



To: MAYOR AND COUNCIL

Agenda Item #: VI.A.

From: Cary Teague, Community Development Director
Ann Kattreh, Parks & Recreation Director

Action

Discussion

Information

Date: August 18, 2015

Subject: PUBLIC HEARING – Land Exchange (Lot Line Adjustment) 6629 West Shore Drive. Liz and Tony Burger

Action Requested:

Liz and Tony Burger are requesting approval of a lot line adjustment.

Information / Background:

The City Council requested that the Planning Commission and Park Board 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 of the Planning Commission staff report.) Minutes from both the Planning Commission and Park Board are also attached.

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 Commission Consideration: On August 12, 2015, the Planning Commission considered the request. (See attached minutes.)

Parks Commission Consideration: On July 14, 2015, the Park Board considered the request. (See attached minutes.)

There was no clear consensus from the Park Board or the Planning Commission in regard to the lot split, a sale of land to the Burgers, or a setback variance for the addition. The Park Board seemed to favor a variance process; however, the several members of the Planning Commission were reluctant to grant a variance. In regard to the sale of property, some believed a sale to be reasonable; however, there was some reservation in regard to setting a precedent for similar requests. Both the Planning Commission and Park Board wanted to see the existing structures that are located on city property removed under any scenario.

ATTACHMENTS:

- Minutes from the July 22, 2015 Edina Planning Commission meeting
- Minutes from the July 14, 2015 Park Board meeting
- Planning Commission Memo, July 22, 2015
- Park Board memo dated July 14, 2015
- Proposed Land Purchase Area submitted by the applicant.

sports. She noted she has a concern on this location as it does not have restrooms or water and requested staff researches other areas.

Chair Gieseke stated the St. Cloud courts look very nice and asked if we would have wind screens like St. Cloud has around the courts. Ms. Kattreh replied that is something that would be included in the quotations and discuss with the donor.

Member McCormick noted the restrooms are a distance away and asked about porta-potties. Ms. Kattreh stated that will be discussed.

Member Jones stated the board is very appreciative of this type of donation as they are financing the construction 100% and it fits well within the Strategic Plan. The senior citizens have been requesting amenities and these courts will fit well for them. Ms. Kattreh added she will make sure budgets will include maintenance.

VI.B. Park Board Retreat – Tuesday, Aug. 11, 5:30 – 9:30 p.m. at Centennial Lakes Park

Member McCormick informed the Park Board that Chair Gieseke and herself have been planning the Park Board retreat which will replace the regular Aug. 11 Park Board meeting. This retreat will take place at the Hughes Pavilion at Centennial Lakes Park. It is scheduled to run from 5:30 to 9:30 p.m. and dinner will be provided. She added to dress casually because they will be playing bocce at the croquet and lawn games area at Centennial Lakes Park.

Member Strother asked if the pre-work needs to be completed prior to the retreat. Member McCormick stated the pre-work is for member preparation only and will not be collected.

The Members offered to be on the following groups:

- Group 1 – Jacobson, Nelson, Strother
- Group 2 – Jones, Good, Chowdhury
- Group 3 – Greene, Cella, Colwell

Chair Gieseke stated he would like a picture taken at the retreat.

VI.C. Proposed Land Exchange – 6629 West Shore Drive, Edina

Ms. Kattreh indicated the City Council has requested that the Park Board provide review and comment on a proposed land exchange between the City of Edina and Liz and Tony Burger, the property owners at 6629 West Shore Drive, Edina. The Planning Commission will also be reviewing this proposal at the July 22 Planning Commission meeting. Tony and Liz Burger were present at the meeting.

Ms. Kattreh explained the situation to the Park Board.

Ed Hayward, 6625 W. Shore Dr., indicated he is the neighbor to the north and stated they are not happy about the proposed public access running along the side of his property. It seems like a strange configuration for a land swap and he would rather see a variance. He added there is another access to the park that can be used. He pointed out he is not opposed to the concept of the land exchange.

Member Good asked Mr. Hayward if there is a lot of activity in the park behind the houses and Mr. Hayward stated there generally is not much activity except for the Fourth of July fireworks.

Member Jones asked if the access was not right on property line and moved onto the Burger property would that be better. Mr. Hayward stated that does not seem very feasible and noted mowing would be a concern and awkward.

*Park Board
Minutes
July 14, 2015*

Ms. Kattreh stated the Burgers do have the option of applying for a variance with the Planning Commission.

Member Good asked if there was an option of having the city sell a piece of land to the Burgers instead of a swap. Ms. Kattreh stated it has not been a popular option historically with the Park Board or with the City Council as they do not want to sell parkland.

Chair Gieseke stated in this case the city may benefit from selling some of the park land as it would be a win for the city.

Member Nelson asked if there is another area that could be considered in the swap. Ms. Kattreh stated this portion was brought to staff by the Burgers. She noted they could start over and look at all options again.

Mr. Burger indicated the surveyor came up with the line drawing and noted they wanted to keep the park continuous. He commented it is not a highly used park except for the Fourth of July.

Member Greene asked Mr. Burger if he would be interested in purchasing a piece of park land to which Mr. Burger replied he would. Member Greene suggested the discussion end right now and staff goes back to determine a fair selling price and have Mr. Burger come back with a revised plan.

Member Jones asked how many times a request has been made to purchase park land and Ms. Kattreh stated it's happened approximately four times in four years. Member Jones asked if a precedent would be set and Ms. Kattreh stated she has heard from council and the city does not have a strong interest in selling park property. Other neighbors may want the same thing; a little more park land to add to their property.

Member Strother suggested a variance may be more suitable to eliminate people walking very closely to the homes when entering the park.

Ms. Burger stated that piece of land is called a breezeway. It's not supposed to be a stopping place for people entering the park. Mr. Burger stated since he has lived there approximately six to seven people have walked through that area.

Member Jones asked if the property floods and Mr. Burger stated they have had some flooding in the garage; the park land does not flood. Member Jones asked if there is a path along the lake to which it was noted there is an open area off of 66th Street.

Mr. Burger informed the Park Board they mow and irrigate the area and that the city stops mowing at the Hayward's property line.

Member Jones asked if this would be an appropriate place for a nature path. Ms. Kattreh stated she is not aware that that option has ever been explored and added she does not want a misaligned lot line.

Member McCormick asked if Mr. Burger if he was ok with the repositioning of the play structure. Mr. Burger stated the play structure is already on park property and he would have no problem moving it.

Ms. Kattreh stated staff's recommendation was difficult due to precedence, gaining access for the city, and the way the property line is configured it is challenging. It is neither hurting the city nor providing a benefit. Ms. Kattreh pointed out she needs to report back to the Planning Commission and would like to get a consensus from the Park Board.

Member Nelson indicated she would prefer going with the variance.

Member Jones indicated she can appreciate the situation but does not want to set a precedent and is against selling park land. She does not agree with the proposed swap with creating a jagged lot line to the east and that connectivity to West Shore Drive would be her preference. She would like to refer to a guiding principle and if a variance is given a pathway should be created from Laguna Drive to 66th Street either by land swap or a variance.

Member Jacobson indicated this is a grey area whether it is a park or not because if it is truly parkland the residents should have access. She does not care for the land swap and would prefer a sale but she does not feel it is up to the Park Board to decide that. She would favor selling the land to the Burgers and create access from Laguna Drive. She added the variance process would serve well.

Member Greene indicated he is in favor of the variance.

Chair Gieseke indicated he is in favor of the variance and is not in favor of a land swap as there are many issues with it; the neighbors would not appreciate it and it would set a precedent. He noted a minimal land sale would be an option and would make the access at Laguna better.

Member Cella indicated this isn't really something the Park Board should approve. She is in favor of making all park land accessible to residents and stated this is more a Planning Commission matter to decide if a variance is to be granted.

Member Strother indicated she has concerns with a variance and is concerned this park with a lake is not accessible to residents. She does not think a variance would benefit the city. She stated she does not know the history of swaps and/or sales in the past but if the money from the sale could be used to improve access she would be in favor of that.

Member McCormick indicated this is a unique situation and does not make a lot of sense. She feels the Burgers should determine how much park land would be needed to make their plan a reality and have the city look at a possible sale. She would be in favor of a variance or make the swap without the jagged lines.

Member Good indicated if the Burgers have an interest in pursuing a variance they should do so and it is not the expertise of the Park Board. He would not be in favor of the swap as it is proposed. He would be in favor of a sale.

Student Member Colwell indicated Student Member Asef and himself would be in favor of selling the park land. He believes a trail could be put in without infringing on the homeowner's property and that a partial swap might be possible.

Student Member Chowdhury indicated he does not see what the park land would be used for in the future and does not think a precedent would be set.

Chair Gieseke stated he likes the idea of a much smaller land swap because it is less obtrusive with compensation for the city.

VII. CHAIR AND BOARD MEMBER COMMENT

Member Jones stated she would like to comment on what is going on with Grandview. She indicated the latest round of proposals have a fairly large community area bringing the senior center and art center facilities at Grandview. The city will work on the design of that building. She commented after

Acting-chair Carr noted that a number of residents expressed concerns with lighting, noise pollution, screening, landscaping and drainage and asked the applicant(s) to address those concerns.

Ms. McCloud with graphics explained the grade of the parking areas, landscaping plans and screening. Ms. McCloud did note the site is rather shady; however, the vegetation proposed should thrive in this environment.

The discussion ensued with Commissioners expressing support for the revised plans; noting the importance of landscaping; especially along the east boundary line (this landscaping should minimize impact of the parking lot from the next door neighbor). Commissioners suggested that the church and neighbor to the east work together on the buffering. Commissioners also noted they believe the construction driveway should be moved and that during construction the church should comply with aspects of the R-1 residential construction maintenance plan.

Motion

Commissioner Olsen moved to recommend Conditional Use Permit approval with Variances based on staff findings and subject to staff conditions with the additional following conditions: a) Construction must follow the Residential Construction Maintenance Plan; and b) Relocate temporary construction driveway. Commissioner Thorsen seconded the motion. All voted aye; motion carried.

VII. REPORTS AND RECOMMENDATIONS

A. Lot Division. Liz and Tony Burger. 6629 West Shored Drive, Edina, MN

Planner Presentation

Planner Teague reported that 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: remove the existing pool, redo the existing basement and main level of the house; and expand upward via a second story and create a walkout towards the lake

Teague noted 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.

P.C.
7/22/15

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.

Teague explained that 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.

Planner Teague concluded that staff recommends that the City Council approve the Lot Line Adjustment at 6629 West Shore Drive 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 also subject to the following condition:

- I. 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.

Teague asked Commissioners to note that before them is a new proposal from the applicants to purchase land from the City. Teague said at this time the lot division is before them; however, the Commission can discuss other options.

Appearing for the Applicant

Liz and Tony Burger, applicants and property owners.

Discussion

Acting-Chair Carr questioned if the Commission approves the requested "lot line adjustment" would approval prohibit City access to the lake. Planner Teague responded if the lot line adjustment was approved the City would continue to be able to access the lake.

Commissioner Hobbs noted that in his opinion one way or another the City should get this issued cleared up. He said it appears to him the house is very close or over the line already. Teague agreed this needs to be cleared up; however, the house is on the subject lot, but very close.

Commissioner Strauss pointed out the Burger's also requested an option to buy the property; adding if the Commission and Council would entertain a land sale he could not support that. Continuing, Strauss pointed out if the Burgers were to purchase City park property what would prevent other property owners along the lake from requesting the same. Planner Teague stated he agrees the City typically does not sell park land or any City land; however the Council wanted the Commission's opinion on the "land swap". Teague noted purchasing the land was a recent request.

Commissioner Forrest commented that in her opinion with the land swap the City does not come out ahead. She added the play structure should be removed regardless, and that her preference would be purchase of the property; reiterating the land swap in her opinion does not benefit the City.

Commissioner Nemerov said he agrees with Commissioner Hobbs; this needs to be cleared up as soon as possible. The land sale raises complicated issues of valuation. With the "swap" the configuration is very awkward, and as mentioned by Commissioner Strauss with the sale; what would prevent other land owners around the lake from requesting the same. Concluding, Nemerov said he also agrees that regardless of what the Council decides the play area needs to be removed.

Commissioner Thorsen stated in his opinion the land swap works best. He added it may look messy but he doesn't want the City to get into the habit of selling off pieces of park land.

Acting-Chair Carr said in her opinion there are disadvantages in both the “land swap” and purchase. Carr pointed out there is another option available to the Burger’s and that would be to go through the variance process. Carr stated she favors that option.

A discussion ensued on the three options presented to the Commission. 1) lot line adjustment (as submitted); 2) land sale (as suggested by the Burgers); and 3) variance. Commissioners indicated the following:

Acting-Chair Carr – stated she supports the variance option first, then sale and lastly lot line adjustment.

Commissioner Forrest; indicated she cannot support the variance option or swap.

Commissioner Hobbs; stated he cannot support the variance option and cannot support the lot line adjustment because in his opinion the rearrangement is awkward. Hobbs stated he could support sale of the land.

Commissioner Strauss reiterated he was against the sale of park land.

Commissioner Olsen indicated she could support the sale of the land; however, she said she can’t support a variance.

Commissioner Nemerov stated he leans to the City selling the piece of land. Nemerov reiterated the land swap creates an awkward configuration.

The discussion continued with Commissioners indicating that the Council is the body that needs to make the decision on the land sale presented by the Burgers.

Acting-Chair Carr thanked the Burgers, adding it appears the Commission is split on how to proceed with the request, adding the Commission comments would be forwarded to the City Council for their review and action.

VIII. CORRESPONDENCE AND PETITIONS

Acting Chair Carr acknowledged back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Commissioner Olsen indicated that a meeting before the City Council is scheduled for August 5th to approve continuation of the France Southdale Work Group process Stage 2. She indicated if the Council grants the “go ahead” the “Group” will attempt to meet the following Monday at the Chamber.

Commissioner Nemerov informed Commissioners he toured the new emergency facility at Fairview Southdale Hospital and said the sign package approved worked great.

X. STAFF COMMENTS

Planner Teague reported that Bank of America took the feedback from the Commission and will return with a four sided building when they return for formal application.



PLANNING COMMISSION STAFF REPORT

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

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



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



A2

LAND TRADE AREAS



Interactive
Maps

Property
Map



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

Owner Name: A Burger & E Burger

Parcel Address: 6629 West Shore Dr
Edina, MN 55435

Property Type:

**Home-
stead:**

Parcel Area: 0.88 acres
38,491 sq ft

A-T-B: Torrens

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code: Warran

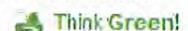
Map Scale: 1" ≈ 50 ft.

Print Date: 7/7/2015



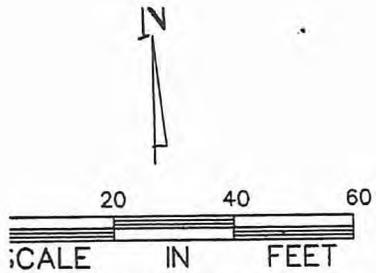
This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2015



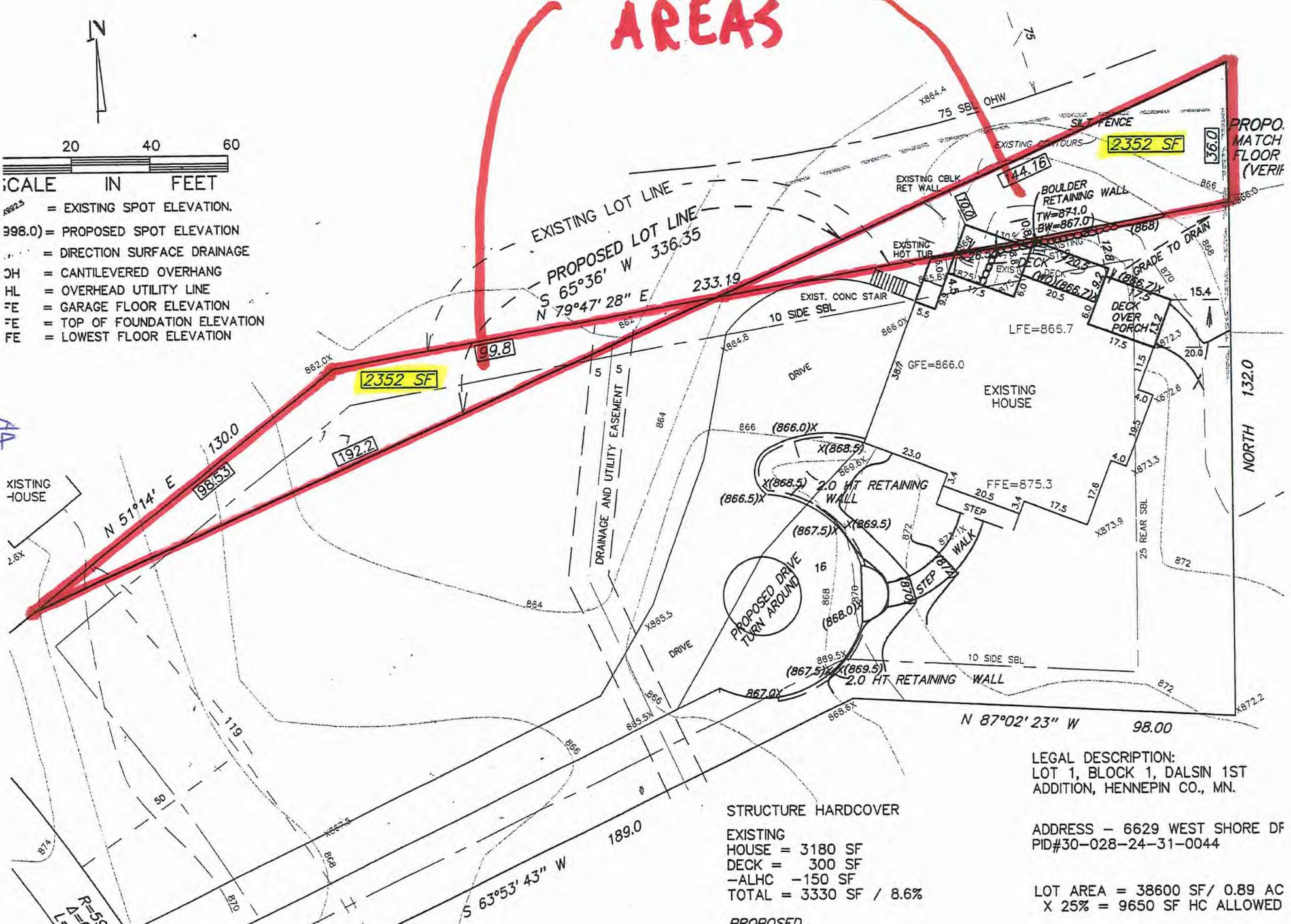
13

LAND TRADE AREAS



- AS92.5 = EXISTING SPOT ELEVATION.
- 998.0 = PROPOSED SPOT ELEVATION
- SD = DIRECTION SURFACE DRAINAGE
- CH = CANTILEVERED OVERHANG
- HL = OVERHEAD UTILITY LINE
- FE = GARAGE FLOOR ELEVATION
- FE = TOP OF FOUNDATION ELEVATION
- FE = LOWEST FLOOR ELEVATION

AA



STRUCTURE HARDCOVER
 EXISTING HOUSE = 3180 SF
 DECK = 300 SF
 -ALHC -150 SF
 TOTAL = 3330 SF / 8.6%
 PROPOSED

LEGAL DESCRIPTION:
 LOT 1, BLOCK 1, DAL SIN 1ST
 ADDITION, HENNEPIN CO., MN.

ADDRESS - 6629 WEST SHORE DR
 PID#30-028-24-31-0044

LOT AREA = 38600 SF / 0.89 AC
 X 25% = 9650 SF HC ALLOWED

REPORT / RECOMMENDATION



To: Park Board

Agenda Item #: VI.C.

From: Ann Kattreh
Parks & Recreation Director

Action
Discussion
Information

Date: July 14, 2015

Subject: Proposed Land Exchange – 6629 West Shore Drive, Edina

Action Requested:

Provide review and comment on a proposed land exchange at 6629 West Shore Drive.

Information / Background:

The City Council has requested that the Park Board provide review and comment on a proposed land exchange between the City of Edina and Liz and Tony Burger, the property owners at 6629 West Shore Drive, Edina. The Planning Commission will also be reviewing this proposal at the July 22 Planning Commission meeting.

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 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 owners applied for and were granted variances to build the addition. The economy went into a financial crisis and home loans were unavailable for the work they wanted to do. Because the applicant never picked up a building permit to build the addition, the variance expired.

The house is already non-conforming and with the current property line, the owners have no way of moving forward without a variance or land exchange. 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. When the permit and variance were granted in 2008, although the owners couldn't afford to add the second story, they completed work on the main level of the house which reduced the number of bedrooms and added structures to support the future second story. The house does not work for their family, but they have no way to expand it.

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 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.

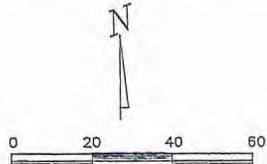
If the Park Board is supportive of the land trade, staff would recommend that the existing play structure be removed from the park property and the area be seeded with grass (see the attached maps which show the play structure currently encroaches into city property). The Park Board is also asked to consider a requirement to obtain the park land in a strip of land down to West Shore Drive to provide public access into the publicly-owned land.

Attachments:

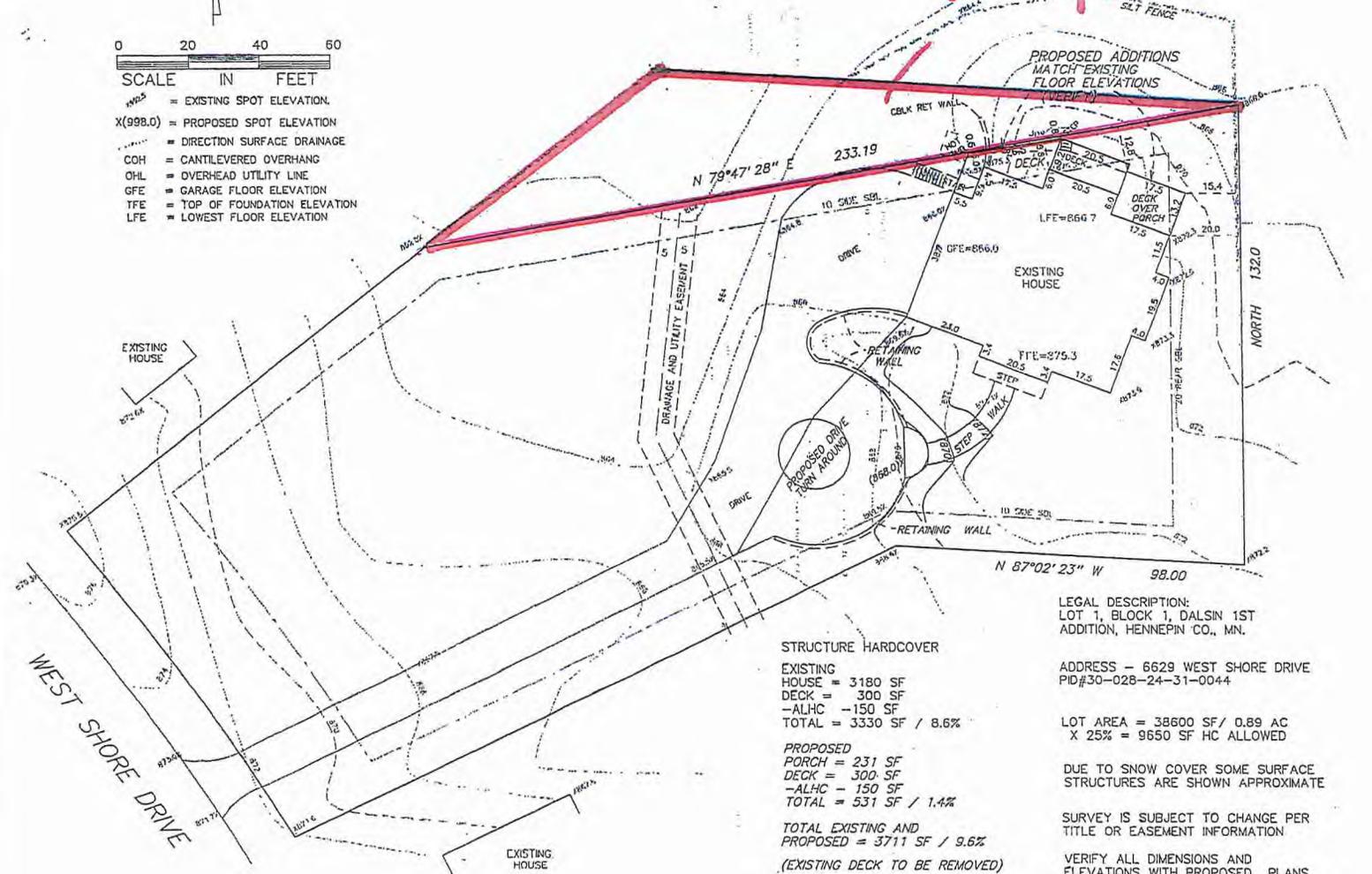
- A. Site Map
- B. Subject Property
- C. Land Exchange Site Map
- D. Land Survey

LAKE CORNELIA

Land Purchase Area



- 999.5 = EXISTING SPOT ELEVATION
- X(998.0) = PROPOSED SPOT ELEVATION
- = DIRECTION SURFACE DRAINAGE
- COH = CANTILEVERED OVERHANG
- OHL = OVERHEAD UTILITY LINE
- GFE = GARAGE FLOOR ELEVATION
- TFE = TOP OF FOUNDATION ELEVATION
- LFE = LOWEST FLOOR ELEVATION



STRUCTURE HARDCOVER
 EXISTING HOUSE = 3180 SF
 DECK = 300 SF
 -ALHC -150 SF
 TOTAL = 3330 SF / 8.6%

PROPOSED
 PORCH = 231 SF
 DECK = 300 SF
 -ALHC - 150 SF
 TOTAL = 531 SF / 1.4%

TOTAL EXISTING AND PROPOSED = 3711 SF / 9.6%
 (EXISTING DECK TO BE REMOVED)

LEGAL DESCRIPTION:
 LOT 1, BLOCK 1, DAL SIN 1ST
 ADDITION, HENNEPIN CO., MN.

ADDRESS - 6629 WEST SHORE DRIVE
 PID#30-028-24-31-0044

LOT AREA = 38600 SF / 0.89 AC
 X 25% = 9650 SF HC ALLOWED

DUE TO SNOW COVER SOME SURFACE
 STRUCTURES ARE SHOWN APPROXIMATE

SURVEY IS SUBJECT TO CHANGE PER
 TITLE OR EASEMENT INFORMATION

VERIFY ALL DIMENSIONS AND
 ELEVATIONS WITH PROPOSED PLANS

VERIFY ALL SETBACKS WITH CITY

Land
 Surveyor
 Frank J. Gersford, Inc.
 6440 FLYING CLOUD DRIVE
 EDEN PRAIRIE, MN 55344
 952-941-3031

BUILDING PERMIT SURVEY
 for BURGER RESIDENCE
 REVISION/MN LLC

PROJECT NO. 150K
 SHEET NO. 12 OF 14
 DATE 12.2014
 REVISION 2017/11 REV. PROPOSED
 THIS IS A WORKING DRAWING AND NOT A FINAL PLAN. THE CLIENT SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS WITH THE CITY OF EDEN PRAIRIE, MN. REVISION/MN LLC

Done 11/7/15