



1245 West Highway 96
 Arden Hills, Minnesota 55112
 Telephone (651) 792-7800
 Fax (651) 634-5137
 www.cityofardenhills.org

For Office Use Only	
Planning Case No.	16- 023
Submittal Date	10/4/16
Application Completed Date	
Accepted by	MWB
Receipt Number	#864081
Council Decision	
Council Decision Date	

2016 LAND USE APPLICATION

Applicant Information

Applicant: KATHLEEN TRUSSELL (BEHR)
 Address: 932 HERITAGE CT W, VADNAIS HGTS, MN 55127
 Telephone No.: (651) 653-1812 Other: C (651) 402-1024
 Fax No.: —
 Email Address: teddybehr@g.com

Property Information

Property Owner: WILLIAM J. BEHR (DECEASED) 11-20-88
RHODA L. BEHR (DECEASED) 6-8-16
 Owner Address: 1401 W. COUNTY RD E, ARDEN HILLS, MN 55112
 Owner Telephone No. — Other: —
 Address of Property Involved: 1401 WEST COUNTY ROAD E
 Legal Description: SHADY OAKS ADDITION, LOTS 1 & 2 AND THE W 10 FT OF LOT 3 BLK 1 EX THE N 15 FT OF SD LOTS
 Property ID No.: 273023340053
 Type of Use: SINGLE FAMILY DWELLING
 Zone: RESIDENTIAL Property Acreage: .93

Type of Request

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Comprehensive Plan Amendment (Fee: \$500 + Escrow: \$1,000) <input type="checkbox"/> Conditional Use or Interim Use Permit/CUP or IUP Amendment (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> Preliminary Plat (Fee: \$500 + Escrow: \$1,000) <input type="checkbox"/> Final Plat (Fee: \$500 + Escrow: \$1,000) <input type="checkbox"/> Concept Plan Review (Fee: \$150 + Escrow: \$1,000) <input type="checkbox"/> Master Planned Unit Development or Master Special Development Plan (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> Final Planned Unit Development or Final Special Development Plan (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> Planned Unit Development Amendment or Special Development Plan Amendment (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> Site Plan Review (Fee: \$350 + Escrow: \$1,000) | <ul style="list-style-type: none"> <input type="checkbox"/> Rezoning or TCAAP Regulating Plan Amendment (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> Zoning Code or TCAAP Redevelopment Code Amendment (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> City Code Amendment (Fee: \$350 + Escrow: \$1,000) <input checked="" type="checkbox"/> Lot Split/Minor Subdivision (R-1 and R-2 Districts Only) (Fee: \$350 + Escrow: \$1,000) <input checked="" type="checkbox"/> Variance or Permitted Adjustment (Fee: \$350 + Escrow: \$1,000) <input type="checkbox"/> Vacation of Easement or Right-of-Way (Fee: \$150 + Escrow: \$1,000) <input type="checkbox"/> Appeal of Administrative Decision (Fee: \$150 + Escrow: \$1,000) <input type="checkbox"/> Land Use Requests – Not Already Specified (Fee: \$150 + Escrow: \$1,000) |
|---|---|

Brief Description of Request (please also include a typed, detailed letter explaining the project):

REQUEST FOR PREVIOUSLY APPROVED LOT
SPLIT AND VARIANCE AT 1401 W COUNTY RD E
I BELIEVE THIS REQUEST IS IN KEEPING
WITH THE LOOK OF THE NEIGHBORHOOD

IMPORTANT

- Certain applications are subject to review and approval by the Rice Creek Watershed District. Contact RCWD directly at 763-398-3070 for additional information.
- The land use application fees do not cover building, sign, or other permit fees that may be required upon approval of a land use application.
- All applications will be subject to additional fees for reimbursement of consultant costs associated with filing, reviewing, and processing of application in the form of an escrow to the City.

Filing & Information Requirements

The City requests that you make a pre-application meeting with the City Planner to discuss the application process, requirements, and deadlines. Unless waived by the City Planner or Planning Commission, a certified survey of the property is required for all applications. A checklist with additional application requirements can be found at www.cityofardenhills.org/landuseapplications.

Complete/Incomplete Applications

An incomplete application will delay the processing of land use requests. The application approval time commences and an application is considered officially filed when the City Planner has received and examined the application and determined that the application is complete. A decision on whether the application is complete or incomplete shall be made within fifteen (15) working days following the submittal of the application. When the application is deemed to be "complete" it shall be placed on the agenda of the first possible Planning Commission meeting provided that all required public notices have been sent and published.

Payment of Fees and Escrows

The undersigned acknowledges that she/he understands that before a land use application can be deemed complete, all required fees and escrows must be paid to the City. Each separate land use request shall be charged a separate administrative fee and escrow even if submitted on the same application. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow may include planning and engineering staff time, City Attorney and consulting fees, and mailing costs. If, at any time, a required cash escrow is depleted to less than 20 percent of its original amount, the applicant shall deposit additional funds in the cash escrow account as determined by the City. The City may withhold final action on a land use application, withhold building permits, and/or rescind prior action until all fees have been paid. Unused portions of an escrow are returned to the applicant upon successful implementation of an approved plan. The escrow may be reduced or increased by the City Planner on a project by project basis.

Notice of Meeting Attendance

In order for the Planning Commission and the City Council to consider any application, the applicant or a designated representative must be present at the scheduled meeting. If not, the matter may be tabled until the next available agenda.

Agenda Deadline and Meeting Schedule

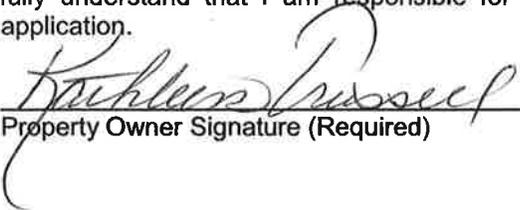
The deadline for submittal of land use applications is required according to the schedule outlined below. There are **no exceptions**. Failure to submit all application materials by the deadline date may delay the review process. Planning Commission meetings are typically held on the first Wednesday after the first Monday of each month at 6:30 PM, though please contact City Hall to verify the meeting date and time. City Council meetings are held typically the last Monday of the same month at 7:00 PM. Meetings are held in the Council Chambers at the City of Arden Hills, 1245 West Highway 96, Arden Hills, Minnesota 55112, unless otherwise stated. Applicants are advised that additional meetings and/or workshops are scheduled when necessary upon approval of the Planning Commission.

2016 SCHEDULE (*subject to change)

APPLICATION DEADLINE DATE*	TENTATIVE PLANNING COMMISSION MEETING DATE* (Generally held on the first Wednesday after the first Monday at 6:30 p.m.)	TENTATIVE CITY COUNCIL MEETING DATE* (Generally held on the last Monday at 7:00 p.m.)
December 7 (2015)	January 6	January 25
January 4	February 3	February 29
February 1	March 9	March 28
March 7	April 6	April 25
April 4	May 4	May 31
May 2	June 8	June 27
June 6	July 6	July 25
July 5	August 3	August 29
August 1	September 7	September 26
September 6	October 5	October 31
October 3	November 9	November 28
November 7	December 7	December 27
December 5	January 4 (2017)	January 30 (2017)

Acknowledgement and Signature

I acknowledge that I have read all of the information listed in the City of Arden Hills Land Use Application and fully understand that I am responsible for all costs incurred by the City related to the processing of this application.



 Property Owner Signature (Required)

10-3-16

 Date

 Applicant Signature (If different than the property owner)

 Date

Please contact the City Planner at 651-792-7800 if you have any questions regarding this application.

Additional copies of this application form are available on the City's website: www.cityofardenhills.org/landuseapplications

Date: October 3, 2016

To: Arden Hills Planning Commission

From: Kathy Trussell, Personal Representative of the Estate of Rhoda Behr

Re: Request for lot split and variance at 1401 County Road E

My mother, Rhoda Behr, lived in Arden Hills at 1401 County Road E for almost 70 years before her death this past June. My mother's house is located on a lot that is 210 feet (County Road E frontage) by 192 feet (Arden Oaks Drive frontage) right on the northeast corner of that intersection. I am requesting that the City allow a lot split creating two lots--one vacant lot measuring 90 feet by 192 feet fronting on County Road E and the second lot containing the house with 120 feet fronting on County Road E. The vacant lot is five feet less than the City's minimum 95 front feet and we are requesting a variance for this lot.

The original parcel that my parents bought in 1946 was quite a bit larger. But over the years, County Road E was widened twice and Arden Oaks Drive was constructed to serve the Arden Oaks development and with each construction project the parcel was diminished. In 1979, the assessment for improvements to Arden Oaks Drive was over \$45,000. In order to pay for the assessments, my parents wanted to subdivide the parcel and sell lots to cover the expenses.

In 1979, Bob Moder, a realtor representing my parents, submitted Planning Case 79-15. Copies of the Planning Memo, a drawing showing the existing lots, a drawing showing the proposed lots, a letter from the Arden Hills Clerk Administrator, a copy of the City Council minutes showing approval of the Planning Case, and a letter from Bob Moder showing that at least three of the five lots were ultimately split off and sold are attached. Referring to the drawing of the proposed lots, existing lot 1, proposed lots 2 and 5 were sold leaving a single parcel containing lots 3 and 4. In 1998, the owner of lot 2 purchased the northerly 15 feet of lots 3 and 4 and combined that land with his lot. A copy of the survey that the purchaser used to get that lot split approved is attached. My mother never sold lot 4 so it was never split off from lot 3 on the County's land records.

Please note that my current request is asking for the same lot split that the City Council approved in 1979. If approved, the 90 foot lot would be the same as the lot directly to the east. Lots on the south side of County Road E are in the 70 foot range.

The placement of the residential structures on lot 3 necessitate the 90 foot lot. If the lot were split with a 95 foot frontage, the side setback for the house and garage would be 6.3 feet. The sewer that services the house is very near the proposed lot line so I have asked the surveyor to draft an easement which will be filed against both properties giving the owner of lot 3 the right to enter onto lot 4 if necessary to repair or clean the sewer.

My sisters, my brother, and I plan to sell the lots once they are split. I believe this request is reasonable and absolutely in keeping with the City Council's action in 1979. We ask for your support.

Sincerely,

Kathy Trussell

August 24, 1979

Mr. Robert Mader
1365 Midway Parkway
St. Paul, Minnesota 55108

Case No. 79-15

Dear Mr. Mader:

At the meeting on August 13th, the Arden Hills Council approved the lot splits and consolidations as requested, subject to Rice Creek Watershed District approval of filling on the easterly lot to make it buildable.

Enclosed is an excerpt of the Council minutes summarizing the discussion and Council action.

Yours truly,

Charlotte McNiesh
Clerk Administrator

Enc.

fmh

Case No. 79-15, Lot Split and Consolidation to Create Two Residential
Lots - R. Moder

Miller referred Council to his report of 7/24/79, Minutes of the Planning Commission Meeting of 8/1/79 and to transparencies indicating the existing lots and proposed lot line adjustments which would create two 90' foot wide lots on County Road E; reason for the modification is to accommodate an existing house which is constructed on two of the three lots. Miller noted that all lots, as proposed, exceed the minimum area and depth requirements; noted that the east lot is very low and not buildable in its present condition; applicant proposes to fill lot with material taken from the east portion of existing lot on Wesley Ave.

Miller reported that the Planning Commission recommends Council approval of the lot splits and consolidations as proposed, subject to City Engineer's approval of Lot 5 grading plan.

In discussion, concern was expressed re whether fill will be permitted on the proposed easterly lot. It was noted that, as currently platted at 95', lot is considered buildable, with possibly some fill.

Woodburn moved, seconded by Hanson, that Council approve the lot splits and consolidations as requested, subject to RCWD approval of filling on the easterly lot to make it buildable. Motion carried. (Woodburn, Hanson, Wingert, Crepeau voting in favor of the motion; Crichton voting in opposition.)

COUNCIL MINUTES
DATED 8/13/79

PLANNING MEMO

TO: Arden Hills Planning Commission
FROM: Wehrman, Chapman Associates, Inc.
O. Miller, Planner
SUBJECT: Case No. 79-15
Replat of lots at Co. Rd. E and Wesley Avenue
APPLICANT: Bob Moder
DATE: July 24, 1979

The applicant is proposing to split the north 100 feet from three existing lots fronting on County Road E to create a fourth lot fronting on Wesley Avenue. The applicant further proposes to modify the existing lots on County Road E by narrowing the middle and east lot and widening the west lot. This is being proposed to accommodate an existing house which was constructed on two of the three lots. (See Exhibit 1). The two narrower lots will require a width variance of 5 feet.

ORDINANCE COMPLIANCE

All lots exceed the minimum area requirements.
All lots exceed the minimum depth requirements.
Lots 4 and 5 are only 90 feet in width; 95 feet are required.

COMMENTS

1. Assuming the improvement of Wesley Avenue to serve the proposed Arden Oaks subdivision, the creation of Lot 2 is considered an efficient use of the excessive depth of the three lots fronting on County Road E.
2. The location of the existing house necessitates the reduction of the width of lots 4 and 5 if three usable lots are to be maintained along County Road E. One can argue that when the builder placed the house across the lot line, the lots were reduced from 3 to 2. The owner and future purchasers of the house must accept that condition. This rationale would not support the granting of variances to create three buildable lots.

If the land area of lots 4 and 5 was an independent parcel with 180 feet of frontage, however, the approval of 90 foot wide lots would be a reasonable development solution. Coupled with the depth and resulting area of the proposed lots, the requested variances are considered reasonable. The "hardship" relates to the width of the frontage relative to the depth and area of the parcel.

3. Lot 5 is very low and not buildable in its present condition. The applicant is proposing to fill the lot with material taken from the east portion of Lot 1. The City Engineer has requested that preliminary grading plans be submitted so that the extent of proposed grading and its impact upon adjacent lots can be analyzed.
4. The Planning Commission should be aware that the Park and Recreation Committee has expressed an interest in purchasing lots 1 and 2 consolidation with land to be dedicated by the Arden Oaks development. The applicant has indicated a willingness to negotiate the sale of those lots to the City for park purposes.

CONCLUSIONS

The approval of the proposed lot splits and consolidation is recommended, contingent upon the City Engineer's approval of the grading plan for Lot 5.



Exhibit 3 /

**BOB MODER
REALTY**



TOWN & COUNTRY REALTOR SINCE 1957

January 27, 1981

Dear Bill & Rota

Enclosed is a statement for \$90.00 from the Abstract Clerk.

As each lot is sold we will need another abstract made for the new owner.

Please make the check out to John C. Mclaughton and send to to me so that I can keep a record of it.

Thanks.

Sincerely,
Bob
Bob Moder

*Reneallo
629-81
1-28-81*

*letter #2
letter #1
dated 11-5-1980*

Thank you for the priviledge of selleing your property.

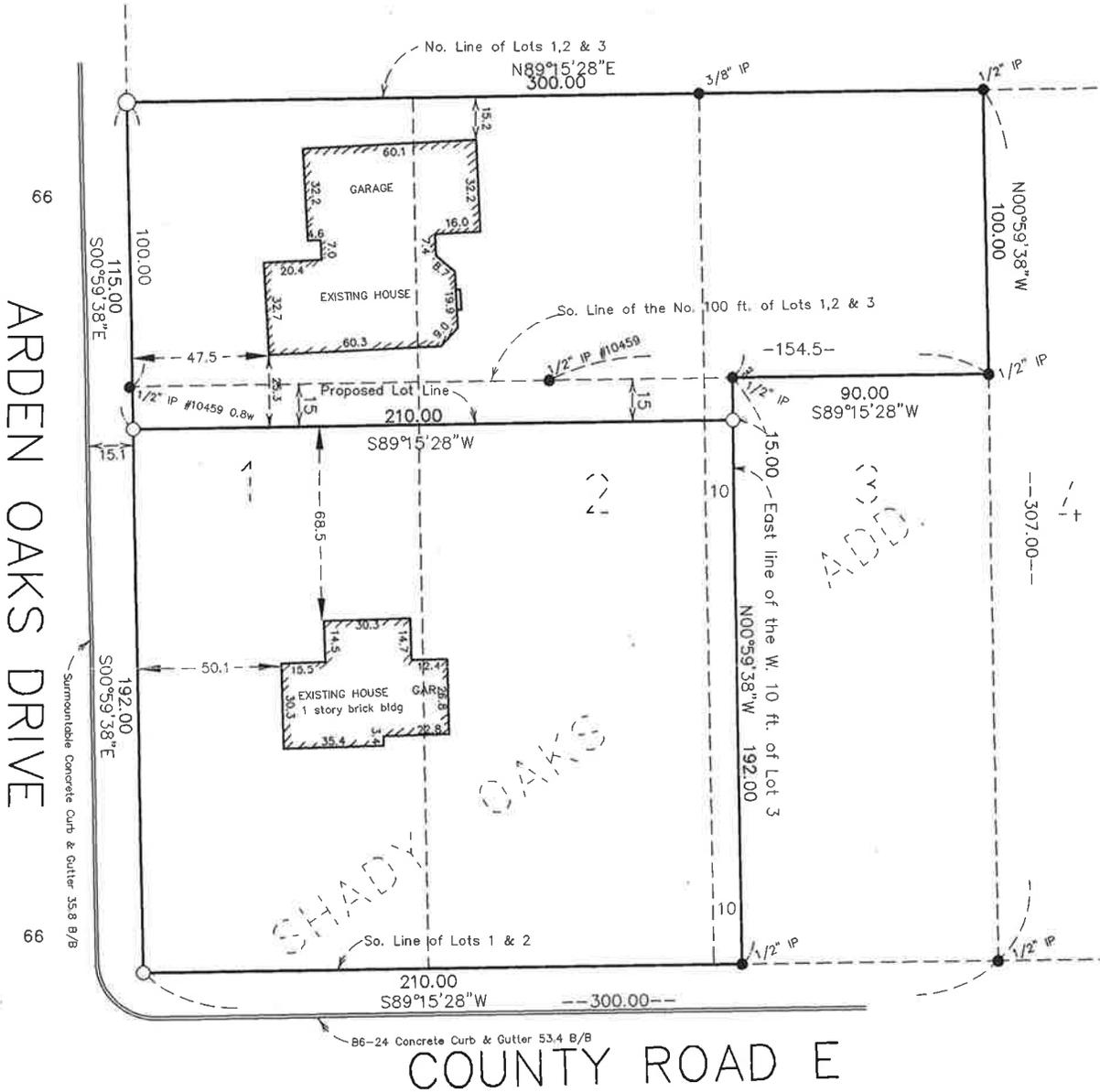
Sincerely,
Bob Moder
Bob Moder

*P.S.
I will record the mortgage for you at the court house*

CERTIFICATE OF SURVEY

For: *Don Palme*
 1370 Arden Oaks Drive
 Arden Hills, Minnesota 55112
 Tel. 633-4275

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131



The North 100 feet of Lots 1,2 and 3, Block 1, Shady Oaks Addition, Ramsey County, Minnesota together with the South 15 feet of the North 115 feet of Lots 1,2 and the West 10 feet of Lot 3, all in Block 1, Shady Oaks Addition, Ramsey County, Minnesota.

Lots 1 and 2 and the West 10 feet of Lot 3, Block 1, except the North 115 feet of said lots, Shady Oaks Addition, Ramsey County, Minnesota.

Scale 1" = 40'	O Denotes Iron Mon.	Bearing Datum: Assumed	Job No. 98677LS	Drwg By BAO
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I hereby certify that this survey, plan, or report 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

E. G. RUD & SONS, INC

Ernest G. Rud
 Date 12-9-98 Registration No. 9808

E. G. RUD & SONS, INC
 LAND SURVEYORS
 9180 LEXINGTON AVE. NO.
 CIRCLE PINES, MINNESOTA
 55014-3625 TEL. 786-5556