

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV.I.

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

**Action**   
**Discussion**   
**Information**

**Date:** September 3, 2013

**Subject:** Resolution No. 2013-69 Denying a Preliminary Plat with lot width and lot area variances, Rod Helm on behalf of Tom and Gretchen Shanight, 5612 Tracy Avenue.

**Action Requested:**

Adopt the attached resolution.

**Information / Background:**

As recommended by the City Council, staff and the city attorney have prepared a resolution denying the proposed subdivision with Variances.



**RESOLUTION NO. 2013-69  
DENYING A PRELIMINARY PLAT AND LOT AREA, LOT WIDTH  
AND LOT DEPTH VARIANCES AT 5612 TRACY AVENUE**

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

**SECTION 1. BACKGROUND**

1.01 Mr. Rodney Helm on behalf of Tom and Gretchen Shanight has applied for approval of a preliminary plat and multiple variances for property with a street address of 5612 Tracy Avenue, legally described as follows:

The South 1 foot of the East 160 feet of Lot 6 and the East 160 feet of the North Half of Lot 7, WARDEN ACRES, Hennepin County, Minnesota. (“Subject Property”)

1.02 The owner of the described land desires to subdivide the Subject Property into the following described lots:

Lots 1 and 2, Block 1, Shanight Addition.

1.03 The property is guided Single Dwelling Residential in the City’s Comprehensive Plan and is zoned R-1, Single Dwelling Unit District.

1.04 Both lots in the proposed subdivision require lot area, lot width and lot depth variances:

	<b>Lot Area</b>	<b>Lot Width</b>	<b>Lot Depth</b>
REQUIRED BY ZONING ORDINANCE	17,651 s.f.	80.7 feet	157 feet
Lot 1	<i>9,820 s.f.</i>	<i>80 feet</i>	<i>122 feet</i>
Lot 2	<i>9,820 s.f.</i>	<i>80 feet</i>	<i>122 feet</i>

1.05 On July 24, 2013, the Planning Commission recommended approval of the preliminary plat and variances.

1.06 On August 20, 2013, the City Council conducted a public hearing on the proposed plat and variances.

**SECTION 2. FINDINGS**

- 2.01 There is currently a single family home on the Subject Property.
- 2.02 The Subject Property meets all zoning ordinance standards for a single lot.
- 2.03 The proposed lots are smaller in area, width and depth then the median size of the lots in the neighborhood, which is defined as lots wholly or partially within 500 feet of the perimeter of the proposed plat.
- 2.04 The variance standards have not been satisfied:
  - A. There are no practical difficulties in complying with the zoning ordinance. The property owners do not propose to use the property in a reasonable manner prohibited by the zoning ordinance. The proposal requires multiple variances for each lot. It is not reasonable to deviate from the ordinance requirements when there is nothing unique about the property that justifies the variances. There are many lots with greater lot depth and lot width than the Subject Property within 500 feet of the Subject Property. Most of the lots within 500 feet of the Subject Property are larger than the proposed 9,820 s.f. lots and some are larger than the Subject Property.
  - B. The plight of the owner is not due to circumstances unique to the Subject Property not created by the property owner. The Subject Property and its size and shape are not unique. There are similar size and shaped lots within 500 feet of the Subject Property.
  - C. The only purpose served by the variances is economic consideration. The property owner desires to subdivide the property for financial gain.
- 2.05 The existing lot and home provide a reasonable use of the Subject Property.

**SECTION 3. DENIAL**

**NOW THEREFORE**, it is hereby resolved by the City Council of the City of Edina that the preliminary plat and lot area, lot width and lot depth variances for the proposed subdivision of 5612 Tracy Avenue are denied.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST: \_\_\_\_\_  
Debra A. Mangan, 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 \_\_\_\_\_, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk