

**Bryon and Lynn Cole
Ramsey, MN**

**VARIANCE FOR
“COLE ADDITION”**

July 11, 2017

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• L A N D F O R M •
From Site to Finish • •

INTRODUCTION

On behalf of Bryon and Lynn Cole, 6851 168th Avenue NW, Ramsey MN, Landform is pleased to submit this application for a variance for the proposed Cole Addition. The variance would permit the extension of 168th Lane as a temporary cul-de-sac street. The specific provision from which a variance is sought is Section 117-614 (c) (7), the Subdivision Design Standards which states in part: *"Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 130 feet and a minimum roadway diameter of 100 feet."*

BACKGROUND

The proposed Cole Addition would subdivide three existing lots totaling 2.7 acres into eight lots for single family homes, including one for the existing single family home. The proposed improvements include the extension of 168th Lane Northwest to allow access to six of the seven of the newly created lots. The plan includes removal of an existing temporary cul-de-sac and construction of a new temporary cul-de-sac, which would be removed when the road is extended to the east. The owner of the adjacent land is in support of the road extension to facilitate the future subdivision of his property.

The primary issue with this development is that the subdivision design standards do not currently provide for temporary cul-de-sacs as proposed by this application. Rather than platting a circular right-of-way, the plat shows a standard road right-of-way extending to the eastern edge of the plat. A cul-de-sac turnaround would be constructed to meet city standards, with the paved portion extending beyond the right-of-way to be covered by an easement to ensure that the pavement could be maintained. When the roadway is extended, the "extra" pavement for the turnaround would be removed and the area would be restored. Staff had recommended that the project be redesigned to provide permanent right-of-way for the cul-de-sac. This would require the subdivision to be reconfigured for all lots to meet the minimum size and other dimensional requirements, and likely would reduce the number of lots in the project.

On June 12th, 2017, the Ramsey Planning Commission reviewed a sketch plan of the proposed Cole Addition. On July 6th, the Commission held a public hearing on the preliminary plat application for the project. The Planning Commission recommended approval, with the condition that the applicant work with staff to resolve the issue.

VARIANCE

Section 117-53 (b) (2) a. provides seven findings of fact that must be made by the Planning Commission when granting a variance. The proposed variance meets those findings of fact as follows:

The proposed variance will not:

1. *Impair an adequate supply of light and air to adjacent property.*

The proposed variance to permit a temporary cul-de-sac in an easement, rather than in a dedicated right-of-way, will not impair an adequate supply of light and air to the adjacent property. Our plan will meet all other standards of the Zoning Ordinance and Subdivision Regulations.

2. *Unreasonably increase the congestion in the public street.*

The amount of traffic generated by this small residential subdivision will not increase or create traffic congestion.

3. *Have the effect of allowing any uses prohibited in the applicable zoning district, permit a lesser degree of public health, safety and general welfare protection than established by this chapter, or permit standards which are lower than those required by state law.*

The proposed temporary cul-de-sac would be no less safe than a permanent cul-de-sac in a larger right-of-way. It would be built to city standards and easements will be provided to ensure that it can be adequately maintained. The temporary cul-de-sac would promote the general welfare by facilitating the convenient extension of 168th Lane to the east. The requirement for a platted right-of-way would burden and discourage the orderly extension of the street. It would require a more complicated and disruptive process to vacate excess right-of-way at the east end of the cul-de-sac when the road is extended.

4. *Increase the danger of fire or endanger the public safety.*

The proposed variance will not increase the danger of fire or endanger the public safety. There will be adequate provision for vehicles to turn around in the temporary cul-de-sac. A future extension of 168th Lane will provide for a more safe and efficient roadway layout by allowing for a future through street connection to Garnet Street at some point in the future.

5. *Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this chapter.*

The proposed variances will not unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this chapter. It will enhance property values by allowing more efficient subdivision of this and the adjacent land.

6. *Violate the intent and purpose of the comprehensive plan.*

The variance requested will not violate the intent and purpose of the Comprehensive Plan.

7. *Violate any of the terms or conditions of subsection (b) (2) b of this section.*

The terms of subsection (b) (2) specify compliance with Minn. Stats. § 462.357, Subd. 6(2). The variance complies as follows:

- a. *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.*

The variances are in harmony with the general purposes and intent of the ordinance and are consistent with the Comprehensive Plan, as stated above.

- b. *Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

There are practical difficulties in complying with the ordinance standard requiring the platting of a full, permanent cul-de-sac right-of-way for a temporary turnaround. Redesigning the lots to add a platted right-of-way will create irregularly shaped lots, inconsistent with lots on other through streets in the neighborhood. Setbacks for new homes would be calculated from the right-of-way, even though it is planned to be a temporary condition. This may result in homes being set back at different distances from the permanent street, with unanticipated negative visual effects on the streetscape. When the cul-de-sac is extended in the future, the excess right-of-way would need to be vacated, potentially creating further irregularities in property boundaries. Conflicts might occur over the ownership and maintenance of vacated right-of-way.

Placing the temporary cul-de-sac turnaround in an easement, rather than in permanent right-of-way, alleviates these practical difficulties. A permanent lot arrangement and setbacks based on the permanent condition of the road can be established, while at the same time allowing for the future extension of the street system to the benefit of the adjacent land owners and the community.

- c. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The plight of the landowner is due to circumstances unique to the property and not created by the land-owner. The future extension of 168th Lane was established with development of the Brookfield Additions, located to the east of the site, when a temporary cul-de-sac was provided in the same manner as requested with this application for the Cole Addition.

- d. *The variance, if granted, will not alter the essential character of the locality.*

The variance will not alter the essential character of the locality. There is an existing temporary cul-de-sac, the same as the proposed new temporary cul-de-sac, adjacent to the Cole Addition. The variance will permit development consistent with the established character of the area, and facilitate continuation of that development pattern on the land to the east of the site.

SUMMARY

We respectfully request approval of the Variance from Section 117-614 (c) (7) of the Subdivision Design Standards the Cole Addition, and look forward to discussing this application with the Planning Commission at its August 2017 meeting.

CONTACT INFORMATION

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