

April 2, 2018

Arden Hills City Planning Commission  
1245 West Highway 96  
Arden Hills, MN 55112

To Whom It May Concern,

My name is Mike Loosbrock. My wife Lacy and I live with our family at 4535 Lakeshore Place. We are presently in the late design stages of building a new home on our property (tear-down and rebuild), and are now selecting the final location of the new house on the lot. The purpose of this letter is to request for a variance which would allow the new structure to maintain the same front setback from the street (Lakeshore Place) as the existing structure.

Some context: The front setback of our existing house is approximately 34' (as measured from the front-facing outer wall closest to the street, not a porch or enclosed entryway). This is less than the 40' mandated by the City zoning Ordinance. Since we are tearing down the existing structure and rebuilding from scratch, the code requires that the setback of the new house be increased to 40'. However, moving the footprint of the new building deeper into the property presents a number of hardships that we believe warrant a variance to maintain the existing setback of 34'.

First and foremost, there are large (> 40 ft) mature trees on our property with established root systems that risk being damaged during the construction process. In particular, we have a beautifully canopied silver maple in our lake-view backyard which we are determined to preserve. We have consulted with an arborist and found that the Protected Root Zone (PRZ) for trees of the type and size of ours is approximately 50' in radius. The footprint of the existing home is already within the zone/radius for trees in both the front and backyards by ~10', and any foundation work would require disturbing additional soil outside of the footprint and further into the PRZs. For this reason, our new home has been carefully designed to fit almost exactly within the front-to-back profile of the existing home, and specifically to minimize the amount of dirt work within the PRZ of the silver maple in the backyard.

Second, there are appreciable cost implications to not re-using the footprint of our existing house. Our excavation costs increase as more existing dirt must be removed and more backfill must be brought in. The property also naturally slopes away from Lakeshore Place and towards Round Lake, so moving our home further from Lakeshore Place requires greater compensation for the resulting grade change. Simply sinking the house deeper into the ground is problematic because a.) we must maintain adequate elevation above the city sewer, and b.) we don't want to create a negative slope on the driveway and front yard towards the house, increasing the amount of surface water channeled toward the structure. Conversely, making the house sit higher out of the ground requires more grade build up for the garage floor and awkward landscaping to facilitate building-to-yard transitions. By all measures, the most cost-optimal position for the new footprint is the same as the existing one.

Third, our new home is designed around the most distinguishing and appealing characteristic of our property: the spacious, shade-filled backyard with a panoramic view of Round Lake. This is the primary reason we bought the property 8 years ago, and it has only become more valued by us since most of the greenery along Lakeshore Place was removed during the HW10/96 grade separation project a couple of years ago. To us, the beauty and value of our property front was diminished by that project, and we don't want to increase the amount of yard space directly adjacent to it. Instead, we want to preserve the lake-view portion of the lot, shielding it as much as possible from HW10 with our house, and maximizing our enjoyment and appreciation of Round Lake. We believe our intentions are consistent with, and supported by, the values of property preservation and enhancement promoted by the City zoning Ordinance.

Lastly, we believe our request for a front setback variance is reasonable because it does not in any way change the degree to which our property is in keeping with the spirit and intent of the City zoning Ordinance. Public health and safety is undiminished, and the essential character of our neighborhood and the City is preserved. Moreover, we are asking to maintain, not reduce, our existing setback, which is long-established and consistent with the other homes along Lakeshore Place. We firmly believe the variance enhances our property in meaningful ways, reduces our risk and construction costs, and does all of these things without detriment to the neighborhood or the City. We believe such an outcome is encouraged by the zoning Ordinance, and in the best interest of both homeowners and the City.

Three additional documents accompany this letter:


- Direct responses to the hardship criteria outlined in the City Variance Procedures.
- Survey Document #1 which shows the existing house and setback (structure labeled "House To Be Removed").
- Survey Document #2 that shows just the new proposed house, but with a 40' setback instead of 34'.

Clarifications concerning the Survey Documents:

- Survey Document #1 shows the existing house and an earlier version of the new proposed house, which is larger than the current version. It's the only document I have that shows the existing setback. Please disregard the dimensions of the proposed new house in this document.
- Survey Document #2 shows the new proposed house at a 40' setback because the surveyor was unaware of our desire for a variance. The variance would simply moved the new proposed shown on that drawing approximately 6' towards Lakeshore Place, putting the front-facing wall inline with front-edge of the porch, which shown at 34'.

If you have any further questions or need any additional info, please contact me at [mikeandlacy@gmail.com](mailto:mikeandlacy@gmail.com), or call my cell at 612-719-2779. Thank you for your time and thoughtful consideration.

Sincerely,



Mike and Lacy Loosbrock, Homeowners  
4535 Lakeshore Place  
Arden Hills, MN 55112

**1.) The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls;**

We believe it is unreasonable to require the setback of our new home be different than that of our existing home because doing so:

- Creates undue risk for existing trees which greatly contribute to the character and appeal of our property.
- Decreases the size of our lake-view backyard while increasing the size of our highway-view front yard.
- Increases our build costs by not allowing the new home to take full advantage of the existing foundation footprint.
- Increases our build costs by making it more difficult/costly to slope the driveway toward the street.
- Forces our house to conform to a setback standard that is not met by the other houses in the neighborhood.
- Does not increase the degree to which our property is in keeping with the spirit and intent of the City zoning Ordinance.

**2.) The plight of the landowner is due to circumstances unique to the property not created by the landowner;**

We are re-building on an existing home site, and are therefore inheriting many pre-existing and hard-to-change lot features, such as utility service paths, driveway-street connection, landscape contours, and most importantly, the location of large, mature trees.

The variance allows us to best fit the footprint of our new home within the boundaries imposed by these pre-existing lot features, while minimizing the risk of damaging the natural aesthetics of the property (ie, the aforementioned trees).

**3.) The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance;**

The intent and spirit of the Ordinance is essentially to protect public health and safety while also preserving and enhancing the character of properties within the City.

The variance aligns with all of these objectives: Public health and safety is maintained, neighborhood character is preserved, and our property is enhanced by allowing the design of our new home to showcase our lake-view.

**4.) The variance will not create a land use not permitted in the zone;**

The variance will not create a change in land use.

**5.) The variance will not alter the essential character of the City;**

The variance will not alter the essential character of the City because it seeks to maintain (not reduce) the current setback, which is consistent with the other setbacks established along Lakeshore Place:

- The setback of our existing home is 34' (measured from the front wall to the property line 10' in from the curb).
- The homes neighboring ours have setbacks of 37.5' and 31.5'.
- The home two doors down from us, and the one most recently constructed, has a setback of 30'.
- The fifth home on Lakeshore Place is < 40' when measured to the paved turn-around built into the street.

**6.) The variance is not for economic reasons alone;**

The primary purpose of the variance is to preserve the size and natural beauty of our lake-view backyard, which is the defining characteristic of the property and the central focus in the design of our new home.



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.	18-007
Submittal Date	04/02/18
Application Completed Date	
Accepted by	MWB
Receipt Number	#374216
Council Decision	
Council Decision Date	

## 2018 LAND USE APPLICATION

### Applicant Information

Applicant: Mike and Lacy Loosbrock  
 Address: 4535 Lakeshore Place Arden Hills MN 55112  
 Telephone No.: 612-567-6554 Other: 612-719-2779  
 Fax No.: \_\_\_\_\_  
 Email Address: mikeandlacy@gmail.com

### Property Information

Property Owner: Mike and Lacy Loosbrock  
 Owner Address: 4535 Lakeshore Place Arden Hills MN 55112  
 Owner Telephone No. 612-567-6554 Other: 612-719-2779  
 Address of Property Involved: 4535 Lakeshore Place Arden Hills MN 55112  
 Legal Description: Lot 3 Block 2 of Lakeshore Homesites  
 Property ID No.: 213023120005  
 Type of Use:  510R - Single Family Dwelling, Platted Lot (R-1)  
 Zone: R-1 Property Acreage: 0.46

### Type of Request

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Amendment (Fee: \$500 + Escrow: \$1,000)   | <input type="checkbox"/> Rezoning or TCAAP Regulating Plan Amendment (Fee: \$350 + Escrow: \$1,000)              |
| <input type="checkbox"/> Conditional Use or Interim Use Permit/CUP or IUP Amendment (Fee: \$350 + Escrow: \$1,000)               | <input type="checkbox"/> Zoning Code or TCAAP Redevelopment Code Amendment (Fee: \$350 + Escrow: \$1,000)        |
| <input type="checkbox"/> Preliminary Plat (Fee: \$500 + Escrow: \$1,000)   | <input type="checkbox"/> City Code Amendment (Fee: \$350 + Escrow: \$1,000)                                      |
| <input type="checkbox"/> Final Plat (Fee: \$500 + Escrow: \$1,000)   | <input type="checkbox"/> Lot Split/Minor Subdivision (R-1 and R-2 Districts Only) (Fee: \$350 + Escrow: \$1,000) |
| <input type="checkbox"/> Concept Plan Review (Fee: \$150 + Escrow: \$1,000)  | <input checked="" type="checkbox"/> Variance or Permitted Adjustment (Fee: \$350 + Escrow: \$1,000)              |
| <input type="checkbox"/> Master Planned Unit Development or Master Special Development Plan (Fee: \$350 + Escrow: \$1,000)       | <input type="checkbox"/> Vacation of Easement or Right-of-Way (Fee: \$150 + Escrow: \$1,000)                     |
| <input type="checkbox"/> Final Planned Unit Development or Final Special Development Plan (Fee: \$350 + Escrow: \$1,000)         | <input type="checkbox"/> Appeal of Administrative Decision (Fee: \$150 + Escrow: \$1,000)                        |
| <input type="checkbox"/> Planned Unit Development Amendment or Special Development Plan Amendment (Fee: \$350 + Escrow: \$1,000) | <input type="checkbox"/> Land Use Requests – Not Already Specified (Fee: \$150 + Escrow: \$1,000)                |
| <input type="checkbox"/> Site Plan Review (Fee: \$350 + Escrow: \$1,000)   |  |

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

Variance to maintain the existing front setback for a house tear-down and rebuild.

**\*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](http://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.

**2018 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 fourth Monday at 7:00 p.m.)
December 4 (2017)	January 10	January 22
January 2	February 7	February 26
February 5	March 7	March 26
March 5	April 4	April 23
April 2	May 9	May 29
May 7	June 6	June 25
June 4	July 11	July 23
July 2	August 8	August 27
August 6	September 5	September 24
September 4	October 3	October 22
October 1	November 7	November 26
November 5	December 5	January 14 (2019)
December 3	January 9 (2019)	January 28 (2019)

**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)

04-02-2018

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](http://www.cityofardenhills.org/landuseapplications)