

September 3, 2026

Via Email (planning@cityoframseymn.gov)

Members of the City Council
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

Re: Rum River Retreat
Project #26-106
Our File No. 32858

Dear Mayor Heineman and members of the City Council:

We represent Paul and Stephanie Olson, who own and reside on the 35-acre parcel located at 5750 177th Ave NW. Our clients' property is immediately adjacent and to the west of the parcel on which Sundance Woods, LLC, ("the Applicant") proposes to create 15 lots consisting of 14 new homes and one existing home ("the Project"). On your agenda for September 8 is an application for approval of a preliminary plat and a requested variance for the Project. For the reasons outlined below, those requests should be denied.

To be approved, a proposed preliminary plat must be in conformity with the requirements of the City Code. See Sec. 117-614(a). The proposed preliminary plat for the Project fails to comply with Code requirements in two ways. First, it includes a cul-de-sac that exceeds the 600' maximum permitted length for cul-de-sacs. Second, two of the proposed lots violate the minimum 200' depth requirement, and there is no proper basis for granting a variance from that requirement.

The proposed cul-de-sac violates the 600' maximum length requirement

The Subdivision Ordinance, and specifically Sec.117-614(c)(7), provides that "[t]he maximum length of cul-de-sac streets shall be 600 feet[.]" Neither the project narrative nor the staff report provides the length of the proposed unnamed east-west cul-de-sac that is part of the Project, but from the proposed preliminary plat it appears that that street is over 1,100 feet in length – i.e., nearly twice the maximum allowable length.

Recognizing the non-compliance of the proposed cul-de-sac, staff informed the Applicant it would need a variance from the 600' maximum rule. The Applicant accordingly applied for the variance and staff noticed the required public hearing. Staff also prepared a draft resolution approving a variance from the cul-de-sac length limit for the Planning Commission to consider.

In advance of the public hearing, the Olsons submitted a letter to the Planning Commission explaining that the City lacked the legal authority to grant the requested cul-de-sac variance. Specifically, the Olsons explained that Minn. Stat. § 462.358 authorizes the City to grant variances from the Subdivision Ordinance but limits that authority in an important way. Specifically, the statute provides that “variances may be granted only upon the specific grounds set forth in the regulations.” Minn. Stat. § 462.358, subd. 6. Here, there is no provision in the Subdivision Ordinance (the relevant “regulations”) that would allow the City to grant a variance from the maximum cul-de-sac length rule, as the Olsons explained in their letter. The City therefore may not grant a cul-de-sac length variance. See *Costley v. Caromin House, Inc.*, 313 N.W.2d 21, 27 (Minn. 1981) (“In Minnesota, ... a municipality has no inherent power to enact zoning regulations [and...] cannot exceed the limitations imposed by the enabling legislation.”)

Staff reviewed the Olsons’ letter and came to the public hearing with it apparently viewed as a solution to the City’s lack of authority to grant the variance that staff has previously concluded was necessary. Staff told the Planning Commission that upon further consideration it had concluded that the cul-de-sac is not a cul-de-sac governed by Sec.117-614(c)(7) after all. Instead, staff attempted to rechristen the cul-de-sac as a “temporary cul-de-sac”, which, according to staff, is not subject to the length limit in the Subdivision Ordinance.

Staff’s “solution” is seriously flawed. First, as a legal matter, the 600’ limit on the length of a cul-de-sac does not include any exceptions for “temporary” cul-de-sacs. It applies to all cul-de-sacs. Second, there is no basis in the record for concluding that this cul-de-sac will be in any way temporary. The Olsons own the land to the west and as Paul Olson explained at the public hearing, they have put significant investment into the improvements on the property and they have no intention of selling their land. And staff openly recognized this reality. During the public hearing, Mr. Anderson referred to the potential extension of the cul-de-sac as an “if or when” eventuality, and he plainly stated about the Olsons’ property to the west, “we aren’t saying that property will ever be developed.” He even acknowledged that the cul-de-sac might be there for “50 years.” Third, even if the cul-de-sac might someday be eliminated by development to the west, the life-and-safety purposes of the maximum cul-de-sac rule will apply to this particular cul-de-sac from day one and last throughout its existence.

For these reasons, the City cannot lawfully approve the proposed preliminary plat in its current form. Either the applicant will have to revise its plan to limit the cul-de-sac to 600’ or less or the City will have to amend its Subdivision Ordinance to provide for the possibility of a variance from this requirement, and the applicant would then have to apply for and receive the necessary variance. Approval of this preliminary plat on the current record would be plainly arbitrary and capricious and subject to judicial reversal.

Variance from the 200’ lot depth minimum

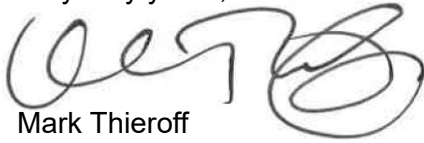
The preliminary plat also requires a variance from the Zoning Code requirement regarding minimum lot depths. Specifically, Sec. 106-430 imposes a minimum lot depth of 200 feet for lots in the RR zoning district. Two of the lots proposed as part of the Project are only 185 feet deep. The Zoning Code and specifically Sec. 106-220 authorizes the City to grant a variance from the minimum lot depth requirement, but only if certain criteria are satisfied. Those criteria include that the “plight of the landowner is due to circumstances unique to the property not created by the landowner” and that “economic considerations alone do not constitute practical difficulties.”

Neither of those requirements is satisfied here. The proffered justification for the variance is the location of an existing dedicated right of way, but the Applicant can take the necessary steps to

shift that right of way slightly to the west. This is not an immutable characteristic of the property itself, and thus not a unique circumstance. The Applicant has simply chosen to seek a variance rather than eliminate the need for the variance in order to maximize the development potential of the property.

For all of the foregoing reasons, the Olsons respectfully request that the City deny approval of the Rum River Retreat preliminary plat.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Thieroff', with a stylized, cursive script.

Mark Thieroff

612-337-6102 | Direct
markthieroff@siegelbrill.com

cc. Chris Anderson (via email: canderson@cityoframseymn.gov)