



PLANNING COMMISSION STAFF REPORT

Originator Cary Teague Community Development Director	Meeting Date July 22, 2015	Agenda # VII.A.
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INFORMATION & BACKGROUND

Project Description

The City Council has requested that the Planning Commission provide review and comment on a proposed land exchange (lot line adjustment) between the City of Edina and Liz and Tony Burger, the property owners at 6629 West Shore Drive, Edina. (See property location on pages A1-A3.)

Background

The Burgers purchased the home at 6629 West Shore Drive in June of 2004. The Burgers state that at the time of purchase they were aware that there was a city park between their property and Lake Cornelia. They state, however, that they were not aware that the park property is a just four feet from the Northwest corner the house. When the Burgers purchased the house, they had three reconstruction goals for the home:

1. Remove the existing pool
2. Redo the existing basement and main level of the house
3. Expand upward via a second story and create a walkout towards the lake

The first two phases of construction are complete and the owners wish to complete phase three. In 2008, the Burgers received a variance to build the addition. However, The economy took a down turn, and the never built the addition, therefore, the variance expired.

The house is non-conforming and with the current property line, the owners have no way of moving forward without a variance or land exchange. Even with a variance, the construction would require encroachment into the park land.

When the house was built in 1961 there was a large amount of dirt that was brought in to support the foundation containing the indoor swimming pool. This hill rests on both city park land and private property. Without removal of the hill, the owners cannot do a

walk out from the basement, without encroaching into the park land. All of the other eight properties that border the park have a walkout toward the lake. The homeowners state that they are simply asking for the same right as the neighbors. The hill is unnatural and unnecessary since the pool has been removed.

The homeowners also want to expand their deck. Eight out of the nine houses on the park have large decks that provide views of the lake. The Burgers are the only exception. Although the owners did not add the second story addition that received the variance, they did complete work on the main level of the house which reduced the number of bedrooms and added structures to support the future 2nd story. The house does not work for their family but have no way to expand it due to the location of the park lot line.

The applicant is therefore requesting a land trade, so that they may build the addition without the need for variance or encroachment into the park. This would potentially allow the property owner to complete the project and not diminish or reduce the total acreage for the Edina public park land. The homeowners have worked with a surveyor who has provided a possible solution. In this proposal, the City and property owner would exchange the same square footage of property and allow the desired home renovation project.

Planning

Guide Plan designation:	Low-density residential
Zoning:	R-1, Single-family residential

Primary Issue

- **Is the proposed lot line adjustment reasonable?**

Yes. The resulting lot line shift does not create an additional lot. The division is an even swap of land between the City and the applicant.

As demonstrated in the attached pages A2-A3, there is an existing play structure area that currently encroaches on City property. With the lot line adjustment it would encroach even further. As a condition of approval, the structures should be removed and the area seeded with grass.

The Council also requested that the Edina Park Board provide review and comment. The Park Board reviewed the request on July 14th and provided some of the following comments:

- Consider a smaller swap of land.

- Consider simply selling a portion of the City property. Money's could then be invested into improvements in the land.
- Consider a variance.
- Removal of the play structure from City property.
- Consideration was given to requiring a public access to West Shore Drive, however, ultimately there was not support by the Board, the applicant or the closest neighbor.

Staff Recommendation

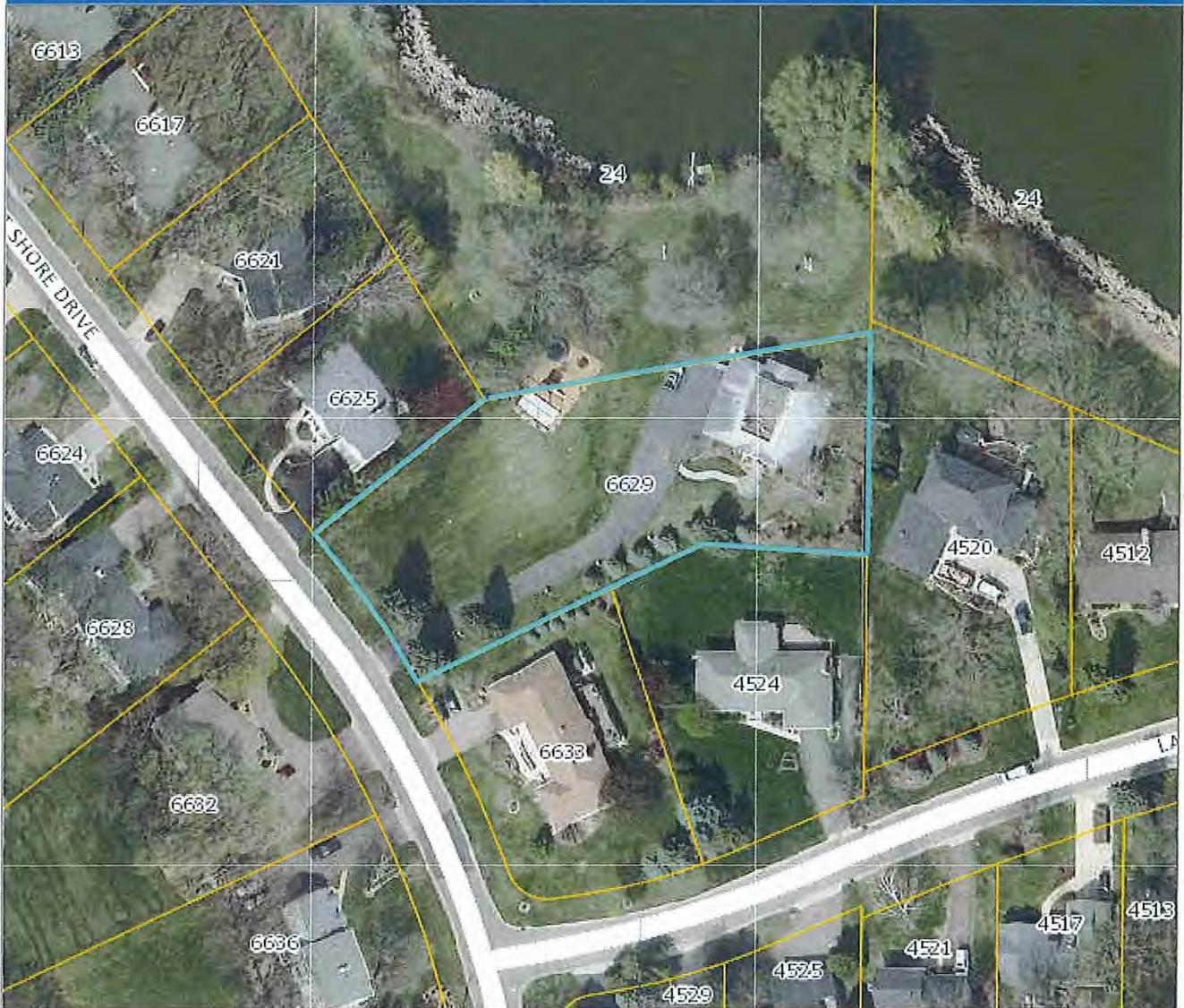
Recommend that the City Council approve the Lot Line Adjustment at 6629 West Shore Drive.

Approval is subject to the following findings:

1. The proposed lot line adjustment does not create a new lot.
2. The existing and proposed structure would meet building setback requirements.
3. Current encroachments into City property would be removed.

Approval is subject to the following condition:

1. All existing structures must be removed from the city property and the area seeded prior to staff filing the resolution for lot line adjustment that legally creates the new lots.



Parcel ID: 30-028-24-31-0044

Owner Name: A Burger & E Burger

Parcel Address: 6629 West Shore Dr
Edina, MN 55435

Property Type: Residential Lake Shore

Home-stead: Homestead

Parcel Area: 0.88 acres
38,491 sq ft

A-T-B:

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 100 ft.

Print Date: 7/7/2015



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A2

LAND TRADE AREAS



Interactive
Maps

Property
Map



<p>Parcel ID: 30-028-24-31-0044</p> <p>Owner Name: A Burger & E Burger</p> <p>Parcel Address: 6629 West Shore Dr Edina, MN 55435</p> <p>Property Type:</p> <p>Homestead:</p> <p>Parcel Area: 0.88 acres 38,491 sq ft</p>	<p>A-T-B: Torrens</p> <p>Market Total:</p> <p>Tax Total:</p> <p>Sale Price:</p> <p>Sale Date:</p> <p>Sale Code: Warran</p>	<p>Map Scale: 1" ≈ 50 ft.</p> <p>Print Date: 7/7/2015</p> <div style="text-align: right;">  </div> <p>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.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2015</p> <p style="text-align: right;"> Think Green!</p>
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