

January 27, 2020

Dear City of Arden Hills,

Although I'm not directly involved, I believe that the deck extension will interfere with a neighbor's vision of the lake, therefore, I object to the variance for the deck at 3159 Shoreline Lane (PC# 19-020).

Sincerely,



Don Severson

3146 Shoreline Lane

Arden Hills, MN 55112

January 28, 2020

City of Arden Hills,

I am not in favor of allowing building closer to the water than 50 feet. Therefore, I am not in favor of giving a variance for the attached deck discussed in your January 24, 2020 letter, PC# 19-020.

Sincerely,

A handwritten signature in black ink that reads "Joyce Hsiao". The signature is written in a cursive, slightly slanted style.

Joyce Hsiao

3133 Shoreline Lane

Arden Hills, MN 55112

January 28, 2020

RE: PC# 19-020: 3159 Shoreline Lane Variance Request

Joe Hartmann

Associate Planner

City of Arden Hills

jhartmann@cityofardenhills.org

Dear Joe,

This letter is to let you know that Jeff and Linda LaNasa are opposed to the City of Arden Hills granting the above referenced variance. In yesterday's phone call with you we discussed numerous reasons why we are opposed. With one of the primary reason's being the detrimental effect this would have on immediate neighbors. We will try to attend the February 5, 2020 Planning Commission meeting. In the event we are not able to attend, can you please make sure that our objection to granting this variance is voiced.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff and Linda", followed by a long horizontal flourish.

Jeff and Linda LaNasa

3153 Shoreline Lane



KELSEY LAW OFFICE

CAMBRIDGE • FOREST LAKE • STILLWATER • MINNEAPOLIS

SENIOR ASSOCIATE ATTORNEYS

Brian M. Glodosky
John C. Lillie, III
Sarah K. Long
JoAnn D. Wolf
Nicholas A. Anderson

OWNER/MANAGING ATTORNEY

Michelle L.A. Kelsey

ASSOCIATE ATTORNEYS

Julia N. Estrem
Kellie E. Hanck
Harold J. Hitchcock

OFFICE MANAGER: Selena Fischer • *LEGAL ASSISTANTS:* Angela Lawrence • Jessica Sterbentz • Erin Lembke • Linda Kranz

January 29, 2020

Joe Hartmann
Associate Planner
City of Arden Hills
1245 West Highway 96
Arden Hills, MN 55112

Re: PC# 19-020: 3159 Shoreline Lane Variance Request

Dear Mr. Hartman:

I am writing on behalf of my clients, Catherine Robinson and Therace Risch, homeowners at 3167 Shoreline Lane. This letter will serve as their formal, written objection to the above-referenced variance request. Ms. Robinson and Ms. Risch's home sits directly north of 3159 Shoreline Lane. The proposed variance that Justin Brown is requesting will have a significant negative impact on their views of the lake and the enjoyment of their home. My clients have approximately 77 feet of shoreline and when they built their home 8 years ago, they researched and were aware of all the restrictions when building or adding on to lakefront property. The architectural plans they commissioned for their home took into account the existing properties on both sides of their lot and was designed to maximize views of the lake from their home office. Both clients do an extensive amount of work from their home and as such designed a home office on the south side of the home with windows to maximize their view of the lake. In fact, they were aware that the deck on the property of 3159 Shoreline Lane was approved at its maximum size and depth in 2007, prior to them building their home.

As you can see in the first two attached photographs taken from the home office at 3167 Shoreline Lane, any extension of Mr. Brown's deck will greatly impair their view of the lake. The first photograph with the flags included shows the view from the office prior Mr. Brown tearing down his current deck. If he is allowed to extend that deck out another 5 feet 6 inches that view will be cut in half and become almost non-existent. The second photograph shows another view of that same office with all of the windows included on the south side of their home, again to maximize their view in accordance with the lake lot restrictions put in place by the city.

Please direct all mail to:

Kelsey Law Office, P.A. • 100 Buchanan Street North, Suite 1 • Cambridge, Minnesota 55008
WWW.KELSEYLAWYER.COM • (763) 689-8931

When Ms. Robinson and Ms. Risch were designing and building their dream home, they would have loved to extend either their deck or home an additional 5 feet 6 inches. As you can see from the next three photographs, the deck on their home is minimal as they were subject to the same 50-foot ordinary high water setback as every other home on Lake Josephine. Further, you can see that Mr. Brown's home has an expansive deck given the small size of his home and having only 44 feet of lakeshore.

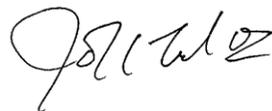
Mr. Brown purchased a home on a small lake lot and is required to abide by the same restrictions as all other homeowners. Minnesota Statute 394.27, subd. 7 governs the criteria for which the board has to abide by when considering to approve a variance request. A variance can be granted if the homeowner can establish "practical difficulties" in complying with lot restrictions or requirements. In order for Mr. Brown to establish "practical difficulties" he must show that he has a unique property which requires special circumstances (i.e. the need to extend his deck an additional 5 feet 6 inches), that were **not** created by the landowner, and the variance if granted would not alter the essential character of the locality.

Granting Mr. Brown's variance request would be in direct contradiction of the purpose of the high-water set back as there is nothing unique or special about his property. Also, it would alter the essential character of the locality as all homes on the lake are subject to the 50 foot setback and thus allow for each homeowner to maximize their views of the lake. Mr. Brown purchased a small lake home with only 44 feet of lakeshore. The home came with a beautiful deck which maximized that small home's view of the lake. There are no existing "practical difficulties" associated with the property. Mr. Brown either willfully or negligently tore down his existing deck, and attempted to build a much larger deck in violation of the 50-foot high water setback. In no way does that qualify as a "practical difficulty" as defined under the statute. If he attempts to argue a financial hardship because he has already removed the existing deck, again that does not constitute a "practical difficulty" as defined by statute as it was created by him. The statute directly addresses this type of argument stating that "economic considerations alone do not constitute practical difficulties". An example given of a practical difficulty is a property having inadequate access to direct sunlight for solar energy systems. An example such as that indicates that it was not the statute's purpose to grant variances for a larger deck or patio which would infringe on a lake front set back requirement.

In conclusion, nothing about this variance request qualifies to have Mr. Brown's request granted under the requirements listed in MN Statute 394.27, subd. 7. Further, my clients and Jeff and Linda LaNasa, homeowners at 3153 Shoreline lane, have expressed concern about how such a variance will negatively impact the use and enjoyment of their respective properties. Therefore, I respectfully request that Mr. Brown's variance request be denied in its entirety.

Sincerely,

KELSEY LAW OFFICE, P.A.



John C. Lillie, III

JCL/js









