



REPORT/RECOMMENDATION

To:	MAYOR AND COUNCIL	Agenda Item	<u>Item No. VIII.D.</u>
From:	Cary Teague	<input checked="" type="checkbox"/>	Action
	Planning Director	<input type="checkbox"/>	Discussion
Date:	February 21, 2012	<input type="checkbox"/>	Information
Subject:	Resolution No. 2012-33 Findings of Fact Denying Preliminary Plat with Variances at 6109 Oaklawn Avenue		
Deadline for a City Decision:	March 20, 2012		

ACTION REQUESTED:

Adopt the attached Resolution denying the Preliminary Plat and Variances.

INFORMATION/BACKGROUND:

At the February 6, 2012 City Council meeting, the City Council directed staff and the city attorney to draft findings of fact for denial of Preliminary Plat with multiple variances at 6109 Oaklawn Avenue.

ATTACHMENTS:

- Resolution 2012-33 – Denying a Preliminary Plat and Variances at 6109 Oaklawn.



**RESOLUTION NO. 2012-33
DENYING A PRELIMINARY PLAT AND VARIANCES
FOR PROPERTY AT 6109 OAKLAWN AVENUE IN EDINA**

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

City of Edina

Section 1. BACKGROUND.

- 1.01 The Applicant, Refined, LLC , is requesting Preliminary Plat approval and zoning ordinance variances for property with a street address of 6109 Oaklawn Avenue legally described as: Lots 22 and 23, Block 23, Fairfax, Hennepin County, Minnesota ("Subject Property").
- 1.02 The two lots that constitute the Subject Property are held in common ownership. 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."
- 1.03 The Subject Property is guided Single Family Residential under the City's Comprehensive Plan and is zoned R-1, Single Dwelling Unit District.
- 1.04 The Applicant proposes to subdivide and plat the Subject Property into two lots: Lots 1 and 2, Block 1, Annabelle Addition.
- 1.05 The lots in the proposed subdivision require the following zoning ordinance variances:
 1. Lot width variances from the 75 feet required in the R-1 zoning district to 50 feet for each lot.
 2. Lot area variances from the 9,000 square feet required in the R-1 zoning district to 6,699 for the proposed Lot 1 and 6,693 square feet for the proposed Lot 2.
- 1.06 On January 11, 2012, the Planning Commission recommended approval of the Preliminary Plat and Variances on a vote of 6-3.
- 1.07 On February 6, 2012, the City Council considered the Preliminary Plat and Variances. A motion to approve the requests failed on a vote of 2 Ayes and 3 Nays.
- 1.08 On February 6, 2012, the City Council directed preparation of findings for denial of the Preliminary Plat and Variances.

Section 2. FINDINGS.

- 2.01 The lots in the preliminary plat do not meet the minimum zoning ordinance standards for lot width and lot area in the R-1 zoning district.
- 2.02 The standards for variances have not been met:
 - a. The property exists as a conforming single-family residential lot with a single-family home. Reasonable use of the property exists today.
 - b. The size of the Subject Property does not create practical difficulties. The Subject Property is only 4,392 square feet larger than the minimum lot size. This is not a practical difficulty. There are no circumstances unique to the property that justifies multiple variances.
 - c. The practical difficulty is self-created by the applicant's proposal to subdivide the property.
 - d. The proposed lots do not meet the 6,701 square foot median lot area for lots in this neighborhood.
 - e. The Subject Property is similar in size to several lots in the neighborhood including four lots to the north on Oaklawn Avenue, and five lots to the east on Brookview Avenue.

Section 3. DENIAL. The Preliminary Plat and Variances are denied.

Adopted this 21st day of February, 2012.

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 February 21, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2012.

City Clerk