

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV.N

**From:** Cary Teague, Community Development Director

**Action**

**Date:** February 19, 2013

**Discussion**

**Information**

**Subject:** Resolution No. 2013-24 Lot Division, 5809 and 5813 Tingdale Avenue

## Action Requested:

Adopt the attached resolution.

## Information / Background:

Mr. Thomas J. Maimares is requesting to shift the existing lot line that divides the two properties at 5809 and 5813 Tingdale Avenue. The purpose of the request is to slightly shift the side lot line between these two properties so that the each lot would have more area in the between the home and the side property line, and to eliminate the driveway encroachment at the front lot line. (See property location, proposed lot line shift and narrative on pages A1–A8 of the Planning Commission staff report.)

Planning Commission Recommendation: On February 13, 2013, the Planning Commission unanimously recommended approval of the Lot Division.

## ATTACHMENTS:

- Resolution No. 2013-24
- Draft minutes from the February 13, 2013 Edina Planning Commission meeting
- Planning Commission Staff Report, February 13, 2013



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**RESOLUTION NO. 2013-24  
APPROVING A LOT DIVISION OF  
5809 AND 5813 TINGDALE AVENUE**

WHEREAS, the following described tract of land is requested to be divided:

DESCRIPTION OF PROPERTY SURVEYED (Existing):

5809 Tingdale Avenue:

Lot 5, Block 2, Edina Ridge, Henn. County. Minn.

5813 Tingdale Avenue:

Lot 4, Block 2, Edina Ridge, Henn. County. Minn.

WHEREAS, 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:

5809 Tingdale Avenue:

See Attached Exhibit A

5813 Tingdale Avenue:

See Attached Exhibit A

WHEREAS, the requested lot line adjustment is authorized under Code Section 810 and it has been determined to comply with the Subdivision and Zoning Regulations of the City of Edina and do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina, that the conveyance and ownership of the above described tracts of land as separate tracts of land are hereby approved pursuant to City Code Sections 850 and 810.04 Subd. 2, and further subject, however, to the provision that the NSP easement that runs along the existing side lot line would have to be shifted five feet to the east, and the overhead power lines would have to be moved five feet to the east before issuance of a building permit for a garage addition.

Adopted this 19<sup>TH</sup> day of February, 2013.

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**CITY OF EDINA**

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 19, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk

# Exhibit A

EXISTING DESCRIPTION:  
LOT 5, BLOCK 2, EDINA RIDGE,  
HENNEPIN CO., MN. CONTAINS 9700 SF

## PROPOSED DESCRIPTION

Lot 5, Block 2, except that part lying southerly of a line described as follows: commencing at the Southwest corner of said Lot 5, thence on an assumed bearing of N 81° 20' 47" E, along the southerly line of said Lot, a distance of 43.55 feet to the point of beginning; thence S 87° 59' 30" W a distance of 43.1 feet to a point on the west line of lot 5, distant 5.00 feet north of southwest corner thereof.

Together with that part of Lot 4, Block 2, lying northerly of a line described as follows commencing at the Northwest corner of said Lot 4, thence on an assumed bearing of N 81° 20' 47" E, along the northerly line of said Lot 4, a distance of 43.55 feet to the point of beginning; thence N 87° 59' 30" E, a distance of 24.40 feet; thence N 78° 25' E, a distance of 53.6 feet to the Northeastly corner of said Lot 4 and there terminating, all in Block 2, Edina Ridge, contains 9700 SF

MARY AND JAY KOSTERS  
ADDRESS - 5813 TINGDALE AVENUE  
PID#33-117-21-31-0072

EXISTING DESCRIPTION:  
LOT 4, BLOCK 2, EDINA RIDGE,  
HENNEPIN CO., MN. CONTAINS 10700 SF

## PROPOSED DESCRIPTION

Lot 4, Block 2, except that part lying northerly of a line described as follows commencing at the NW corner of said Lot 4, thence on an assumed bearing of N 81° 20' 47" E, along the northerly line of said Lot 4, a distance of 43.55 feet to the point of beginning; thence N 87° 59' 30" E, a distance of 24.40 feet; thence N 78° 25' E a distance of 53.60 feet to the Northeasterly corner of said Lot 4 and there terminating.

Together with that part of Lot 5, Block 2, lying southerly of a line described as follows: commencing at the Southwest corner of said Lot 5, thence on an assumed bearing of N 81° 20' 47" E, along the southerly line of said Lot, a distance of 43.55 feet to the point of beginning; thence S 87° 59' 30" W, a distance of 43.1 feet to a point on the west line of lot 5, distant 5.00 feet north of the Southwest corner thereof, all in Block 2, Edina Ridge. contains 10700 SF



## PLANNING COMMISSION STAFF REPORT

Originator <b>Cary Teague</b> Community Development Director	Meeting Date <b>February 13, 2013</b>	Agenda # <b>VII.A.</b>
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### INFORMATION & BACKGROUND

#### Project Description

Mr. Thomas J. Maimares is requesting to shift the existing lot line that divides the two properties at 5809 and 5813 Tingdale Avenue. (See property location on pages A1–A3.) The purpose of the request is to slightly shift the side lot line between these two properties so that the each lot would have more area in the between the home and the side property line, and to eliminate the driveway encroachment at the front lot line. (See property location and proposed lot line shift on pages A4–A6.)

#### Surrounding Land Uses

The surrounding properties and uses include single-family homes zoned and guided low-density residential. (See page A2.)

#### Existing Site Features

Single-family homes are located on both parcels.

#### Planning

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

#### Primary Issue

- **Is the proposed lot division reasonable?**

Yes. The resulting lot line shift does not create an additional lot. The size of each parcel remains the same, and the lot width and depth also do not change. The shift in lot line is accomplished by trading equal 106 square foot sections of property. The result is that the side yard setback for the home at 5809 Tingdale would increase from 2.5 feet to 5.4

feet; and the side yard setback from the home at 5813 Tingdale would increase from 4.7 feet to 5.5 feet. (See pages A5–A6.) Additionally, the driveway for the home at 5813 would no longer encroach on the 5809 property. (See page A4.)

### **Staff Recommendation**

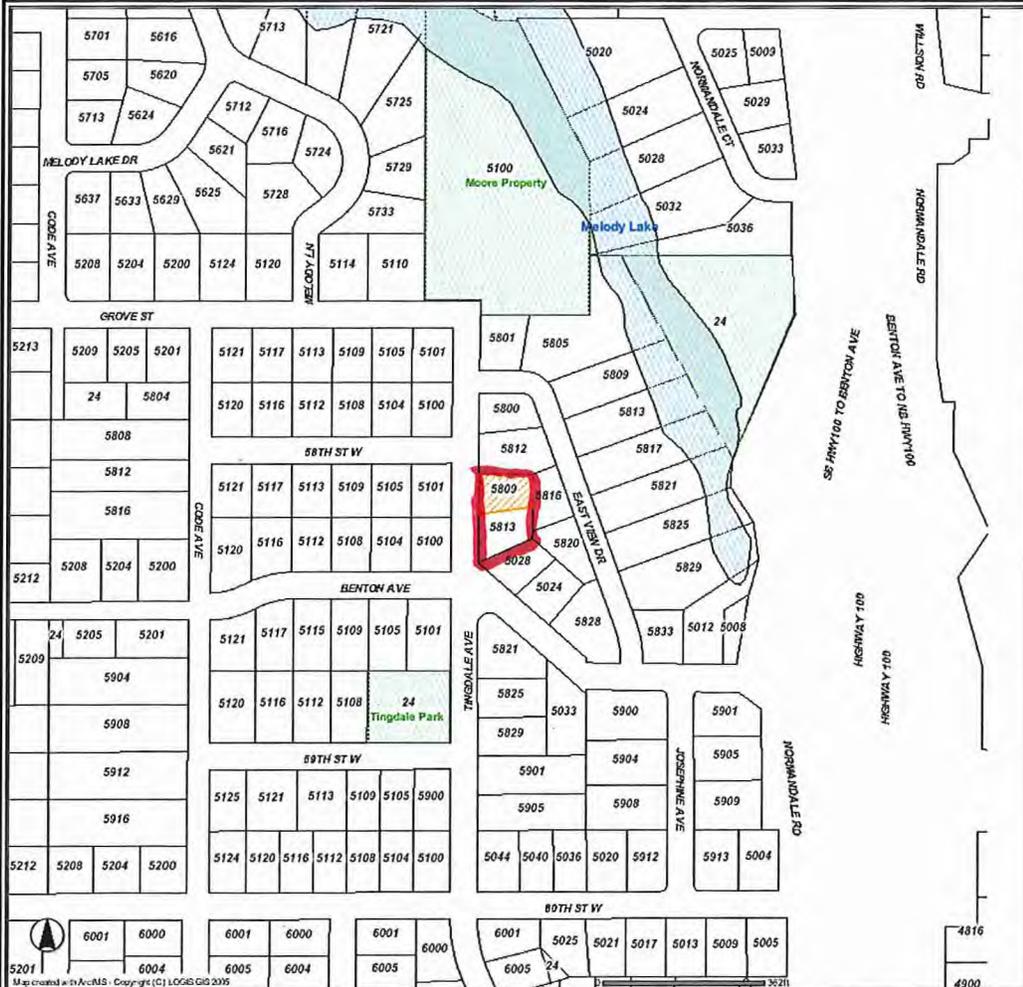
Recommend that the City Council approve the Lot Division of 5809 and 5813 Tingdale Avenue:

Approval is subject to the following findings:

1. The proposed lot line adjustment does not create a new lot.
2. The purpose of the lot line adjustment is to provide additional side yard setback for each home and eliminate the driveway encroachment.
3. The resulting lot area, lot width and lot depth would not change.

**Deadline for a city decision:** May 7, 2013

# City of Edina



- Legend**
- Highlighted Feature
  - Surrounding House Number Labels
  - House Number Labels
  - Street Name Labels
  - City Limits
  - Creeks
  - Lake Names
  - Lakes
  - Parks
  - Parcels



**PID: 3311721310073**

**5809 Tingdale Ave**  
**Edina, MN 55436**



# City of Edina



- Legend**
- Surrounding House Number Labels
  - House Number Labels
  - Street Name Labels
  - City Limits
  - Creeks
  - Lake Names
  - Lakes
  - Parks
  - Parcels
  - 2009 Aerial Photo

Map created with ArcGIS - Copyright (C) LOGS GIS 2005



**PID: 3311721310073**

**5809 Tingdale Ave  
Edina, MN 55436**



# City of Edina



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Map created with ArcGIS. Copyright (C) 2008 GIS 2005



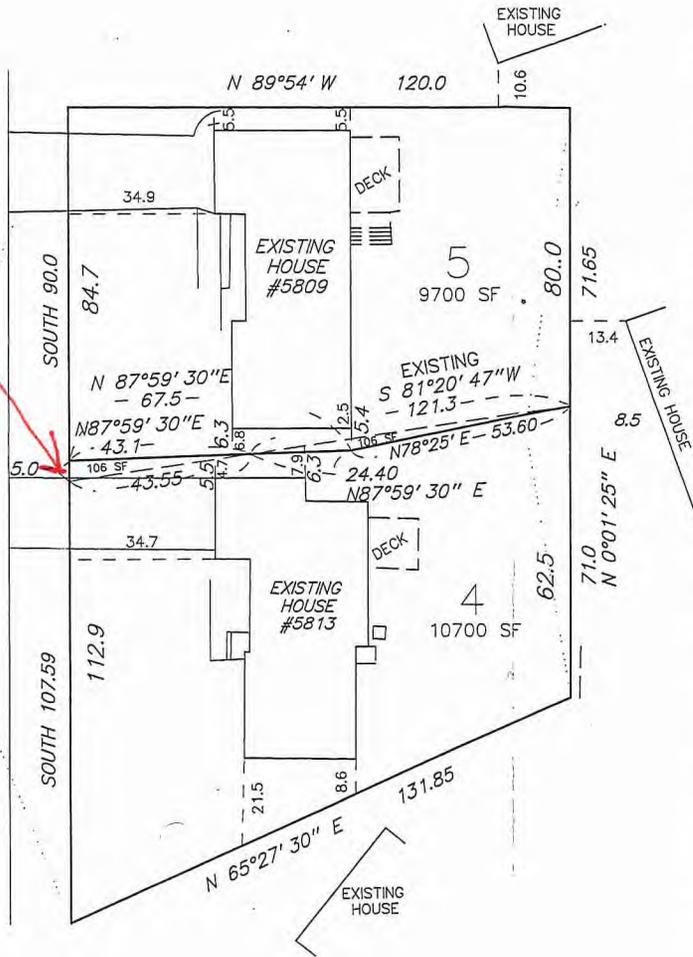
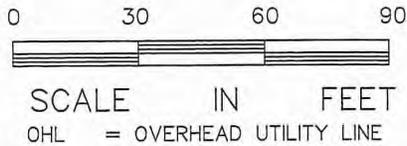
**PID: 3311721310073**

**5809 Tingdale Ave  
Edina, MN 55436**



Driveway Encroachment

TINGDALE AVENUE



THOMAS J. MAIMARES  
ADDRESS - 5809 TINGDALE AVENUE  
PID#33-117-21-31-0073

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Land  
Surveyor  
Frank R. Cardarelle  
6440 FLYING CLOUD DRIVE  
EDEN PRAIRIE, MN 55344  
952-941-3031

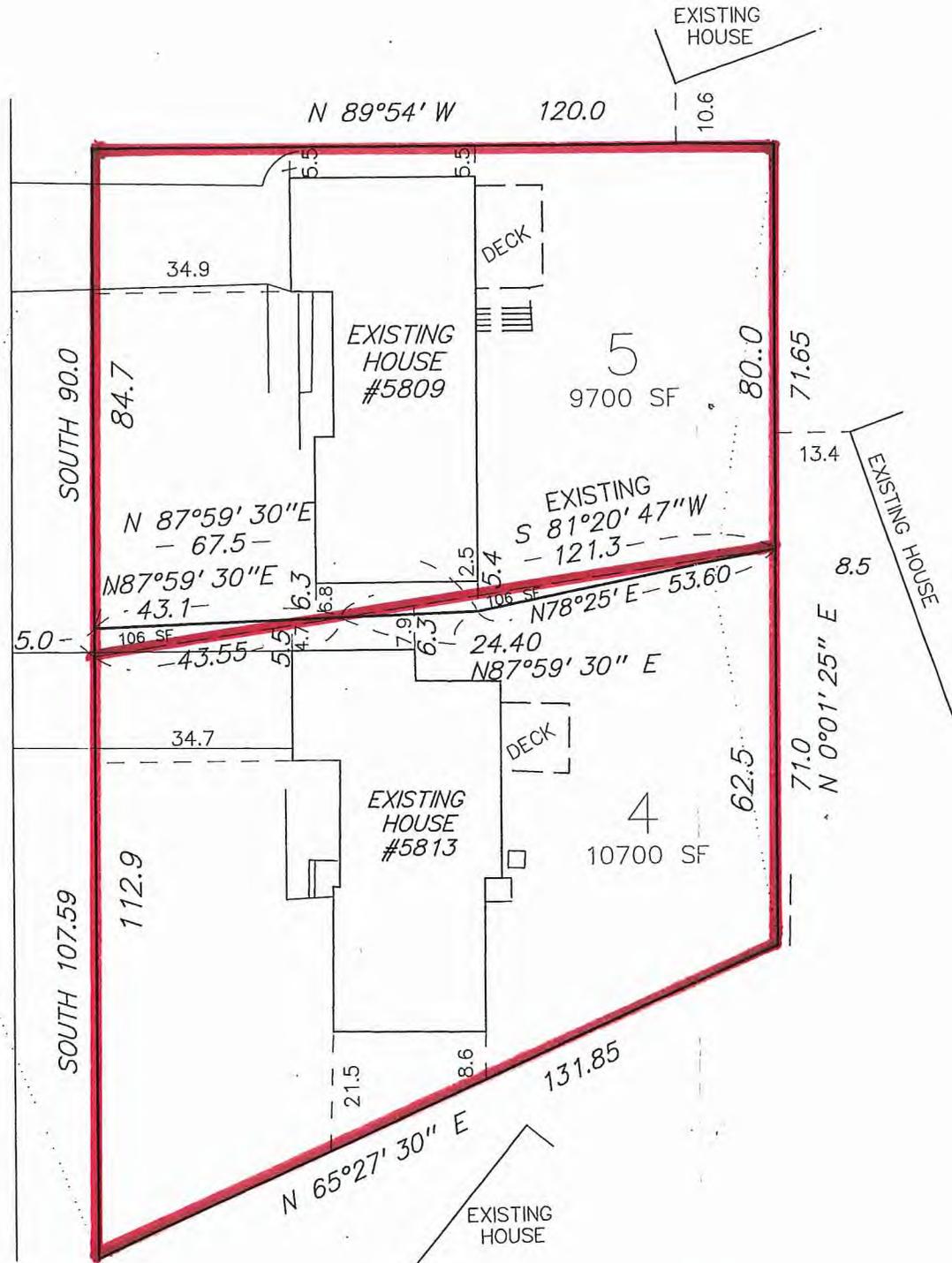
PROPOSED LOT LINE  
REALIGNMENT

for 5809 - 5813  
TINGDALE AVE

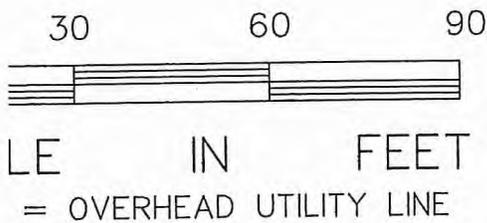
114

PROJECT NO.	BOOK	PAGE
DATE Dec. 22, 2012	110/13	PROP DESC
REVISIONS	11/09/12	PROP LOT LINE
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.		
FRANK R. CARDARELLE REG. NO. 6508		

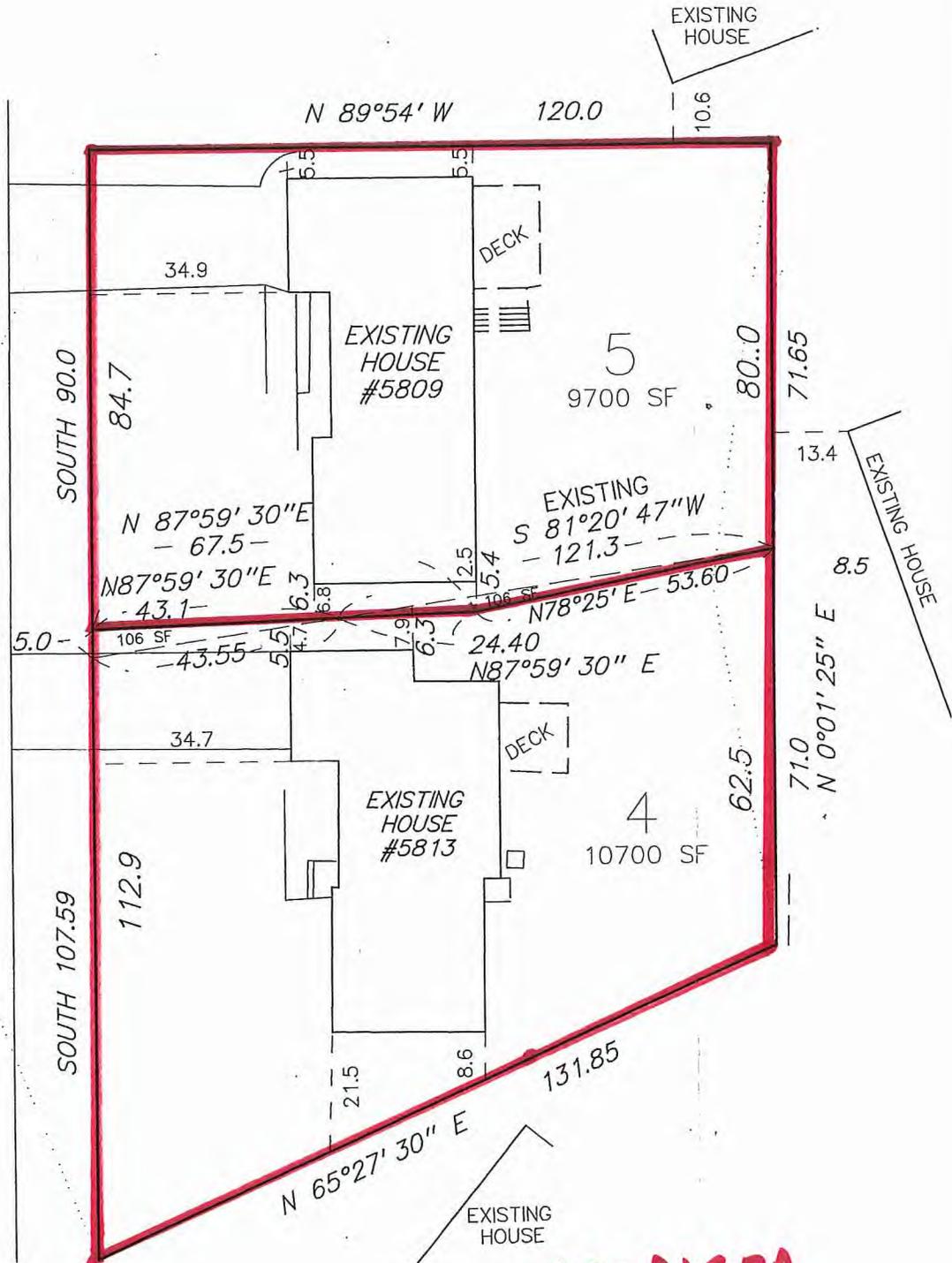
TINGDALE AVENUE



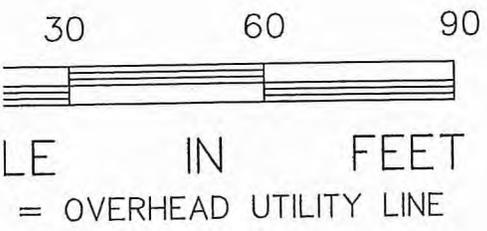
**EXISTING LOTS**



TINGDALE AVENUE



**PROPOSED  
LOTS**





5809 Tinglydale

A7



5813 Tinglydale

A8