

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.B

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: June 2, 2015

Subject: PUBLIC HEARING – Preliminary Plat with Lot Width and Lot Area Variances. Jerrod Lindquist, 5945 Concord Avenue, Resolution No. 2015-55.

Action Requested:

Adopt the attached Resolution No. 2015-55, denying the requested Subdivision with Variances.

Information / Background:

(Deadline for a City Council Decision – August 5, 2015)

Jerrod Lindquist is proposing to subdivide his property at 5945 Concord Avenue into two lots. If the request is approved, the existing home would be torn down and new homes built on each lot. (See applicant narrative and plans on pages A6–A12 of the Planning Commission staff report.) To accommodate the request the following is required:

1. A Subdivision (Preliminary Plat);
2. Lot width variances from 77 feet to 50 feet for each lot; and
3. Lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

The applicant made this same request in 2012. The Planning Commission recommended denial on a 5-4 vote. The City Council then denied the request on a vote of 4-1. (See attached Planning Commission and City Council minutes on pages A13-A19 of the Planning Commission staff report.)

Planning Commission Recommendation: On May 13, 2015, the Planning Commission recommended denial of the request on a vote of 5-4, per the findings outlined in the Planning Commission staff report.

Staff Recommendation: Staff recommends denial per the findings in the Planning Commission staff report.

ATTACHMENTS:

- Resolution No. 2015-55
- Minutes from the May 13, 2015 Edina Planning Commission meeting
- Planning Commission Staff Report, May 13, 2015
- Supplemental Information from the applicant



**RESOLUTION NO. 2015-55
DENYING A PRELIMINARY PLAT, SUBDIVISION, AND VARIANCES
FOR PROPERTY AT 5945 CONCORD AVENUE IN EDINA**

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

Section 1. BACKGROUND.

1.01 Jerrod Lindquist ("Applicant") has applied for preliminary plat approval, subdivision approval, and zoning variances for property with a street address of 5945 Concord Avenue legally described as:

Lots 13 (a 50 x 135 foot lot) and 14 (a 50 x 135 foot lot), Block 9, Fairfax, Hennepin County, Minnesota ("Subject Property").

	Area	Lot Width	Depth
City Code Requirement - Median	10,028 s.f.	77 feet	135 feet
Lot 1	6,794 s.f.	50 feet	135 feet
Lot 2	6,800 s.f.	50 feet	135 feet

1.02 The applicant is the property owner and resides at the subject property.

1.03 Applicant purchased the Subject Property in 1996.

1.04 The applicant was denied this same request in 2012.

1.05 The two lots that constitute the Subject Property are held in common ownership by Applicant. Subsection 850.07, Subd. 20B4a of the Zoning Ordinance provides: "If a non-conforming lot or parcel is, or at any time since October 22, 1951, has been, held in common ownership with all or part of an adjoining or abutting parcel or lot which together comply with, or come close to complying with, the minimum width, depth, area, and lot width to perimeter ratio, requirements of this Section, then such non-conforming lot or parcel and such adjoining or abutting parcel or lot shall be considered as one lot and shall not be decreased in size below such minimum requirements. If in a group of two or more adjoining or abutting lots or parcels owned or controlled by the same person, any single lot or parcel does not meet the full minimum depth, width, area or lot width to perimeter ratio requirements of this Section, such single lot or parcel shall not be considered as a separate lot or parcel able to be conveyed and developed under this Code."

- 1.06 The Subject Property is guided Single Family Residential under the City's Comprehensive Plan and is zoned R-1, Single Dwelling Unit District.
- 1.07 Applicant proposes to subdivide and plat the Subject Property into two lots: Lots 1 and 2, Block 1, Lindquist Addition.
- 1.08 Applicant has applied for multiple zoning variances:
 1. Lot width variances from the 77 feet required in the R-1 zoning district to 50 feet for each lot.
 2. Lot area variances from the 10,028 square feet required in the R-1 zoning district to 6,794 and 6,800 square feet.
- 1.09 On May 13, 2015, the Planning Commission recommended denial of the preliminary plat, subdivision and variances. Vote: 5 Ayes and 4 Nays.
- 1.10 On June 2, 2015, the City Council held a public hearing on the proposed subdivision.

Section 2. FINDINGS.

- 2.01 The proposed plat and subdivision do not meet ordinance standards for a subdivision, because the proposed lots do not meet the minimum Zoning Ordinance requirements for lot area, lot width, and lot depth.
- 2.02 The variance standards have not been met:
 1. The Subject Property is a conforming single-family residential lot with a new single-family house and has a taxable market value of \$319,700. Reasonable use of the property exists today.
 2. The proposed variances are not in harmony with the general purpose and intent of the zoning ordinance which is to require nonconforming lots in common ownership to be developed as a single parcel.
 3. There are no practical difficulties in complying with the zoning ordinance standards. Applicant does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The Subject Property is only 3,566 square feet larger than the required minimum lot size. The proposed lots which are approximately 32% below the minimum lot size requirement are not reasonable.
 4. The practical difficulty alleged by the applicant's proposal to subdivide the property is self-created.

- 5. The need for the variance is created only by Applicant's desire to maximize the return on its investment. Such economic considerations alone do not constitute practical difficulties.
- 6. There are no circumstances unique to the Subject Property that justify granting multiple variance to enable the Applicant to create nonconforming lots. The Subject Property is similar in size to several lots to the east.

Section 3. The preliminary plat, subdivision and variances are denied.

Adopted this 2nd day of June, 2015.

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 June 2, 2015, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2015.

City Clerk

- **Approval conditioned on construction of B618 curb and gutter and standard residential driveway entrances;**
- **Approval conditioned on development of a looped 6" DIP from Blake Road through to the southeast corner of Lot 6 north along the property line to Evanswood Lane.**

Commissioner Hobbs seconded the motion. Ayes; Hobbs, Thorsen, Strauss, Olsen, Nemerov, Carr, Platteter. Nays; Lee and Forrest. Motion to approve carried 7-2.

Chair Platteter announced that this request would be heard by the City Council at their June 2nd meeting.

B. Variance. Karen and Bill Kelly. 4504 Sunnyside Road, Edina, MN

Planner Presentation

Discussion

Commissioner Carr asked Planner Aaker if staff received any comments on the proposal. Planner Aaker responded that to date she was not aware of any comments.

Chair Platteter asked if anyone was present to speak to the issue; being none Commissioner Thorsen moved to close the public hearing. Commissioner Strauss seconded the motion. All voted aye; motion carried.

Chair Platteter commented that in his opinion the request is straightforward and asked the Commission for further comments or motion.

Motion

Commissioner Thorsen moved variance approval based on staff findings and subject to staff conditions. Commissioner Nemerov seconded the motion. All voted aye; motion carried.

C. Subdivision. Jerrod Lindquist. 5945 Concord Avenue, Edina, MN

Planner Presentation

Planner Teague reported that Jerrod Lindquist is proposing to subdivide his property at 5945 Concord Avenue into two lots. If the request is approved, the existing home would be torn down and new homes built on each lot. Teague said to accommodate the request a subdivision; Lot width variances from 77 feet to 50 feet for each lot; and lot area variances from 10,028 square feet to 6,794 and 6,800 square

P.C.
5/13/15

feet. Teague explained that Lot 2 would gain access off Concord Avenue, and Lot 1 would have the option of access of Concord or 60th Street.

Continuing Teague pointed out that within this neighborhood, the median lot area is 10,028 square feet, median lot width is 77 feet, and the median lot depth is 135 feet. The applicant made this same request in 2012. The Planning Commission recommended denial on a 5-4 vote. The City Council then denied the request on a vote of 4-1.

Planner Teague concluded that staff recommends denial of the preliminary plat based on the following findings:

1. The Subject Property is a conforming single-family residential lot with a new single-family house and has a taxable market value of \$319,700. Reasonable use of the property exists today.
2. The proposed variances are not in harmony with the general purpose and intent of the zoning ordinance which is to require nonconforming lots in common ownership to be developed as a single parcel.
3. There are no practical difficulties in complying with the zoning ordinance standards. The applicant does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The Subject Property is only 3,566 square feet larger than the required minimum lot size. The proposed lots which are approximately 32% below the minimum lot size requirement are not reasonable.
4. The practical difficulty alleged by the applicant's proposal to subdivide the property is self-created.
5. The need for the variance is created only by Applicant's desire to maximize the return on its investment. Such economic considerations alone do not constitute practical difficulties.
6. There are no circumstances unique to the Subject Property that justify granting multiple variance to enable the Applicant to create nonconforming lots. The Subject Property is similar in size to several lots to the east.

Appearing for Applicant

Jerrod Lindquist, homeowner and applicant.

Discussion

Commissioner Carr asked Planner Teague if the 500-foot radius is always used to determine lot size. Planner Teague responded where lots are larger than code requirements the 500-foot radius establishes lot size. In the instance of small lots the 500-foot radius is also a requirement; however, variances from the zoning ordinance can also be required if the lots are under 75-feet in width.

Applicant Presentation

Jerrod Lindquist addressed the Commission and reported the following:

- 23-year resident
- Involved in the community
- Interested in doing what's best for the neighborhood

- Lot is oversized in the neighborhood and if approved two houses would better fit the character of the neighborhood than one oversized house.
- The legal description of the property is Lots 13 & 14, Block 9, Fairfax Addition. The 500-foot radius neighborhood does not consider boundaries created by different additions.
- Recent code changes mean better development for these two lots.
- Two lots are more characteristic of the neighborhood and original plat.
- Previous Council approvals at 5825 Ashcroft, 5829 Brookview and 5920 Oaklawn Avenue; to name a few.
- Homes for two families.
- Neighborhood support.

Mr. Lindquist concluded his presentation and asked the Commission for their support.

Chair Platteter opened the public hearing.

Public Hearing

Ray Sharp, 5940 Ashcroft Avenue spoke in support of the proposal.

Jeffrey Johnson, 5825 Ashcroft Avenue spoke in support of the proposal.

Chair Platteter thanked those for their testimony and asked if anyone else would like to speak to the issue; being none, Commissioner Thorsen moved to close the public hearing. Commissioner Lee seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Forrest questioned if the subdivision were approved what would the setback be for the corner lot. Teague responded the corner lot would probably require a variance from either the side or front street. Teague noted that corner lots have historically been developed with variances. Commissioners agreed.

Commissioner Strauss stated that he found the applicant's presentation compelling and could support the request as proposed.

Commissioner Carr said she agrees with Commissioner Strauss, adding she supports the request as submitted.

Commissioner Nemerov said he has reservations in approving this subdivision request. He stated he is concerned if approved it could "open up" the field for more requests of this type.

Commissioner Forrest said she agrees with Commissioner Nemerov. She stated she can't support the request, adding in her opinion this situation isn't unique and as long as the City Code doesn't specifically address this issue (platted 50-foot lots) she can't support it. Forrest

stated she does agree the request is rationale; however, it doesn't meet code. Commissioners Hobbs and Lee agreed with Commissioner Forrest's comments.

Chair Platteter stated he supports the request as submitted. He added in his opinion two homes on two lots are more in character with the neighborhood than one home on one 100-foot lot. He also noted as previously mentioned that variances for corner lots are routinely requested and approved by the Commission. Chair Platteter asked if the request was reversed and a property owner was required to request combining two 50-foot lots into one 100-foot lot would the Commission be supportive; Platteter further noted that presently the "combination" of two originally platted 50-foot lots into one does not require any City action.

Commissioner Carr stated as she previously indicated she supports the request to subdivide 5945 Concord Avenue into two lots. She pointed out findings for approval would need to be drafted since City staff does not support the applicants' request. Carr said findings could include the underlying Fairfax plat with conditions subject to Watershed District approval, curb cut permits, and variances for the corner lot. A brief discussion continued on Findings.

Motion

Commissioner Olsen moved to deny the request to subdivide 5945 Concord Avenue based on staff findings. Commissioner Hobbs seconded the motion. Ayes; Hobbs, Lee, Olsen, Nemerov, Forrest. Nay; Strauss, Thorsen, Carr, Platteter. Motion carried 5-4.

D. Final Rezoning. Frauenshuh Companies. 7700 France Ave., Edina, MN

Staff Presentation

Planner Teague informed the Commission Frauenshuh Companies is proposing to develop the northeast corner of 7700 France with a free standing, 7,700 square foot seafood restaurant. The site is 17 acres in size and contains a six-story 275,000 square foot office building and a 7,623 square foot single-story office building (bank) in the southeast corner of the site.

Teague explained that the restaurant would be designed for seating up to 242 people, and would provide 63 dedicated parking spaces in addition to the shared parking with the office building. The proposed building would be made of brick, stucco, plank siding, cedar, glass and metal panels. An area for outdoor dining is proposed along France Avenue. The applicant received Preliminary approval of the project in October of 2014. The proposed plans are consistent with the preliminary approval and now require final rezoning and final development plan approval.

Planner Teague concluded that staff recommends that the City Council approve the Final Rezoning from POD-2, Planned Office District to PUD, Planned Unit Development District and



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Community Development Director	Meeting Date May 13, 2015	Agenda Item VI.C.
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INFORMATION & BACKGROUND

Project Description

Jerrod Lindquist is proposing to subdivide his property at 5945 Concord Avenue into two lots. (See property location on pages A1–A5.) If the request is approved, the existing home would be torn down and new homes built on each lot. (See applicant narrative and plans on pages A6–A12.)

To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 77 feet to 50 feet for each lot; and
3. Lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

Lot 2 would gain access off Concord Avenue, and Lot 1 would have the option of access of Concord or 60th Street.

Within this neighborhood, the median lot area is 10,028 square feet, median lot width is 77 feet, and the median lot depth is 135 feet. (See attached median calculations on pages A10 and A10a.)

The applicant made this same request in 2012. The Planning Commission recommended denial on a 5-4 vote. The City Council then denied the request on a vote of 4-1. (See attached Planning Commission and City Council minutes on pages A13-A19.)

Surrounding Land Uses

The lots on all sides of the subject properties are zoned and guided low-density residential.

Existing Site Features

The existing site is a corner lot and contains a single-family home and attached garage on the east side of the lot. Access is gained off of 60th Street. (See pages A3-A5.)

Planning

Guide Plan designation: Single-dwelling residential
Zoning: R-1, Single-dwelling district

Lot Dimensions

	Area	Lot Width	Depth
REQUIRED – Median	10,028 s.f.	77 feet	135 feet
Lot 1	6,794 s.f.*	50 feet*	135 feet
Lot 2	6,800 s.f.*	50 feet*	135 feet

* Variance Required

Grading/Drainage and Utilities

The city engineer has reviewed the proposed plans and submitted comment. (See pages A24-A25.) If the project is approved, a condition of approval should be that the conditions outlined in the city engineer memo must be met. Grading and drainage plans specific to any proposed house would be reviewed at the time of building permit. Drainage from any new home, garage or driveway would have to be directed to Concord Avenue, and/or 60th Street. Sewer and water are available to the site. Specific hook-up locations would be reviewed at the time of a building permit for each lot. A Minnehaha Creek Watershed District permit would also be required.

History of Subdivision Requests in the Area

The City of Edina has considered several subdivision requests with variances in this area. (See attached area map showing this locations of these requests on page A20. Please note that the medians were smaller than the subject proposal.) The following is the history in the past nine years:

Requested Subdivisions in the last five years

1. In 2006, the property at 5901 France Avenue received variances to build four (4) 66-foot wide lots consistent with the area. (**Median = 9,269 s.f. & 73 feet wide.**)

2. In 2008, 6120 Brookview Avenue was proposed to be divided into two (2) 50-foot lots by Bravura Construction; however, the applicant withdrew the request before action was taken. (**Median = 6,700 s.f. & 50 feet wide.**)
3. In 2009, a 100-foot lot at 5920 Oaklawn was granted variances to divide into two (2) 50-foot lots. (**Median = 6,699 s.f. & 50 feet wide.**)
4. In 2011, the property at 5829 Brookview was granted variances to divide into two (2) 50-foot lots. (**Median = 6,769 s.f. & 50 feet wide.**)
5. In 2012, the property at 6109 Oaklawn was denied their request to subdivide the property into two (2) 50-foot lots. (**Median = 6,701 s.f. & 50 feet wide.**)
6. In 2012, 6120 Brookview was again proposed for subdivision. That request was denied. (**Median = 6,700 s.f. & 50 feet wide.**)
7. In 2012, 5945 Concord was **denied** the request to subdivide the property into two (2) 50-foot lots. (**Median = 10,028 s.f. & 77 feet wide.**)
8. In 2015, 5825 Ashcroft was approved for their request to subdivide the property into two (2) 50-foot lots. (**Median = 6,790 s.f. & 50 feet wide.**)

Within the above mentioned neighborhoods, the median lot size was smaller than the subject subdivision area. The median lot sizes in these other areas were typically less than 7,000 square feet and lot width was 50 feet. The median in this neighborhood is 10,028 square feet and 77 feet wide.

Primary Issue

- **Are the findings for a variance met?**

No. Staff believes that the findings for a Variance are not met with this proposal.

Per state law and 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:

- a) *Will the proposal relieve practical difficulties that prevent a reasonable use from complying with the ordinance requirements?*

No. 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 that the property already has reasonable use with a single family home that complies with all minimum lot size requirements. It is the same size as the adjacent lot to the east. (See page A2 and A21.) Additionally, while the proposed lots would be similar in size to the lots to the north, they would however, be much smaller than the lots to the west, south and east. (See pages A2 and A21-A22.) These lots all far exceed the proposed lot width of 50 feet and lot area of 6,794 and 6,800 square feet. Because these lots are larger, the median lot area and width in this neighborhood is larger than the areas that had previous requests for subdivisions. (See previous pages.) Given the difference in the median lot size in this instance, it cannot be compared to subdivisions that have been approved in the past with far less median lot sizes.

For instance, this proposed subdivision is very different than the subdivision just approval, two blocks to the north on Ashcroft. The median width was 50 feet at 5825 Ashcroft; while the median width here is 77 feet. The median lot area was 6,790 square feet at 5825 Ashcroft, while the median lot area here is 10,028 square feet. The adjacent lots on Ashcroft were all 50-foot wide; the adjacent lots here are similar in size to the existing lot. (See page A2.) There are three lots on this block that are similar oversized lots that have developed by combining two 50-foot lots. (See page A2 and A21.)

The action or request by the applicant to subdivide the property causes the practical difficulty. The request to subdivide the lot causes the need for the variances; therefore the practical difficulties are self-created.

Applicant does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The Subject Property is only 3,566 square feet larger than the required minimum lot size. The proposed lots which are approximately 32% below the minimum lot size requirement are not reasonable.

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

The condition of this oversized lot is not unique to this neighborhood. There are three lots to the east that are the same size as the subject property. While the lots to the west and south are smaller than the subject lot, they are much larger than the proposed new lots. (See page A21.)

Again, this is a self-created hardship or practical difficulty caused by the applicant's request to subdivide. The circumstances are self-created due to the request to subdivide the property.

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

Yes. To subdivide this corner lot into 50-foot wide lots, it could alter the essential character of the intersection of 60th and Concord. Each lot on the corner is currently larger than the proposed 50 foot wide and 6,800 square foot lot.

Staff Recommendation

Recommend that the City Council deny the proposed two lot subdivision of 5945 Concord Avenue and the lot width variances from 77 feet to 50 feet for each lot, and lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

Denial is based on the following findings:

1. The Subject Property is a conforming single-family residential lot with a new single-family house and has a taxable market value of \$319,700. Reasonable use of the property exists today.
2. The proposed variances are not in harmony with the general purpose and intent of the zoning ordinance which is to require nonconforming lots in common ownership to be developed as a single parcel.
3. There are no practical difficulties in complying with the zoning ordinance standards. The applicant does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The Subject Property is only 3,566 square feet larger than the required minimum lot size. The proposed lots which are approximately 32% below the minimum lot size requirement are not reasonable.
4. The practical difficulty alleged by the applicant's proposal to subdivide the property is self-created.
5. The need for the variance is created only by Applicant's desire to maximize the return on its investment. Such economic considerations alone do not constitute practical difficulties.

6. There are no circumstances unique to the Subject Property that justify granting multiple variance to enable the Applicant to create nonconforming lots. The Subject Property is similar in size to several lots to the east.

Deadline for a City Decision: August 5, 2015

City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels



PID: 1902824310101

**5945 Concord Ave
Edina, MN 55424**



AI

City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels

Map created with ArcGIS - Copyright (C) LDCS GIS 2005



PID: 1902824310101

**5945 Concord Ave
Edina, MN 55424**



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City of Edina



- Legend**
- Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels
 - 2009 Aerial Photo

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PID: 1902824310101

**5945 Concord Ave
Edina, MN 55424**



A3



EXISTING HOME



A4



A5

JERROD C. LINDQUIST

5945 Concord Avenue, Edina, MN 55424

Applicant Narrative

My name is Jerrod Lindquist and I am the property owner at 5945 Concord Avenue in Edina. I have lived within our wonderful city for the past 20 years and at this current address for 18 years. I am seeking approval of subdivision/variance of my property at 5945 Concord Avenue in Edina into the original two platted lots, 5941 and 5945 Concord Avenue. My lots are currently recorded as lots 13 and 14 of the Fairfax Addition. I understand that this requires a subdivision and variance as the resulting lots would be less 75 feet wide at 50 feet wide, even as they were originally designed and remain shown this way.

To approve the variance, there are four criteria, all which are met and are compelling reasons why the variance should be granted.

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

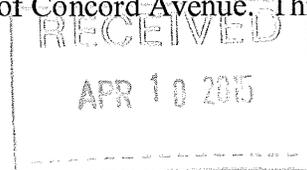
If approved, the proposed variance will allow for two 50-foot wide residential lots. This is considered reasonable land use for this neighborhood as every other lot on the east side of the 5900 block of Concord Avenue is a 50-foot lot. Without the granting of this variance, a practical difficulty exists in that the land owner cannot do what the neighboring property owners can do on identically zoned land, which is build a new home on a 50-foot lot. This lot was originally subdivided into two lots and is continued to be described as two lots. Additionally, corner 50-foot lots have been successfully redeveloped in the neighborhood within the last few years.

As stated in previous staff reports for supported and granted subdivisions, the practical difficulty is that the subject property is double the size of all the lots on this block, which is the east-facing block of the 5900 block of Concord Avenue. The wider and larger medians are due to lots that are further away for the subject property that were divided by much later subdivisions. If the subdivision were denied, the applicant would be denied a subdivision of his property of which the lots would be the same as existing lots in the area.

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

Among the 82 within the 500-foot circular zone, this property is one of only four properties that is comprised of two 50-foot lots combined and built upon with one house. This means that 4.8% of the properties are this size. Granting the variance will allow this property to fit in much better with surrounding properties. For instance, this property is twice the width and area of every other lot on the east side of the 5900 block of Concord Avenue. This is an extraordinary circumstance that this variance will correct.

A6



3 Be in harmony with the general purposes and intent of the zoning ordinance.

The proposed subdivision and variance would meet the intent of its zoning as it would create two lots of similar size to that of other lots within this neighborhood. The proposed subdivision and variance would restore this land to its originally platted condition of two 50-foot lots, which certainly is in harmony with all aspects of the zoning ordinance.

4 Not alter the essential character of a neighborhood.

The variance will not alter the essential character of the neighborhood. The Fairfax subdivision and neighborhood includes a vast majority of single-family homes built on 50-foot wide lots as proposed. 50-foot lots are common to the area.

Conclusion

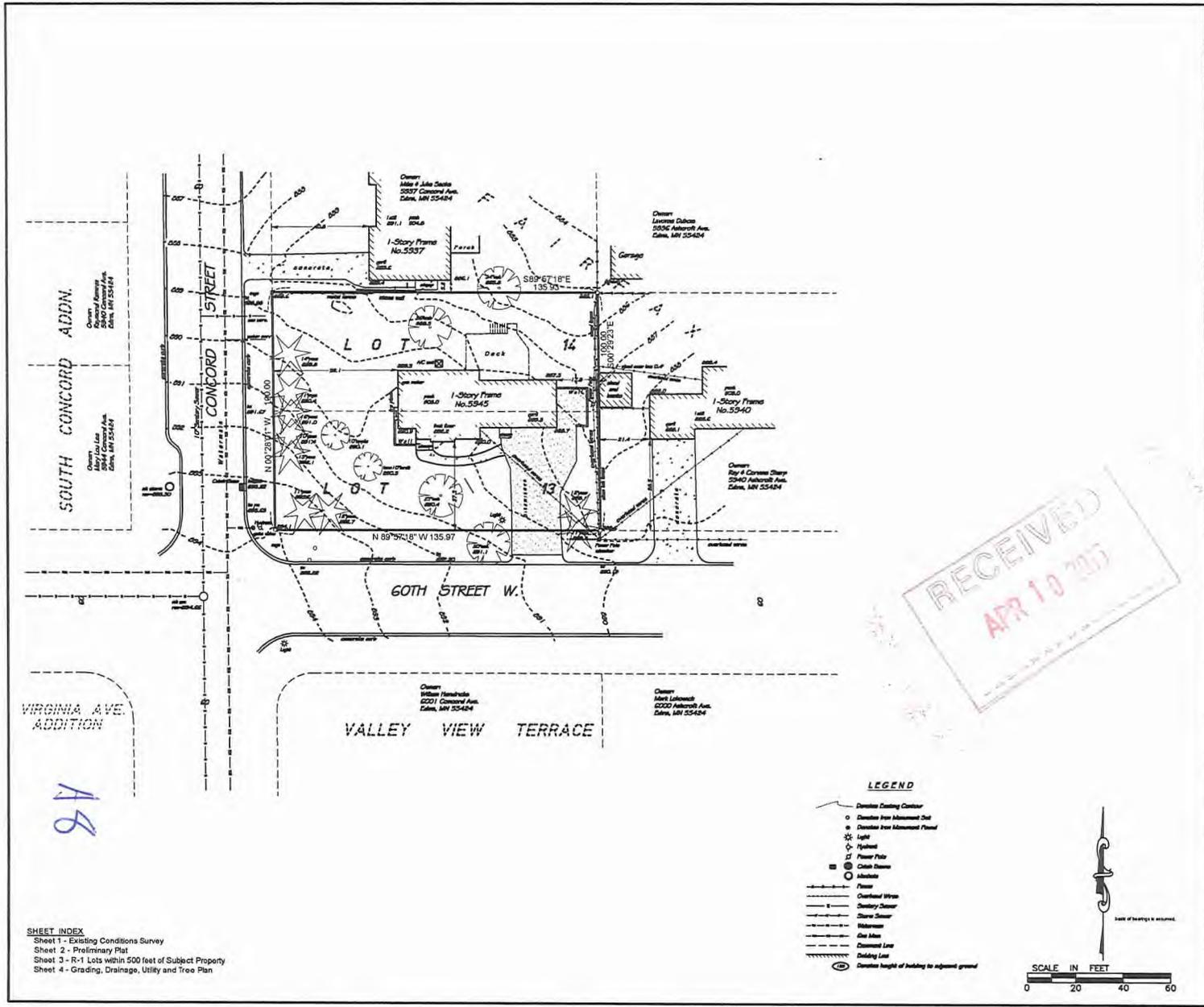
Yes, the findings for a variance are met. They are in line with previous variances granted and those previously supported by Edina city staff. Subdivisions of this exact type have previously been granted within the Fairfax subdivision and this application asks for nothing more.

Sincerely,



Jerrod C. Lindquist





RECEIVED
APR 10 2015

EXISTING CONDITIONS SURVEY FOR:
Jerrold Lindquist
5945 Concord Ave.
Edina, MN 55424

NOTES:

Property Address: 5945 Concord Ave., Edina, MN 55424
 Property Identification Number: 19-028-24-31-0101
 Existing Zoning Classification: R-1 (Single Dwelling Unit District)
 Proposed Zoning Classification: R-1 (Single Dwelling Unit District)

Required Building Setbacks:
 Front Yard: Average of adjacent houses, 45 feet Concord
 35 feet 60th Street
 Corner Side Street - 15 feet
 Side Yard: Varies with building height (5 feet minimum)
 Rear Yard: 25 feet

Total Area of Property = 13594 sq ft (0.31 acres)

Hardcover Calculations:
 Residence = 1632 sq ft
 Deck = 488-150-338 sq ft
 Total = 1920 sq ft
 Area of Parcel = 13594 sq ft
 Percentage of Hardcover = 14.3%

Property located in Zone "X", an area of minimal flooding, per FEMA map No. 27053C0364E, effective date of Sept. 2, 2004

Legal Description

Lot 13 and 14, Block 9, Fairfax, Hennepin County, Minnesota.

EXISTING CONDITIONS
LINDQUIST ADDITION

For:
Jerrold Lindquist
5945 Concord Ave.
Edina, MN 55424

CERTIFICATION

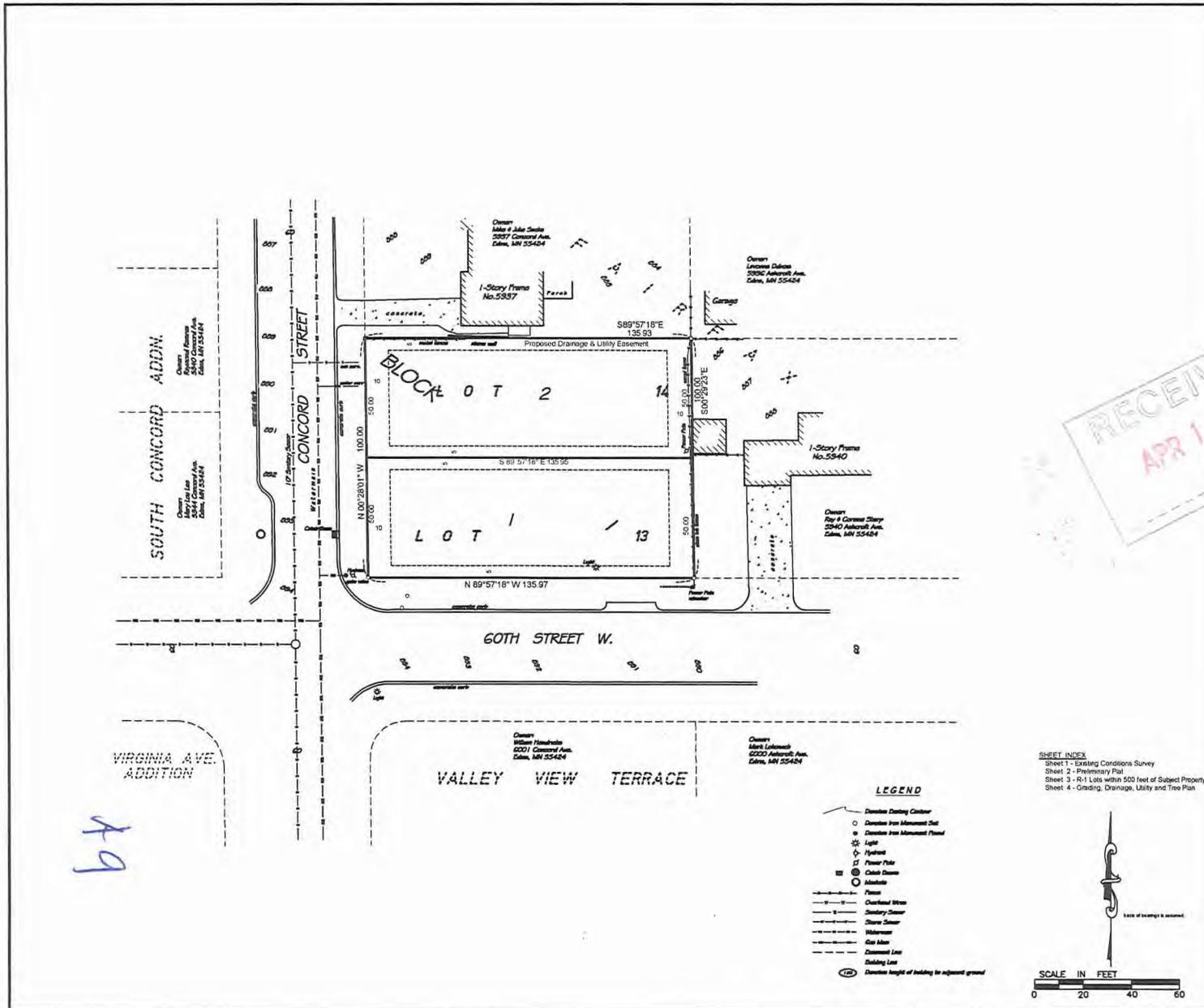
The only easements shown are from plats of record or information provided by client. I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. I also certify that the land surveyed covers the entire parcels and that there are no gaps or overlaps with adjoining property. Dated this 20th day of August, 2012.

Signed: *Jerry Lindquist*
Gregory R. Fryer, Admin. Reg. No. 24982

Date of Survey	8-20-12
Revision	
2-26-2015	
File No.	A-C-1448-000000000000.dwg

LOT SURVEYS COMPANY, INC.
 LAND SURVEYS
 7601 73RD AVENUE N
 BROOKLYN PARK, MN 55428
 763-660-3553 phone
 763-560-3522 fax

F.B. No. 1360.72 Invoice No. 80493



PRELIMINARY PLAT FOR:
Jerrod Lindquist
 5945 Concord Ave.
 Edina, MN 55424

NOTES:

Property Address: 5945 Concord Ave., Edina, MN 55424
 Property Identification Number: 19-028-24-31-01-01

Existing Zoning Classification - R-1 (Single Dwelling Unit District)
 Proposed Zoning Classification - R-1 (Single Dwelling Unit District)

Required Building Setbacks

Front Yard: Average of adjacent houses
 40 ft. West Concord
 38.5 feet 60th Street
 Corner Side Street - 15 feet
 Side Yard: Varies with building height (5 foot minimum)
 Rear Yard: 25 feet

Total Area of Property = 13594 sq ft (0.31 acres)
 Total number of proposed Lots = 2

Area of proposed Lots
 Lot 1 = 6794 sq ft
 Lot 2 = 6800 sq ft

OWNER
Jerrod Lindquist
5945 Concord Ave.
Edina, MN 55424

DEVELOPER
Jerrod Lindquist
5945 Concord Ave.
Edina, MN 55424

Attn: Jerrod Lindquist 952-221-0752

Disclaimer: This plat is based on information of record shown on Sheet 19, West Concord Ave. Division 7, 1/16, 1/24

Legal Description

Lot: 13 and 14, Block 9, Fairfax, Hennepin County, Minnesota.

RECEIVED
 APR 19 2015

PRELIMINARY PLAT
LINDQUIST ADDITION
 For:
Jerrod Lindquist
 5945 Concord Ave.
 Edina, MN 55424

CERTIFICATION

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 21st day of August, 2012.

Signed: *Gregory R. Paul*
 Gregory R. Paul, Reg. No. 24002

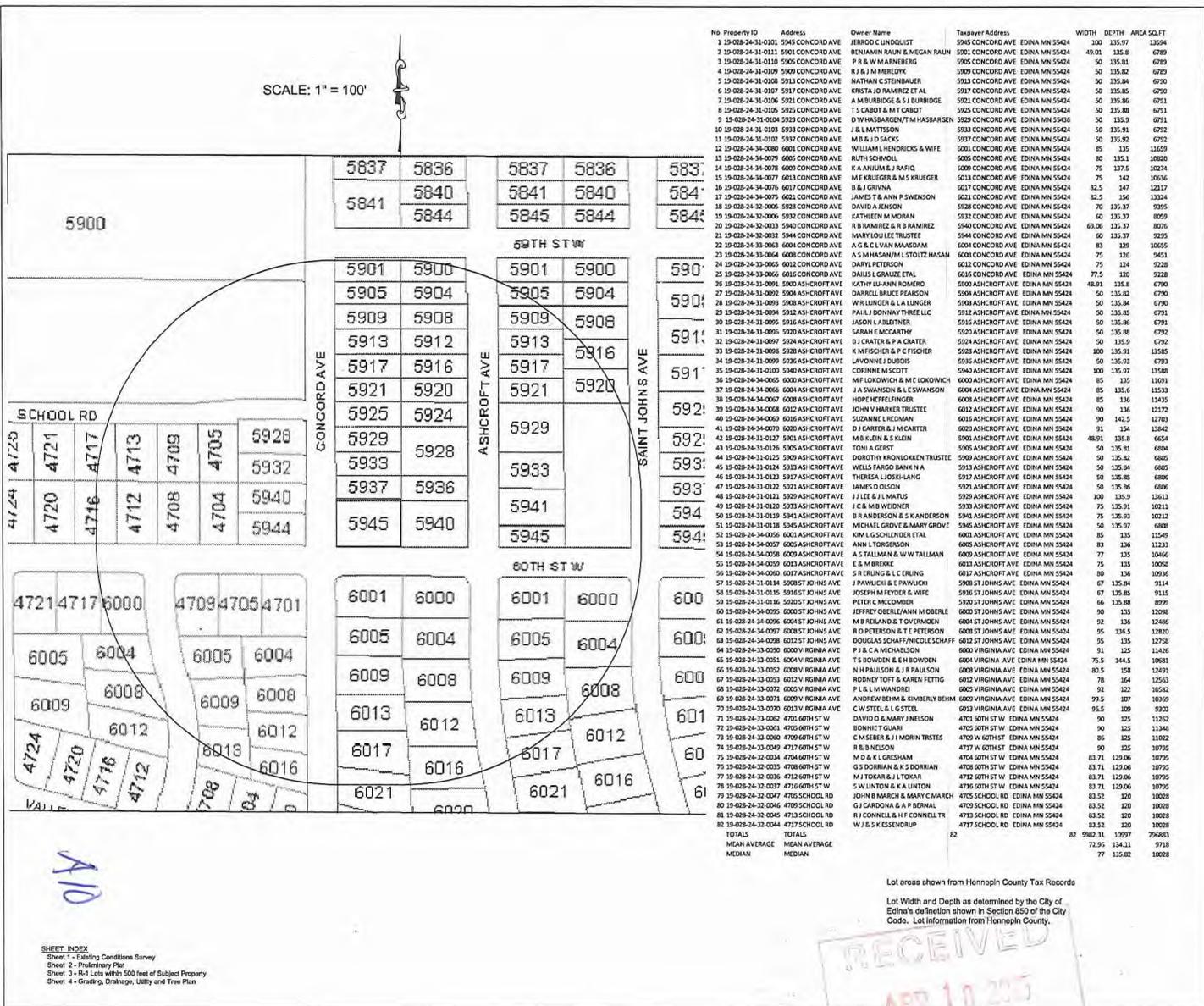
Date of Survey	10-22-11
Revisions	
2-24-2015	

LOT SURVEYS COMPANY, INC.
LAND SURVEYORS
 7601 73RD AVENUE N.
 BROOKLYN PARK, MN 55428
 763-560-3092 phone
 763-560-3522 fax

F.S. No. 19-028-24-31-01-01-01
 P.S. No. 10601-72 Invoice No. 804953

69

SCALE: 1" = 100'



No	Property ID	Address	Owner Name	Taxpayer Address	WIDTH	DEPTH	AREA	SQFT
1	19-028-24-31-0021	5945 CONCORD AVE	JERROD LINDQUIST	5945 CONCORD AVE EDINA MN 55424	100	135.87	13587	13294
2	19-028-24-31-0111	5901 CONCORD AVE	BENJAMIN RAUN & MEGAN RAUN	5901 CONCORD AVE EDINA MN 55424	49.01	135.8	6789	
3	19-028-24-31-0110	5905 CONCORD AVE	P R & W MARNEBERG	5905 CONCORD AVE EDINA MN 55424	50	135.01	6789	
4	19-028-24-31-0109	5909 CONCORD AVE	R J & M MEREDY	5909 CONCORD AVE EDINA MN 55424	50	135.02	6790	
5	19-028-24-31-0108	5913 CONCORD AVE	NATHAN C STEINHALER	5913 CONCORD AVE EDINA MN 55424	50	135.04	6790	
6	19-028-24-31-0107	5917 CONCORD AVE	KRISTA JO RAMIREZ ET AL	5917 CONCORD AVE EDINA MN 55424	50	135.05	6790	
7	19-028-24-31-0106	5921 CONCORD AVE	A M BURBRIDGE & J BURBRIDGE	5921 CONCORD AVE EDINA MN 55424	50	135.06	6791	
8	19-028-24-31-0105	5925 CONCORD AVE	T S CABOT & M T CABOT	5925 CONCORD AVE EDINA MN 55424	50	135.08	6791	
9	19-028-24-31-0104	5929 CONCORD AVE	D W HASBARGER/T M HASBARGER	5929 CONCORD AVE EDINA MN 55424	50	135.9	6791	
10	19-028-24-31-0103	5933 CONCORD AVE	J L MATTSOSON	5933 CONCORD AVE EDINA MN 55424	50	135.91	6792	
11	19-028-24-31-0102	5937 CONCORD AVE	M B & J D SACKS	5937 CONCORD AVE EDINA MN 55424	50	135.92	6792	
12	19-028-24-31-0200	6001 CONCORD AVE	WILLIAM H HENDRICKS & WIFE	6001 CONCORD AVE EDINA MN 55424	85	135	11259	
13	19-028-24-31-0209	6005 CONCORD AVE	RUTH SCHWALL	6005 CONCORD AVE EDINA MN 55424	80	135.1	10820	
14	19-028-24-31-0208	6009 CONCORD AVE	K A ANJUM & J RAFIQ	6009 CONCORD AVE EDINA MN 55424	75	137.5	10474	
15	19-028-24-31-0207	6013 CONCORD AVE	M KRUEGER & M S KRUEGER	6013 CONCORD AVE EDINA MN 55424	75	142	10636	
16	19-028-24-31-0206	6017 CONCORD AVE	B J GRVNA	6017 CONCORD AVE EDINA MN 55424	82.5	147	12117	
17	19-028-24-31-0205	6021 CONCORD AVE	JAMES T & ANN P SWANSON	6021 CONCORD AVE EDINA MN 55424	82.5	156	13324	
18	19-028-24-31-0204	6025 CONCORD AVE	DAVID J ENCKON	6025 CONCORD AVE EDINA MN 55424	70	137.37	9795	
19	19-028-24-31-0203	6029 CONCORD AVE	KATHLEEN M HANSON	6029 CONCORD AVE EDINA MN 55424	60	133.37	8059	
20	19-028-24-31-0202	6033 CONCORD AVE	R B RAMIREZ & R B RAMIREZ	6033 CONCORD AVE EDINA MN 55424	60.06	135.37	8076	
21	19-028-24-31-0201	6037 CONCORD AVE	MARY LOUIE TRUSTEE	6037 CONCORD AVE EDINA MN 55424	60	135.37	8225	
22	19-028-24-31-0200	6041 CONCORD AVE	A B & C L VAN MANSMA	6041 CONCORD AVE EDINA MN 55424	83	129	10655	
23	19-028-24-31-0200	6045 CONCORD AVE	A S MASHAM/W L STOLTZ HASAN	6045 CONCORD AVE EDINA MN 55424	75	136	10451	
24	19-028-24-31-0205	6012 CONCORD AVE	DARLY PETERSON	6012 CONCORD AVE EDINA MN 55424	75	124	9228	
25	19-028-24-31-0206	6016 CONCORD AVE	DANIELS GRUZEVIC	6016 CONCORD AVE EDINA MN 55424	77.5	120	9328	
26	19-028-24-31-0207	6020 CONCORD AVE	RICHIE ANN ROMBERG	6020 CONCORD AVE EDINA MN 55424	48.91	133.8	6790	
27	19-028-24-31-0202	5904 ASHCROFT AVE	DANIELLE BRUCE PEARSON	5904 ASHCROFT AVE EDINA MN 55424	50	135.82	6790	
28	19-028-24-31-0203	5908 ASHCROFT AVE	W R LUNGER & L A LUNGER	5908 ASHCROFT AVE EDINA MN 55424	50	135.84	6790	
29	19-028-24-31-0204	5912 ASHCROFT AVE	PAL J DONAHUE/FRYBEE LLC	5912 ASHCROFT AVE EDINA MN 55424	50	135.85	6791	
30	19-028-24-31-0205	5916 ASHCROFT AVE	JASON LAZLETNER	5916 ASHCROFT AVE EDINA MN 55424	50	135.86	6791	
31	19-028-24-31-0206	5920 ASHCROFT AVE	SARAH E MCCARTHY	5920 ASHCROFT AVE EDINA MN 55424	50	135.88	6792	
32	19-028-24-31-0207	5924 ASHCROFT AVE	D J CRATER & P A CRATER	5924 ASHCROFT AVE EDINA MN 55424	50	135.9	6792	
33	19-028-24-31-0208	5928 ASHCROFT AVE	R H FISHER & P C FISHER	5928 ASHCROFT AVE EDINA MN 55424	100	135.91	13655	
34	19-028-24-31-0209	5932 ASHCROFT AVE	LAVONNE J DUBOIS	5932 ASHCROFT AVE EDINA MN 55424	50	135.93	6793	
35	19-028-24-31-0210	5940 ASHCROFT AVE	CORINNE M SCOTT	5940 ASHCROFT AVE EDINA MN 55424	100	137.07	13688	
36	19-028-24-31-0211	6000 ASHCROFT AVE	M T KOWCHENKO/AM L KOWCHENKO	6000 ASHCROFT AVE EDINA MN 55424	85	135	11501	
37	19-028-24-31-0212	6004 ASHCROFT AVE	J A SWANSON & L C SWANSON	6004 ASHCROFT AVE EDINA MN 55424	85	135.03	11533	
38	19-028-24-31-0213	6008 ASHCROFT AVE	HOPE HEFFELFINGER	6008 ASHCROFT AVE EDINA MN 55424	85	136	11435	
39	19-028-24-31-0214	6012 ASHCROFT AVE	JOHN V HARRER TRUSTEE	6012 ASHCROFT AVE EDINA MN 55424	90	136	12172	
40	19-028-24-31-0215	6016 ASHCROFT AVE	SUSANNE L REDMAN	6016 ASHCROFT AVE EDINA MN 55424	77	135	10466	
41	19-028-24-31-0216	6020 ASHCROFT AVE	D J CARTER & M CARTER	6020 ASHCROFT AVE EDINA MN 55424	91	154	13842	
42	19-028-24-31-0217	5901 ASHCROFT AVE	M S KLEIN & KLEIN	5901 ASHCROFT AVE EDINA MN 55424	48.91	135.8	6654	
43	19-028-24-31-0218	5905 ASHCROFT AVE	TONY A GERTZ	5905 ASHCROFT AVE EDINA MN 55424	50	135.81	6808	
44	19-028-24-31-0219	5909 ASHCROFT AVE	DOROTHY KRONKONEN TRUSTEE	5909 ASHCROFT AVE EDINA MN 55424	50	135.82	6805	
45	19-028-24-31-0220	5913 ASHCROFT AVE	WELLS FARGO BANK N A	5913 ASHCROFT AVE EDINA MN 55424	50	135.84	6805	
46	19-028-24-31-0221	5917 ASHCROFT AVE	THESSA LIOSI-LANG	5917 ASHCROFT AVE EDINA MN 55424	50	135.85	6806	
47	19-028-24-31-0222	5921 ASHCROFT AVE	JAMES D OLSEN	5921 ASHCROFT AVE EDINA MN 55424	50	135.86	6806	
48	19-028-24-31-0223	5925 ASHCROFT AVE	J J LEE & J L MATUS	5925 ASHCROFT AVE EDINA MN 55424	100	135.9	13613	
49	19-028-24-31-0224	5929 ASHCROFT AVE	J C & M WEIDNER	5929 ASHCROFT AVE EDINA MN 55424	75	135.91	10212	
50	19-028-24-31-0225	5933 ASHCROFT AVE	B R ANDERSON & S R ANDERSON	5933 ASHCROFT AVE EDINA MN 55424	75	135.93	10211	
51	19-028-24-31-0226	5937 ASHCROFT AVE	MICHAEL GROVE & MARY GROVE	5937 ASHCROFT AVE EDINA MN 55424	50	135.97	6988	
52	19-028-24-31-0227	6001 ASHCROFT AVE	KIM L SCHROEDER ETAL	6001 ASHCROFT AVE EDINA MN 55424	85	135	11549	
53	19-028-24-31-0228	6005 ASHCROFT AVE	ANN L TORGERSON	6005 ASHCROFT AVE EDINA MN 55424	83	136	11323	
54	19-028-24-31-0229	6009 ASHCROFT AVE	A T TALLMAN & W W TALLMAN	6009 ASHCROFT AVE EDINA MN 55424	77	135	10466	
55	19-028-24-31-0230	6013 ASHCROFT AVE	E B MERRICK	6013 ASHCROFT AVE EDINA MN 55424	75	135	10050	
56	19-028-24-31-0231	6017 ASHCROFT AVE	S R ERLING & L C ERLING	6017 ASHCROFT AVE EDINA MN 55424	80	136	10936	
57	19-028-24-31-0232	5908 ST JOHNS AVE	J PAVLUK & E PAVLUK	5908 ST JOHNS AVE EDINA MN 55424	67	135.84	9114	
58	19-028-24-31-0233	5912 ST JOHNS AVE	JOSEPH M FROSTER & WIFE	5912 ST JOHNS AVE EDINA MN 55424	67	135.85	9115	
59	19-028-24-31-0234	5916 ST JOHNS AVE	PETER M MCCOMBER	5916 ST JOHNS AVE EDINA MN 55424	66	135.88	8999	
60	19-028-24-31-0235	6000 ST JOHNS AVE	JEFFREY OBLE/ANN M OBLE	6000 ST JOHNS AVE EDINA MN 55424	90	135	12098	
61	19-028-24-31-0236	6004 ST JOHNS AVE	M R DELAND & D OVERMIREN	6004 ST JOHNS AVE EDINA MN 55424	92	136	12485	
62	19-028-24-31-0237	6008 ST JOHNS AVE	R O PETERSON & T E PETERSON	6008 ST JOHNS AVE EDINA MN 55424	95	136.5	12800	
63	19-028-24-31-0238	6012 ST JOHNS AVE	DOUGLAS SCHAFF/NICOLE SCHAFF	6012 ST JOHNS AVE EDINA MN 55424	95	135	12758	
64	19-028-24-31-0239	6000 VIRGINIA AVE	P J & C A MICHANSON	6000 VIRGINIA AVE EDINA MN 55424	91	125	11426	
65	19-028-24-31-0240	6004 VIRGINIA AVE	T S BROWNEN & E H BROWNEN	6004 VIRGINIA AVE EDINA MN 55424	75.5	144.5	10901	
66	19-028-24-31-0241	6008 VIRGINIA AVE	N H PAULSON & J R PAULSON	6008 VIRGINIA AVE EDINA MN 55424	80.5	158	12491	
67	19-028-24-31-0242	6012 VIRGINIA AVE	RODNEY TOFT & KAREN FETTING	6012 VIRGINIA AVE EDINA MN 55424	78	164	12643	
68	19-028-24-31-0243	6016 VIRGINIA AVE	P L & M WARDROE	6016 VIRGINIA AVE EDINA MN 55424	92	122	10552	
69	19-028-24-31-0244	6000 VIRGINIA AVE	ANDREW BEHM & KIMBERLY BEHM	6000 VIRGINIA AVE EDINA MN 55424	99.5	107	10669	
70	19-028-24-31-0245	6013 VIRGINIA AVE	C W STEEL & J STEEL	6013 VIRGINIA AVE EDINA MN 55424	96.5	109	9303	
71	19-028-24-31-0246	4701 60TH ST W	DAVID & MARY J NELSON	4701 60TH ST W EDINA MN 55424	90	125	11262	
72	19-028-24-31-0247	4705 60TH ST W	RONNIE T GILMAN	4705 60TH ST W EDINA MN 55424	90	125	11340	
73	19-028-24-31-0248	4709 60TH ST W	C M SEBER & J J MORIN TRUSTES	4709 60TH ST W EDINA MN 55424	86	125	11022	
74	19-028-24-31-0249	4713 60TH ST W	R B & S NELSON	4713 60TH ST W EDINA MN 55424	90	125	10795	
75	19-028-24-31-0250	4717 60TH ST W	M B & E MESHAM	4717 60TH ST W EDINA MN 55424	83.71	129.06	10795	
76	19-028-24-31-0251	4721 60TH ST W	G S DORRMAN & S DORRMAN	4721 60TH ST W EDINA MN 55424	83.71	129.06	10795	
77	19-028-24-31-0252	4725 60TH ST W	M J TOKAR & J TOKAR	4725 60TH ST W EDINA MN 55424	83.71	129.06	10795	
78	19-028-24-31-0253	4729 60TH ST W	S W LINTON & K A LINTON	4729 60TH ST W EDINA MN 55424	83.71	129.06	10795	
79	19-028-24-31-0254	4733 SCHOOL RD	JOHN B BAKER & MARY J MARCHE	4733 SCHOOL RD EDINA MN 55424	83.52	120	10028	
80	19-028-24-31-0255	4737 SCHOOL RD	G CARDONA & A P BERNAL	4737 SCHOOL RD EDINA MN 55424	83.52	120	10028	
81	19-028-24-31-0256	4741 SCHOOL RD	R J CONNELL & H T CONNELL TR	4741 SCHOOL RD EDINA MN 55424	83.52	120	10028	
82	19-028-24-31-0257	4745 SCHOOL RD	W J & S N ESENBERG	4745 SCHOOL RD EDINA MN 55424	83.52	120	10028	
TOTALS					82	5982.31	10977	79683
MEAN AVERAGE					72.96	134.11	9718	
MEDIAN					77	135.82	10028	

Lot areas shown from Hennepin County Tax Records
 Lot Width and Depth as determined by the City of Edina's definition shown in Section 850 of the City Code. Lot Information from Hennepin County.

R-1 LOTS WITHIN 500 FEET OF PROPOSED LINDQUIST ADDITION
Jerrod Lindquist
 5945 Concord Ave,
 Edina, MN 55424

NOTES:

Property Address: 5945 Concord Ave., Edina, MN 55424
 Property Identification Number: 19-028-24-31-0101
 Existing Zoning Classification - R-1 (Single Dwelling Unit District)
 Proposed Zoning Classification - R-1 (Single Dwelling Unit District)
 Required Building Setbacks:
 Front Yard: Average of Adjacent Houses,
 40 ft
 20 ft
 20 ft
 Corner Side Street - 15 feet
 Side Yard: Varies with building height (5 feet minimum)
 Rear Yard: 25 feet
 Total Area of Property = 13594 sq. ft. (0.31 acres)

Block/Sheet: Top map of Edina as a representation of lots.
 Report No. and Contour No.
 Revision #00.01 Rev

Legal Description

Lots 13 and 14, Block 9, Fairfax, Hennepin County, Minnesota.

LINDQUIST ADDITION

For:
Jerrod Lindquist
 5945 Concord Ave,
 Edina, MN 55424

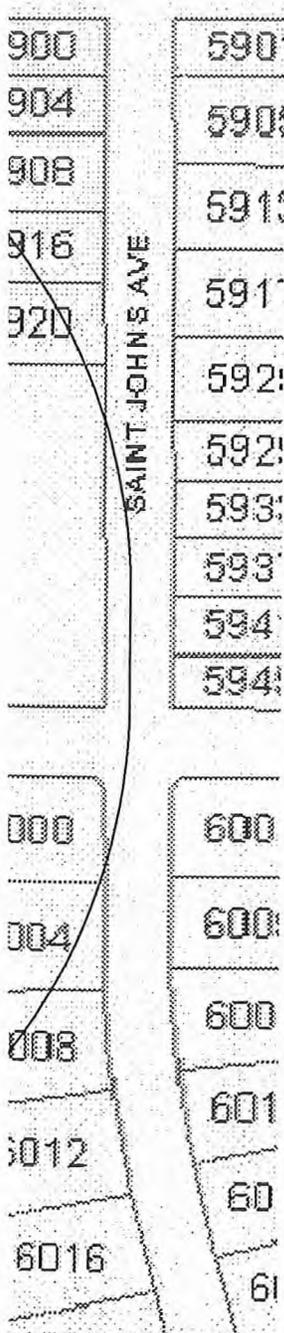
CERTIFICATION

The only easements shown are from plats of record or information provided by client.
 I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 I also certify that the land surveyed covers the entire parcels and that there are no gaps or overlaps with adjoining property.
 Dated this 20th day of August, 2012.

Signed: *Gregory R. Pugh*
 Gregory R. Pugh, Minn. Reg. No. 24902

Date of Survey	8-20-12	LOT SURVEYS COMPANY, INC. LAND SURVEYORS 7021 73RD AVENUE N. BROOKLYN PARK, MN 55428 763-560-3093 phone 763-560-3522 fax
Revised		
File No.	F-13-14-28-0302/2946492.dwg	T.B. No. 1050-72 Issue No. 951473

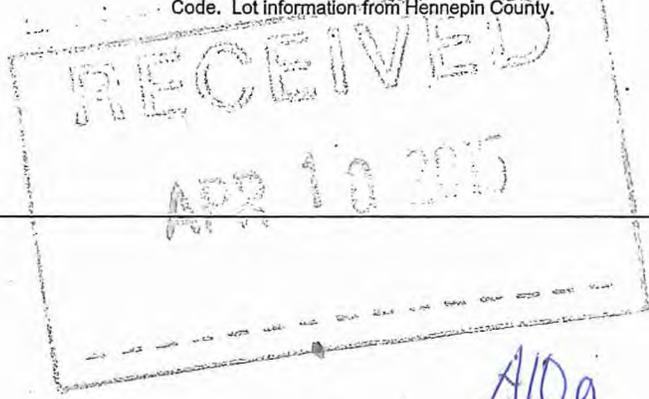
SHEET INDEX
 Sheet 1 - Existing Conditions Survey
 Sheet 2 - Preliminary Plat
 Sheet 3 - R-1 Lots within 500 feet of Subject Property
 Sheet 4 - Grading, Drainage, Utility and Tree Plan



22 19-028-24-33-0065	6009 CONCORD AVE	A G & C L VAN MAASDAM	6004 CONCORD AVE	EDINA MN 55424	83	129	10655
23 19-028-24-33-0064	6008 CONCORD AVE	A S M HASAN/M L STOLTZ HASAN	6008 CONCORD AVE	EDINA MN 55424	75	126	9451
24 19-028-24-33-0065	6012 CONCORD AVE	DARYL PETERSON	6012 CONCORD AVE	EDINA MN 55424	75	124	9228
25 19-028-24-33-0066	6016 CONCORD AVE	DAIUS L GRAUZE ETAL	6016 CONCORD AVE	EDINA MN 55424	77.5	120	9228
26 19-028-24-31-0091	5900 ASHCROFT AVE	KATHY LU-ANN ROMERO	5900 ASHCROFT AVE	EDINA MN 55424	48.91	135.8	6790
27 19-028-24-31-0092	5904 ASHCROFT AVE	DARRELL BRUCE PEARSON	5904 ASHCROFT AVE	EDINA MN 55424	50	135.82	6790
28 19-028-24-31-0093	5908 ASHCROFT AVE	W R LUNGER & L A LUNGER	5908 ASHCROFT AVE	EDINA MN 55424	50	135.84	6790
29 19-028-24-31-0094	5912 ASHCROFT AVE	PAUL J DONNAY THREE LLC	5912 ASHCROFT AVE	EDINA MN 55424	50	135.85	6791
30 19-028-24-31-0095	5916 ASHCROFT AVE	JASON L ABLEITNER	5916 ASHCROFT AVE	EDINA MN 55424	50	135.86	6791
31 19-028-24-31-0096	5920 ASHCROFT AVE	SARAH E MCCARTHY	5920 ASHCROFT AVE	EDINA MN 55424	50	135.88	6792
32 19-028-24-31-0097	5924 ASHCROFT AVE	B J CRATER & P A CRATER	5924 ASHCROFT AVE	EDINA MN 55424	50	135.9	6792
33 19-028-24-31-0098	5928 ASHCROFT AVE	K M FISCHER & P C FISCHER	5928 ASHCROFT AVE	EDINA MN 55424	100	135.91	13585
34 19-028-24-31-0099	5936 ASHCROFT AVE	LAVONNE J DUBOIS	5936 ASHCROFT AVE	EDINA MN 55424	50	135.93	6793
35 19-028-24-31-0100	5940 ASHCROFT AVE	CORINNE M SCOTT	5940 ASHCROFT AVE	EDINA MN 55424	100	135.97	13588
36 19-028-24-34-0065	6000 ASHCROFT AVE	M F LOKOWICH & M E LOKOWICH	6000 ASHCROFT AVE	EDINA MN 55424	85	135	11691
37 19-028-24-34-0066	6004 ASHCROFT AVE	J A SWANSON & L E SWANSON	6004 ASHCROFT AVE	EDINA MN 55424	85	135.6	11533
38 19-028-24-34-0067	6008 ASHCROFT AVE	HOPE HEFFELFINGER	6008 ASHCROFT AVE	EDINA MN 55424	85	136	11435
39 19-028-24-34-0068	6012 ASHCROFT AVE	JOHN V HARKER TRUSTEE	6012 ASHCROFT AVE	EDINA MN 55424	90	136	12172
40 19-028-24-34-0069	6016 ASHCROFT AVE	SUZANNE R REDMAN	6016 ASHCROFT AVE	EDINA MN 55424	90	142.5	12703
41 19-028-24-34-0070	6020 ASHCROFT AVE	D J CARTER & J M CARTER	6020 ASHCROFT AVE	EDINA MN 55424	91	154	13842
42 19-028-24-31-0127	5901 ASHCROFT AVE	M B KLEIN & S KLEIN	5901 ASHCROFT AVE	EDINA MN 55424	48.91	135.8	6654
43 19-028-24-31-0126	5905 ASHCROFT AVE	TONI A GERST	5905 ASHCROFT AVE	EDINA MN 55424	50	135.81	6804
44 19-028-24-31-0125	5909 ASHCROFT AVE	DOROTHY KRONLOKKEN TRUSTEE	5909 ASHCROFT AVE	EDINA MN 55424	50	135.82	6805
45 19-028-24-31-0124	5913 ASHCROFT AVE	WELLS FARGO BANK N A	5913 ASHCROFT AVE	EDINA MN 55424	50	135.84	6805
46 19-028-24-31-0123	5917 ASHCROFT AVE	THERESA LIOSKI-LANG	5917 ASHCROFT AVE	EDINA MN 55424	50	135.85	6806
47 19-028-24-31-0122	5921 ASHCROFT AVE	JAMES D OLSON	5921 ASHCROFT AVE	EDINA MN 55424	50	135.86	6806
48 19-028-24-31-0121	5929 ASHCROFT AVE	J J LEE & J L MATUS	5929 ASHCROFT AVE	EDINA MN 55424	100	135.9	13613
49 19-028-24-31-0120	5933 ASHCROFT AVE	J C & M B WEIDNER	5933 ASHCROFT AVE	EDINA MN 55424	75	135.91	10211
50 19-028-24-31-0119	5941 ASHCROFT AVE	B R ANDERSON & S K ANDERSON	5941 ASHCROFT AVE	EDINA MN 55424	75	135.93	10212
51 19-028-24-31-0118	5945 ASHCROFT AVE	MICHAEL GROVE & MARY GROVE	5945 ASHCROFT AVE	EDINA MN 55424	50	135.97	6808
52 19-028-24-34-0056	6001 ASHCROFT AVE	KIM L G SCHLENDER ETAL	6001 ASHCROFT AVE	EDINA MN 55424	85	135	11549
53 19-028-24-34-0057	6005 ASHCROFT AVE	ANN L TORGERSON	6005 ASHCROFT AVE	EDINA MN 55424	83	136	11233
54 19-028-24-34-0058	6009 ASHCROFT AVE	A S TALLMAN & W W TALLMAN	6009 ASHCROFT AVE	EDINA MN 55424	77	135	10466
55 19-028-24-34-0059	6013 ASHCROFT AVE	E & M BREKKE	6013 ASHCROFT AVE	EDINA MN 55424	75	135	10058
56 19-028-24-34-0060	6017 ASHCROFT AVE	S R ERLING & L C ERLING	6017 ASHCROFT AVE	EDINA MN 55424	80	136	10936
57 19-028-24-31-0114	5908 ST JOHNS AVE	J PAWLICKI & E PAWLICKI	5908 ST JOHNS AVE	EDINA MN 55424	67	135.84	9114
58 19-028-24-31-0115	5916 ST JOHNS AVE	JOSEPH M FEYDER & WIFE	5916 ST JOHNS AVE	EDINA MN 55424	67	135.85	9115
59 19-028-24-31-0116	5920 ST JOHNS AVE	PETER C MCCOMBER	5920 ST JOHNS AVE	EDINA MN 55424	66	135.88	8999
60 19-028-24-34-0095	6000 ST JOHNS AVE	JEFFREY OBERLE/ANN M OBERLE	6000 ST JOHNS AVE	EDINA MN 55424	90	135	12098
61 19-028-24-34-0096	6004 ST JOHNS AVE	M B REILAND & T OVERMOEN	6004 ST JOHNS AVE	EDINA MN 55424	92	136	12486
62 19-028-24-34-0097	6008 ST JOHNS AVE	R O PETERSON & T E PETERSON	6008 ST JOHNS AVE	EDINA MN 55424	95	136.5	12820
63 19-028-24-34-0098	6012 ST JOHNS AVE	DOUGLAS SCHAFF/NICOLE SCHAFF	6012 ST JOHNS AVE	EDINA MN 55424	95	135	12758
64 19-028-24-33-0050	6000 VIRGINIA AVE	P J & C A MICHAELSON	6000 VIRGINIA AVE	EDINA MN 55424	91	125	11426
65 19-028-24-33-0051	6004 VIRGINIA AVE	T S BOWDEN & E H BOWDEN	6004 VIRGINIA AVE	EDINA MN 55424	75.5	144.5	10681
66 19-028-24-33-0052	6008 VIRGINIA AVE	N H PAULSON & J R PAULSON	6008 VIRGINIA AVE	EDINA MN 55424	80.5	158	12491
67 19-028-24-33-0053	6012 VIRGINIA AVE	RODNEY TOFT & KAREN FETTIG	6012 VIRGINIA AVE	EDINA MN 55424	78	164	12563
68 19-028-24-33-0072	6005 VIRGINIA AVE	P L & L M WANDREI	6005 VIRGINIA AVE	EDINA MN 55424	92	122	10582
69 19-028-24-33-0071	6009 VIRGINIA AVE	ANDREW BEHM & KIMBERLY BEHM	6009 VIRGINIA AVE	EDINA MN 55424	99.5	107	10369
70 19-028-24-33-0070	6013 VIRGINIA AVE	C W STEEL & L G STEEL	6013 VIRGINIA AVE	EDINA MN 55424	96.5	109	9303
71 19-028-24-33-0062	4701 60TH ST W	DAVID O & MARY J NELSON	4701 60TH ST W	EDINA MN 55424	90	125	11262
72 19-028-24-33-0061	4705 60TH ST W	BONNIE T GUARI	4705 60TH ST W	EDINA MN 55424	90	125	11348
73 19-028-24-33-0060	4709 60TH ST W	C M SEBER & J I MORIN TRSTES	4709 W 60TH ST	EDINA MN 55424	86	125	11022
74 19-028-24-33-0049	4717 60TH ST W	R & B NELSON	4717 W 60TH ST	EDINA MN 55424	90	125	10795
75 19-028-24-32-0034	4704 60TH ST W	M D & K L GRESHAM	4704 60TH ST W	EDINA MN 55424	83.71	129.06	10795
76 19-028-24-32-0035	4708 60TH ST W	G S DORRIAN & K S DORRIAN	4708 60TH ST W	EDINA MN 55424	83.71	129.06	10795
77 19-028-24-32-0036	4712 60TH ST W	M J TOKAR & J L TOKAR	4712 60TH ST W	EDINA MN 55424	83.71	129.06	10795
78 19-028-24-32-0037	4716 60TH ST W	S W LINTON & K A LINTON	4716 60TH ST W	EDINA MN 55424	83.71	129.06	10795
79 19-028-24-32-0047	4705 SCHOOL RD	JOHN B MARCH & MARY C MARCH	4705 SCHOOL RD	EDINA MN 55424	83.52	120	10028
80 19-028-24-32-0046	4709 SCHOOL RD	G J CARDONA & A P BERNAL	4709 SCHOOL RD	EDINA MN 55424	83.52	120	10028
81 19-028-24-32-0045	4713 SCHOOL RD	R J CONNELL & H F CONNELL TR	4713 SCHOOL RD	EDINA MN 55424	83.52	120	10028
82 19-028-24-32-0044	4717 SCHOOL RD	W J & S K ESSENDRUP	4717 SCHOOL RD	EDINA MN 55424	83.52	120	10028
TOTALS	TOTALS				82	5982.31	796883
MEAN AVERAGE	MEAN AVERAGE					72.96	134.11
MEDIAN	MEDIAN					77	135.82

Lot areas shown from Hennepin County Tax Records

Lot Width and Depth as determined by the City of Edina's definition shown in Section 850 of the City Code. Lot information from Hennepin County.



A10a

A12

Owner:
Mary Lou Lea
5944 Concord Ave.
Edina, MN 55424

Owner:
Raymond Roman
5940 Concord Ave.
Edina, MN 55424

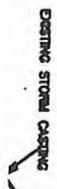
AVE
ON

SILT FENCE

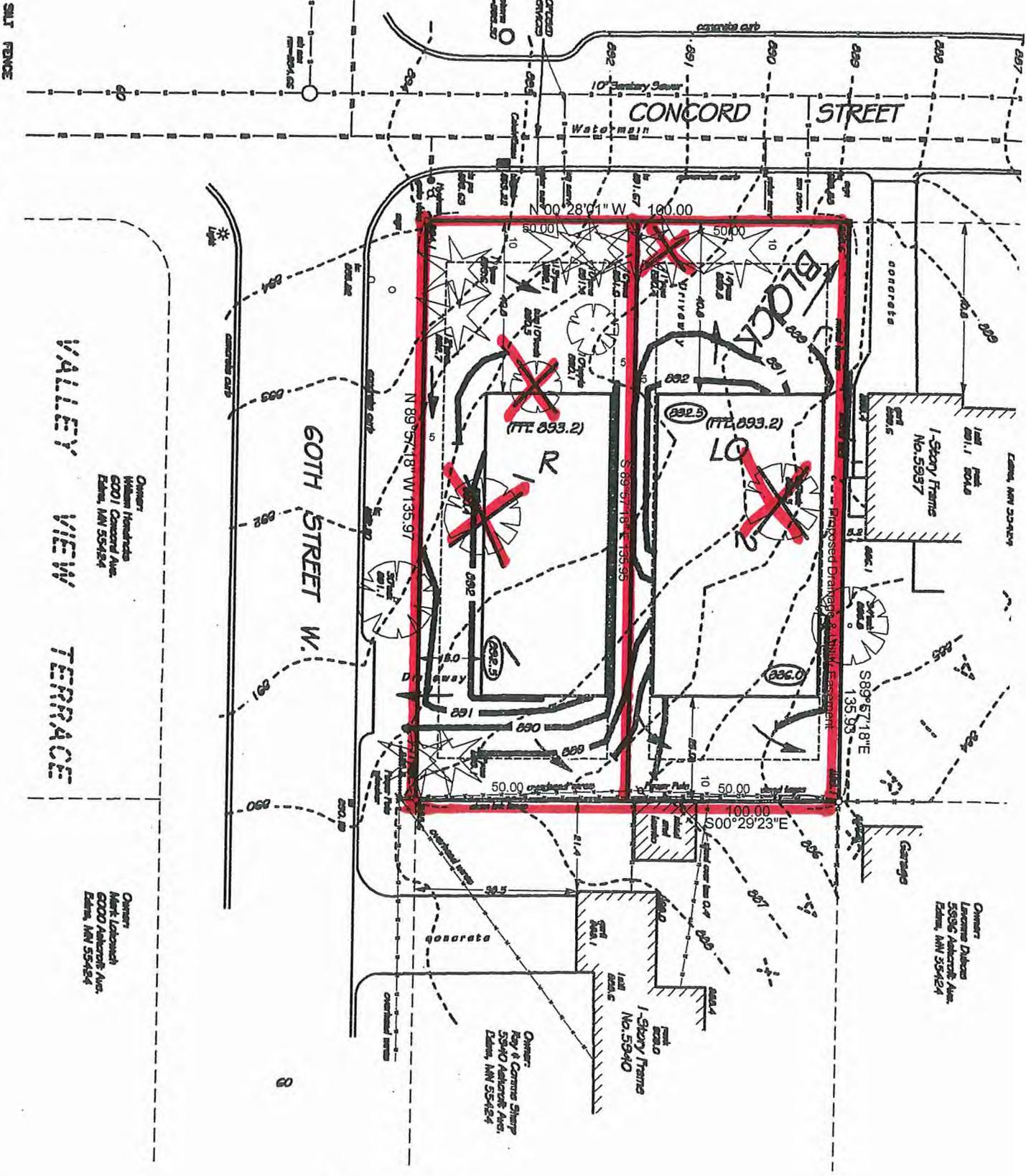
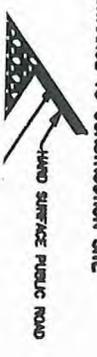


VALLEY VIEW TERRACE

INLET PROTECTION
STD. 27x3' STORM STRUCTURE



ROCK ENTRANCE TO CONSTRUCTION SITE



Owner:
William Henschels
6001 Concord Ave.
Edina, MN 55424

Owner:
Mark Ledwacht
6000 Ashcroft Ave.
Edina, MN 55424

Owner:
Ray & Corinne Shimp
5940 Ashcroft Ave.
Edina, MN 55424

Owner:
Lawrence Dabson
5936 Ashcroft Ave.
Edina, MN 55424

Building F
Proposed Elevat

Drainage & Util
Diagram
Surface Drain

1.
2.
3.
4.

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
October 10, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting to order at 7:00 PM

II. ROLL CALL

Answering the roll call were Scherer, Forrest, Schroeder, Kilberg, Potts, Platteter, Cherkassy, Carpenter, Staunton Fischer and Grabiell.

III. APPROVAL OF MEETING AGENDA

The agenda was filed as submitted.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carpenter moved approval of the September 27, 2012, meeting minutes. Commissioner Staunton seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

None.

VI. PUBLIC HEARINGS

- A. Subdivision with Lot Width and Lot Area Variance for Jerrod Lindquist, 5945 Concord Avenue, Edina, MN**

Planner Presentation

Planner Teague informed the Commission Jerrod Lindquist is proposing to subdivide his property at 5945 Concord Avenue into two lots. If the request is approved, the existing home would be torn down and new homes built on each lot. Also attached to the back of the report are signatures from adjacent property owners that support the project.

To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 77 feet to 50 feet for each lot; and

3. Lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

Teague noted that Lot 2 would gain access off Concord Avenue, and Lot 1 would have the option of access of Concord or 60th Street.

Planner Teague concluded that staff recommends that the City Council deny the proposed two lot subdivision of 5945 Concord Avenue and the lot width variances from 77 feet to 50 feet for each lot, and lot area variances from 10,028 square feet to 6,794 and 6,800 square feet.

Denial is based on the following findings:

1. The Subject Property is a conforming single-family residential lot with a new single-family house and has a taxable market value of \$266,900. Reasonable use of the property exists today.
2. The proposed variances are not in harmony with the general purpose and intent of the zoning ordinance which is to require nonconforming lots in common ownership to be developed as a single parcel.
3. There are no practical difficulties in complying with the zoning ordinance standards. Applicant does not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The Subject Property is only 3,566 square feet larger than the required minimum lot size. The proposed lots which are approximately 32% below the minimum lot size requirement are not reasonable.
4. The practical difficulty alleged by the applicant's proposal to subdivide the property is self-created.
5. The need for the variance is created only by Applicant's desire to maximize the return on its investment. Such economic considerations alone do not constitute practical difficulties.
6. There are no circumstances unique to the Subject Property that justify granting multiple variance to enable the Applicant to create nonconforming lots. The Subject Property is similar in size to several lots to the east.

Appearing for the Applicant

Jerrold Lindquist, applicant and property owner.

Discussion/Comments & Questions

Commissioner Staunton asked for clarification on the 500-foot neighborhood radius.

Planner Teague responded that the 500-foot radius is found in both the subdivision and zoning ordinances as a way to establish "neighborhood".

Chair Grabiell asked for clarification on the lot description(s). Teague responded that the subject property is identified as Lots 13 & 14, Block 9, Fairfax, Hennepin County,

Minnesota.

Application Presentation

Jerrod Lindquist addressed the Commission and delivered a power point presentation explaining his reasons for subdividing and addressing the variances requested. Lindquist said his intent is to do what's best and right for the neighborhood.

Lindquist highlighted the following:

- Home was constructed in 1948 and it's not family-friendly by today's standards.
- Cost prohibitive to improve the home.
- House is functionally obsolete and not architecturally significant.
- Legal description indicates Lots 13 and 14, Block 9 of the Fairfax Addition.
- Believes the establishment of the 500-foot radius is out of date and was meant for other parts of the city.
- A precedent was established by approving subdivisions in this area.
- Current zoning laws were created after the Fairfax addition was designed, approved and build out.
- Character of the "immediate" neighborhood is preserved and enhanced by these two lots.
- Neighborhood support.

Public Comment

Ray Sharp 5940 Ashcroft Avenue acknowledged to the Commission his "lot" is also a "double lot", adding he recognizes there are those in Edina that are opposed to subdividing and the further redevelopment of these 100-foot "lots". Concluding, Sharp said he supports the subdivision request, adding it makes sense to approve this request noting it was originally platted as two 50-foot lots in the 50-foot lot neighborhood of Fairfax.

Gary Dorrian, 4708 west 60th Street, told the Commission he does not support the subdivision request as submitted. He noted that variances are needed, adding he can't support a subdivision that doesn't align with the 500-foot neighborhood lot size requirements.

Jeff Johnson, 5825 Ashcroft Avenue stated he supports the subdivision as proposed and acknowledged his home does not fall within the 500-foot neighborhood. He said Edina is a mature fully developed City with limited options for growth. He said in his opinion Edina is chosen for its schools, adding the new houses built on these smaller lots are almost always purchased by young families with kids. He also noted architects are also finding ways to build desirable houses on the 50-foot wide lots. Concluding, Johnson said if one looks at the facts and analyses the area, 60th Street is a major divide between "neighborhoods". The lot and homes south of 60th Street are larger and

were constructed 15 years after the lots were platted and houses were built north of West 60th Street.

Mary Lokowich, 6000 Ashcroft Avenue said in her opinion she feels that allowing the applicant to build two homes on these lots makes sense. Concluding, Lokowich added the two new houses would look better than one overly large house on a larger than average lot. Edina needs to continue to allow growth for families and this is one way to encourage that.

Chair Grabiell asked if anyone else would like to speak to this issue; being none Commissioner Staunton moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Discussion/Comments

Commissioner Forrest told the applicant she appreciates his presentation and is not adverse to subdivision; however, in this instance the criteria needed to support the variances is not there. Continuing, Forrest further explained that the Commission cannot consider economic circumstances in the decision making process. Concluding, Forrest said in her opinion changing the ordinance is the way to proceed; especially in these smaller lot neighborhoods.

Commissioner Fischer acknowledged the Commission has considered a number of subdivision requests in this immediate area with differing outcomes. He added this "immediate neighborhood" was platted with 50-foot wide lots but "sits" at the edge of a change in neighborhood character. Fischer acknowledged one could come to the conclusion that in this instance the methodology the City has chosen to determine "neighborhood" does not measure its character. Fischer agreed with previous comments that the "neighborhood" changes south of West 60th Street. Concluding, Fischer acknowledged the applicants outreach to the neighborhood and the neighborhood support.

Commissioner Scherer stated she isn't persuaded by the original plat to support the subdivision request as submitted. Scherer pointed out the ordinance was changed in the 1950's to require 75-foot wide lots, adding that should also be taken into consideration. Continuing, Scherer did acknowledge the differing outcomes for recent subdivisions in the area; however, she pointed out this one is different. This subdivision not only doesn't meet the 75-foot lot width zoning ordinance requirement it doesn't meet the median required in the subdivision ordinance. Scherer concluded she can't support this request, adding in this instance she is relying on the Code.

Chair Grabiell pointed out that there is and always has been a stipulation in the zoning ordinance that allows variances so requesting a variance is permitted under Code and not unreasonable. Scherer agreed, reiterating in this instance she doesn't find a hardship.

Commissioner Carpenter said he finds this frustrating on many levels. He explained that the Commission has attended hearings where neighbors are very much opposed to a subdivision but in this instance it's the opposite; neighbors support the request. Continuing, Carpenter said it is difficult to know what the right answer is. Carpenter said what it comes down to for him is that he can't find practical difficulties to support the request for variance. He noted the lot(s) can be used by remodeling the existing home or building a new house.

Commissioner Schroeder said he agrees with comments expressed by Commissioner Carpenter on the challenge of finding practical difficulties to support the granting of variances. Schroeder said he just can't find them; a house can be constructed on this lot. Continuing, Schroeder said he finds it interesting to think in terms of character, questioning if character is the plat; lines on paper or is character what one sees. Concluding, Schroeder added whichever way one views this subdivision; one lot or two this corner will change.

Commissioner Staunton agreed with Commissioner Fischer that cataloging the requests for subdivision within this area can be difficult, adding he believes an attempt should be made to be consistent. Continuing, Staunton said for him a difficulty arises because the new "lots" do not meet the median; therefore variances are required from both the zoning and subdivision ordinances. Staunton acknowledged that the Fairfax plat is mostly comprised of 50-foot wide lots; however, this lot(s) is located at a change in neighborhood. Concluding, Staunton said he cannot support the subdivision with variances as presented.

Chair Grabiell said that best way to ask "what's the neighborhood" is to ask the residents. Grabiell said it appears that the majority of residents within this neighborhood support the request as submitted and believe they reside in an area comprised of mostly 50-foot lots in a neighborhood of families with young children.

Motion

Commissioner Forrest moved to recommend denial of the preliminary plat based on staff findings. Commissioner Scherer seconded the motion. Ayes; Scherer, Forrest, Schroeder, Carpenter, Staunton. Nays; Fischer, Potts, Platteter Grabiell. Motion to deny carried 5-4.

~~B. Comprehensive Plan Amendment, Preliminary Rezoning from POD-1, Planned Office District to PUD, Planned Unit Development, and Preliminary Development Plan for Mount Properties, 4005 West 65th Street and 6500 France Avenue, Edina, MN.~~

Minutes/Edina City Council/December 4, 2012

V.I.C. PRELIMINARY PLAT WITH LOT WIDTH AND LOT AREA VARIANCES – JERROD LINDQUIST, 5945 CONCORD AVENUE – RESOLUTION NO. 2012-159 FOR DENIAL ADOPTED

Community Development Director Presentation

Community Development Director Teague presented the request of Jerrod Lindquist to subdivide his property at 5945 Concord Avenue into two lots. If approved, the existing home would be torn down and two new homes built on 50-foot lots. Mr. Teague indicated that to accommodate the request, the following was required: 1. Subdivision; 2. Lot Width Variances from 77 feet to 50 feet for each lot; and, 3. Lot Area Variances from 10,028 sq. ft. to 6,794 and 6,800 sq. ft. He displayed a map of the subject site and properties within 500 feet that were used to determine the median lot width of 77 feet; lot area at just over 10,000 sq. ft.; and, lot depth at 135 feet.

Mr. Teague then displayed a map identifying the location of properties that had previously been denied a request for median lot width variances. The Planning Commission, on October 10, 2012, recommended denial of the request on a vote of 5-4 based on the variance findings not being met. Mr. Teague presented the variance criteria and staff's findings. He noted the requested lot sizes were 32% below the median, a significant variance request. In addition, there were similar oversized lots to the east and west, making a self-created hardship by the property owner in requesting this subdivision. With regard to the character of the neighborhood, this was a visible corner lot when compared to interior lots and could potentially alter the character of the neighborhood. Mr. Teague advised that both staff and the Planning Commission found the variance findings were not met by this request and recommended denial.

Proponent Presentation

Jerrod Lindquist, 5945 Concord Avenue, stated he had lived in Edina for 20 years, at this address for 16 years, been involved in the community, and was interested in what was best for the community. He explained his house was built in 1948 on a large property. The house was now functionally obsolete, not architecturally or historically significant, not family friendly, and it would be cost prohibitive to improve the home. Mr. Lindquist defined this neighborhood and belief the variance findings were met as the practical difficulties were clear and precisely the same as for subdivisions approved in 2011 (i.e., 5829 Brookview and 5920 Oaklawn Avenue). He listed the practical difficulties and unique hardships that existed with this property. Mr. Lindquist believed two lots would not alter and be the most harmonious with the neighborhood, a vast majority being 50-foot lots. He indicated a neighborhood survey showed overwhelming support for two lots with 71 in support, 8 neutral or not available, and 3 against this proposal. Mr. Lindquist concluded his presentation by describing benefits to Edina should the lot subdivision and variances be approved.

Mayor Hovland opened the public hearing at 7:14 p.m.

Public Testimony

Raymond Sharp, 5940 Ashcroft Avenue, addressed the Council.

Thomas Palladino, 5841 Concord, addressed the Council.

Jeff Johnson, 5825 Ashcroft Avenue, addressed the Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Teague responded to the Council's questions relating to square footage and building coverage of houses recently constructed on 50-foot lots by displaying graphics of several such houses. He stated a two-story house on a 50-foot lot could approach 4,000 sq. ft. It was noted the City code required that lot dimensions and area meet code minimums or area medians, whichever were larger. It also was noted that

code stated that non-conforming lots that had been held in common ownership shall be considered one lot and not decreased below the minimum requirements. Mr. Teague stated that a variance would be needed to subdivide such a combined lot.

The Council discussed the request. ~~In regard to street assessment, it was indicated that two lots could be treated as a single property if of minimum size and that was the case with this property.~~ In regard to street assessments, it was noted that a single assessment was applied to lots held in common ownership that were not of 'buildable' (i.e., legal minimum) size. Before preparing a final assessment roll, the Engineering Department would confer with the Community Development Department. When Concord Avenue was reconstructed, this property was assessed as a single REU (residential equivalency unit).

In answer to the question of how the two originally-platted 50-foot lots came to be combined, Mr. Teague stated that some people chose to build on bigger lots. The Council reviewed the proposed five-foot side-yard setbacks and eave encroachment into the side-yard setbacks noting it would bring neighboring houses within close proximity. Mr. Teague advised that conditions could be attached to limit lot coverage and prevent construction of an imposing house, which had been done previously under similar considerations. He indicated staff's evaluation included a comparison of the two most recent subdivisions that were denied.

Members Bennett, Brindle, Sprague, and Swenson advocated for denial based on the rationale that the Council needed to conservatively and consistently apply variance criteria to assure stability in land use decisions and in this case, the variance standards were not met. The Members found the requested subdivision would not preserve the integrity of the neighborhood; the property already had a reasonable use; there were no unique circumstances, the application to subdivide was a choice of the property owner; economic considerations alone would not constitute practical difficulties; and, the mass and scale of two houses on two 50-foot lots could be significantly greater than that of one house on one 100-foot lot. In addition, multiple and significant variances were sought and this request would not rise to the level of qualifying for variances.

Mayor Hovland indicated he was not influenced by the economics of having one or two lots and advocated for support, finding benefit in considering two lots based on the rationale that most lots within a block of the school were 50 feet in width; this property was originally plated as two 50-foot lots; the proponent had not created the hardship; and, construction of two homes with limited lot coverage would not alter the essential character of the neighborhood as would construction of a "McMansion" on one 100-foot lot. The Council acknowledged the due diligence and thorough preparation of Mr. Lindquist.

Member Sprague introduced and moved adoption of Resolution No. 2012-159, denying a Preliminary Plat, Subdivision, and Variances for property at 5945 Concord Avenue in Edina. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson

Nay: Hovland

Motion carried.

VI.D. SITE PLAN REVIEW, CONDITIONAL USE PERMIT, FRONT YARD SETBACK VARIANCE, PARKING STALL VARIANCE, AND SUBDIVISION – 10 SOUTHDALE CENTER FOR STUART DEVELOPMENT COMPANY – RESOLUTIONS NO. 2012-160, 2012-161, AND 2012-162 ADOPTED

Community Development Director Presentation

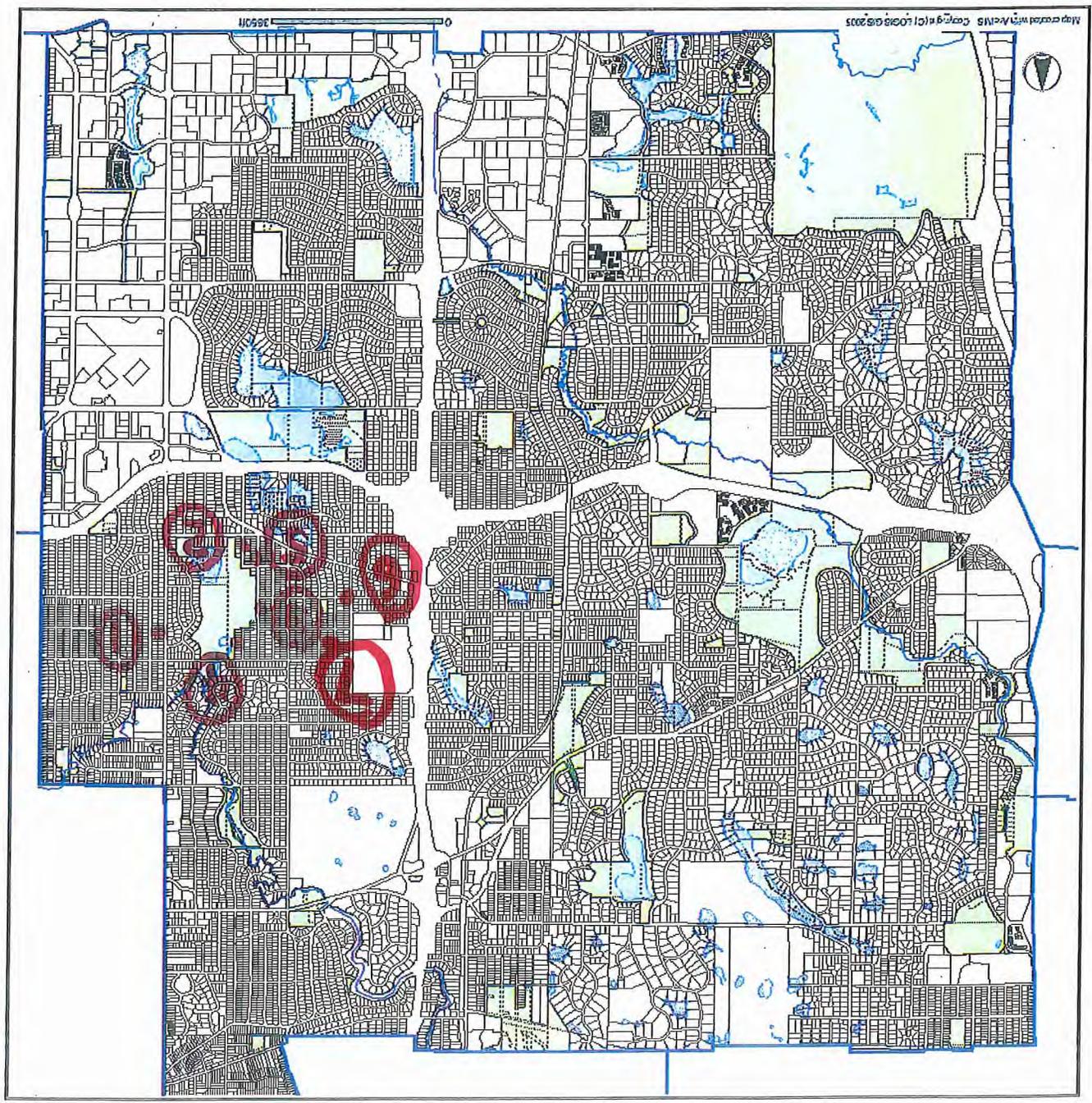
Mr. Teague presented the request of Stuart Development Company and Simon Properties to develop the southeast corner of the Southdale site with a 232-unit luxury rental apartment and townhome development. The site was currently an overflow parking lot for Southdale and used by Park-N-Riders for Metro Transit. The applicant proposed to develop the site with upscale ten- and six-story apartment buildings and a three- to four-story townhouse building. It was noted the site was 5.1 acres. Mr. Teague

A19

- * ⑦ 5825 Ashcroft
- ⑥ 5945 Concord
- ⑤ 6109 Oaklawn
- * ④ 5829 Brookview
- * ③ 5920 Oaklawn
- ② 6120 Brookview
- * ① 5901 France

* Approved Subdivisions

A20



City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels



PID: 1902824310101

5945 Concord Ave
Edina, MN 55424



Median Lot Area = 10,028 s.f.

Proposed = 6,794 s.f. (Lot 1)
6,800 s.f. (Lot 2)

A21

City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels



PID: 1902824310101

5945 Concord Ave
Edina, MN 55424



Median Lot Width = 77 feet

Proposed = 50 feet (Lot 1)
50 feet (Lot 2)

A22

City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels



PID: 1902824310101

5945 Concord Ave
Edina, MN 55424



Median Lot Depth = 135 feet

Proposed = 135 feet (Lot 1)
135 feet (Lot 2)

A23



DATE: May 8, 2015
TO: Cary Teague – Community Development Director
CC: Chad Millner PE – City Engineer
FROM: Ross Bintner PE – Environmental Engineer
RE: **5945 Concord – Preliminary Development Review**

The Engineering Department has reviewed the subject development for street and utility connections, grading, storm water, erosion and sediment control.

General Comments

1. A storm water management plan signed by a Professional Engineer is required.

Survey/ Plat

2. No Comment

Traffic and Street

3. Application proposes relocation or modification of curb cut, Follow standards in curb cut permit application: http://edinamn.gov/edinamn/files/City_Offices/Public_Works/CurbCutApplication.pdf

Sanitary and Water Utilities

4. A full width (curb to curb / saw-cut to saw-cut) repair of Concord Avenue will be required when installing the new sanitary sewer and water service connection.

Storm Water Utility

5. Applicant may review local drainage features at the following links: <https://maps.barr.com/edina/> and http://edinamn.gov/index.php?section=engineering_water_resource
6. The subject site rear yard drains to subwatershed MHS_51. This drainage path is through private property to the southwest and the subwatershed is subject of the Comprehensive Water Resources Management Plan section 13.3.1.5.
7. Due to this downstream flooding and limited capacity:
 - a. Limit flow to MHS_51 to the maximum extent possible.
 - b. No increase in peak rate or volume to neighboring private properties.
8. The subject site front yard drains to subwatershed MHS_57 and 53. Downstream public system stormwater capacity is available. A 4" service connection ([Plate 241,310](#)) to a 6" sump drain is available on concord and 60th street.

Grading, Erosion and Sediment Control

9. A grading and erosion control plan signed by a Professional Engineer is required.
 - a. Provide erosion and sediment control precautions described under Edina City Code Chapter 10, Article 7 – Littering in the Course of Construction Work (10-341 to 10-345).



-
- b. Include provisions to limit exposed soils and provide temporary erosion control to meet Edina City Code Chapter 10 Article 17 (10-703).
 - c. Provide sediment control precautions, including downstream perimeter sediment barrier.
 - d. Identify on the plan the individual responsible for the cleanliness of the site and the maintenance of the erosion and sediment controls.
 - e. Describe stockpile locations.
 - f. Describe site access and precautions against undue soil compaction.
 - g. Identify pollution prevention techniques that will be used in the case of temporary pumped discharge.
 - h. Identify pollution prevention techniques that will be used for concrete washout, and hazardous waste storage and handling.

Other Agency Coordination

- 10. A Minnehaha Creek Watershed permit may be required, along with other agency permits such as MNDH, MPCA, MCES, and a grading permit from the City of Edina Building Department.

ENGINEERING DEPARTMENT

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

A25

Subdivision
5945 Concord Avenue

**An Opportunity for the
Neighborhood and Edina**

Jerrold Lindquist, Homeowner



Jerrod Lindquist, Property Owner

- Edina Resident
 - 23 Years
 - 19 Years at this address
- Involved in the community
- Interested in doing what's best and right for the neighborhood



My Home

- ❑ Built in 1948
- ❑ Small, not family-friendly by today's standards
- ❑ Based on building activity, it is cost prohibitive to improve the home which has led to redevelopment
- ❑ House is functionally obsolete and not architecturally, historically significant
- ❑ Lot is clearly oversized in the neighborhood



My Lots

- Legal description

Lots 13 and 14, Block 9 of the Fairfax Addition



Neighborhood Definition

- The 500 foot radius neighborhood definition does not consider boundaries created by different additions
- Meant for new development for 1950s+, not redevelopment, especially not redevelopment of the Fairfax addition & similar – that's the exact purpose of variances
- Does not account for existing lot design, modern building practices and design
- Is not followed consistently to define character of neighborhoods
- Specific recent changes to city codes mean better development for these two lots



Variance findings are met

□ Practical difficulties

“Will the proposal relieve practical difficulties that prevent a reasonable use from complying with the ordinance requirements?”

“The practical difficulty is due to the fact that the subject property is double the size of all lots on this block. This area was originally platted with all 50-foot lots, including the subject property. This is the only lot on this block that developed as one home over two platted 50-foot wide lots.

The requested variances to split this lot are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than other properties in the immediate area. The proposed subdivision would result in two lots more characteristic of the neighborhood and original plat. If the variances were denied, the applicant would be denied a subdivision of his property of which the lots would be the same as existing lots in the area and specifically on this block...”



Variance findings are met

□ Practical difficulties

The practical difficulties are clear and very real
Precisely the same as they were for previously
approved subdivisions

5825 Ashcroft by Jeff & Janine Johnson

5829 Brookview by Kirby Herman

5920 Oaklawn Avenue by developer

Many others



Variance findings are met

□ Unique Circumstances

“There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?”

“The condition of this oversized lot is generally unique to Concord Avenue between 59th and 60th on both sides of the street. All of these lots except the subject property are 50 feet wide and generally 6,700 square feet in size on the east side and an average of 65 feet wide and 8,691 square feet in size*. The circumstance of the oversized lot was not created by the applicant. The original builder of the home decided to build on two 50-foot lots.”

The conclusion is that the situation is unique, not common and not self-created.

*Versus 100 feet wide and 13,500 square feet in size



Variance findings are met

□ Character of the Neighborhood

“Will the variance alter the essential character of the neighborhood?”

“No. The proposed improvements requested by the variance would not alter the essential character of the neighborhood.”

The neighborhood is in overwhelming agreement that this will not alter the essential character of the neighborhood. In fact, not granting the subdivision could result in a greater alteration of the neighborhood, as has been seen in the past



New Development in the Neighborhood

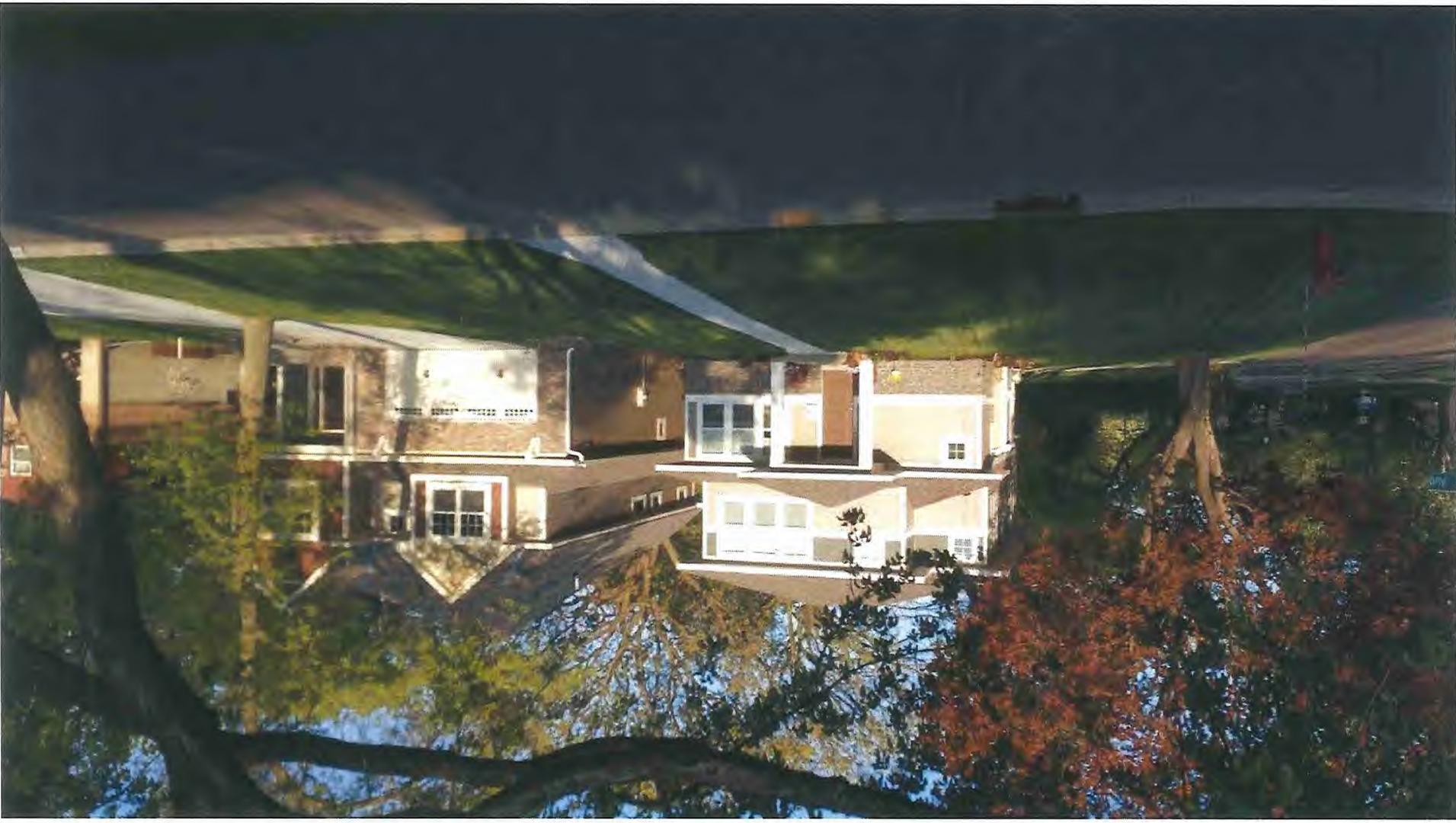
100 foot lot redevelopment



New Development in the Neighborhood

100 foot lot redevelopment





New Development in the Neighborhood
Two 50 foot corner lot redevelopment

Variance findings are met

Time and time again, the city council has rightly found that subdivisions such as this are met with practical difficulties and are most in harmony with the neighborhood.

Subdivision allows:

- Improved redevelopment with two homes
- Fit the neighborhood character better than one big house
- Lower prices for families with younger children directly next to an elementary school and a middle school
- These functional and aesthetic concerns are key to the neighborhood and the primary reason for overwhelming neighbor support.



Location within Our City



Fairfax Addition Plat Map

58TH ST W

5801	5800	5801	5800	5801	5800	5801	5800	5801	5800	5801	5800
5805	5804	5805	5804	5805	5804	5805	5804	5805	5804	5805	5804
5809	5808	5809	5808	5809	5808	5809	5808	5809	5808	5809	5808
5817	5812	5813	5812	5813	5812	5813	5812	5813	5812	5813	5812
5817	5816	5817	5816	5817	5816	5817	5816	5817	5816	5817	5816
5821	5820	5821	5820	5821	5820	5821	5820	5821	5820	5821	5820
5825	5824	5825	5824	5825	5824	5825	5824	5825	5824	5825	5824
5829	5828	5829	5828	5829	5828	5829	5828	5829	5828	5829	5828
5833	5832	5833	5832	5833	5832	5833	5832	5833	5832	5833	5832
5837	5836	5837	5836	5837	5836	5837	5836	5837	5836	5837	5836
5841	5840	5841	5840	5841	5840	5841	5840	5841	5840	5841	5840
5841	5844	5845	5844	5845	5844	5845	5844	5845	5844	5845	5844

59TH ST W

5901	5900	5901	5900	5901	5900	5901	5900	5901	5900	5901	5900
5905	5904	5905	5904	5905	5904	5905	5904	5905	5904	5905	5904
5909	5908	5909	5908	5909	5908	5909	5908	5909	5908	5909	5908
5913	5912	5913	5912	5913	5912	5913	5912	5913	5912	5913	5912
5917	5916	5917	5916	5917	5916	5917	5916	5917	5916	5917	5916
5921	5920	5921	5920	5921	5920	5921	5920	5921	5920	5921	5920
5925	5924	5929		5925	5924	5925	5924	5925	5924	5925	5924
5929	5928	5933		5929	5928	5929	5928	5929	5928	5929	5928
5933	5932	5933		5933	5932	5933	5932	5933	5932	5933	5932
5937	5936	5937		5937	5936	5937	5936	5937	5936	5937	5936
★	5940	5941		5941	5940	5941	5940	5941	5940	5941	5940
		5945		5945	5944	5945	5944	5945	5944	5945	5944

60TH ST W

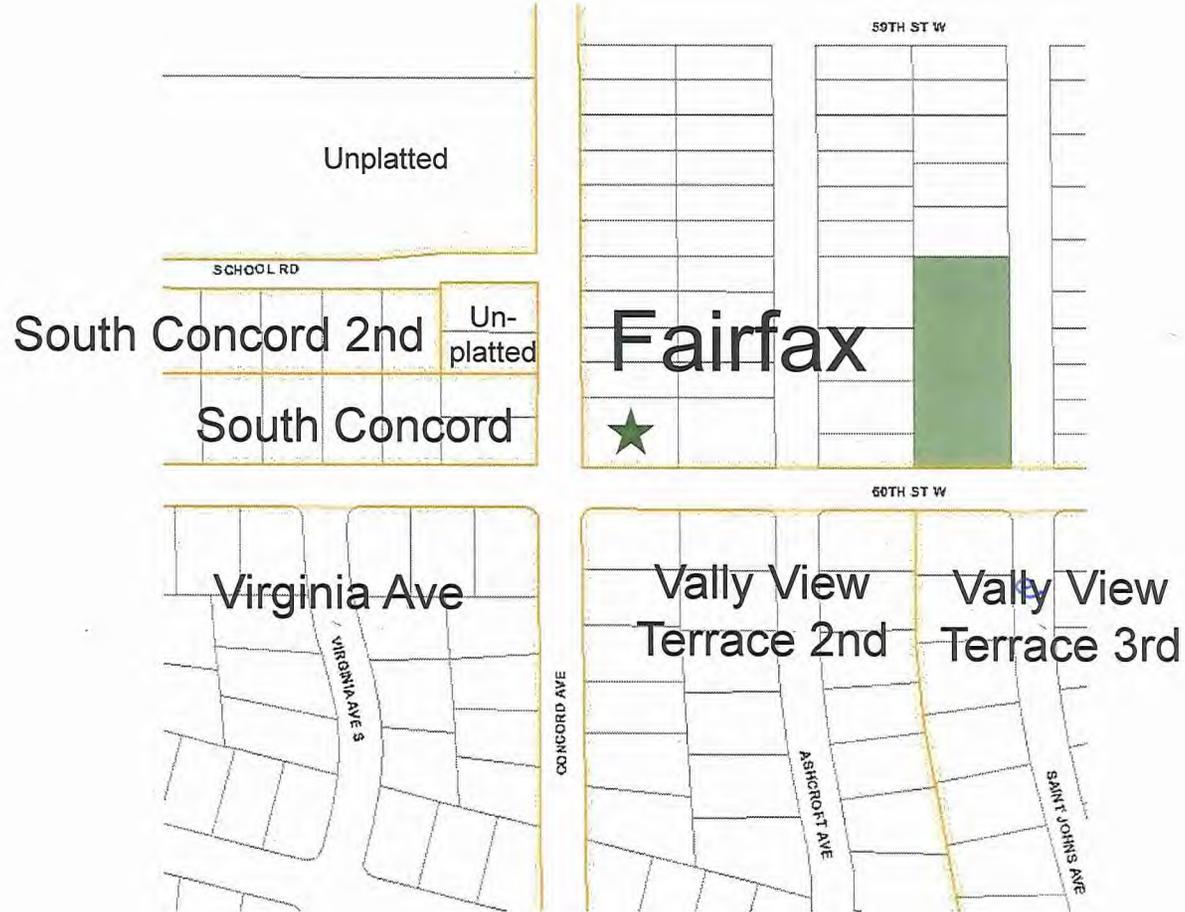
6001	6000	6001	6000	6001	6000	6001	6000
6005	6004	6005	6004	6005	6004	6005	6004
6009	6008	6009	6008	6009	6008	6009	6008
6017	6016	6017	6016	6017	6016	6017	6016
6021	6020	6021	6020	6021	6020	6021	6020
6025	6024	6025	6024	6025	6024	6025	6024
6029	6028	6029	6028	6029	6028	6029	6028
6033	6032	6033	6032	6033	6032	6033	6032
6037	6036	6037	6036	6037	6036	6037	6036
6041	6040	6041	6040	6041	6040	6041	6040
6045	6044	6045	6044	6045	6044	6045	6044

61ST ST W

6101	6100	6101	6100	6101	6100	6101	6100
	6104	6105	6104	6105	6104	6105	6104
	6108	6109	6108	6109	6108	6109	6108
	6112	6113	6112	6113	6112	6113	6112
	6116	6117	6116	6117	6116	6117	6116
	6120	6121	6120	6121	6120	6121	6120
		6125	6124	6125	6124	6125	6124
		6129	6128	6129	6128	6129	6128
		6133-37	6132	6133		6133	
		4412	6136	6137	6136	6137	6136
			4404	6141		6141	
			4400	6145	6144	6145	6144

A preponderance of 50 foot lots

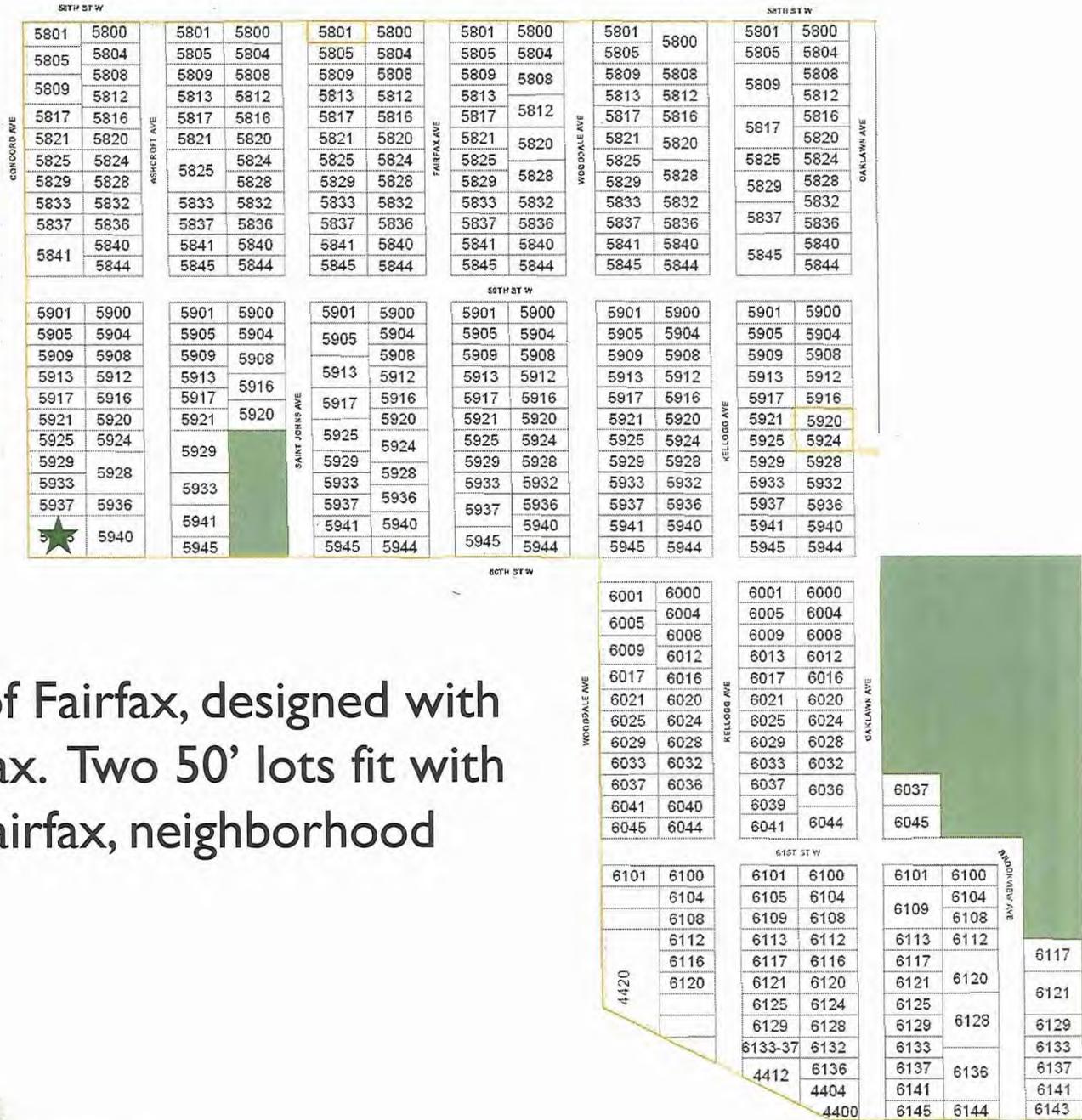




A Crossroads of Additions



Fairfax Addition Plat Map



But still a part of Fairfax, designed with the rest of Fairfax. Two 50' lots fit with the rest of Fairfax, neighborhood



Our Block

Currently:

- 24 Lots Total
- 18 Lots of 50 foot width
- 2 Lots of 60 foot width
- 2 Lots of ~70 foot width
- 3 Lots of 100 foot width, all consisting of two 50' lots



Our Block

All originally 50 foot lots

Currently:

- 21 Lots Total
- 18 Lots of 50 foot width
- 3 Lots of 100 foot width, all consisting of two 50' lots

5901	5900
5905	5904
5909	5908
5913	5912
5917	5916
5921	5920
5925	5924
5929	5928
5933	
5937	5936
★ 5945	5940

CONCORD AVE

ASHCROFT AVE



Our Block

All originally 50 foot lots

Currently:

- 11 Lots Total
- 10 Lots of 50 foot width
- 1 Lot of 100 foot width, consisting of two 50' lots

Definition of neighborhood used for approved Brookview subdivision

5945 Concord Avenue:

Legal Description: Lots 13 & 14, Block 9, Fairfax Addition

CONCORD AVE

5901

5905

5909

5913

5917

5921

5925

5929

5933

5937

★
5945



Previous Neighbor Survey

I did it to determine support or lack thereof

- Previous subdivisions had run into trouble
- If neighbors were against it, I wouldn't do it
 - Good neighbors
 - It's expensive

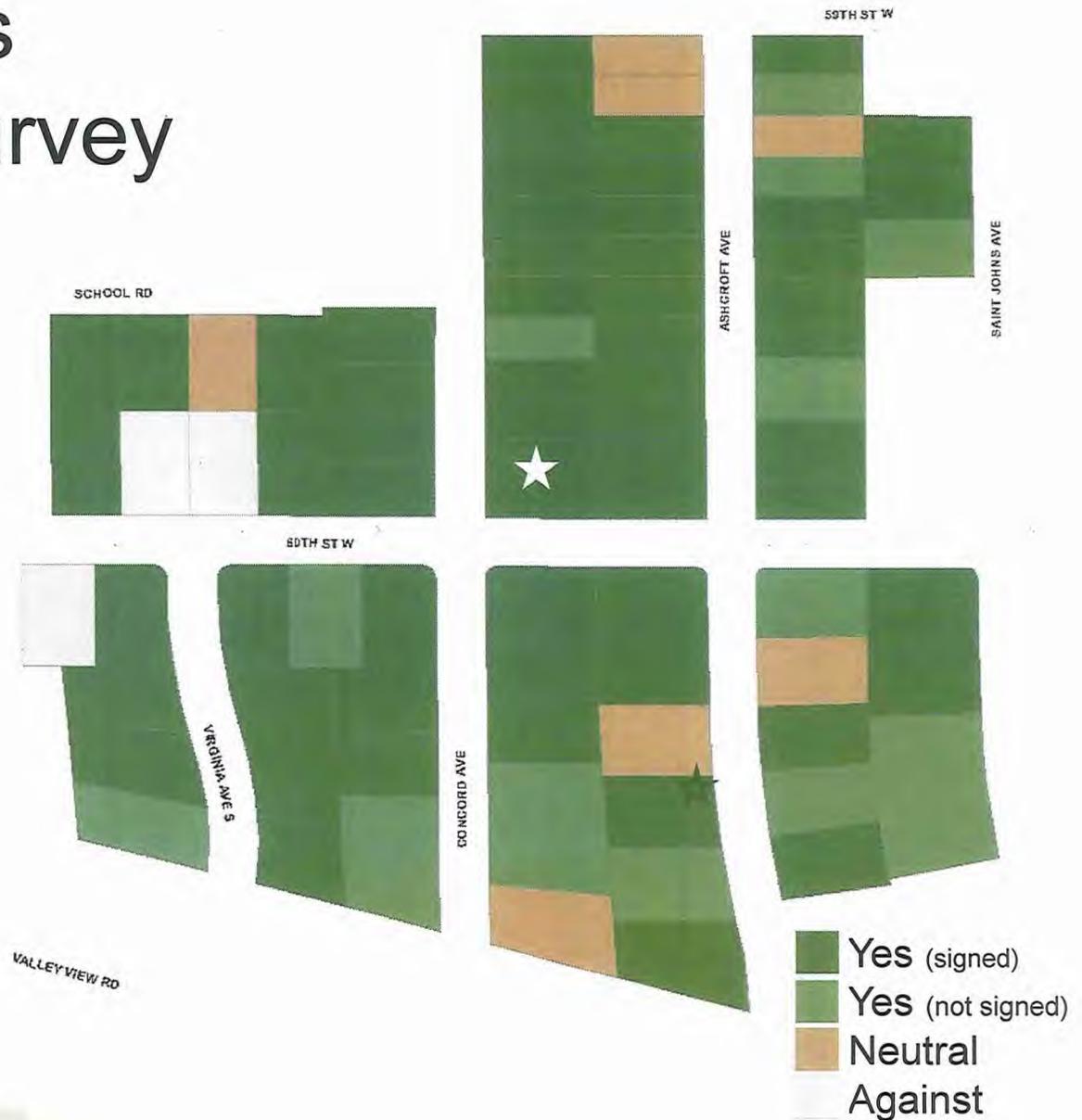
Once the near neighbors (including most importantly, the adjacent neighbors) were found to be in support and after discussions with others in Edina, I started the process again



Previous Neighbor Survey

Results:

- 71 Yes*
 - 8 Neutral or Not Available
 - 3 Against
-
- 58 Signed, 13 unsigned/ yet to recontact – copies available
 - Neutrals include a city council member and 3 rental houses



What Does the Neighborhood Want?

Given that redevelopment will take place, the neighborhood wants:

TWO LOTS

- Overwhelmingly in favor of two homes vs. one
- Fits better with design and character of neighborhood
 - Two houses designed for 50' lots is wanted by far
 - Spacing between two houses fits every other house on the block – fits the existing design
 - Redevelopment has already taken place (now to 14 yrs ago)
- Affordable housing for families with children, next to 3 schools
 - Families are moving into new homes built on 50' lots



Planning and Economics

I have striven to do what's right for my neighborhood and Edina

- Second application

 - The situation is different and more in favor of subdivision:

 - Code changes

 - Responsible redevelopment

- Proposed design for one home

 - Purchased design for one smaller home

 - In the end, not economically feasible

 - Large consensus: Subdivision is the best option

- Better for Edina, the neighborhood and me (3+ years and \$)



What does Edina get?

- Highest and best use for redevelopment
- Homes for two families of higher quality (lower land cost)
- Continuation of revitalization of the neighborhood
- Higher total value of investment, better for all Edina
- Homes that better fit the neighborhood
- Increased home values
- All benefitting neighbors and Edina

A better neighborhood



Redevelopment is best for 5945 Concord Avenue, &
The requirements for a variance have been met and, more importantly,

This is an opportunity for:

- + Edina,
- + For the neighborhood and, likely,
- + Two families with children to live so close to their great schools

