

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.C

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: May 6, 2015

Subject: PUBLIC HEARING – Preliminary Plat With Lot Width And Area Variances, 5825 Ashcroft Avenue, Jeffrey and Janine Johnson, Resolution No. 2015-49

Action Requested:

Adopt Resolution No. 2015-49, approving the Preliminary Plat with Variances.

Planning Commission Recommendation: On April 22, 2015 the Planning Commission unanimously recommended approval of the Preliminary Plat with Variances: Vote: 7 Ayes, 0 Nays. The Commission added a condition that both lots would be subject to the new Tree Ordinance.

Staff Recommendation: Staff recommends approval.

Information/Background:

(Deadline for Decision by the City: July 13, 2015)

Janine and Jeffrey Johnson are proposing to subdivide their property at 5825 Ashcroft Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A5–A27 in the attached Planning Commission Staff Report.) To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 75 feet to 50 feet for each lot; and
3. Lot area variances from 9,000 square feet to 6,781 square feet for each lot.

Both lots would gain access off Ashcroft Avenue. Within this neighborhood, the median lot area is 6,790 square feet, median lot depth is 135 feet, and the median lot width is 50 feet. The new lots would meet the median width and depth, but would be just short of the median area. There are four significant trees on the site. Each one of these trees would be maintained as a result of the subdivision. There are two smaller Cherry Trees located along the north lot line that would also be saved.

ATTACHMENTS:

- Resolution No. 2015-49
- Planning Commission minutes, April 22, 2015
- Planning Commission staff report dated April 22, 2015



**RESOLUTION NO. 2015-49
APPROVING A PRELIMINARY PLAT WITH VARIANCES
AT 5825 ASHCROFT AVENUE**

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

Section 1. BACKGROUND.

- 1.01 Janine and Jeffrey Johnson are proposing to subdivide their property at 5825 Ashcroft Avenue into two lots.
- 1.02 The existing homes would be removed.
- 1.03 Within this neighborhood, the median lot area is 6,790 square feet, median lot depth is 135 feet, and the median lot width is 50 feet. The new lots would meet the median width and depth, but would be just short of the median area.
- 1.04 The following described tract of land is requested to be divided:

Lots 17 and 18, Block 7 Fairfax, Hennepin County, Minnesota.
- 1.05 The owner of the described land desires to subdivide said tract in to the following described new and separate parcels (herein called "parcels") described as follows:

Lots 1 and 2, Block 1, Fairfax 4th Addition.
- 1.06 To accommodate the request the following is required:
 1. A subdivision;
 2. Lot width variances from 75 feet to 50 feet for each lot; and
 3. Lot area variances from 9,000 square feet to 6,781 square feet for each lot.
- 1.07 On April 22, 2015, the Planning Commission unanimously recommended approval of the Preliminary Plat and Variances, subject to the findings and conditions in the staff memo dated April 22, 2015. The Planning Commission added a condition that the applicant meets the City's recently adopted tree preservation ordinance.

Section 2. FINDINGS

2.01 Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:
 - a. There is a unique practical difficulty to the property caused by the existing size of the property which is two times the size of every lot on the block.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - c. The proposed lots would be the same size as the lots were originally platted.
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
 - e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances that has been previously approved with these same circumstances by the City in the last few years.

Section 3. APPROVAL

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, approves the Preliminary Plat and Lot Area and Width Variances for the proposed subdivision of 5825 Ashcroft Avenue.

Approval is subject to the following Conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:

- a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
- b. A curb-cut permit must be obtained from the Edina engineering department.
- c. A grading, drainage and erosion control plan subject to review and approval of the city engineer. The proposed plans shall meet all conditions outlined in the engineering memo dated April 15, 2015
- d. There shall be no increase in peak rate or volume of stormwater to neighboring private property.
- e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
- f. A construction management plan will be required for the construction of the new homes.
- g. Utility hook-ups are subject to review of the city engineer.
- h. Both lots shall be subject to the City's tree ordinance.

Adopted this 6th day of May, 2015.

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 May 6, 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

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
APRI 22, 2015
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Hobbs, Lee, Seeley, Strauss, Halva, Thorsen, Nemerov, Olsen, Carr, Forrest and Platteter

Absent: Olsen and Thorsen

III. APPROVAL OF MEETING AGENDA

Commissioner Hobbs moved approval of the March 25, 2015, meeting agenda. Commissioner Thorsen seconded the motion. All voted aye; motion carried.

IV. COMMUNITY COMMENT:

None.

V. PUBLIC HEARINGS

A. Subdivision. Janine and Jeffrey Johnson. 5825 Ashcroft Ave., Edina, MN

Staff Presentation

Planner Teague informed the Commission Janine and Jeffrey Johnson are proposing to subdivide their property at 5825 Ashcroft Avenue into two lots. The existing home would be torn down, and two new homes built on the new lots. To accommodate the request the following is required: 1 subdivision; 2 Lot width variances from 75 feet to 50 feet for each lot; and 3.Lot area variances from 9,000 square feet to 6,781 square feet for each lot.

Teague explained that both lots would gain access off Ashcroft Avenue. Within this neighborhood, the median lot area is 6,790 square feet, median lot depth is 135 feet, and the median lot width is 50 feet. The new lots would meet the median width and depth, but would be just short of the median area. There are four significant trees on the site. Each one of these trees would be maintained as a result of the subdivision. There are two smaller Cherry Trees located along the north lot line that would also be saved.

P.C.
4/22/15

Planner Teague concluded that staff recommends that the City Council approve the proposed two lot subdivision of 5825 Ashcroft Avenue and the lot width variances from 75 feet to 50 feet for each lot, and lot area variances from 9,000 square feet to 6,781 square feet for each lot. Approval is based on the following findings:

1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:
 - a. There is a unique practical difficulty to the property caused by the existing size of the property which is two times the size of every lot on the block.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - c. The proposed lots would be the same size as the lots were originally platted.
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
 - e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances that has been previously approved with these same circumstances by the City in the last few years.

Approval is also subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina engineering department.
 - c. A grading, drainage and erosion control plan subject to review and approval of the city engineer. The proposed plans shall meet all conditions outlined in the engineering memo dated April 15, 2015
 - d. There shall be no increase in peak rate or volume to neighboring private property.

- e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
- f. A construction management plan will be required for the construction of the new homes.
- g. Utility hook-ups are subject to review of the city engineer.

Appearing for the Applicant

Jeffrey and Janine Johnson, applicant and property owners

Discussion

Commissioner Forrest commented that she is having a hard time identifying the practical difficulty. She acknowledged that the Ordinance was changed after approval of the Fairfax plat, adding that revision was to direct change; reiterating she is unsure of the practical difficulties. Planner Teague explained in his opinion the practical difficulty is that the subject property is double the size of all lots on this block, adding the proposed use as two lots is reasonable. Teague further noted that the subject lot is the only lot on this block where two fifty foot lots were developed as one.

Commissioner Lee also indicated she too was having trouble with practical difficulties. Continuing, Lee said in her opinion the practical difficulty is that this lot is being devalued because it is a 100-foot lot on a block where the rest of the lots are 50-feet. Concluding, Lee said she has no difficulty with the request for two fifty foot lots; however, can agree the one home on two lots is out of character for this block.

Commissioner Nemerov asked if the large trees in the front (N-S) will stay. Planner Teague responded from his discussions with the applicant they indicated they intend to save those trees. Teague further noted that much would depend on driveway placement.

Applicant Presentation

Jeffrey Johnson introduced to the Commission his wife, Janine and realtor, Kim Melin. Johnson gave a brief history of his property and the Fairfax plat and with graphics pointed out the significance of the 500-foot neighborhood and his property's location in that radius.

Continuing, Johnson delivered a power point presentation highlighting the following

- There are practical difficulties in complying with the zoning ordinance to allow reasonable use of the property. Without the granting of a variance they cannot do with their land what the neighboring property owners can do with the same land.
- This property is twice the width and land area of every other lot in its block (Block 7 & Block 8).

- The proposed subdivision and variance would create harmony because the lots would be of similar size to that of other lots within this neighborhood.
- The character of the neighborhood would not be compromised because if divided the lot would now be of similar size to the majority of lots within the 500-foot neighborhood. It was the original intent of the plat.
- The subdivision meets all the standards set forth in the subdivision ordinance.

With regard to the trees Johnson said it is their intent to retain the two trees. He said he believes the driveway can be poured in such a way as to save the tree on the north; however, he added both trees may be trimmed.

Discussion

Commissioner Hobbs asked Mr. Johnson if he spoke with neighbors about the project. Mr. Johnson responded in the affirmative. He reported that he held a neighborhood "open house" in March that was attended by two neighbors. Johnson said both neighbors indicated their support for the subdivision. Continuing, Hobbs further noted he received two e-mails; one in support and the other indicating they could not support the request on principle.

Public Hearing

Chair Platteter opened the public hearing.

No one spoke to the issue.

Commissioner Carr moved to close the public hearing. Commissioner Lee seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Nemerov asked if the preliminary plat were approved what would the setbacks for the new home(s) be. Teague responded a recent change in ordinance dictates a 12-foot total side yard setback with no less than 5-feet on one side. 6-6 or 7-5 is what the City currently sees.

Commissioner Carr stated she can support the request as submitted. She further added that she agrees with City staff on practical difficulties.

Commissioner Forrest said while it's not unreasonable for the applicant to want two lots she continues to struggle with practical difficulties. Commissioner Forrest acknowledged the neighborhood is changing and currently there are teardowns within this area on 50-foot lots; however, is skeptical on the practical difficulties but not strongly adverse to the request.

Chair Platteter indicated he can support the request, adding it is reasonable.

Commissioner Nemerov stated if the Commission was to approve the preliminary plat he would like it conditioned that the lots need to be developed in compliance with the tree ordinance. Commissioners agreed with that as a condition of approval.

Motion

Commissioner Lee moved to recommend preliminary plat approval based on staff findings and subject to staff conditions to include compliance with the Tree Ordinance. Commissioner Nemerov seconded the motion. All voted aye; motion carried.

Commissioner Forrest asked the applicant to be very careful with the Bur Oak during the construction phase of the project.

Chair Platteter further requested that special attention was paid to condition d. "There shall be no increase in peak rate or volume to neighboring private property."

B. Zoning Ordinance Amendment - Lot Division procedure, Rezoning procedure, side yard setbacks, regulations, R-2 District regulations

Planner Presentation

Chair Platteter asked Planner Teague to report on the revisions to the ordinance including Commissioner Forrest's window well information.

Planner Teague reported that a definition has been added for window well. The definition would include all types of window wells. Commissioner Forrest commented that basically she would also like to see setbacks measured from the outer edge of the structure.

Planner Teague told the Commission there were three revised items.

- Define window well
- In Section 3 – Plan modifications – what triggers return to the Planning Commission;
- Non-conforming. Replacing duplex in the R-2 District – language added.

In summary Teague clarified the following changes to each section:

- 1) Lot Division/Party Wall. This change would allow a lot division (adjustment to an existing lot line), and a party wall division of an existing duplex to be done administratively. Teague reported that the majority of Cities in the area process these types of request administratively. Teague further noted that this action doesn't create a new lot, only changes a lot line or allows the split of a duplex along the party wall to facilitate separate owners. In both cases no building, etc. is involved with the split.
- 2) Window Well. Added a definition of window well.



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Community Development Director	Meeting Date April 22, 2015	Agenda # VI.A.
---	---------------------------------------	--------------------------

INFORMATION & BACKGROUND

Project Description

Janine and Jeffrey Johnson are proposing to subdivide their property at 5825 Ashcroft Avenue into two lots. (See property location on pages A1–A4.) The existing home would be torn down, and two new homes built on the new lots. (See applicant narrative and plans on pages A5–A27.) To accommodate the request the following is required:

1. A subdivision;
2. Lot width variances from 75 feet to 50 feet for each lot; and
3. Lot area variances from 9,000 square feet to 6,781 square feet for each lot.

Both lots would gain access off Ashcroft Avenue. Within this neighborhood, the median lot area is 6,790 square feet, median lot depth is 135 feet, and the median lot width is 50 feet. (See attached median calculations on pages A25–A27.) The new lots would meet the median width and depth, but would be just short of the median area. There are four significant trees on the site. Each one of these trees would be maintained as a result of the subdivision. There are two smaller Cherry Trees located along the north lot line that would also be saved. (See pages A27–A29.)

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 contains a single-family home and attached garage. (See page A4.) The home would be removed. There are four significant trees on the site today. These trees would remain. (See page A27.)

Planning

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

Lot Dimensions

	Area	Lot Width	Depth
REQUIRED	9,000 s.f.	75 ft	135 ft.
Lot 1	6,781 s.f.*	50 ft*	135 ft.
Lot 2	6,781 s.f.*	50 ft*	135 ft.

** Variance Required*

Grading/Drainage and Utilities

The city engineer has reviewed the proposed plans and found them acceptable, subject to conditions. (See memo from the city engineer on page A31.) There would be very minimal grading to accommodate the two new homes. The new homes would be located primarily where the existing home sits today on this relatively flat site. Very little grading would occur in the rear yards. Stormwater from the proposed homes, driveways, and the westerly half of the lots shall drain to Ashcroft Avenue. There shall be no increase in peak rate or volume to neighboring properties. Any disturbance to the roadway caused by the construction of the new homes must be repaired. The detailed grading plans would be reviewed by the city engineer at the time of a building permit application. A construction management plan will be required for the construction of the new homes. 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 A30.) 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** the 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.**)

Please note above, that #7, the most recent request for a subdivision, is located two blocks south of the subject property. However, the median for that site is 10,028 square feet and the median of the subject property is 6,790 square feet. That is due to the larger lots adjacent to and south of the property at 5945 Concord.

Primary Issue

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

Yes. Staff believes that the findings for a Variance are 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 meets 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?*

Yes. 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.

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. (See page A32.) 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 and the lots directly across the street. (See page A3 and A32.)

As demonstrated on page A25-A26, the median lot size in this neighborhood is 50 feet wide, 135 feet deep and 6,790 square feet in size. The proposed lots would be 50 feet wide, 135 feet deep and 6,781 square feet in size, which nearly meet the medians.

The City of Edina has also granted similar variances within this area. In 2009, a similar subdivision and variances were granted at 5920 Oaklawn, and in 2011 at 5829 Brookview Avenue. Please note that the median lot size and width were similar in those instances. To deny the subject variances would deny the applicant a subdivision that has been recently approved by the City. (See approved subdivisions on page A30.)

- 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 generally unique to Ashcroft Avenue between 58th and 59th 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. 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.

c) *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. Again, all the lots on this block are 50 feet wide.

Staff Recommendation

Recommend that the City Council approve the proposed two lot subdivision of 5825 Ashcroft Avenue and the lot width variances from 75 feet to 50 feet for each lot, and lot area variances from 9,000 square feet to 6,781 square feet for each lot. Approval is based on the following findings:

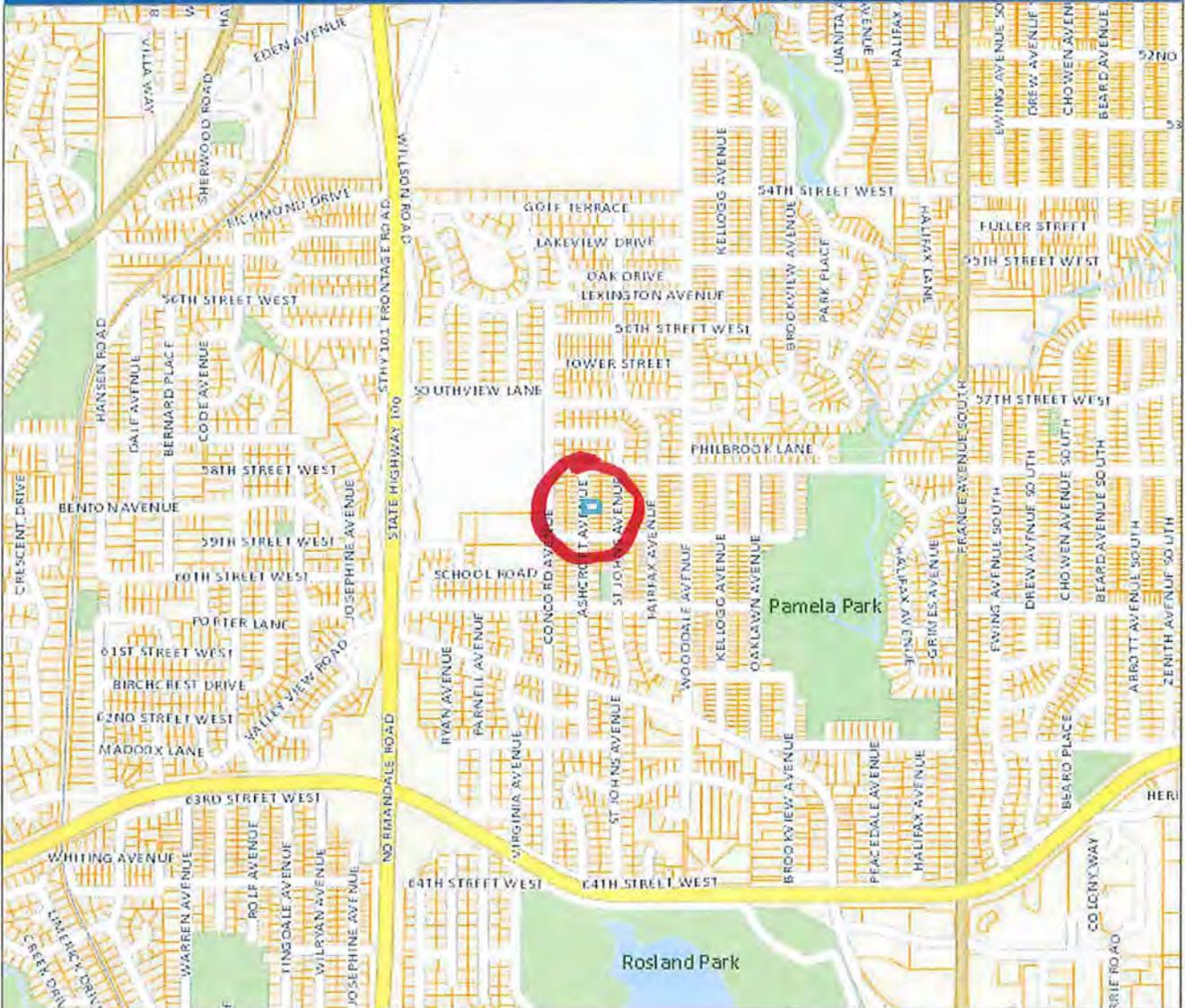
1. Except for the variances, the proposal meets the required standards and ordinance for a subdivision.
2. The subdivision would meet the neighborhood medians for lot width and depth and nearly meet the median area.
3. The proposal would restore the property back to the form of the original plat, which included two lots.
4. The proposal meets the required standards for a variance, because:
 - a. There is a unique practical difficulty to the property caused by the existing size of the property which is two times the size of every lot on the block.
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.
 - c. The proposed lots would be the same size as the lots were originally platted.
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.
 - e. If the variances were denied, the applicant would be denied a use of his property, a 50-foot wide lot, which is common to the area. In addition, the applicant would be denied a subdivision with variances

that has been previously approved with these same circumstances by the City in the last few years.

Approval is subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Submit evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina engineering department.
 - c. A grading, drainage and erosion control plan subject to review and approval of the city engineer. The proposed plans shall meet all conditions outlined in the engineering memo dated April 15, 2015
 - d. There shall be no increase in peak rate or volume to neighboring private property.
 - e. Any disturbance to the roadway caused by the construction of the new homes must be repaired by replacing the asphalt pavement from curb-to-curb and from saw-cut to saw-cut.
 - f. A construction management plan will be required for the construction of the new homes.
 - g. Utility hook-ups are subject to review of the city engineer.

Deadline for a City Decision: July 13, 2015



Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres 13,577 sq ft

Map Scale: 1" = 1600 ft.

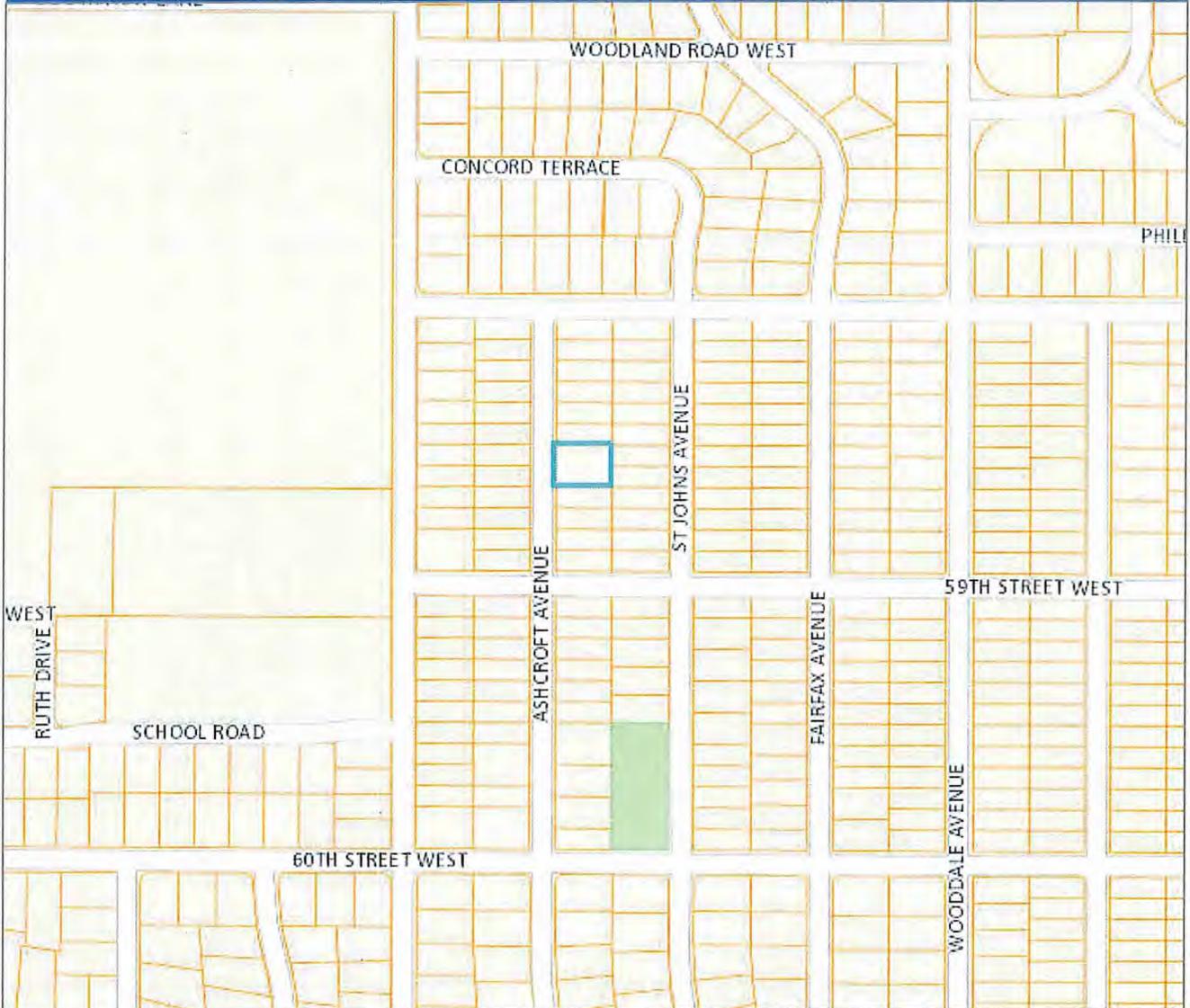
Print Date: 4/13/2015



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2015





Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave
Edina, MN 55424

Property Type: Residential

Homestead: Homestead

Parcel Area: 0.31 acres
13,577 sq ft

Map Scale: 1" ≈ 400 ft.

Print Date: 4/13/2015



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2015



k2



Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave, Edina, MN 55424

Property Type: Residential

Home-stead: Homestead

Parcel Area: 0.31 acres, 13,577 sq ft

Map Scale: 1" ≈ 200 ft.

Print Date: 4/13/2015

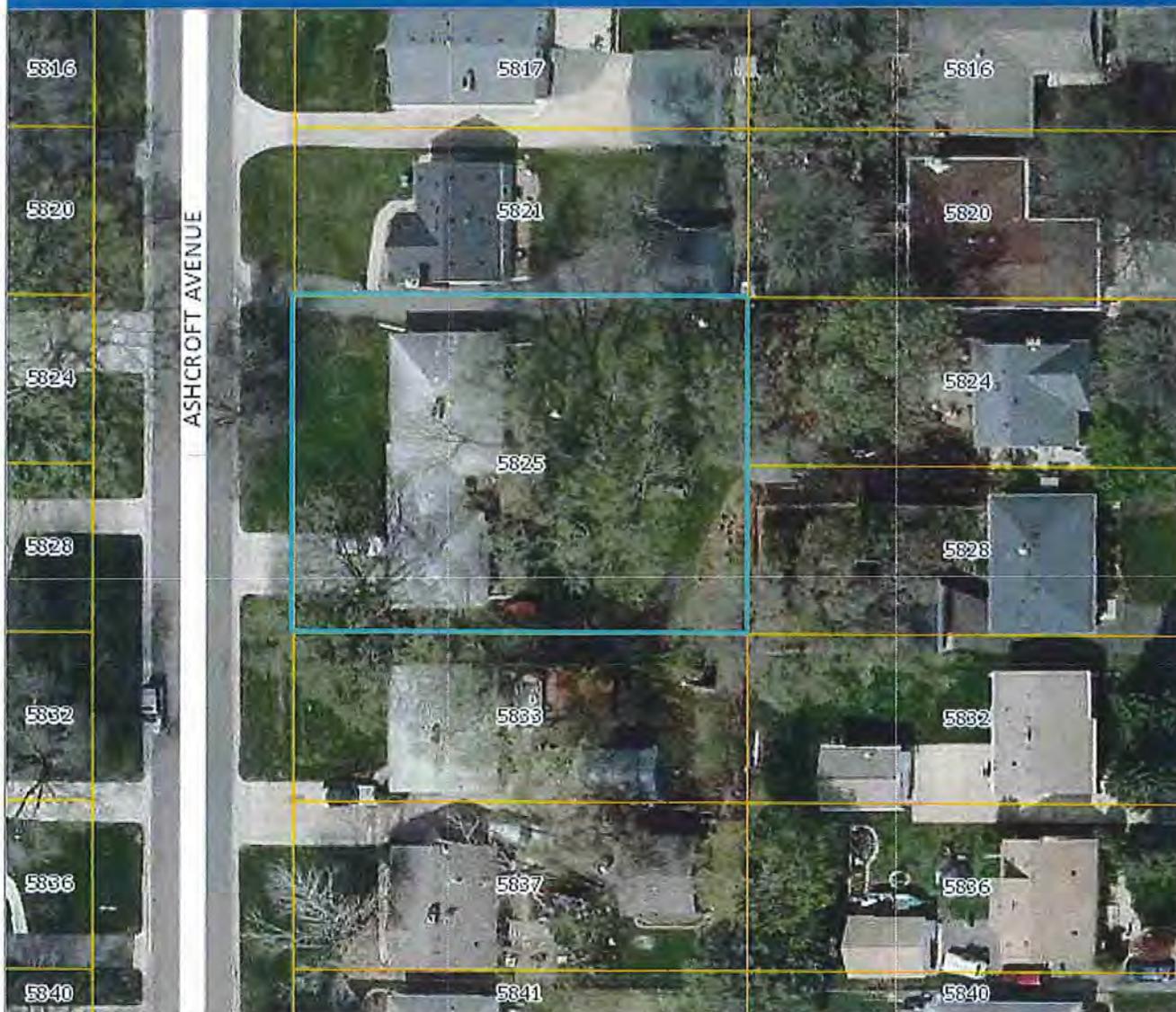


This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2015



A3



Parcel ID: 19-028-24-31-0062

Owner Name: J & J Johnson

Parcel Address: 5825 Ashcroft Ave
Edina, MN 55424

Property Type: Residential

**Home-
stead:** Homestead

Parcel Area: 0.31 acres
13,577 sq ft

Map Scale: 1" ≈ 50 ft.

Print Date: 4/13/2015



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2015



A4

Owners' Statement in Support of Request for Variance

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

If approved, the proposed variance would allow for two 50-foot wide residential lots. This is considered to be a reasonable land use for this neighborhood. Many of the lots in this neighborhood and other areas of the City are 50-foot wide lots. Without the granting of this requested variance a practical difficulty exists because the applicant/property owners cannot do with their land what the neighboring property owners can do with the same land area of identically zoned land. The size of this lot of record is twice the size of most lots in its neighborhood and that has created its unique practical difficulty.

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

This property is one of only two 100-foot wide lots within the identified 500-foot ring neighborhood. It is twice the width and land area of every other lot in its block (Block 7, Fairfax). It is twice the width and land area of every lot that faces it on the opposite side of Ashcroft Avenue (east half of Block 8, Fairfax). Additionally, every lot that is part of the Ashcroft Avenue streetscape, within this 500-foot neighborhood ring, is 49 or 50 feet in width (Blocks 7, 8, part of Block 9, and part of Block 10).

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

The proposed subdivision and variance would meet the intent of 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 wide lots.

4) Not alter the essential Character of the neighborhood.

If granted, the proposed subdivision of this property would create two lots that would conform in width, depth, and land area with its neighborhood. The proposed lots are consistent with the median lot width, depth, and land area of the neighborhood lots; a) proposed lots are 50 feet wide and the median lot width in the neighborhood is 50 feet, b) proposed lots are 136 feet in depth and the median lot depth in the neighborhood is 136 feet, and c) proposed lots have land areas of 6,788 and 6,789 square feet and the median lot area in this neighborhood is 6,790 square feet. Of the 106 neighborhood lots, 11 are 49 feet wide and 72 are 50 feet wide. More than 3 of every 4 of the neighborhood lots are about the same size as the proposed lots.

If this subdivision and variance were not granted it would perpetuate a lot that is twice the size of typical lots within this neighborhood and it would forever be out of character with this neighborhood.

The proposed subdivision and granting of lot-width variance would result in two lots that are more characteristic of the neighborhood than the existing lot.

PLANNING DEPARTMENT
MAR 16 2015
CITY OF LEWIS

5825 Ashcroft Avenue

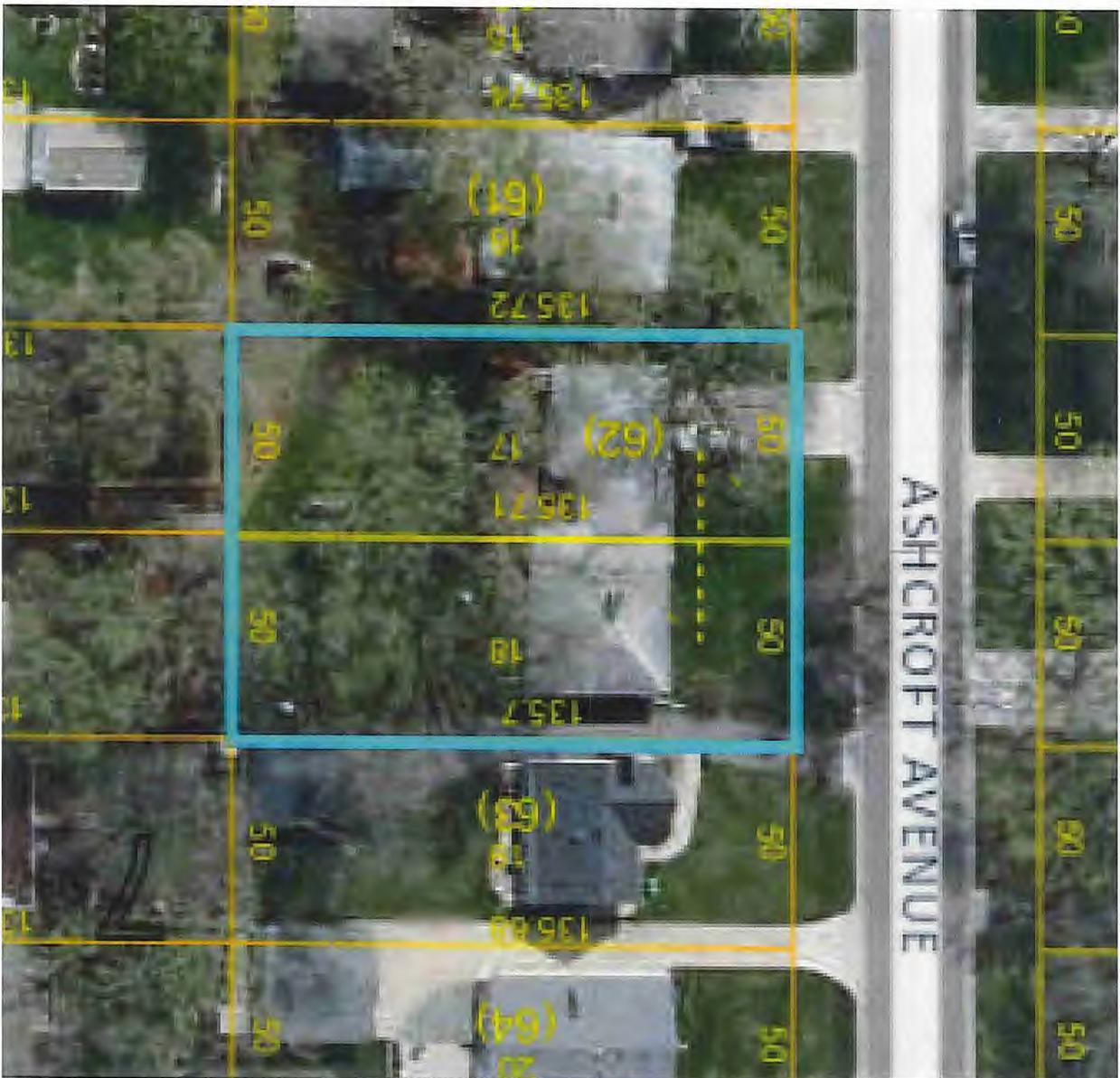
Subdivision and Variance requests

- Located in the Concord Neighborhood
- East of Highway 100 & West of Wooddale Ave
- Owners: Janine & Jeff Johnson
 - Edina residents since June 1980
 - Purchased this property in July 1981



A7

A7



5825 Ashcroft Avenue

Subdivision and Variance requests

- Current legal description – Lots 17 & 18, Block 7, Fairfax, Hennepin County
- ^{Ad} North lot (Lot 18) purchased and 3-bedroom rambler style home was built in 1953
- South lot purchased in 1954 and building permit pulled to construct a breezeway
 - In 1956 another building permit was issued for a breezeway and garage

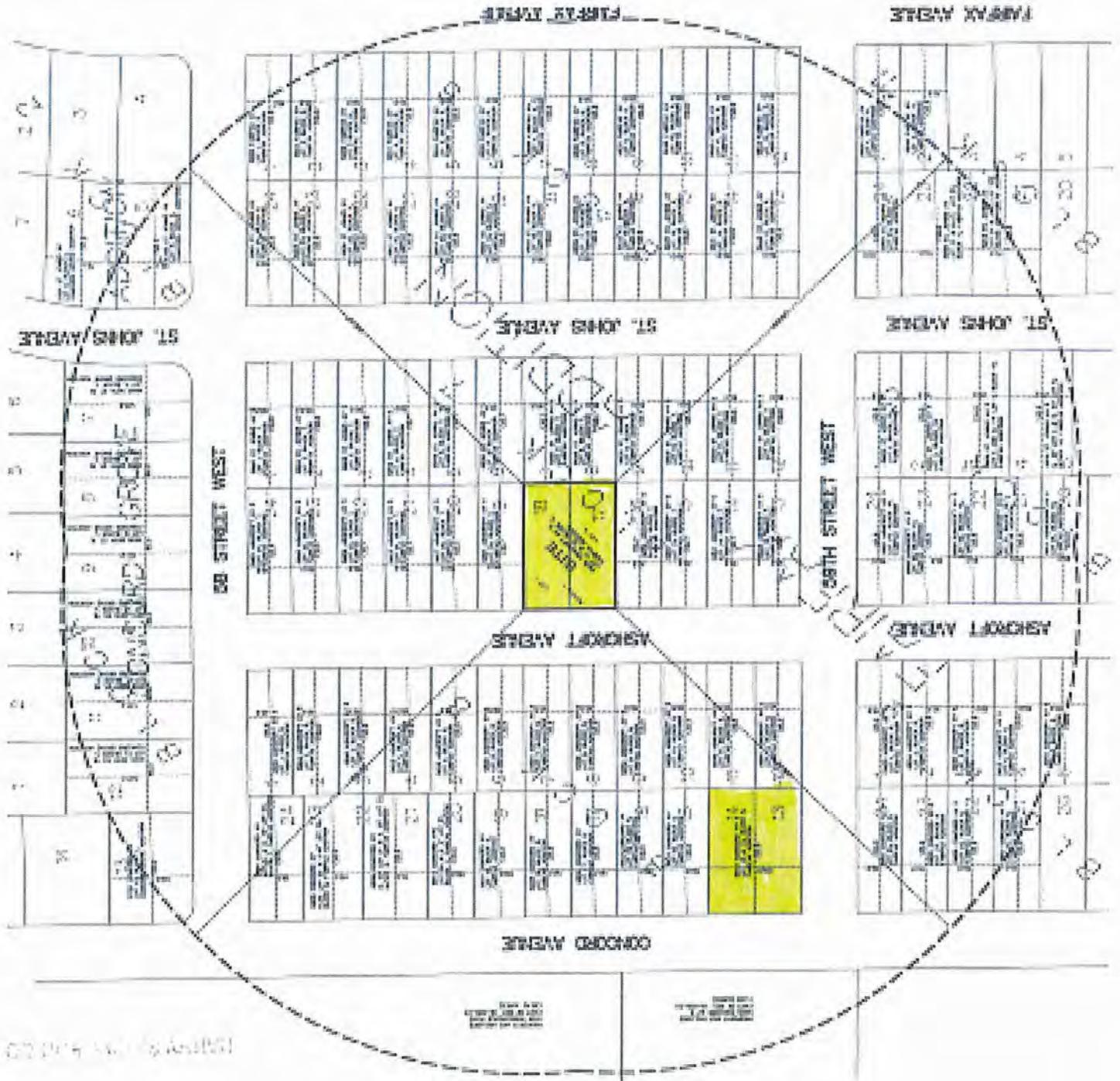
5825 Ashcroft Avenue Subdivision and Variance requests



Analysis of 500-foot Ring Neighborhood

- Other than the subject property, there is only one 100-foot wide lot in this neighborhood

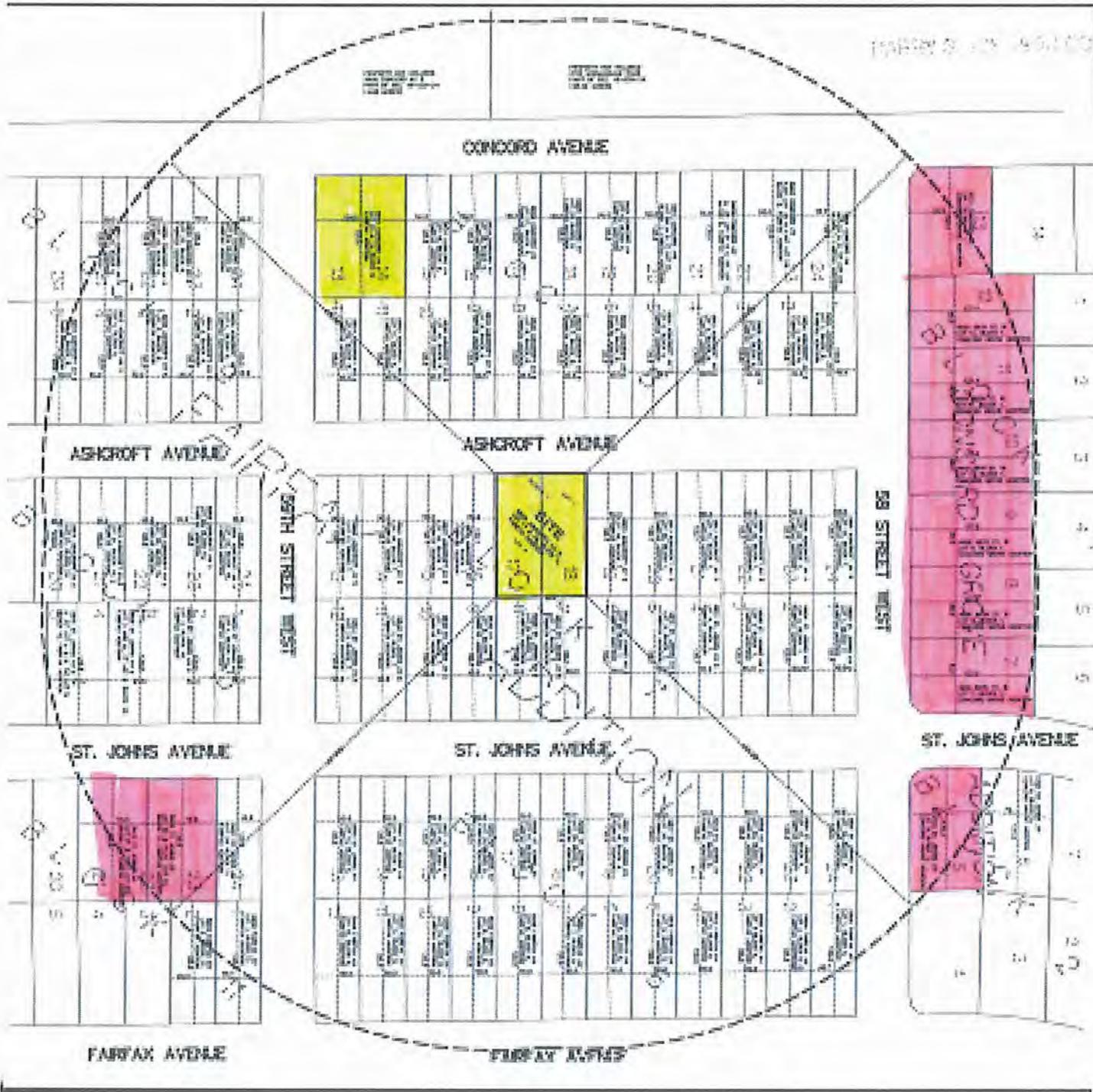
– 100 feet wide: 5841 Concord Avenue South



Analysis of 500-foot Ring Neighborhood

- There are ten lots greater than 75 feet wide
 - 92 feet wide: 5721 Concord Avenue South
 - 83 feet wide: 4600 58th Street West
 - 80 feet wide: 4620 58th Street West
 - 80 feet wide: 4616 58th Street West
 - 80 feet wide: 4612 58th Street West
 - 80 feet wide: 4606 58th Street West
 - 80 feet wide: 4604 58th Street West
 - 80 feet wide: 5725 St. Johns Avenue South
 - 75 feet wide: 5905 St. Johns Avenue South
 - 75 feet wide: 5913 St. Johns Avenue South

PLAT 2 OF 1951



ASHCROFT AVENUE

ASHCROFT AVENUE

ST. JOHNS AVENUE

ST. JOHNS AVENUE

FARFAX AVENUE

FARFAX AVENUE

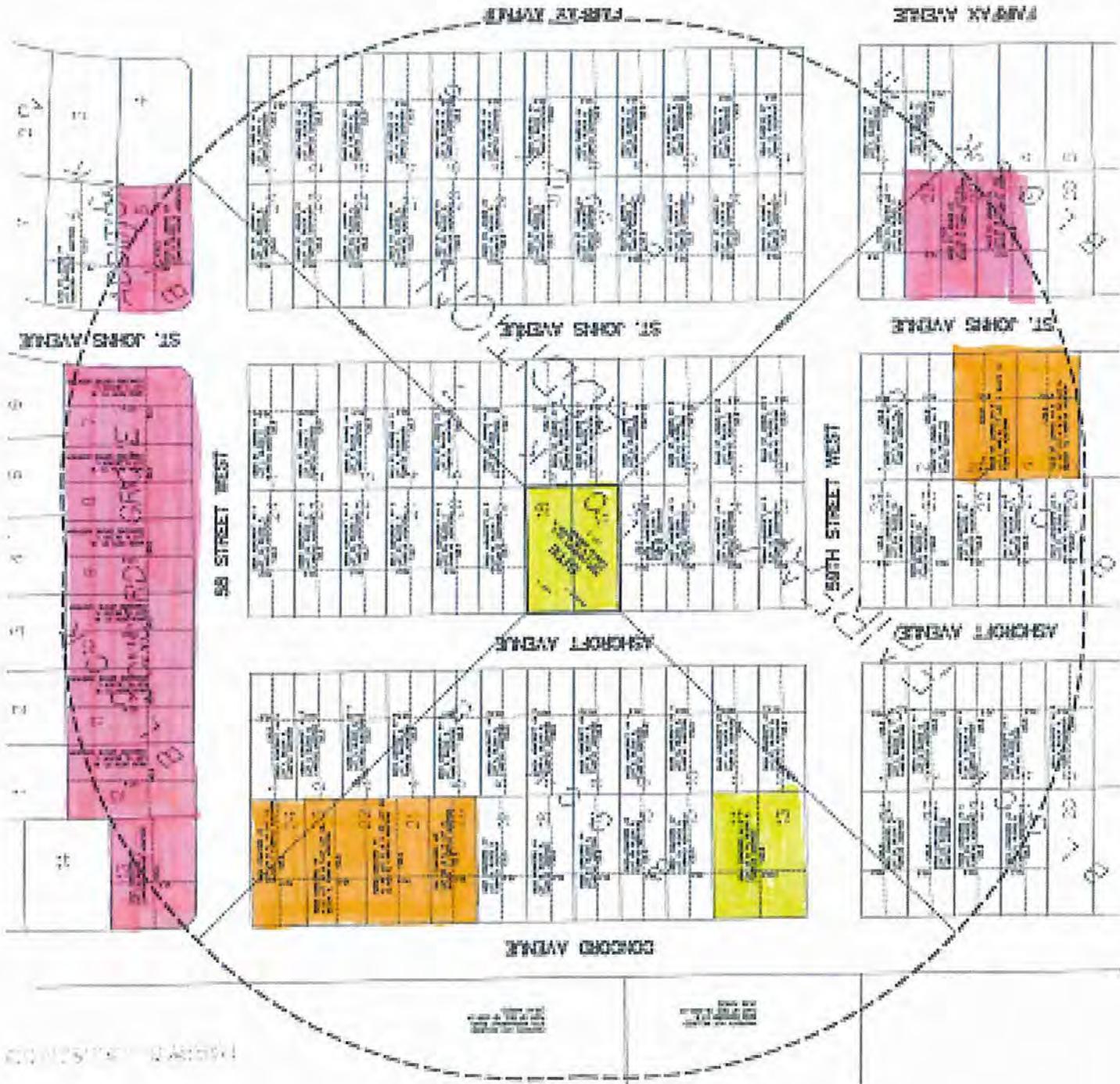
89 STREET WEST

ST. JOHNS AVENUE

89TH STREET WEST

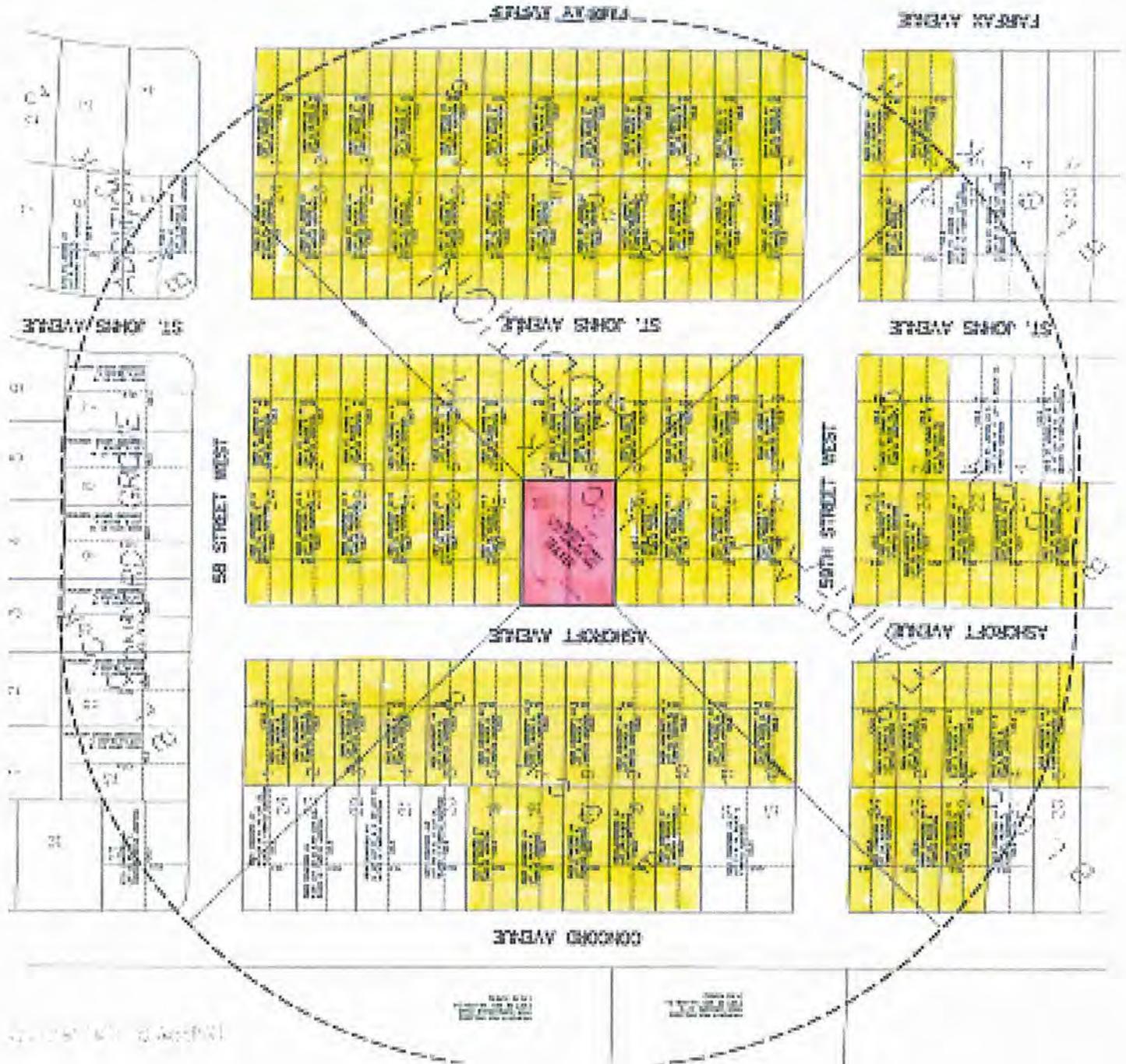
Analysis of 500-foot Ring Neighborhood

- There are six lots greater than 50 feet wide
 - 70 feet wide: 5809 Concord Avenue South
 - 67 feet wide: 5908 St. Johns Avenue South
 - 67 feet wide: 5916 St. Johns Avenue South
 - 65 feet wide: 5805 Concord Avenue South
 - 59 feet wide: 5801 Concord Avenue South
 - 55 feet wide: 5817 Concord Avenue South



Analysis of 500-foot Ring Neighborhood

- All of the remaining eighty-one (81) lots in this neighborhood are either 50 feet wide or 49 feet wide
 - All lots on the subject block are 50 foot wide lots
 - All lots across Ashcroft Avenue from the site are 50 foot wide lots
 - All lots that would have a view of this property are 50 foot wide lots



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

- If approved, the proposed variance would allow for two 50-foot wide residential lots.
- Many of the lots in this neighborhood and other areas of the City are 50-foot wide lots.
- Without the granting of this requested variance a practical difficulty exists because the applicant/property owners cannot do with their land what the neighboring property owners can do with the same land area of identically zoned land.
- The size of this lot of record is twice the size of most lots in its neighborhood and that has created its unique practical difficulty.

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

- This property is one of only two 100-foot wide lots within the identified 500-foot ring neighborhood.
- It is twice the width and land area of every other lot in its block (Block 7, Fairfax).
- It is twice the width and land area of every lot that faces it on the opposite side of Ashcroft Avenue (east half of Block 8, Fairfax).
- Additionally, every lot that is part of the Ashcroft Avenue streetscape, within this 500-foot neighborhood ring, is 49 or 50 feet in width (Blocks 7, 8, part of Block 9, and part of Block 10).

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

- The proposed subdivision and variance would meet the intent of 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 wide lots.

Not alter the essential Character of the neighborhood.

- If granted, the proposed subdivision of this property would create two lots that would conform in width, depth, and land area with its neighborhood.
- The proposed lots are consistent with the median lot width, depth, and land area of the neighborhood lots;
 - a) proposed lots are 50 feet wide and the median lot width in the neighborhood is 50 feet,
 - b) proposed lots are 136 feet in depth and the median lot depth in the neighborhood is 136 feet, and
 - c) proposed lots have land areas of 6,788 and 6,789 square feet and the median lot area in this neighborhood is 6,790 square feet.

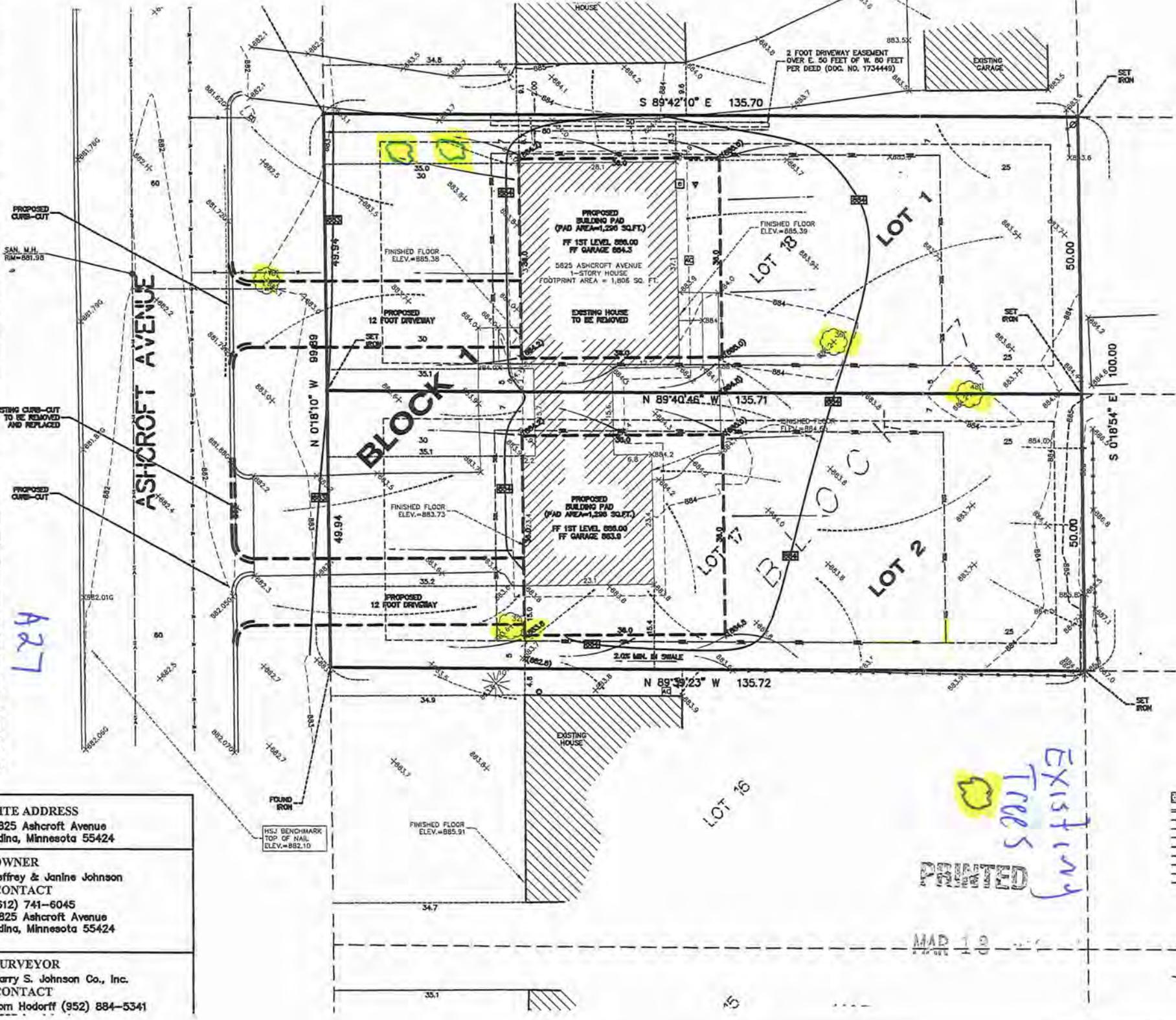
Not alter the essential Character of the neighborhood.

- Of the 106 neighborhood lots, 11 are 49 feet wide and 72 are 50 feet wide. More than 3 of every 4 of the neighborhood lots are about the same size as the proposed lots.
- If this subdivision and variance were not granted it would perpetuate a lot that is twice the size of typical lots within this neighborhood and it would forever be out of character with this neighborhood.
- The proposed subdivision and granting of lot-width variance would result in two lots that are more characteristic of the neighborhood than the existing lot.

TO BE PL
 Lots 1 and 2.
 SUBDIVISI
 The total num

PROPOSE
 Site area Lot :
 Site area Lot :

GE
 1. T
 2. T
 3. T
 4. T
 5. T
 6. T
 7. T
 8. T
 9. T
 10. T
 11. T
 12. T
 13. T
 14. T
 15. T
 16. T
 17. T
 18. T
 19. T
 20. T
 21. T
 22. T
 23. T
 24. T
 25. T
 26. T
 27. T
 28. T
 29. T
 30. T
 31. T
 32. T
 33. T
 34. T
 35. T
 36. T
 37. T
 38. T
 39. T
 40. T
 41. T
 42. T
 43. T
 44. T
 45. T
 46. T
 47. T
 48. T
 49. T
 50. T
 51. T
 52. T
 53. T
 54. T
 55. T
 56. T
 57. T
 58. T
 59. T
 60. T
 61. T
 62. T
 63. T
 64. T
 65. T
 66. T
 67. T
 68. T
 69. T
 70. T
 71. T
 72. T
 73. T
 74. T
 75. T
 76. T
 77. T
 78. T
 79. T
 80. T
 81. T
 82. T
 83. T
 84. T
 85. T
 86. T
 87. T
 88. T
 89. T
 90. T
 91. T
 92. T
 93. T
 94. T
 95. T
 96. T
 97. T
 98. T
 99. T
 100. T



PROPOSED CURB-CUT
 SAN. M.H. RIM=881.58

EXISTING CURB-CUT TO BE REMOVED AND REPLACED

PROPOSED CURB-CUT

A27

SITE ADDRESS
 5825 Ashcroft Avenue
 Edina, Minnesota 55424

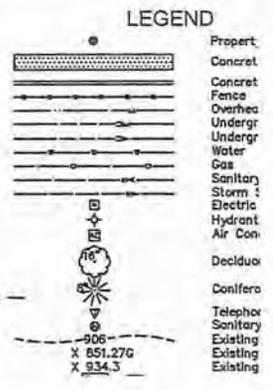
OWNER
 Jeffrey & Janine Johnson

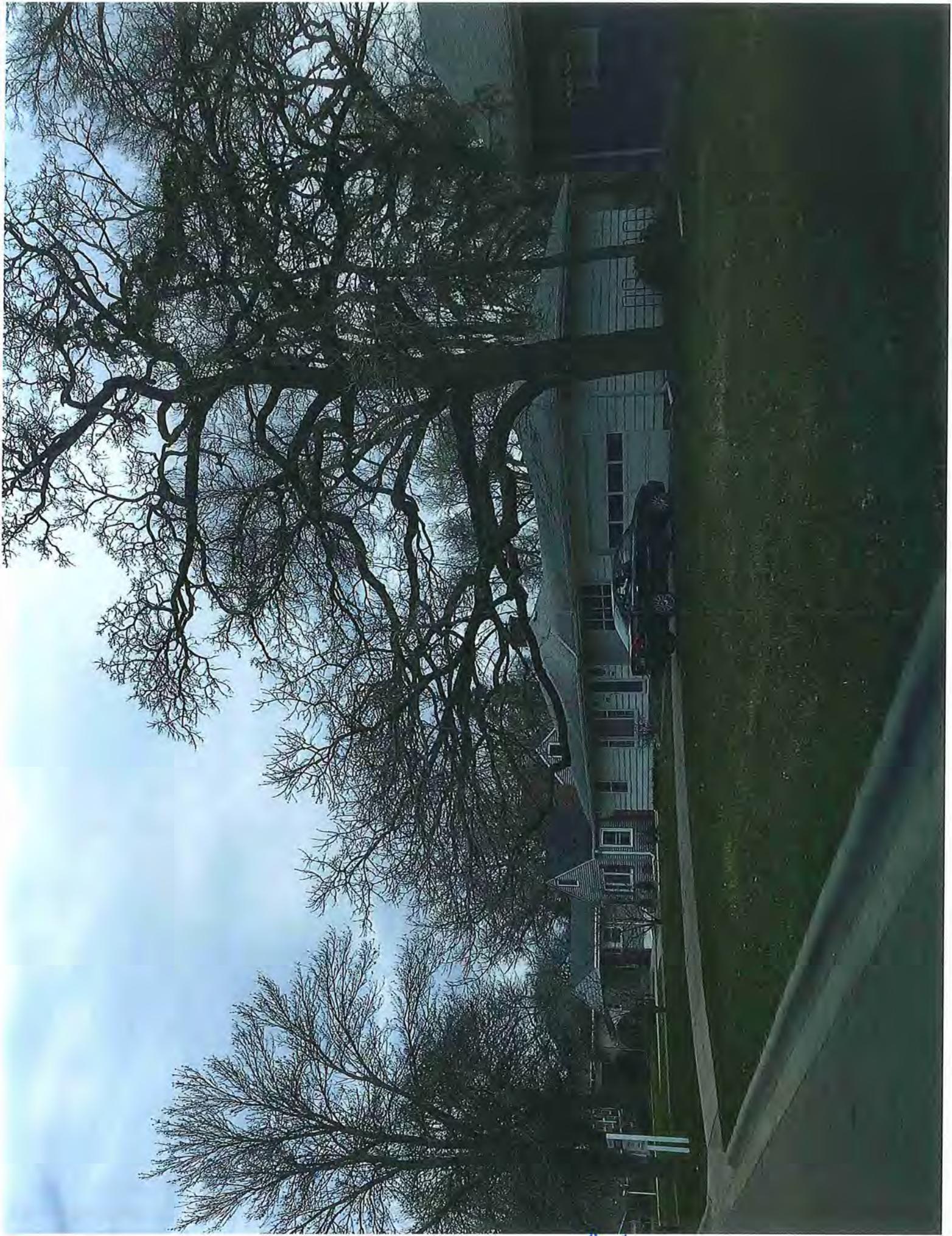
CONTACT
 (612) 741-6045
 5825 Ashcroft Avenue
 Edina, Minnesota 55424

SURVEYOR
 Harry S. Johnson Co., Inc.
CONTACT
 Tom Hodorff (952) 884-5341

PLANNING
 MAR 1
 CITY

EXISTING TREES
 PRINTED

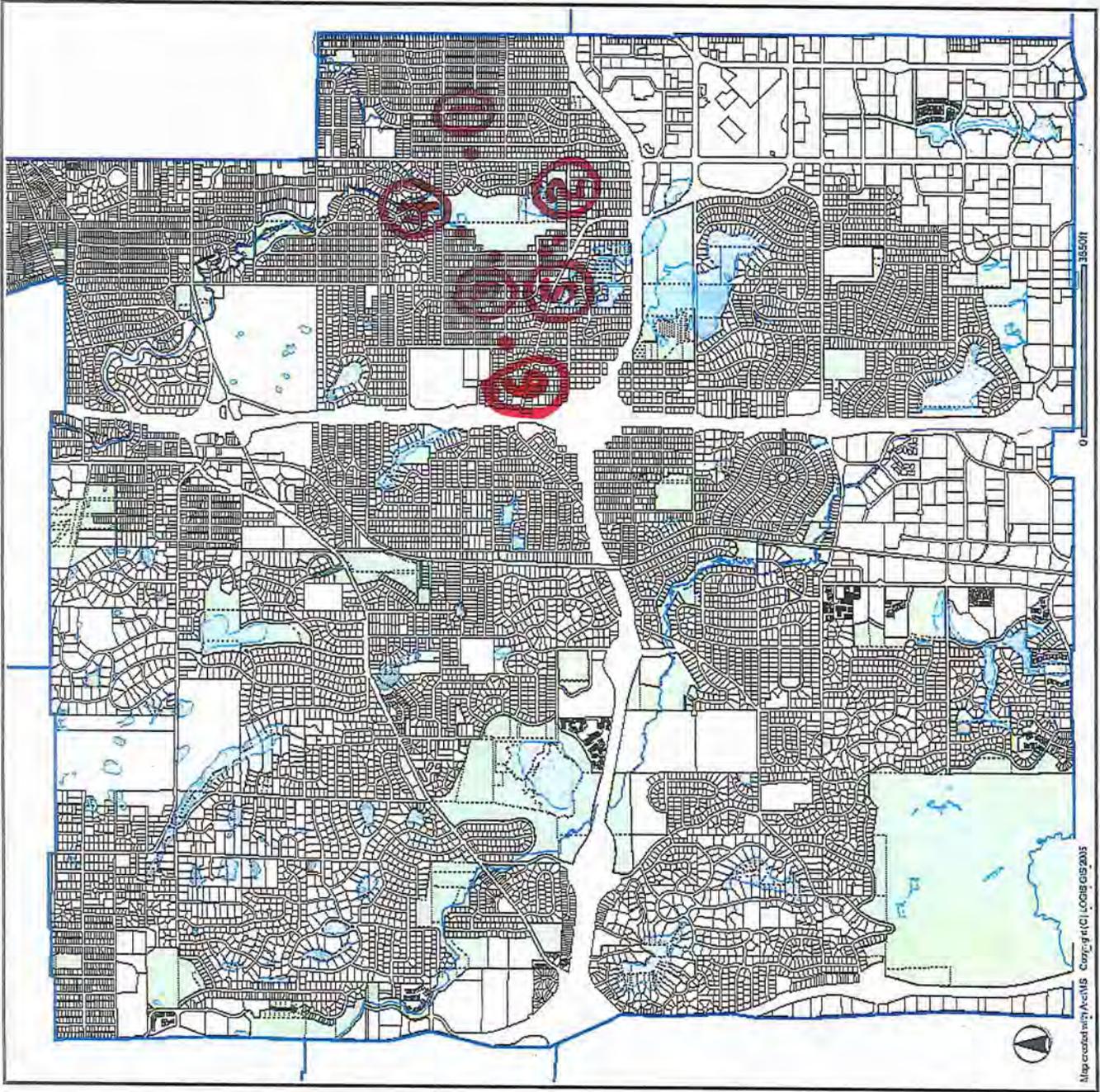




828



421



Map generated by ArcGIS Online. Copyright © Esri 2015

- * ① 5901 France
- * ② 6130 Brookview
- * ③ 5920 Oaklawn
- * ④ 5829 Brookview
- ⑤ 6109 Oaklawn
- ⑥ 5945 Concord

* Approved Subdivisions

A30



DATE: April 15, 2015
TO: Cary Teague – Community Development Director
CC: Chad Millner PE – City Engineer
FROM: Charlie Gerk EIT – Environmental Engineering Technician
RE: **Berman Subdivision – Preliminary Plat Review**

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

General Comments

1. None

Survey/ Plat

2. None

Traffic and Street

3. A curb cut permit from the engineering department will be required for each driveway.
4. The streets were reconstructed during the 2009 construction season. Great care should be taken to protect the streets from unnecessary damage. Any damage to the streets will require a full width patch from curb to curb and sawcut to sawcut.

Sanitary and Water Utilities

5. SAC and WAC fees will be required for the new lot to connect to city utilities.

Storm Water Utility

6. No increase in peak rate or volume to neighboring private properties.

Grading, Erosion and Sediment Control

7. A grading, erosion and sediment control plan will be required for each individual lot when a building permit is submitted.

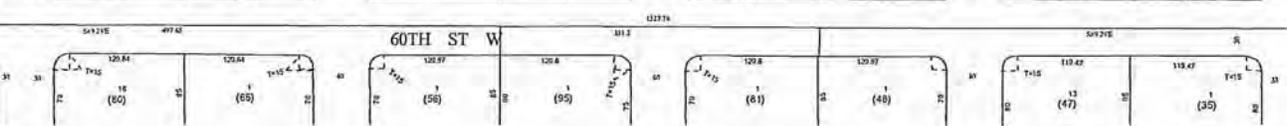
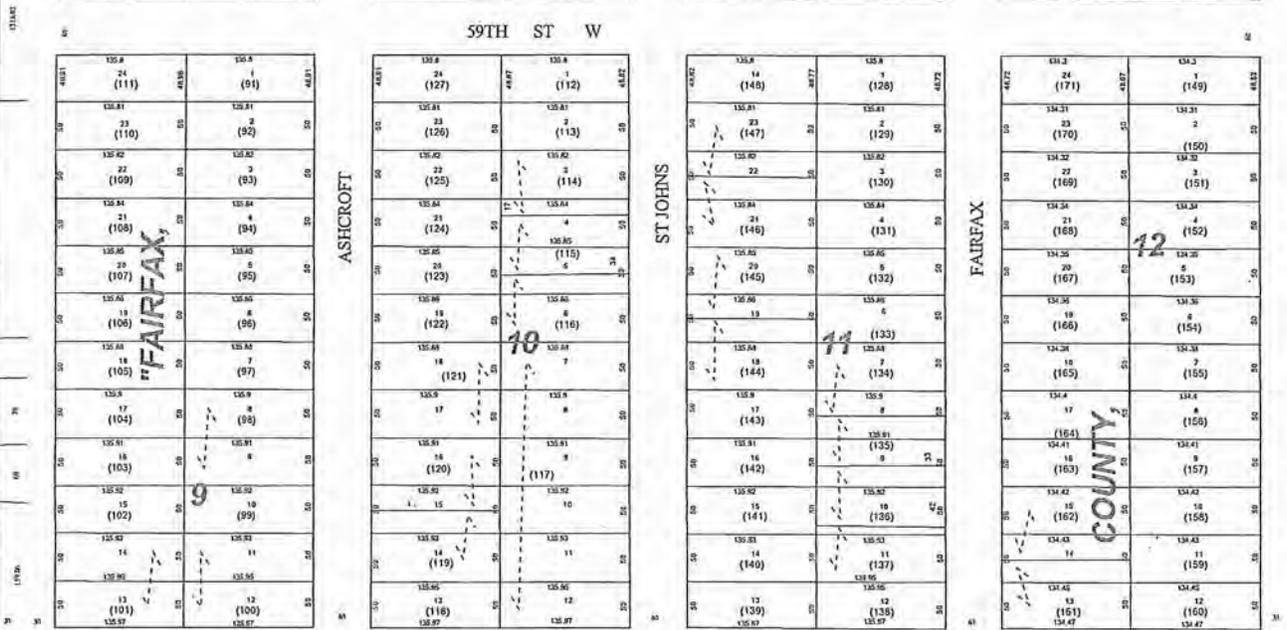
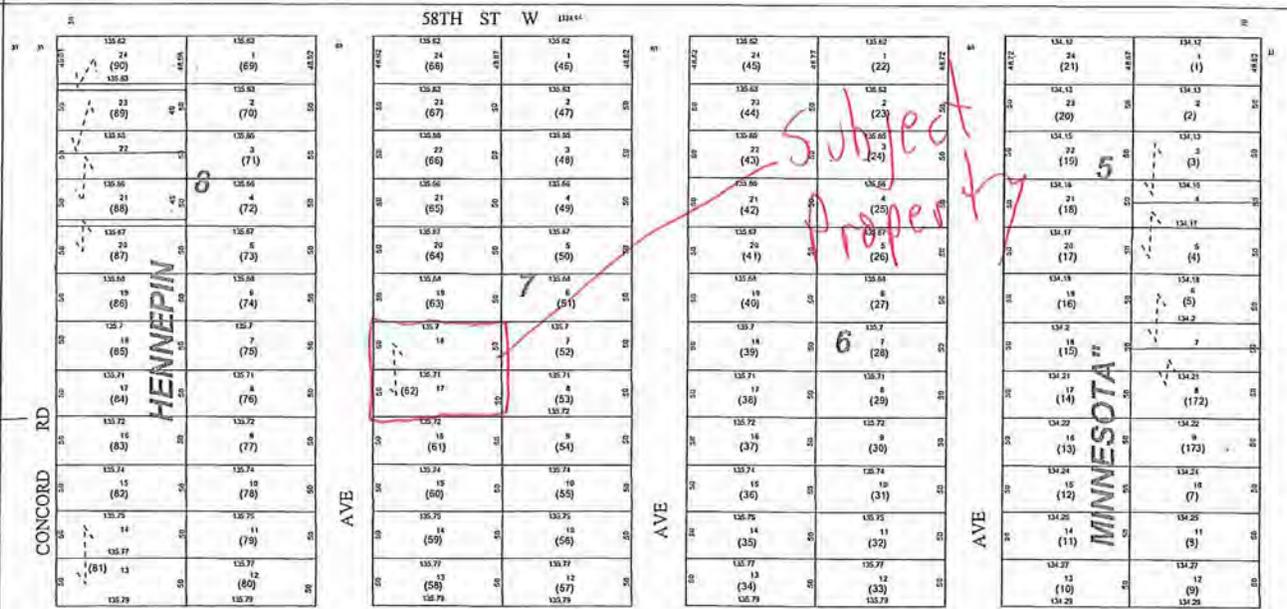
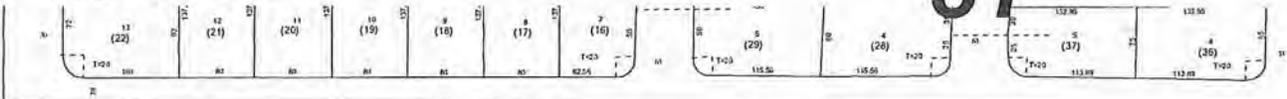
Other Agency Coordination

8. A Minnehaha Creek Watershed District permit will be required for each new lot.

ENGINEERING DEPARTMENT

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

A31



N.1/2 SW.1/4 SEC.19 T.028 R.24

EC.19 T.028 R.24

W/19	S/NE/19
N/SE/19	S/SE/19

arter/Section

Prepared by the City of Edina, MN.
Original base data supplied by Hennepin Co., MN.

A32

Jackie Hoogenakker

From: Katie Ahlers <katie.ahlers@gmail.com>
Sent: Saturday, April 25, 2015 9:48 AM
To: Jackie Hoogenakker
Subject: 5825 Ashcroft

I am a neighbor near 5825 Ashcroft and I feel strongly the the lot should not be divided into 2 lots. We have seen several over sized houses squeezed onto a small lot and they are not selling. I think it would be in the best interest of the neighborhood to attract quality construction with one big lot and one home that actually fits the lot. I believe this would ultimately help to drive value in the neighborhood.

Sent from my iPad