



ARDEN HILLS
MEMORANDUM

DATE: November 9, 2016

PC Agenda Item **3.A**

TO: Planning Commission

FROM: Eric Zweber, AICP, Interim City Planner

SUBJECT: Planning Case #16-023 – Public Hearing
Applicant: Kathleen Trussell (Behr)
Property Location: 1401 County Road E
Request: Minor Subdivision and Variances

Requested Action

The applicant has requested approval of a minor subdivision to allow a lot split of the property located at 1401 County Road E to create two lots where there is currently one. The applicant has also requested two variances, first to allow one lot to be less than the 95 foot lot width requirement and the second from the requirement that all minor subdivisions meet the existing provisions of city code.

Background

1. Overview of Request:

The minor subdivision and variances requested are to allow for the subdivision of a single parcel located at 1401 County Road E into two parcels (Parcel A and Parcel B) to facilitate the sale of both parcels to settle the estate of Rhoda Behr, a resident for almost 70 years. Over the past several decades, their much larger original parcel has been split several times to facilitate sales and new construction of homes along Arden Oaks Drive. This last subdivision would result in the fourth and final lot being split from the larger original parcel. This fourth lot had previously received subdivision approval in 1979, but was never recorded.

An existing house is located on the current parcel, with existing connections to sewer, water, and utilities. The sewer line that serves the house is located on the eastern side of the house, which extends southeasterly and over the proposed lot line. An easement is proposed along the inside of each Parcel A (6 feet) and Parcel B (12 feet) to accommodate the existing sewer line.

Two variances are also being requested. The first is to allow a 5 foot deviation from Section 1320.06 *District Requirements Chart* of city code, which requires a lot width of 95 feet. The second variance is to allow a deviation from the requirement in Section 1150.04 of city code, which requires that requests for subdivision meet the required dimensions in order to be eligible for division.

2. Surrounding Area:

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	LDR – Low Density Residential	R-1 Single Family Residential	Single Family Residential
South	LDR – Low Density Residential	R-1 Single Family Residential	Single Family Residential
East	LDR – Low Density Residential	R-1 Single Family Residential	Single Family Residential
West	LDR – Low Density Residential	R-1 Single Family Residential	Single Family Residential

3. Site Data:

Future Land Use Plan:	LDR- Low Density Residential
Existing Land Use:	Single Family House/Vacant
Zoning:	R-1 Single Family Residential
Lot Size:	Current - 40,332 sq. ft Proposed 23,064 sq. ft and 17,268 sq. ft
Topography:	10 foot drop over 210 feet (5% easterly slope)

Plan Evaluation

1. Section 1150.04 Division or Consolidation of Platted Lots of Record

The City Code requires compliance with the following criteria in order to be considered for a minor subdivision of previously platted lots:

- The owner(s) of the platted lot(s) to be so divided or consolidated shall file with the zoning administrator a survey or registered land survey of the lot(s) to be divided or consolidated. **Criterion met.**
- The parcels or tracts resulting from the division or consolidation, as depicted in the survey or registered land survey, shall not have an area, dimensions or setbacks which are less than the minimum requirements specified for the zoning district in which the parcels or tracts are located in the zoning ordinance. **Criterion not met. A variance is needed.**
- It is determined that the proposed division or consolidation will not be detrimental to the public welfare or injurious to adjacent tracts in the area in which the subdivision tract is located. **Criterion met.**

- The proposed division or consolidation shall conform to such other requirements of this chapter, which the planning commission has specifically made such division or consolidation subject to at its first meeting at which the application for the division or consolidation is submitted. **Criterion not met. A variance is needed.**
- Such filing fee as has been established in a resolution adopted by the Council shall be paid the zoning administrator with every application for an exemption under this paragraph. **Criterion met.**

2. Section 1320.03 – Section 1320.75 (requirements for R-1 Single-Family District)

These sections of city code outline the requirements of use, dimensional standards and setbacks within the R-1 District. The applicable standards and the proposed lot details are enumerated below:

Applicable Regulation	Minimum Requirement	Proposed Parcel A	Proposed Parcel B	Meet Regulation?
Proposed Use	Various	Single-family home	Single-family home	Yes
Lot Size	14,000 sq. ft	23,064 sq. ft	17,268 sq. ft	Yes
Lot Width	95 feet	120 feet	90 feet	No (variance needed)
Lot Depth	130 feet	191 feet	191 feet	Yes

Setbacks, Lot Coverage, and FAR will be verified upon building permit.

3. Section 1355.04 Subd. 4 (Requirements for Approval of Variances)

The Planning Commission and City Council must use the following criteria when reviewing a request for variance:

1. Purpose and Intent. The variance request shall comply with the purpose and intent provisions of City's Zoning Regulations and with the policies of the City's Comprehensive Plan. *The Comprehensive Plan states that three to five acres is allowed in the Low Density Residential land use district. The proposed density of the lot split is 1.85 units per acre.* **Criterion met.**
2. Practical Difficulties. The applicant for a variance shall establish that there are practical difficulties in complying with the provisions of the Arden Hills Zoning Regulations. The following criteria apply to this application:
 - a) Reasonable Use. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. *A single family home with allowed accessory structure can be constructed on a 90 foot wide lot and would be a reasonable use of the property.* **Criterion met.**
 - b) Unique Circumstances. The plight of property owner is due to circumstances unique to the property not created by the landowner. *The location of the house and the existing sewer line requires either a lot width*

*variance or a side yard setback variance for Parcel A. Neither situation was created by Kathleen Trussell. **Criterion met.***

- c) Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood. *The variance would create a lot suitable for a single family house and allowed accessory structures which would be in keeping with the existing neighborhood and abutting properties. **Criterion met.***
- d) Economic Consideration. Economic consideration alone does not constitute a practical difficulty. *The practical difficulty is the existing house location and existing sewer line. **Criterion met.***
- e) Access to Sunlight. Inadequate access to direct sunlight for solar energy systems shall be considered a practical difficulty. *Both lots face south and have adequate access to sunlight. **Not Applicable.***

4. Additional Review

A. Building Official, City Engineer, and Fire Marshal

The Building Official has no comments regarding this development.

The City Engineer researched that the property had be previously assessed for the possibility of a second sewer and water service due to the 1979 approval. That second sewer and water connection does not currently exist and will need to be provided by the City.

The site is adjacent to existing fire hydrants and the driveway will not be excessively long. There are no greater issues for the Lake Johanna Fire Department than exist for the surrounding lots and subdivision.

B. Ramsey County Review

A driveway permits will be required to access County Road E.

C. Rice Creek Watershed District

This scale of development does not require Rice Creek Watershed District review.

Findings of Fact

Staff offers the following findings of fact for consideration:

1. The property at 1401 County Road E is located in the LDR- Low Density Residential Land Use District and the R-1 Single Family Residential zoning district;
2. The property is properly guided and zoned for the development of an additional single family home;
3. The land was previously approved for such subdivision by the Arden Hills City Council in 1979;

4. The request proposes to use the property in a reasonable manner (as a single-family home);
5. The need for the variance to lot size and minor subdivision requirements are not due to circumstances created by the property owner;
6. The variances, if granted, will not alter the essential character of the neighborhood;
7. Economic considerations are not the primary reason for the request for the variances;
8. Adequate access to sunlight will be maintained;
9. The requested variances meet the standard of practical difficulty;
10. The proposed use of land is consistent with the purpose and intent of the comprehensive plan, the zoning code, and is consistent with the surrounding land uses;
11. The proposed minor subdivision request meets all other applicable standards of city code.

Staff Recommendation

Based on the submitted plans and findings of fact, staff recommends approval of Planning Case 16-023 to approve the following actions:

- 1) A variance to allow the minor subdivision of previously platted parcels, despite not meeting the dimensional standards for lot width;
- 2) A 5 foot variance to allow Parcel B a lot width of 90 feet; and
- 3) A minor subdivision to allow the division of the existing parcel located at 1401 County Road E into two parcels, Parcels A and B, subject to the condition that both a variance to the minor subdivision requirements, and a variance to lot width are approved.

Staff recommends that the following two (2) conditions be included with the approval:

1. Approval of a 5 foot variance to lot width, and a variance to the requirement that minor subdivisions comply with all zoning requirements.
2. The applicant shall record the Minor Subdivision and drainage and utility easements with Ramsey County within 180 days if the City's approval and a copy of the recording shall be provided to the City.

Options and Proposed Motion Language

1. Recommend Approval, with conditions: Motion to recommend *approval* of Planning Case 16-023 that approves a 5 foot variance to lot width, and a variance to the requirement that minor subdivisions comply with all zoning requirements on the property located at 1401 County Road E, based on the findings of fact listed in the staff report and the submitted plans.

-AND-

Motion to recommend *approval* of Planning Case 16-023 that approves a minor subdivision for a lot split on the property located at 1401 County Road E, based on the findings of fact, submitted plans and the two (2) conditions outlined in this report.

2. Recommend Denial: Motion to recommend *denial* of Planning Case 16-023 for a minor subdivision, a 5 foot variance to lot width, and a variance to the requirement that minor subdivisions comply with all zoning requirements on the property located at 1401 County Road E, based on the following findings of fact:
(findings of fact to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated).
3. Table: Motion to *table* Planning Case 16-023 for a minor subdivision, a 5 foot variance to lot width, and a variance to the requirement that minor subdivisions comply with all zoning requirements on the property located at 1401 County Road E: *(a specific reason and information request should be included with a motion to table).*

Public Notice

A public hearing notice was mailed to all properties within 500 feet of the subject property and published in the *Shoreview-Arden Hills Bulletin* on October 26, 2016.

Resident Comment

One neighbor emailed that they are in support of the lot split and a second neighbor called to say that they are in support of the lot split. No other letters, e-mails, or telephone calls from property owners or residents were received in regards to this planning case.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on October 12, 2016. Pursuant to Minnesota State Statute, the City must act on this request by December 11, 2016 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

Attachments

- A. Land Use Application
- B. Site and Aerial Maps
- C. Minor Subdivision