



Date: January 11, 2023

To: PLANNING COMMISSION

From: Kris Aaker, Assistant City Planner

Subject: B-23-02, the applicant is requesting a 9.6-foot, 1st floor height variance to allow a reorientation of the house from 4920 East Sunnyslope Road to Hilltop Lane.

Information / Background:

The subject property, 4920 E. Sunnyslope is a through lot located between Sunnyslope East and Hilltop Lane. The existing home on the property is two-stories with a three-car attached garage built in 1941. The existing home orients towards Sunnyslope East with the rear lot backing up to Hilltop Lane.

The applicant is requesting a 9.6-foot first floor height elevation variance to allow for a new home to be built with a first floor 10.6 feet higher than the existing first floor. The proposed new home will be oriented at a higher elevation facing towards Hilltop Lane thus the need for a 1st floor variance.

With exception of the first-floor elevation, the proposed project meets all other zoning requirements.

It should be noted that a variance application for the property was reviewed and denied by the Planning Commission on November 16, 2022. The request was for a 9.6-foot, 1st floor height variance with a reorientation of the house from 4920 East Sunnyslope Road to Hilltop Lane and a 9.55-foot front yard setback variance to provide 34.6 feet from the Hilltop front property line instead of matching the average existing front yard setback of the adjacent neighboring properties of 44.15 feet. The application for 2 variances was denied by the Planning Commission on November 16, 2022, with 5 votes of denial and 3 votes for approval of the request.

Surrounding Land Uses

Northerly: Single Unit residential homes zoned R-1 and guided low-density residential
Easterly: Single Unit residential homes; zoned R-1 and guided low-density residential.
Southerly: Single Unit residential homes; zoned R-1 and guided low-density residential.
Westerly: Single Unit residential homes; zoned R-1 and guided low-density residential.

Existing Site Features

The subject property, 4920 Sunnyslope E, was built in 1941. The lot is 20,879 square feet and is located between Sunnyslope East and Hilltop Lane. The existing house is oriented towards Sunnyslope and has a three-car attached garage that has access from Sunnyslope. The property increases in elevation from Sunnyslope East to Hilltop Lane.

Trees

The applicant included a tree plan with variance submittal. The property has several large trees. The city recently amended its tree ordinance to require that removed trees be replaced. The ordinance took effect January 1, 2023. The tree plan has been previewed by the city Forester, with a full review of the tree preservation plan taking place at time of a building permit review for the new home and will be based on the amended tree ordinance.

Planning

Guide Plan designation: Low Density Residential
Zoning: R-1, Single Dwelling Unit District

Compliance Table

	City Standard	Proposed
“Left” Side of Home –	10 feet	29.1 feet
Hilltop Side – (New Front Yard)	44.15 feet	44.3 feet
“Right” Side of Home –	10 feet	11.8 feet
Sunnyslope Side – (New Rear Yard)	25 feet	25.1 feet
Building Height	40 feet	37.025 feet
Building Coverage	25%	20.6%
Impervious Coverage	50%	39.06%
First Floor Elevation	926.4'	936*

***Requires a variance**

Engineering

The Environmental Engineer has reviewed the application and submitted comments as attached in their January 1, 2023, memorandum. Stormwater was reviewed and is consistent with City of Edina Building Policy SP-003 standards. A final grade as-built survey and inspection will be required to

verify compliance with the approved stormwater plan. The proposed plan maintains drainage towards Sunnyslope Rd E but does so by channelizing runoff along the side yards with swales.

PRIMARY ISSUES & STAFF RECOMENDATION

Primary Issue

- **Is the proposed variance justified?**

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively to grant a variance. The proposed variance will not:

1) Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.

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 proposed use is permitted in the R-1 Single Dwelling Unit District and complies with zoning standards, with exception of the first-floor elevation. The reason for the first-floor elevation variance request is due to the proposed new home being oriented towards Hilltop Lane, which is 31-feet higher than lot elevations near Sunnyslope Road East. The topography of the lot is a practical difficulty preventing a reasonable relocation of the proposed new home. No variance would be needed for 1st floor height if the original home had faced Hilltop cul-de-sac and was removed/replaced with a new home fronting either Hilltop or Sunnyslope East.

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

The property is unique in that there are street frontages on two sides of the lot. The existing house is oriented towards East Sunnyslope. There are no rules prohibiting a reorientation towards Hilltop Ln. There is an elevation difference between Sunnyslope and Hilltop Lane preventing a re-orientation without a variance. The applicant would like to orient the new home towards Hilltop Lane similar to the house adjacent to the right built in 2014, which was reoriented from Sunnyslope East and approved for a 1st floor height increase in 2013. The adjacent home, (4800 Hilltop to the right), received approval for an 11.5-foot increase in 1st floor height to allow a new 1st floor at an elevation of 940 ft, (a 3-foot higher request than the subject proposal). The property owner cannot raise the house so it can be oriented towards Hilltop Lane without the benefit of a 1st floor height variance.

The topography/elevation difference between Hilltop Lane and East Sunnyslope is not self-created and limits design options by confining a new home to a limited location on the lot. The spirit and intent of the maximum 1-foot, 1st floor height increase ordinance for new homes is to maintain a consistency between new 1st floor heights and existing adjacent neighboring homes. The proposed 1st floor height is lower than the adjacent neighbor and is a 1 story home compared with adjacent and near-by 2 story homes. The

proposal conforms to the spirit and intent of the maximum 1st floor height ordinance by not exceeding neighboring 1st floor heights.

3) Will the variance alter the essential character of the neighborhood?

Granting the variance will match the character of the neighborhood given the reorientation. The proposed new home will be reoriented towards Hilltop from Sunnyslope and be “in-line” with the front yard setbacks of existing homes on either side of the subject property. The previous application requested a front yard setback variance and a 1st floor height variance. The previous design required a front yard setback variance, whereas the new design conforms to all setback, building height, building coverage and impervious surface requirements.

Approval

Approve the request for a 9.6-foot first floor elevation variance for a new house at 4920 Sunnyslope East.

Approval is based on the following findings:

1. The practical difficulty is caused by the existing elevation change on the lot. The 1st floor needs to be raised to reorient the house.
2. There are circumstances that are unique to the subject property. Those unique circumstances include the elevation change on the lot and having two street frontages.
3. The proposal would not alter the essential character of the neighborhood. The 1st floor elevation will be consistent with neighboring properties. The new home is a single-story walk-out. Adjacent homes are two stories or multi-level. The new home will not have a negative impact on the streetscape and will match the required average front yard setback.

Approval shall be subject to the following conditions:

1. Subject to plans and survey date stamped, 12/09/2022
2. Subject to compliance with the Engineering memo dated, 1/02/2023
3. Subject to compliance with the amended tree ordinance, with trees being replaced on the site per recommendation of the city Forester.

Staff Recommendation

Staff supports the re-orientation of the proposed new home to Hilltop Lane with the requested 9.6-foot first floor height variance that will be consistent with neighboring 1st floor heights and recommends approval based on the above-mentioned findings and conditions.

Deadline for a City Decision: February 7, 2023