review and approval by the Minnehaha Creek Watershed District.

### Conditional Use Permit

Per Section 850.04 Subd. 5.E, the City Council shall not grant a Conditional Use Permit unless it finds that the establishment, maintenance and operation of the use:

**1. Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;**

The proposal for a tear down and rebuild of a new single-family home will not have an impact on governmental facilities or services. A single-family home is a permitted use on the site.

**2. Will generate traffic within the capacity of the streets serving the property;**

The proposal to tear down and rebuild a single-family home would not have an impact on traffic or the capacity of the streets serving the property. The use, a single-family home, remains the same on the property.

**3. Does not have an undue adverse impact on the public health, safety or welfare;**

There would be no impact, as the use of the property remains the same as exists today.

**4. Will not impede the normal and orderly development and improvement of other property in the vicinity;**

The proposed new home would replace an existing home on the site and would not impede future development of other properties in the vicinity.

**5. Conforms to the applicable restrictions and special conditions of the district in which it is located as imposed by this Section; and**

The new home would meet all applicable zoning ordinance requirements.

**6. Is consistent with the Comprehensive Plan.**

A single-family home is consistent with the low-density residential land use designation within the Comprehensive Plan.

**Additional Conditions**

Per Section 850.11. Subd. 2: Additions to or replacement of single dwelling unit buildings with a first floor elevation of more than one (1) foot above the existing first floor elevation of the existing dwelling unit building. Such additions to or replacements of single dwelling unit buildings must meet one or more of the first three (3) conditions listed below, and always meet condition four (4).

- \*1. The first floor elevation may be increased to the extent necessary to elevate the lowest level of the dwelling to an elevation of two (2) feet above the 100-year flood elevation, as established by the Federal Emergency Management Agency (FEMA), or the City's Comprehensive Water Resource Management Plan; or**
- \*2. The first floor elevation may be increased to the extent necessary to reasonably protect the dwelling from ground water intrusion. Existing and potential ground water elevations shall be determined in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a**

**professional civil engineer licensed under Minnesota Statutes Chapter 326 or a hydrologist certified by the American Institute of Hydrology. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval; or**

**\*3. The first floor elevation may be increased to the extent necessary to allow the new building to meet State Building Code, City of Edina Code, or other statutory requirements; and**

4. An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale.

**\*Variance – From the first three additional conditions required for a Conditional Use Permit to allow the first floor elevation of a new single dwelling unit with a first floor higher than 1 foot above the existing home on site as per Section 850.11, Subd. 2. of the city’s zoning ordinance.**

None of the top three criteria above apply to the proposed new home. The proposed home is not in the flood zone, does not need the first floor to be elevated to the extent necessary to reasonably protect it from ground water intrusion and will meet State Building Code. The proposed home requires a variance from the first three criteria of additional conditions for a Conditional Use Permit to allow a new first floor elevation to exceed one foot above the existing dwelling unit. The applicants are asking for a variance from the first three criteria to raise the new first floor.

The proposal will conform to the fourth criteria: that the new structure will fit the character of the neighborhood in height, mass and scale. Homes of similar size, height, mass and scale are currently located within the neighborhood. Renderings of the new home in context on pages A. 8 illustrate the neighborhood perspective from both Hilltop Lane and Sunnyslope. The home will be made of high quality materials and finishes and the applicant intends to manicure the rear yard by enhancing it with lawn, shrubs and other landscaping. The existing house is built against a slope with little usable rear yard. The yard area near Hilltop Lane is steep and unusable. Changing the orientation of the house allows for the flat portion of the lot along Sunnyslope to be usable back yard.

### Compliance Table

	City Standard	Proposed
Front – Hill Top Lane	33.8 feet	34 feet
Side - South	10 feet	11.5 feet
Rear– East	25 feet	58 feet
Side – North	10 feet	16.6 feet
Building Coverage	25%	19%
Building Height	40 feet/30 mid pt	40 feet/29.9 feet

### PRIMARY ISSUE & STAFF RECOMENDATION

#### Primary Issue

- **Is the proposed new home with a first floor elevation 11.5 feet higher than the existing home reasonable for this site?**

. Staff believes the proposal is reasonable:

1. The proposal meets the general Conditional Use Permit findings of Section 850.04, Subd. E. as demonstrated on pages 3 of this report. The Conditional Use Permit criteria to raise the first floor higher than 1 foot does not take into consideration a complete re-orientation of a new home on a lot with significant grade differences. There are homes facing both East Sunnyslope and Hilltop with the subject property a through lot allowing opportunity to front the home towards either street. The intent of the Ordinance was to regulate new homes that re-built generally within the same footprint of the previous home. The Ordinance did not take into account large lots in which there is the potential for multiple building pad locations.
2. As demonstrated on the Compliance Table on page 4 of this report, the proposal meets all minimum Zoning Ordinance standards with the reorientation of the house.

3. The finished grade along the new front building wall of the home facing Hilltop Lane will be between 938 – 940. The adjacent neighbor facing Hilltop Lane to the west has similar grade elevations within the front yard, (939.1 – 941.8). The front yard elevation of the new home will be consistent with the adjacent neighbor's front yard elevations.
4. The proposed home is in character within this neighborhood. There are a variety of housing styles throughout the Sunnyslope neighborhood. There have been a number of properties that have had homes re-built on them that are of similar size, mass and scale.

### **Staff Recommendation**

Recommend that the City Council approve the Conditional Use Permit with the Variance from the Conditional Use Permit Criteria regarding raising the first floor elevation no more than one-foot about the first floor elevation of the previous home at criteria for property located at 4924 East Sunnyslope. The Conditional Use Permit with the variance would allow the new home to have a first floor elevation 10.5 feet above the one foot first floor increase of the existing home.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.04, Subd E.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The proposed new home is in character with this neighborhood.

Approval is subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
  - Survey date stamped February 6, 2013.
  - Building plans and elevations date stamped March 22, 2013.
2. Submit a copy of the Minnehaha Creek Watershed District permit if required. The City may require revisions to the approved plans to meet the district's requirements.
3. Final grading and drainage plans are subject to review and approval of the City Engineer prior to issuance of a building permit. Drainage patterns may not be directed to adjacent properties.

**Deadline for a city decision: May 11, 2013**



# CONDITIONAL USE PERMIT APPLICATION

CASE NUMBER 203.006 DATE 3.8.13  
FEE PAID 800.00 ✓

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: \$800.00

### APPLICANT:

NAME: Kirk & Amy Aadalen (Signature required on back page)

ADDRESS: 7630 South Bay Drive PHONE: 952.944.7788  
Bloomington, MN 55438

EMAIL: KTaadalen@hotmail.com

### PROPERTY OWNER:

NAME: Linda & David Engler (Signature required on back page)

ADDRESS: 4924 East Sunny Slope Edina, PHONE: 952.250.8780  
MN 55424 763.203.1948

### LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Lot 4, Block 4 Sunny Slope Section Country Club  
District, Hennepin Co., MN

### PROPERTY ADDRESS:

4924 East Sunny Slope Edina, MN 55424

PRESENT ZONING: R-1 P.I.D.# 1802824320012

### EXPLANATION OF REQUEST:

Variance from building height maximum and

conditional use permits allowable 1' increase for replacement  
(Use reverse side or additional pages if necessary) structure

ARCHITECT: NAME: Peter Eskulne PHONE: 612.296.7575

EMAIL: PETER@ESKULNE.COM

SURVEYOR: NAME: Randy Stern PHONE: 612.558.0727

EMAIL: rmsterns@comcast.net

PLANNING DEPARTMENT

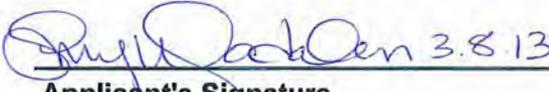
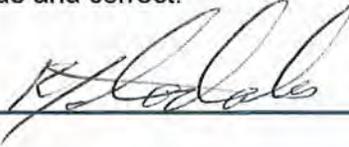
MAR 08 2013

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.

 3.8.13            3/8/13  
**Applicant's Signature**      **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.)

 3/18/13       3/8/13  
**Owner's Signature**      **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.**



# VARIANCE APPLICATION

CASE NUMBER 2013.006 DATE 3.8.13  
FEE PAID \_\_\_\_\_

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

### APPLICANT:

NAME: Kirk & Amy Aardalen (Signature required on back page)

ADDRESS: 7630 South Bay Drive PHONE: 952-944-7788  
Bloomington, MN 55438

EMAIL: KAardalen@hotmail.com

### PROPERTY OWNER:

NAME: Linda & David Engler (Signature required on back page)

ADDRESS: 4924 East Sunny Slope PHONE: \_\_\_\_\_  
Edina, MN 55424

### LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

Lot 4, Block 4 Sunny Slope Section Country Club District, 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: 4924 East Sunny Slope Road, Edina, MN  
55424

PRESENT ZONING: R-1 P.I.D.# 1802824320012

### EXPLANATION OF REQUEST:

Increase Proposed First Floor Elevation more  
than 1'-0"

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Peter Eskuche PHONE: 612-296-7575

EMAIL: peter.a.eskuche.com

SURVEYOR: NAME: Randy Stern PHONE: 612-558-0727

EMAIL: rmasteras@comcast.net

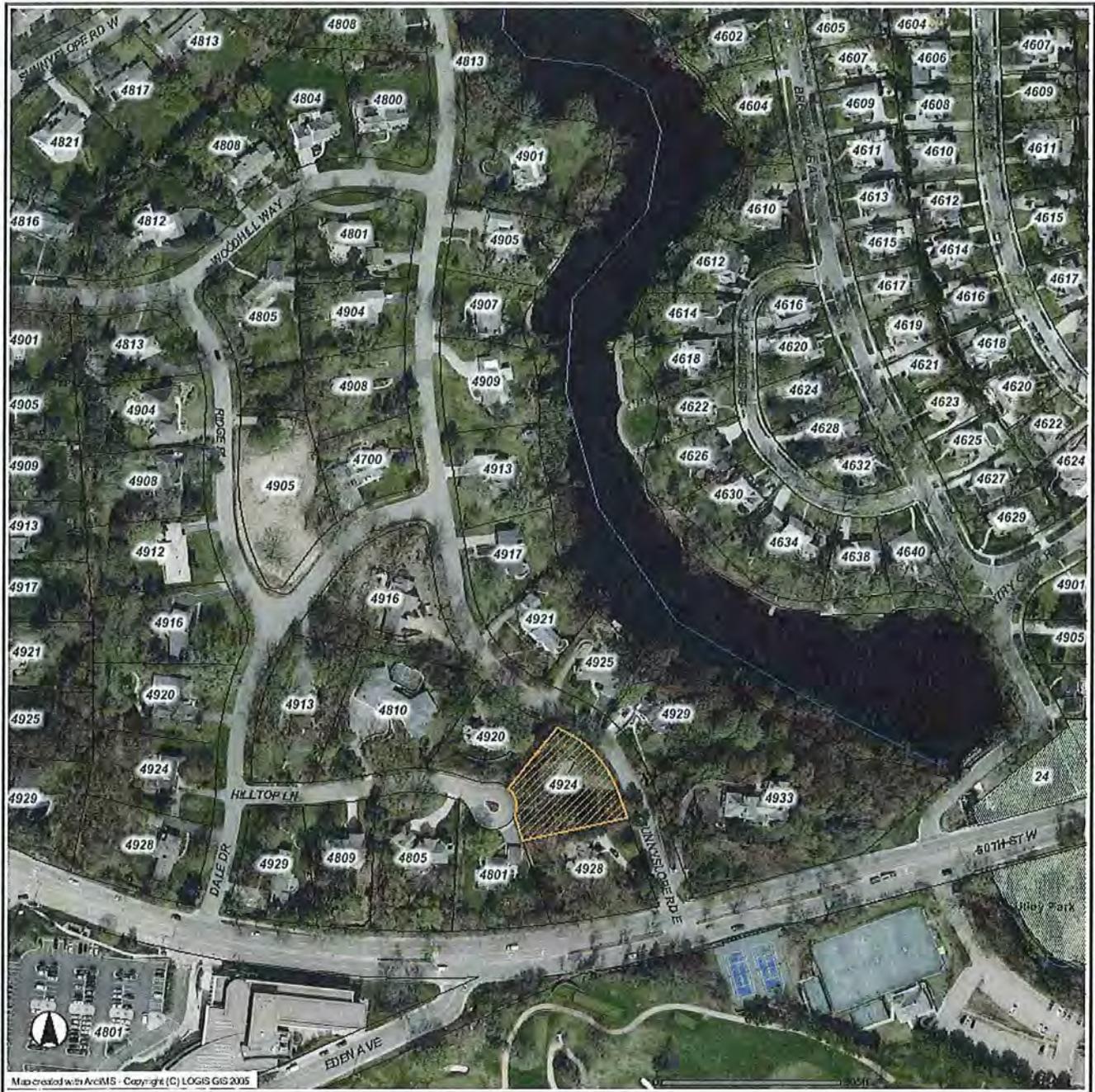
MAR 08 2013

CITY OF EDINA





A.1



A.2



A.3



A.4

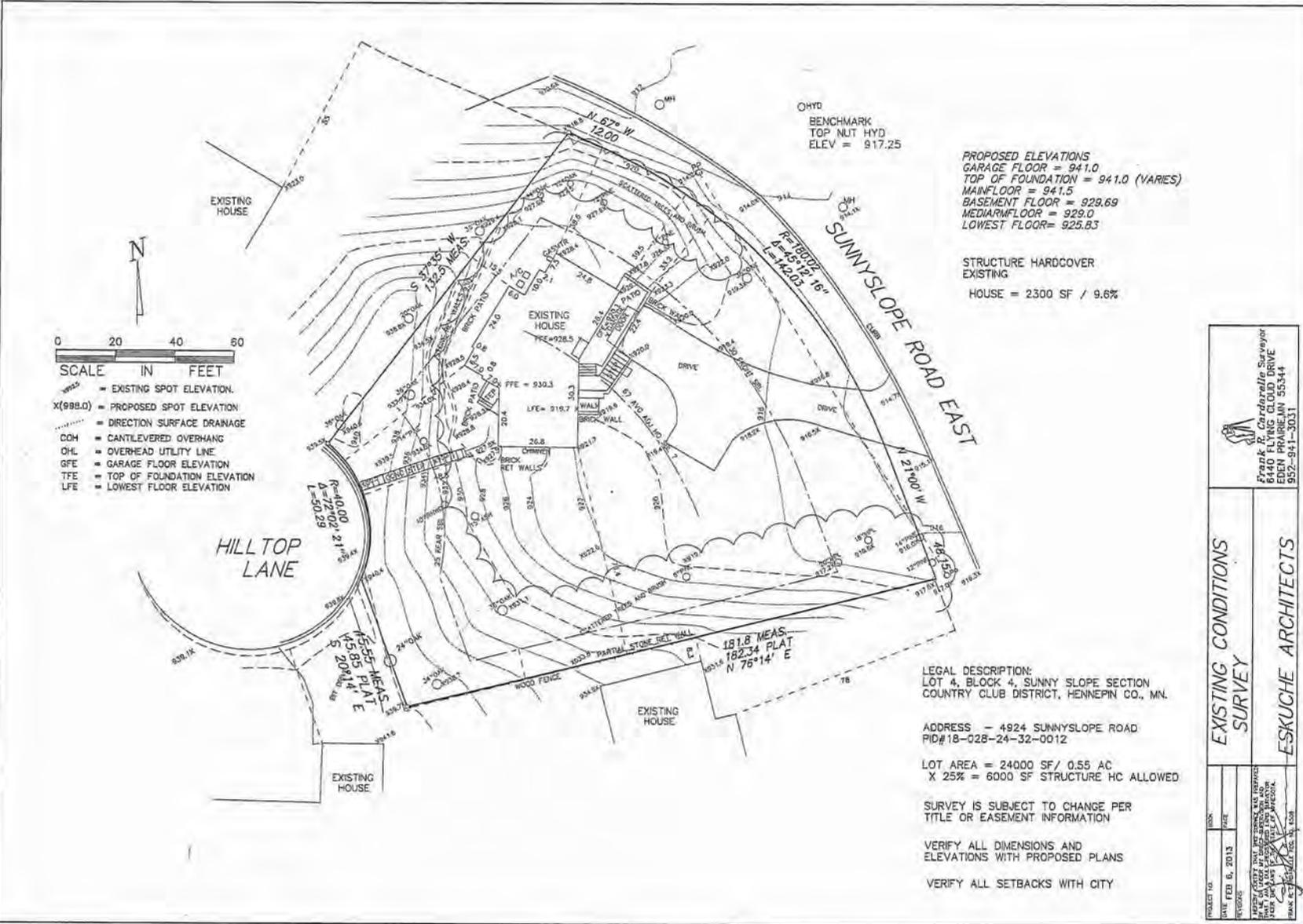


*existing home*

*A.5*

# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET  
8 MARCH 2013  
REVISED  
22 MARCH 2013



HYD  
BENCHMARK  
TOP NUT HYD  
ELEV = 917.25

PROPOSED ELEVATIONS  
GARAGE FLOOR = 941.0  
TOP OF FOUNDATION = 941.0 (VARIES)  
MAINFLOOR = 941.5  
BASEMENT FLOOR = 929.69  
MEZIARFLOOR = 929.0  
LOWEST FLOOR = 925.83

STRUCTURE HARDCOVER  
EXISTING  
HOUSE = 2300 SF / 9.6%

- SCALE IN FEET  
0 20 40 60
- = EXISTING SPOT ELEVATION.
  - x(999.0) = PROPOSED SPOT ELEVATION
  - = DIRECTION SURFACE DRAINAGE
  - = CANTILEVERED OVERHANG
  - OHL = OVERHEAD UTILITY LINE
  - GFE = GARAGE FLOOR ELEVATION
  - TFE = TOP OF FOUNDATION ELEVATION
  - LFE = LOWEST FLOOR ELEVATION

60 Ed Skucich, Registered Professional Surveyor 6140 E. LIVINGWOOD DRIVE EDEN PRAIRIE, MN 55344 952-941-3031	
EXISTING CONDITIONS SURVEY	
ESKUCHE ARCHITECTS	
PROJECT NO. DATE: FEB 6, 2013	REVISIONS 1. REVISED TO REFLECT PERMITS AND INSURANCE 2. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 3. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 4. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 5. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 6. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 7. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 8. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 9. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE 10. REVISED TO REFLECT CITY OF EDEN PRAIRIE VARIANCE

LEGAL DESCRIPTION:  
LOT 4, BLOCK 4, SUNNY SLOPE SECTION  
COUNTRY CLUB DISTRICT, HENNEPIN CO., MN.

ADDRESS - 4924 SUNNYSLOPE ROAD  
PID# 18-028-24-32-0012

LOT AREA = 24000 SF/ 0.55 AC  
X 25% = 6000 SF STRUCTURE HC ALLOWED

SURVEY IS SUBJECT TO CHANGE PER  
TITLE OR EASEMENT INFORMATION

VERIFY ALL DIMENSIONS AND  
ELEVATIONS WITH PROPOSED PLANS

VERIFY ALL SETBACKS WITH CITY



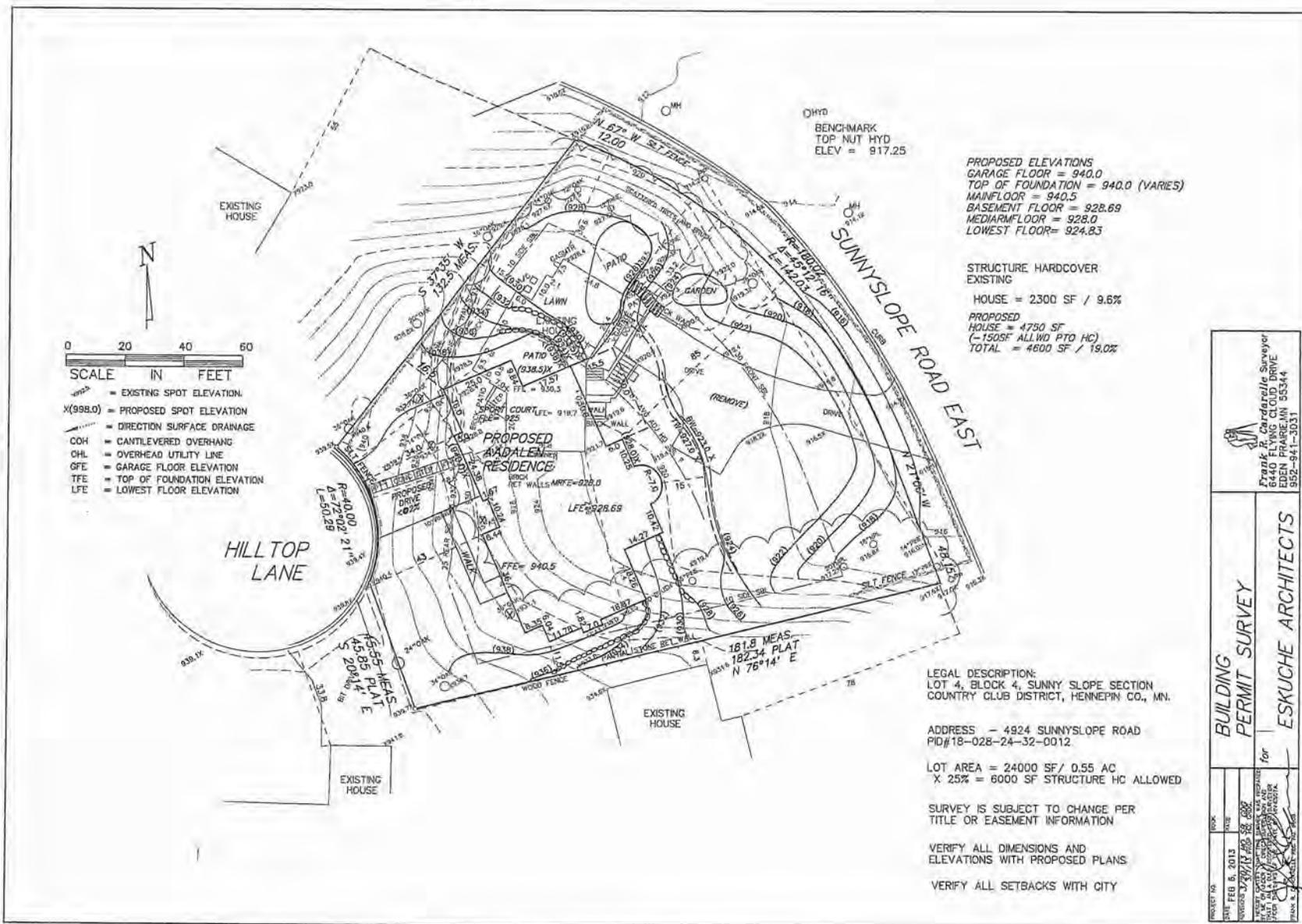
# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

REVISED

22 MARCH 2013



**PROPOSED ELEVATIONS**  
 GARAGE FLOOR = 940.0  
 TOP OF FOUNDATION = 940.0 (VARIES)  
 MAIN FLOOR = 940.5  
 BASEMENT FLOOR = 928.69  
 MEDIARMFLOOR = 928.0  
 LOWEST FLOOR = 924.83

**STRUCTURE HARDCOVER EXISTING**  
 HOUSE = 2300 SF / 9.6%

**PROPOSED**  
 HOUSE = 4750 SF  
 (-1505F ALLWD PTO HC)  
 TOTAL = 4600 SF / 19.0%

**LEGAL DESCRIPTION:**  
 LOT 4, BLOCK 4, SUNNY SLOPE SECTION  
 COUNTRY CLUB DISTRICT, HENNEPIN CO., MN.

**ADDRESS -** 4924 SUNNYSLOPE ROAD  
 PD#18-028-24-32-0012

**LOT AREA =** 24000 SF / 0.55 AC  
 X 25% = 6000 SF STRUCTURE HC ALLOWED

SURVEY IS SUBJECT TO CHANGE PER  
 TITLE OR EASEMENT INFORMATION

VERIFY ALL DIMENSIONS AND  
 ELEVATIONS WITH PROPOSED PLANS

VERIFY ALL SETBACKS WITH CITY

 Frank R. Carderelle Surveyor 6850 ELYING CLOUD DRIVE MINNEAPOLIS, MN 55344 952-841-3931	
BUILDING PERMIT SURVEY	for ESKUCHE ARCHITECTS
PROJECT NO. SHEET NO. DATE DRAWN BY CHECKED BY SCALE	PROJECT NO. SHEET NO. DATE DRAWN BY CHECKED BY SCALE



N.7



March 22nd, 2013  
Variance Application Narrative  
4924 East Sunnyslope  
Edina, Minnesota 55424

The purpose of this application is to request a variance in order to build a replacement home that fronts Hilltop Lane instead of Sunnyslope road. The application requests a variance on the conditional use permit's allowable 1' increase in elevation of a replacement dwelling above the existing dwelling's first floor. With the exception of this condition the proposed single family dwelling is conforming.

The applicant grew up in the Sunnyslope neighborhood with family having been residents there for over 30 years. With a young and growing family rooted in the community, it is their plan to now return to the neighborhood so their children can benefit from the same charming, friendly, supportive, strong valued feeling of community. They have several affiliations in the community and are professionally and socially active and intend to "grow old" there. Their proposal to build a replacement home that would enter off of Hilltop Lane instead of Sunnyslope encounters a difficult steep slope that is now the back of the lot and is unusable. This proposal allows the applicant to enjoy the larger, easterly portion that is gently sloping for their back yard, where currently it is the driveway.

The existing 2 bedroom residence was built in the early 1950's. In many aspects it is below the standard of homes built today. Due to the position of the existing home at the very back and steepest part of the lot, nearly any expansion would require extensive structural and geotechnical modifications to the site. This would trigger and accelerate drainage concerns. The applicant's solution in replacing the home to front the higher elevation Hilltop Lane requires raising the proposed main level 10.2' above the existing main level. If the existing residence had originally been constructed in this manner it would have been allowed. According to the city's planning and engineering staff, it would still be allowed today if a home was not already built there.

The proposed residence embodies the essential character of the neighborhood. The Sunnyslope facing yard becomes the rear yard in the proposal. If the applicant is able to build as proposed, they will be able to use the yard for recreation. As proposed, they plan to manicure it accordingly with the installation of new shrubs and a lawn. The proposed grading is a huge improvement to the fabric of the property and neighborhood and is similar to what other neighbors have recently done. As you will see in the application drawings including the neighborhood perspectives, the proposal has great character that fits wonderfully into the neighborhood.

The above request is a reasonable use of the property. It would be a significant improvement that stylistically represents the very detail that is present in so many of the older Edina homes. The applicants have invested months designing, engineering, and carefully planning out the improvement of this property. They have worked with the city's planning and engineering department as well as neighbors. They have exhausted efforts to present a project that is as conforming as possible to Edina's code.

Thank you for your consideration.

Sincerely,

Peter Eskuche, AIA

Project Architect

*A.E.*

19.



# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

REVISED  
22 MARCH 2013



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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

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22 MARCH 2013



A.10

LANDSCAPE PLAN

20 40 60



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NEIGHBORHOOD PERSPECTIVE - HILLTOP LANE



NEIGHBORHOOD PERSPECTIVE - SUNNYSLOPE ROAD

# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

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22 MARCH 2013



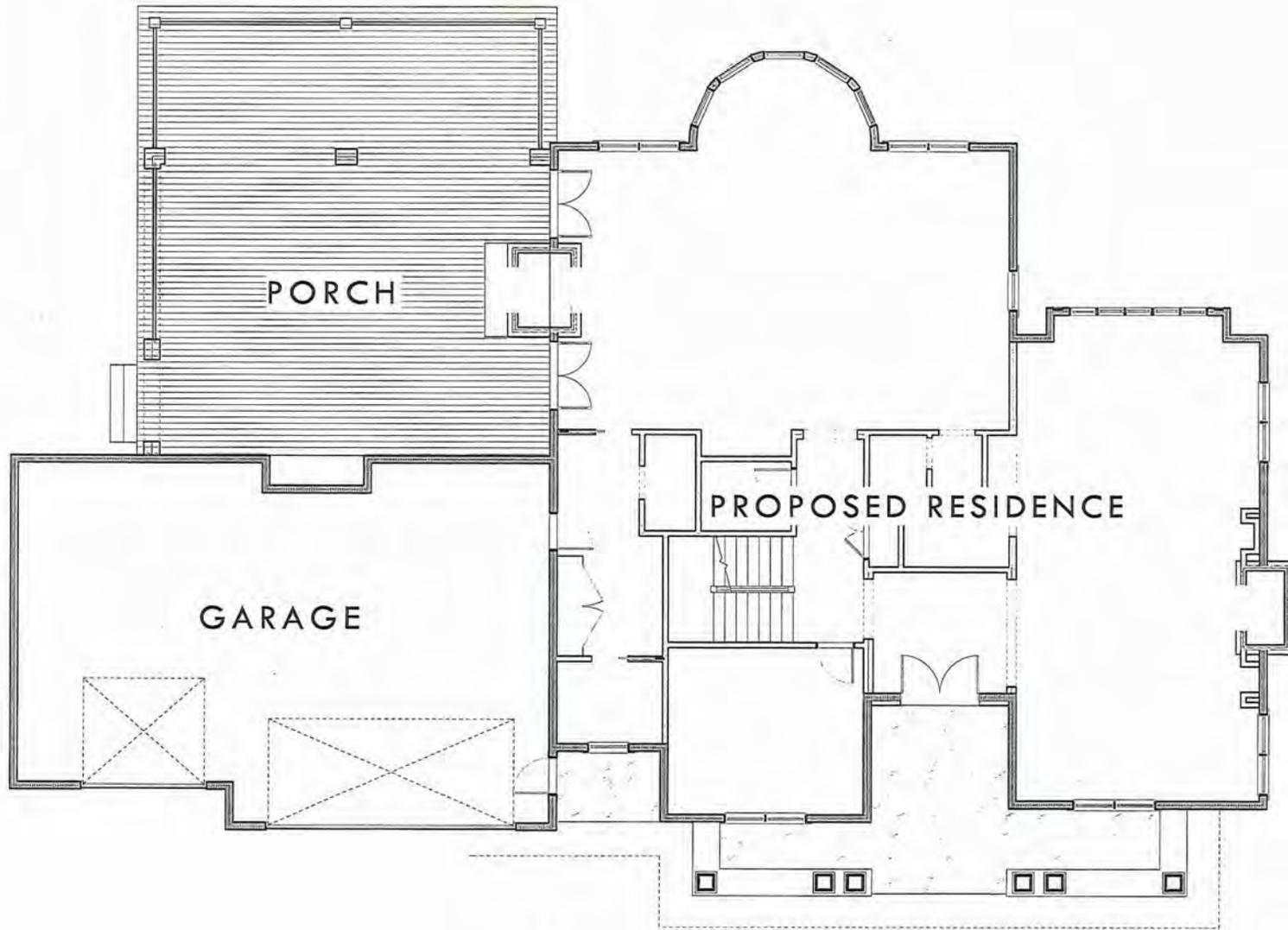
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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

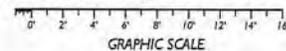
8 MARCH 2013

REVISED  
22 MARCH 2013



## MAIN LEVEL FLOOR PLAN

APPROX. S.F. = 2,390 PLUS PORCH = 720



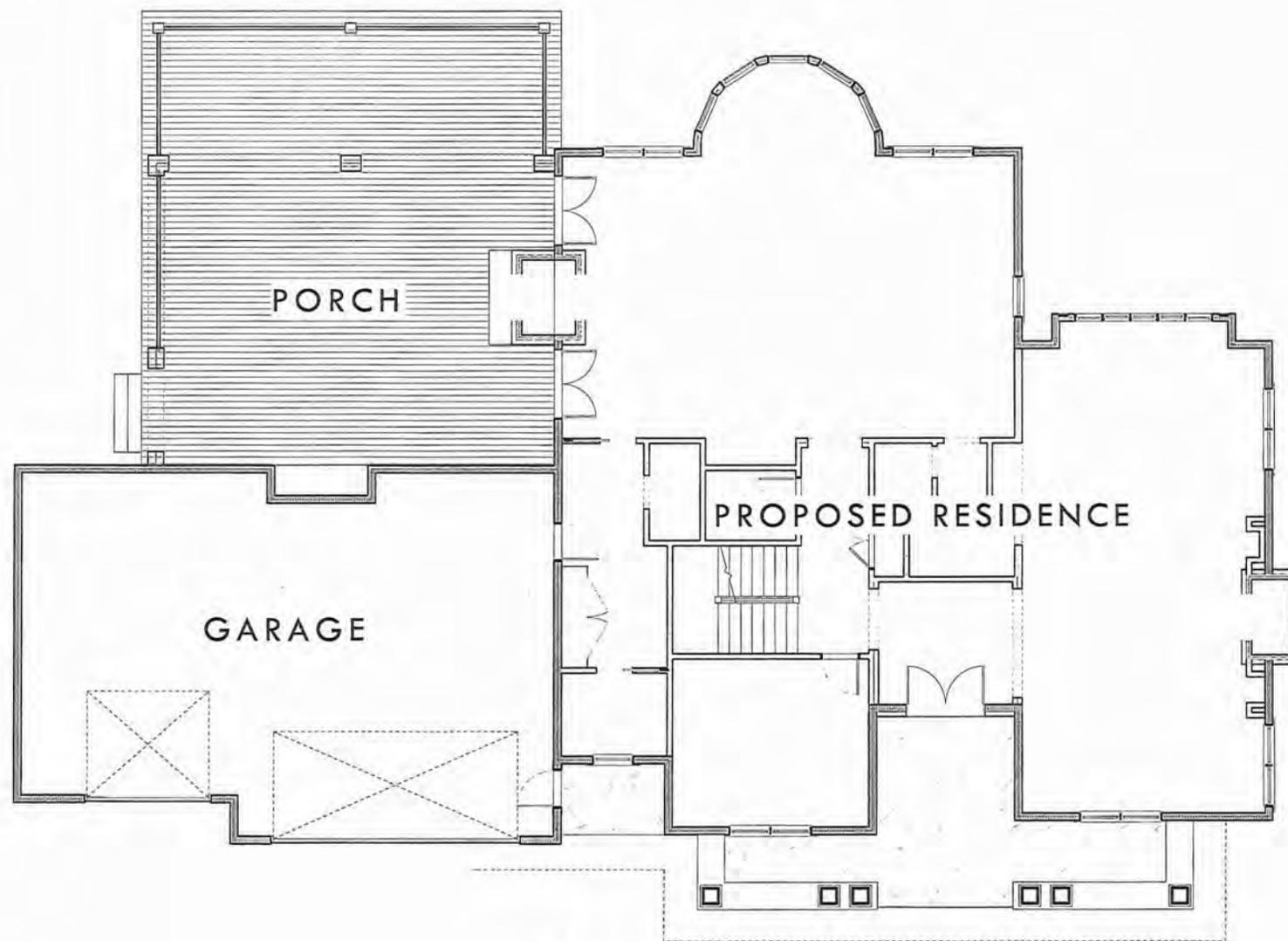
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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

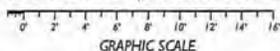
REVISED  
22 MARCH 2013



A.13

## MAIN LEVEL FLOOR PLAN

APPROX. S.F. = 2,390 PLUS PORCH = 720



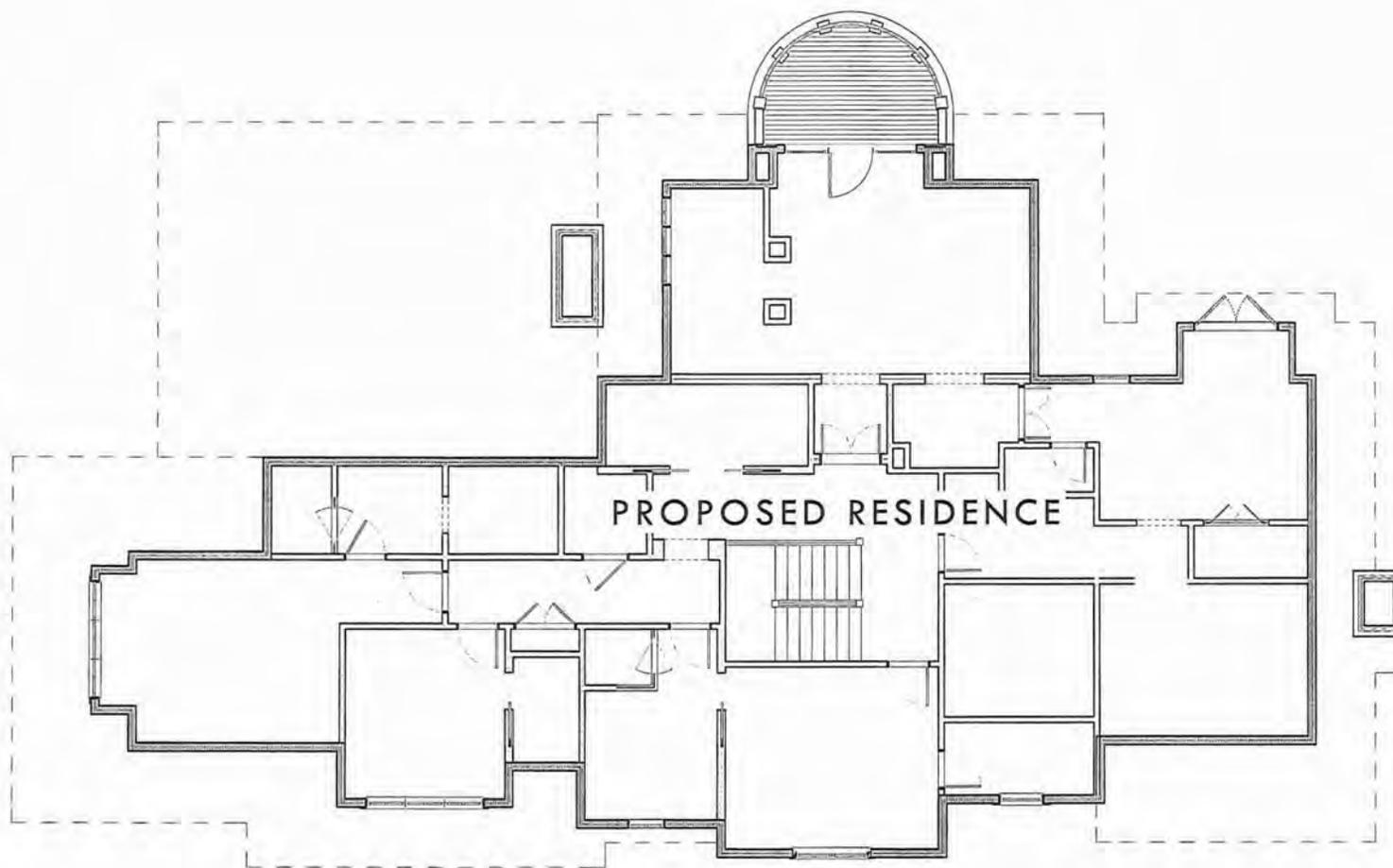
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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

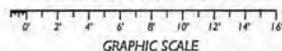
8 MARCH 2013

REVISED  
22 MARCH 2013



## UPPER LEVEL FLOOR PLAN

APPROX. S.F. = 2,500



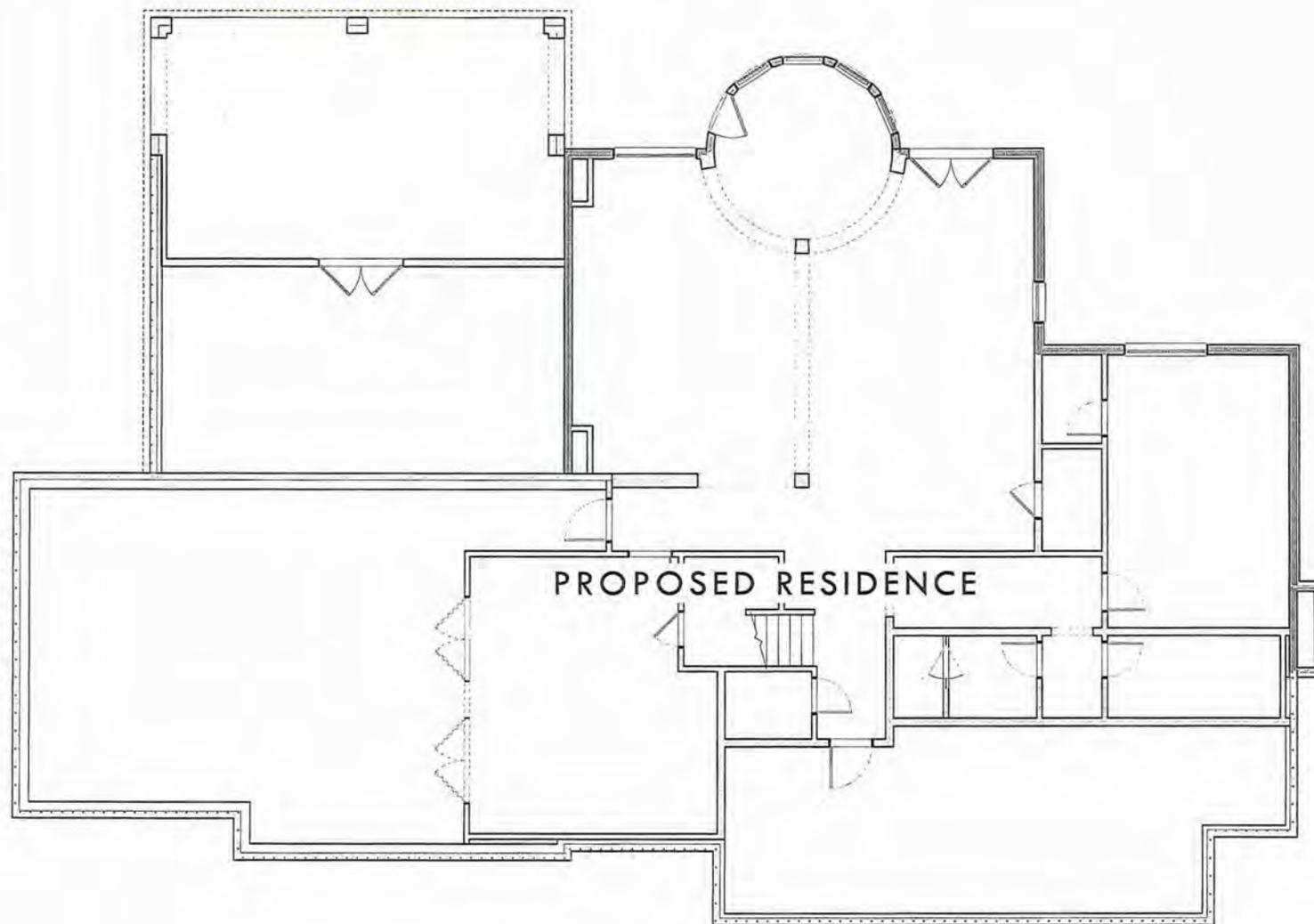
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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

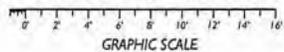
8 MARCH 2013

REVISED  
22 MARCH 2013



## LOWER LEVEL FLOOR PLAN

APPROX. S.F. = 2,350 PLUS SPORT COURT = 865 (MECH./STOR. = 985) - 10'-0" CEILINGS TYP. U.N.O.



GRAPHIC SCALE



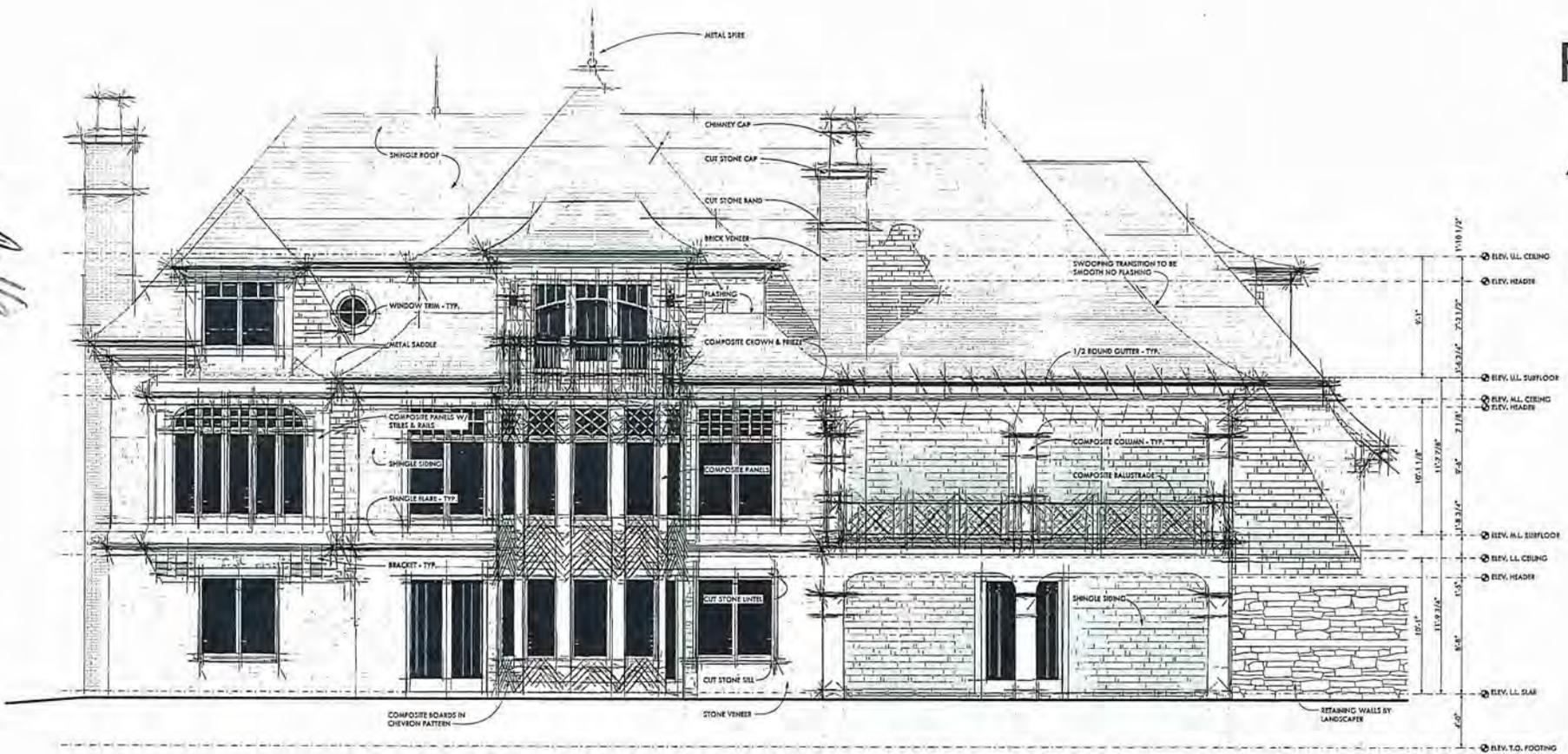
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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

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22 MARCH 2013



EAST ELEVATION



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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

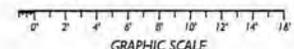
8 MARCH 2013

REVISED  
22 MARCH 2013

A.17



NORTH ELEVATION



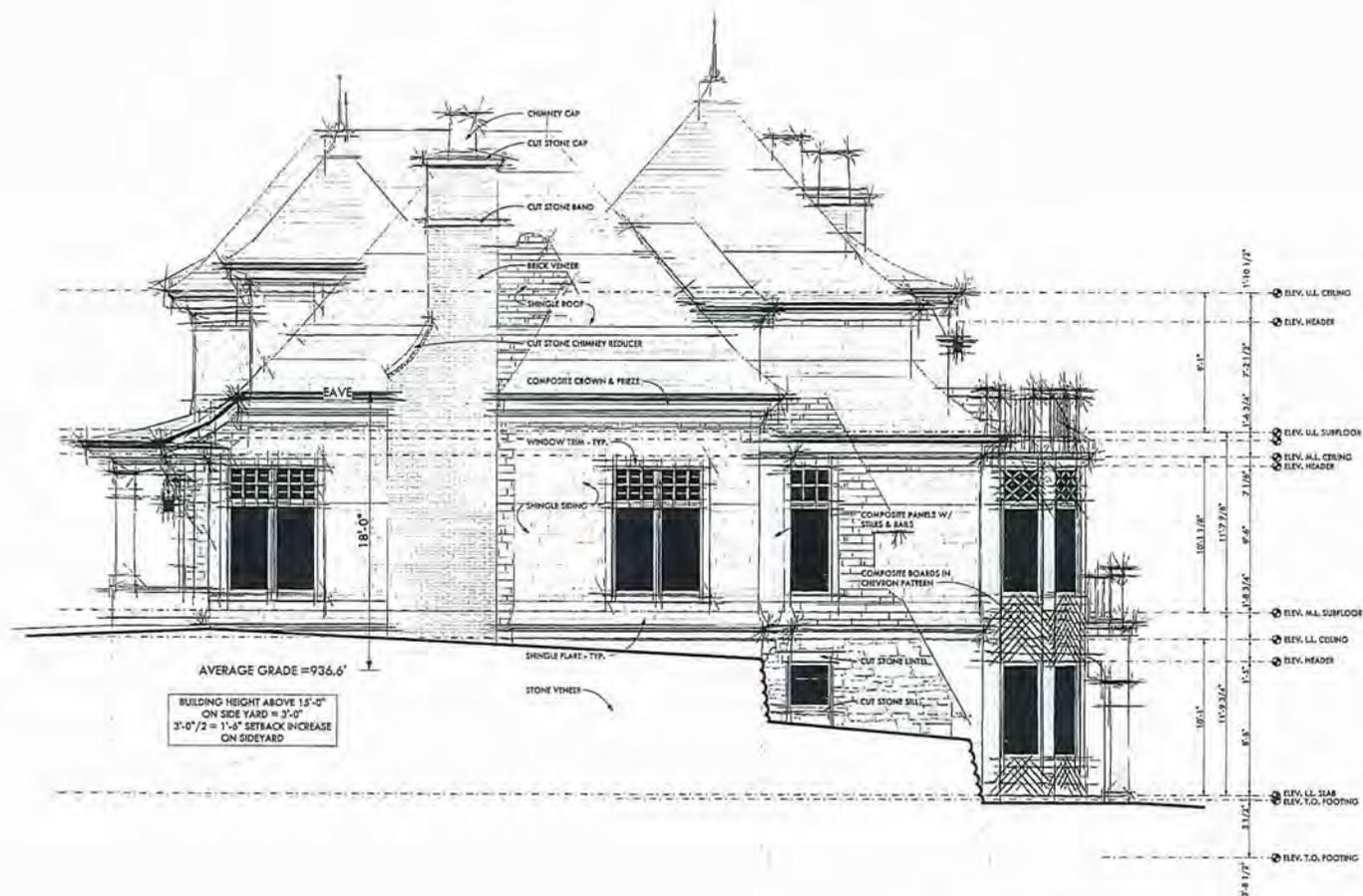
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# HILLTOP LANE RESIDENCE

VARIANCE  
APPLICATION SET

8 MARCH 2013

REVISED  
22 MARCH 2013



SOUTH ELEVATION



Engineering Department • Phone 952-826-0371  
Fax 952-826-0392 • www.CityofEdina.com



**Date:** March 28, 2013

**To:** Kris Aaker – Assistant City Planner

**From:** Wayne D. Houle, PE – Director of Engineering

**Re:** Variance Request for 4924 Sunnyslope Road East

Engineering has reviewed the above stated project and offer the following comments:

- This section of Sunnyslope Road East has the characteristic of a neighborhood collector, since this is one of two only access in and out of the Sunnyslope Neighborhood. Therefore, Engineering supports the removal of a driveway from Sunnyslope Road East.
- Engineering supports the proposed elevation of the home. This elevation will provide a positive grade from the proposed home to Hilltop Lane. If the elevation is not approved, the driveway will back-slope towards the proposed home causing future drainage issues.



To: The Edina Planning Commission and The Edina City Council  
Date: March, 2013  
RE: Proposed Replacement Home at 4924 E. Sunnyslope/Hilltop Lane

We have spoken with Kirk and Amy Aadalen about their proposal to replace the home currently at 4924 E. Sunnyslope with a new home entering off of Hilltop Lane. They have shown us renderings of the home, gone through details of the plan, made themselves available to answer questions and have shared their desire to raise their family in Sunnyslope.

We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

Jayne M. Clairmont  
4801 Hilltop Lane  
Signature(s) and Address Edina, Mn. 55424

JAYNE M. CLAIRMONT  
(Names Printed)

To: The Edina Planning Commission and The Edina City Council

Date: March, 2013

RE: Proposed Replacement Home at 4924 E. Sunnyslope/Hilltop Lane

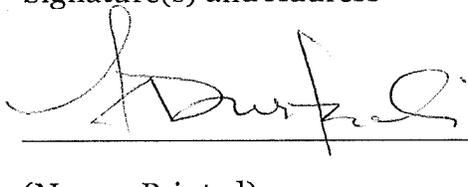
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We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

 / Demosthenes Isler — 4805 Hilltop Ln

Signature(s) and Address

 (Amy Durtschi)

(Names Printed)

To: The Edina Planning Commission and The Edina City Council

Date: March, 2013

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Sincerely,

Joe Eilers 4809 Hilltop Ln.

Barry Eilers

Signature(s) and Address

JOE EILERS      BARRY EILERS

(Names Printed)

To: The Edina Planning Commission and The Edina City Council

Date: March, 2013

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We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

*Dana Dokman*

Signature(s) and Address

*Dana Dokman 4909 E. Sunnyslope Rd  
Edina MN 55424*

(Names Printed)

To: The Edina Planning Commission and The Edina City Council

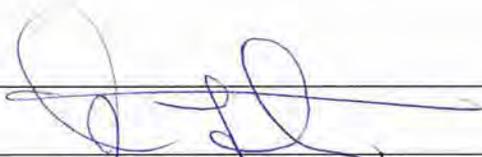
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We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

  
\_\_\_\_\_

Signature(s) and Address

JAMES FEICHAU  
\_\_\_\_\_

(Names Printed)

4700 DAVE DR  
EDINA,

To: The Edina Planning Commission and The Edina City Council

Date: March, 2013

RE: Proposed Replacement Home at 4924 E. Sunnyslope/Hilltop Lane

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We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

Gig Ginkel - 4801 WOODHILL WAY  
[Signature]

Signature(s) and Address

Gig GINKEL, WOODY GINKEL

(Names Printed)

To: The Edina Planning Commission and The Edina City Council

Date: March, 2013

RE: Proposed Replacement Home at 4924 E. Sunnyslope/Hilltop Lane

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We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

Kristen Conner - 4800 Woodhill Way

Signature(s) and Address

Kristen & Tom Conner.

(Names Printed)

To: The Edina Planning Commission and The Edina City Council

Date: March, 2013

RE: Proposed Replacement Home at 4924 E. Sunnyslope/Hilltop Lane

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We have no objections with the proposed structure, and believe it will be additive to our neighborhood as a whole.

Sincerely,

Wendy Doster  
4900 W. Sunnyslope Rd

Signature(s) and Address

Wendy Doster

(Names Printed)



**Public Hearing Notices**  
**EDINA PLANING COMMISSION**

**Wednesday, April 10, 2013**

**7:00 PM**

**Location: City Hall Council Chambers**  
**4801 West 50<sup>th</sup> Street**

**CASE FILE:** 2013.006

**TO:** Property Owners Within 1000-Feet

**APPLICANT:** Kirk & Amy Aadalen

**PROPERTY ADDRESS:** 4924 East Sunnyslope Road, Edina, MN

**LOGAL DESCRIPTION:** Lot 4, Block 4, Sunny Slope Section, Country Club District

**REQUEST:** Conditional Use Permit/Variance

**PROJECT DESCRIPTION:** Variance from Conditional Use Permit requirements per Section 850.11, Subd. 2 to allow the replacement of a single dwelling unit with a first floor elevation of more than one (1) foot above the existing first floor elevation of the existing dwelling unit building.

**HOW TO PARTICIPATE:**

1. Submit a letter to the address below expressing your views, and or
2. Fax your views to the attention of the Planning Dept. @ 952/826-0389
3. E-mail your views to [jhoogenakker@edinamn.gov](mailto:jhoogenakker@edinamn.gov)
4. Attend the hearing and give testimony for or against the proposal.

**FURTHER INFORMATION:** City of Edina Planning Department  
4801 West 50th Street  
Edina, MN 55424  
(952) 826-0369

**DATE OF NOTICE:** March 29, 2013

*Please - Let them  
build whatever you  
feel will be a nice  
addition to Sunnyslope*

*Helene Haugland*

*NOOO  
4/8/2013*

Helene and Doug Haugland  
4901 East Sunnyslope Road  
Edina, Minnesota 55424