

**MINUTES OF THE SPECIAL MEETING OF THE
EDINA HERITAGE PRESERVATION BOARD
THURSDAY DECEMBER 7, 2006, AT 5:00 P.M.
EDINA CITY HALL - COMMUNITY ROOM
4801 WEST 50TH STREET**

MEMBERS PRESENT: Chairman Bob Kojetin, Chris Rofidal, Arlene Forrest,
Laura Benson, Karen Ferrara, Nancy Scherer, Lou
Blemaster, and Ian Yue

MEMBERS ABSENT: Marie Thorpe

STAFF PRESENT: Joyce Repya, Associate Planner
Cary Teague, Planning Director

OTHERS PRESENT: Robert Vogel, Preservation Consultant
Andy Porter, JMS Custom Homes
Jeff Schoenwetter, JMS Custom Homes
Dan and Cheryl Dulas, 4609 Bruce Ave.
Kitty O'Dea, 4610 Bruce Ave.
Gordon Spartz, 4603 Bruce Ave.

I. APPROVAL OF THE MINUTES:

Member Rofidal moved for approval of the minutes from the November 14, 2006 meeting. Member Scherer seconded the motion. All voted aye. The motion carried.

II. CERTIFICATE OF APPROPRIATENESS – Country Club District

**H- 06- 8 4608 Bruce Avenue - Continued
Certificate of Appropriateness for changes to the plans
for a new home originally approved on March 14, 2006**

Planner Repya reminded the Board that at their meeting on November 14, 2006, the subject Certificate of Appropriateness request was suspended for a period of 60 days to afford them the opportunity to receive counsel from the City Council. Since that time, the City Attorney, Jerome Gilligan has reviewed all the issues relative to the original Certificate of Appropriateness as well as the request for the changes and has provided his findings.

Mr. Gilligan determined that the Heritage Preservation Board has no legal basis to rescind the approval of the original Certificate of Appropriateness. Furthermore, he has pointed out that City staff may not revoke the City permits because the construction of the home is proceeding in accordance with the approved plans and applicable zoning requirements.

Mr. Gilligan advises that at this time, the Heritage Preservation Board should address the subject Certificate of Appropriateness for the changes proposed to the original building plan.

Planner Repya then reviewed the following requested changes to the plan identified at the November 14th meeting:

FRONT (east)

- Second floor, left side of the south window stone was removed and replaced by shakes.
- Front door threshold was dropped by approximately 2 feet by cutting a small portion of the foundation at the stoop.
- Front door will be an 8 foot door instead of a 7 foot door.

SIDE (south)

- Stone replacing shakes and Hardi-board panels on the first floor and walk-out portion.
- Windows sizes changed and placement realigned.

SIDE (north)

- Window sizes changed on east and west sides, Hardi board panel removed below center window on west side.

REAR (west)

- Cantilever provided for direct vent gas fireplace.
- Windows added to second story and walk-out (south side)
- Window size reduced above fireplace cantilever.
- Windows on walk-out below fireplace cantilever reduced from 3 to 2.

Ms. Repya added that in addition to the aforementioned requests, the new owner would also like to replace the 30 year asphalt shingles with shingles made of a slate composite material.

Chairman Kojetin thanked Planner Repya for her report. He observed that the Board has received several letters and emails from surrounding neighbors in which they identified their concerns regarding the height of the subject project as well as the retaining wall required along the driveway on the south side of the lot. He pointed out that it is the desire of the Board to work with both the builder and the neighbors to achieve an amicable resolve to this request. Mr. Kojetin then asked the representatives from JMS Custom Homes if they wished to comment on the proposed changes to their plan.

Jeff Schoenwetter, Chairman of JMS Companies thanked the Board for expeditiously addressing their project and welcomed the opportunity to share the proposed changes to the original building plan. He then pointed out that the original home, purchased in the fall of 2005 was a Contemporary style, single story, walk-out with a front loading garage. When designing the new home, JMS was confronted with several challenges. First, it was their understanding that front loading garages in the Country Club District are frowned upon by the Heritage Preservation Board; secondly, the topography of the lot required creative design work because it is one of the highest points in the district from the street elevation, while also one of the lowest points in the district in the rear yard. To provide positive drainage and the required slope of the driveway, the home was nested as low as possible on the lot.

Andy Porter, of JMS Custom Homes explained that there is currently a buyer for the property – they have three young children and love the neighborhood. The changes to the original plan addressed in this request are in response the buyer's wishes. It is their hope that the changes would be looked upon as enhancements to the plan.

Dan and Cheryl Dulas, 4609 Bruce Avenue questioned the stone proposed for the home. Mr. Porter explained that the stone that was approved with the original Certificate of Appropriateness last March is a manufactured material which closely replicates original stone.

Consultant Robert Vogel pointed out that the manufactured stone approved for the home closely mimics all of the characteristics of natural products and is commonly used for new construction in historic districts.

Gordon Spartz, 4603 Bruce Avenue expressed concern that the foundation appears to be at least five feet above grade. Member Blemaster added that neighbors have told her that dirt from the basement level was moved to the front yard, raising the grade higher than the original grade.

Mr. Porter explained that fill was not moved to the front of the lot, but rather exported from the lot. Furthermore, the trusses proposed for the home have been lowered to provide for a reduced stature, and a 7 foot 10 inch ceiling is provided in the basement, unlike the typical 9 foot ceiling found in most new construction.

Following a brief discussion, Board members agreed to have a motion on the table prior to continuing the deliberation. Member Rofidal then moved to approve the proposed changes to the original plan subject to the plans presented. Member Forrest seconded the motion.

Addressing the changes to the window placement on the south elevation, Member Forrest asked if the new windows would provide a privacy issue for the southerly neighbor. Mr. Schoenwetter pointed out that while the size and

placement of the windows varies, he did not believe the amount of glazing on the south elevation was increased. Consultant Vogel added that privacy issues do not enter into the appropriateness of design from the historic integrity standpoint which is the focus of the district's plan of treatment. He added that these are small lots and each home has windows that look out upon their neighbors.

Member Forrest also observed that on the south elevation of the proposed plan, in addition to stone replacing the shake siding and the revised window placement, she also observed a railing under the windows on the far east side that was not depicted on the original plan. Board members agreed with Ms. Forrest and observed that the railing should be added to the proposed changes.

Continuing with comments regarding the request for changes to the original plan, Board members made the following observations:

Member Forrest

- She disagreed with the City Attorney's decision, stating that she felt the streetscape from which the original approval was based was visually deceiving, even though the numbers were accurate.
- The issue of not providing the necessary room for the retaining wall on the south elevation abutting the driveway, while not a Heritage Preservation issue is troubling. Member Forrest questioned the builder's attention to detail when designing the home.
- Ms. Forrest thanked JMS for being responsive to the Board's requests and for engaging in the process. She added that this has been a learning experience for all involved.

Member Rofidal

- He has struggled with this item because some mistakes have been made, but on a positive note it has been a learning experience.
- In March, when the original plan was reviewed, the neighbors preferred the plans for the new home over the previous home.
- He also disagreed with the City Attorney, stating that he too is a visual person, and the streetscape as originally presented did not visually depict the new home in comparison to the adjacent homes, even if the numbers were correct.
- The builder and neighborhood communications have been challenging, and for the sake of all involved, he hoped for progress in that area.
- Moving forward, the Heritage Preservation Board has already made changes to the requirements for plans submitted with a Certificate of Appropriateness application thanks to what has been learned through this request.
- At this meeting, the Board is addressing the proposed changes to the original plan for the home.

Member Ferrara

- Ms. Ferrara agreed with Member Rofidal's comments.
- She pointed out that as an owner of one of the City's landmark properties (4402 West 44th Street – Jonathan Grimes House), she feels strongly that when one purchases in an historic district, a responsibility to what is significant and appropriate for that district is important.
- Ms. Ferrara questioned if changes like this new home continue whether the historic integrity of the neighborhood would be adversely affected.

Member Benson

- Ms. Benson stated that she felt misled by the original streetscape. Like her fellow board members, she too stated that she is a visual person and did not feel the new home was appropriately represented in comparison the adjacent homes.

Mr. Schoenwetter stated that there was no malfeasance intended when the original streetscape was presented. That streetscape was an artist's interpretation. However, as required, the roof peak elevations were accurate on the plan.

Member Scherer

- Ms. Scherer stated that she did not believe there was any malfeasance on the part of JMS, however, she too agreed that the original streetscape drawing was misleading.
- The evaluations required by the Board are subjective in nature, which is important to take into consideration.
- The acrimony surrounding this project is unsettling for all, and she hoped that JMS would work on their community relations.
- The need for a retaining wall along the driveway that wasn't included in the original building plans, while not an issue for the Heritage Preservation Board, all the same, is very concerning.
- Ms. Scherer thanked the neighbors for remaining steadfast. Moving forward, as Member Rofidal explained, the Board is making changes to the requirements for a Certificate of Appropriateness request.
- The action required of the Board at this time is to address the proposed changes to the original building plans.

Member Blemaster

- The height of the new home has been a concern of the neighbors and continues to be a concern, however at this time, the Board is considering the proposed changes to the original plan.

- Homebuyers in the Country Club District are looking for innovation or they will go someplace else.
- The Heritage Preservation Board walks a fine line protecting the historic integrity of the district while at the same time providing for the innovation required of housing in an upscale neighborhood.
- She shared Member Ferrara's concern regarding the impact changes to homes in the district will have on its future historic significance.

Chairman Kojetin thanked the Board for their input. Member Forrest then moved to amend the motion before the Board to include the railing below the easterly windows on the south elevation. Member Scherer seconded the motion. Members Kojetin, Rofidal, Forrest, Benson, Ferrara, Scherer, and Yue voted aye. Member Blemaster voted nay. The motion carried to approve the proposed changes to the original building plan as amended to include the railing on the south elevation, subject to the plans presented.

Chairman Kojetin thanked the neighbors present for engaging in the process, pointing out that the Board intends on working with the Country Club neighborhood. Board members concurred with Kojetin stating that they looked forward to future dialogue with residents to ensure that the historic integrity of the district is maintained.

III. OTHER BUSINESS:

- League of Women Voters "A Study: City of Edina Boards and Commissions"

Planner Repya explained that a copy of the LWV study was sent to Board members for their review. Member Forrest added that as President of the League, she wanted to thank the Board for participating in the study, and encouraged them to share any insights they may have. No formal action was taken.

IV. PUBLIC COMMENT: None

V. NEXT MEETING DATE: December 12, 2006

VI. ADJOURNMENT: 6:40 p.m.

Respectfully submitted,
Joyce Repya

Minutes – December 7, 2006
Edina Heritage Preservation Board