

City of Ramsey
Agenda
Board of Adjustment
Thursday September 8, 2011

7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
 1. Approve the Following Board of Adjustment Meeting Minutes:
Board of Adjustment Meeting Minutes dated June 2, 2011
- 5. Public Hearing/Board Business**
 1. Consider Request for Variance to Front Yard Setback at 8700 171st Ave NW;
Case of Rob Schiller
- 6. Board/Staff Input**
- 7. Adjournment**

Board of Adjustment

4. 1.

Meeting Date: 09/08/2011

By: JoAnn Shaw, Community Development

Title:

Approve the Following Board of Adjustment Meeting Minutes:

Board of Adjustment Meeting Minutes dated June 2, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Commission Action:

Attachments

06.02.11

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	09/01/2011 11:19 AM
Form Started By: JoAnn Shaw		Started On: 09/01/2011 10:03 AM
	Final Approval Date: 09/01/2011	

**BOARD OF ADJUSTMENT
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Board of Adjustment conducted a regular meeting on Thursday, June 2, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Van Scoy
 Board Member Randy Bauer
 Board Member Ralph Brauer
 Board Member Gary Levine
 Board Member Rob Schiller

Members Absent: Board Member Andrew Dunaway
 Board Member Joe Field

Also Present: Senior Planner Tim Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson
 Economic Development/Marketing Manager Aaron Backman
 City Engineer Tim Himmer

CALL TO ORDER

Chairperson Van Scoy called the regular meeting to order at 7:05 p.m.

CITIZEN INPUT

Randy Backous, 14148 Argon Street NW, stated there is a benefit on Sunday, June 5, for David Jeffrey at the Fountains of Ramsey from 1:00 to 5:00 pm.

APPROVAL OF AGENDA

Motion by Board Member Bauer, seconded by Board Member Schiller, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Van Scoy, Board Members Bauer, Schiller, Brauer, and Levine. Voting No: None. Absent: Board Members Dunaway and Field.

APPROVAL OF MINUTES

Motion by Board Member Bauer, seconded by Board Member Levine, to approve the following minutes as presented:

1) Board of Adjustment public hearing and regular meeting minutes dated April 7, 2011.

Motion Carried. Voting Yes: Chairperson Van Scoy, Board Members Bauer, Levine, Brauer, and Schiller. Voting No: None. Absent: Board Members Dunaway and Field.

PUBLIC HEARINGS/BOARD BUSINESS

Case #1: Public Hearing – Consider Resolution Approving the Modification of a Variance to the Maximum Front Yard Setback for the Ramsey Municipal Center

Public Hearing

Chairperson Van Scoy called the public hearing to order at 7:05 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Board Member Bauer clarified that the lots in the original variance are all inclusive now.

Senior Planner Gladhill responded this variance includes just the current Municipal Center. The parking ramp has been split off, so this includes just this lot.

Citizen Input

None.

Motion by Chairperson Van Scoy, seconded by Board Member Schiller, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Van Scoy, Board Members Schiller, Bauer, Brauer, and Levine. Voting No: None. Absent: Board Members Dunaway and Field.

The public hearing closed at 7:11 p.m.

Board Business

Motion by Board Member Levine, seconded by Board Member Brauer, to approve Resolution Approving the Modification of a Variance to the Maximum Front Yard Setback for the Ramsey Municipal Center.

Motion Carried. Voting Yes: Chairperson Van Scoy, Board Members Levine, Brauer, Bauer, and Schiller. Voting No: None. Absent: Board Members Dunaway and Field.

BOARD/STAFF INPUT

None.

ADJOURNMENT

Motion by Chairperson Van Scoy, seconded by Board Member Levine, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Van Scoy, Board Members Levine, Bauer, Brauer and Schiller. Voting No: None. Absent: Board Members Dunaway and Field.

Motion carried.

The regular meeting of the Board of Adjustment adjourned at 7:12 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Community Development Secretary

Drafted by Chris Moksnes
TimeSaver Off Site Secretarial, Inc.

Board of Adjustment

5. 1.

Meeting Date: 09/08/2011

By: Tim Gladhill, Community Development

Title:

Consider Request for Variance to Front Yard Setback at 8700 171st Ave NW;
Case of Rob Schiller

Background:

The City has received a request from Rob Schiller for a Variance to Front Yard Setback to allow for a four (4) foot expansion of an existing attached garage located at 8700 171st Ave NW.

Notification:

Staff attempted to notify all property owners within 350 feet of the Subject Property via Standard US Mail. The Public Hearing was also published in the Anoka County Union.

Observations:

The Subject Property is located within the R-1 Residential (Rural Developing) zoning district. The required front yard setback in this zoning district is forty (40) feet from the front property line. According to a Certificate of Survey prepared as part of construction of the home, it appears the existing structure is located with a forty (40) foot front yard setback.

The Applicant desires to construct a four (4) foot addition on the front of the garage in order to create enough depth to be able to park an existing motor vehicle within the garage. This would create a four (4) foot encroachment into the front yard setback, thus requiring the issuance of a Variance. Based on submitted materials, it appears that all other zoning standards would be met with the request including, but not limited to, size and exterior materials.

As the Board of Adjustment may recall, there was a recent amendment to Minnesota Statute Sect. related to Variance procedures. In general terms, the major change included the elimination of the 'undue hardship' standard, replaced by the 'practical difficulty' standard. The new, less stringent standard allows cities to approve a variance from the literal provisions of the zoning ordinance if the Applicant proves the request is reasonable. Economic considerations alone do not constitute a practical difficulty. The three (3) factor 'practical difficulty' test is as follows:

1. Property owner proposes to use the property in a reasonable manner
2. The plight of the landowner is unique to the property and not created by the landowner
3. The variance, if granted, will not alter the essential character of the neighborhood

When seeking a variance, the Applicant must also prove that the request is in harmony with the general purposes and intent of the ordinance and consistent with the Comprehensive Plan.

It should be noted that the Applicant currently operates a Home Occupation on the Subject Property. Based on review of a previous application for the Subject Property, it appears that the level of Home Occupation does not necessitate the issuance of Home Occupation Permit.

Finally, it should be noted that the Applicant, Mr. Rob Schiller, is a sitting member of the Board of Adjustment. As such, Mr. Schiller has agreed to recuse himself from discussion and voting on the Application.

Funding Source:

All costs associated with the request are the responsibility of the Applicant.

Staff Recommendation:

Commission Action:

Motion to adopt the resolution approving Findings of Fact related to the request for a Variance to Front Yard Setback.

-AND-

Motion to adopt the resolution approving the Variance to Front Yard Setback and declaring the terms of the same.

Attachments

Site Location Map

Site Plan

Grading Map

Proposed Findings of Fact

Proposed Variance

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	08/31/2011 08:48 AM
Tim Gladhill (Originator)	Tim Gladhill	08/31/2011 08:53 AM
Form Started By: Tim Gladhill		Started On: 08/29/2011 12:53 PM
	Final Approval Date: 08/31/2011	

CERTIFICATE OF SURVEY

FOR

FIRST TIME HOME BUYERS INC.



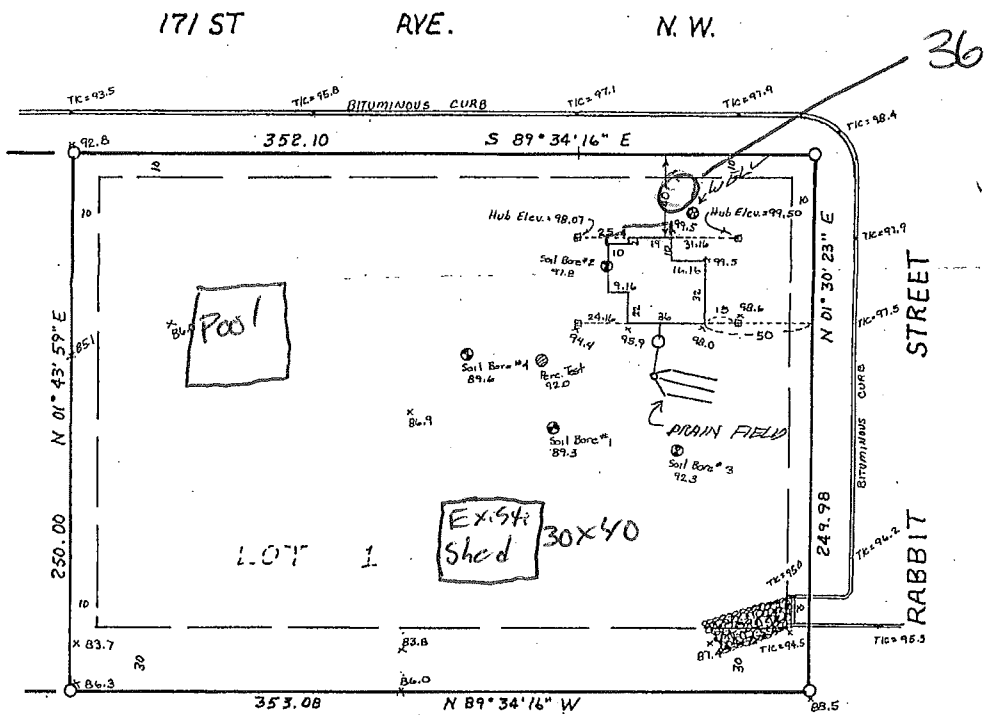
- △ Denotes Spike Set
- Denotes Wood Stake Set For Excavation Only
- Denotes Surface Drainage
- () Denotes Proposed Elevation
- x Denotes Existing Elevation
- 100.4 Top of Block Elevation
- 100.00 Garage Floor Elevation
- 96.9 Lowest Floor Elevation

Type of Building: Wood Frame Split Entry, Walk Out
 Benchmark: N.W. Corner of 3x3 Elec. Vault Lot 1 Block 3
 Elevation = 100.00 (assumed)

Scale: 1" = 60'

○ Denotes Iron Monument
 Bearings are assumed

8700 171 Avenue



Lot 1, Block 4, ALICIA ADDITION, ANOKA
 County, Minnesota



Midwest Land Surveyors & Civil Engineers, Inc.

199 Coon Rapids Boulevard, Suite 212
 Coon Rapids, Minnesota 55433
 Tele. # 786-6909 FAX # 786-9208

I hereby certify that this plan, specification or report was prepared by me or under my supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

and

No certification whatsoever is extended to subsequent owners, mortgagees or title insurers, unless this survey has been redated for this purpose by the surveyor.

Dated this 12TH day of August, 1992

By Tennessee E. Rothensack Registration No. 20595
 Minnesota Licensed Land Surveyor

Asbuilt _____ Dated this _____ day of _____, 19____

Job No. 140-05 Book - Page 52-77

TR POST W/ 4"
FOOTING

1'-0"
1/4" FIN. ON BLK
PAWL GRADE

3/4" 3/2" CONCR. A
1/4" BLK
20" x 8" FOOTING

CANT ABOVE



CANT ABOVE

UNEXCAVATED

1 COR 4" BLK
4 COR 8" BLK
20" x 8" FOOTING

1'-4 1/4"
1'-4 1/4"
1'-4 1/4"

19'-0"

45'-2"

8'-2 1/2" MO

2'-0"
1'-4 1/4"

10'-0"

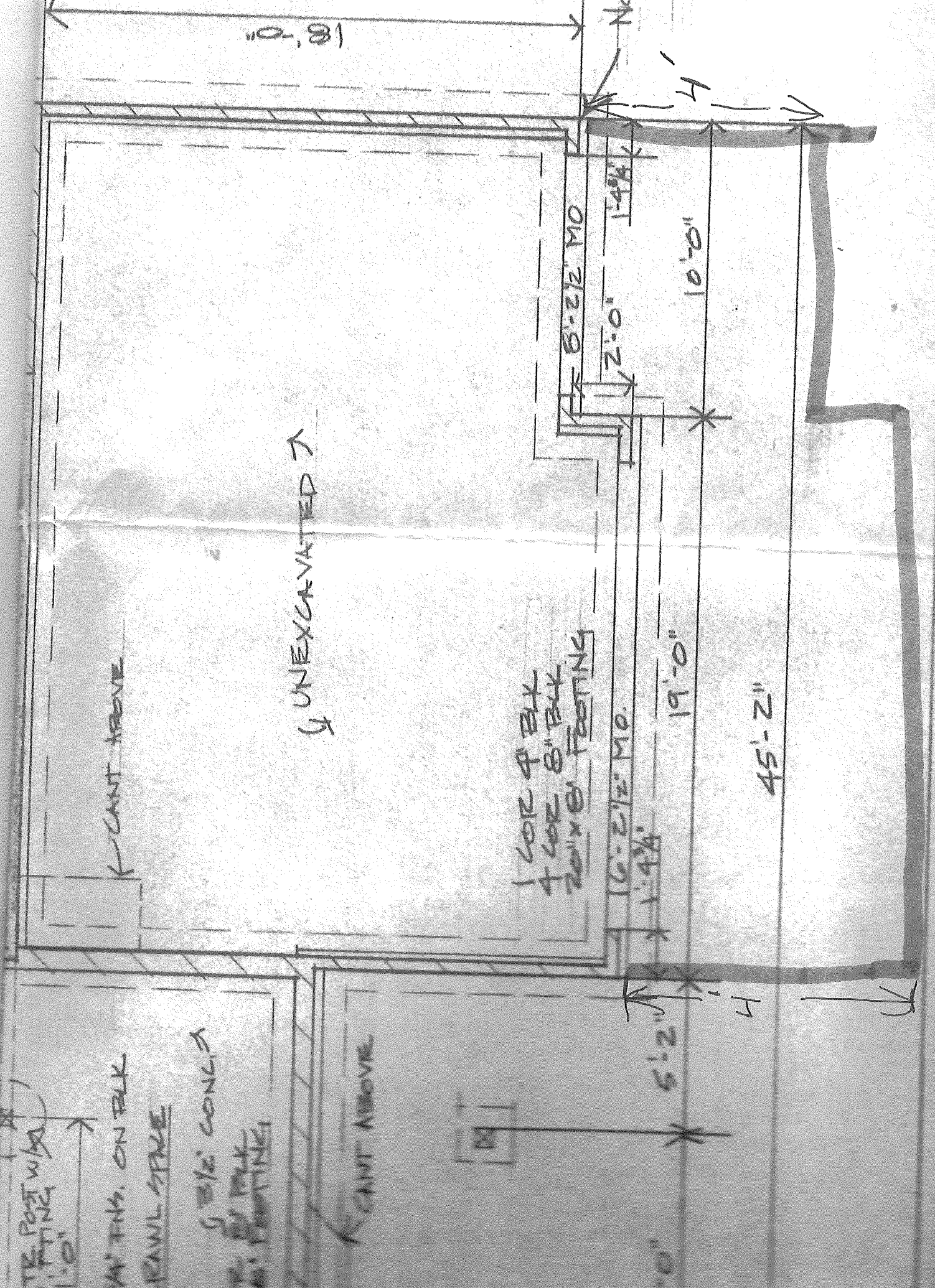
10'-8 1/2"

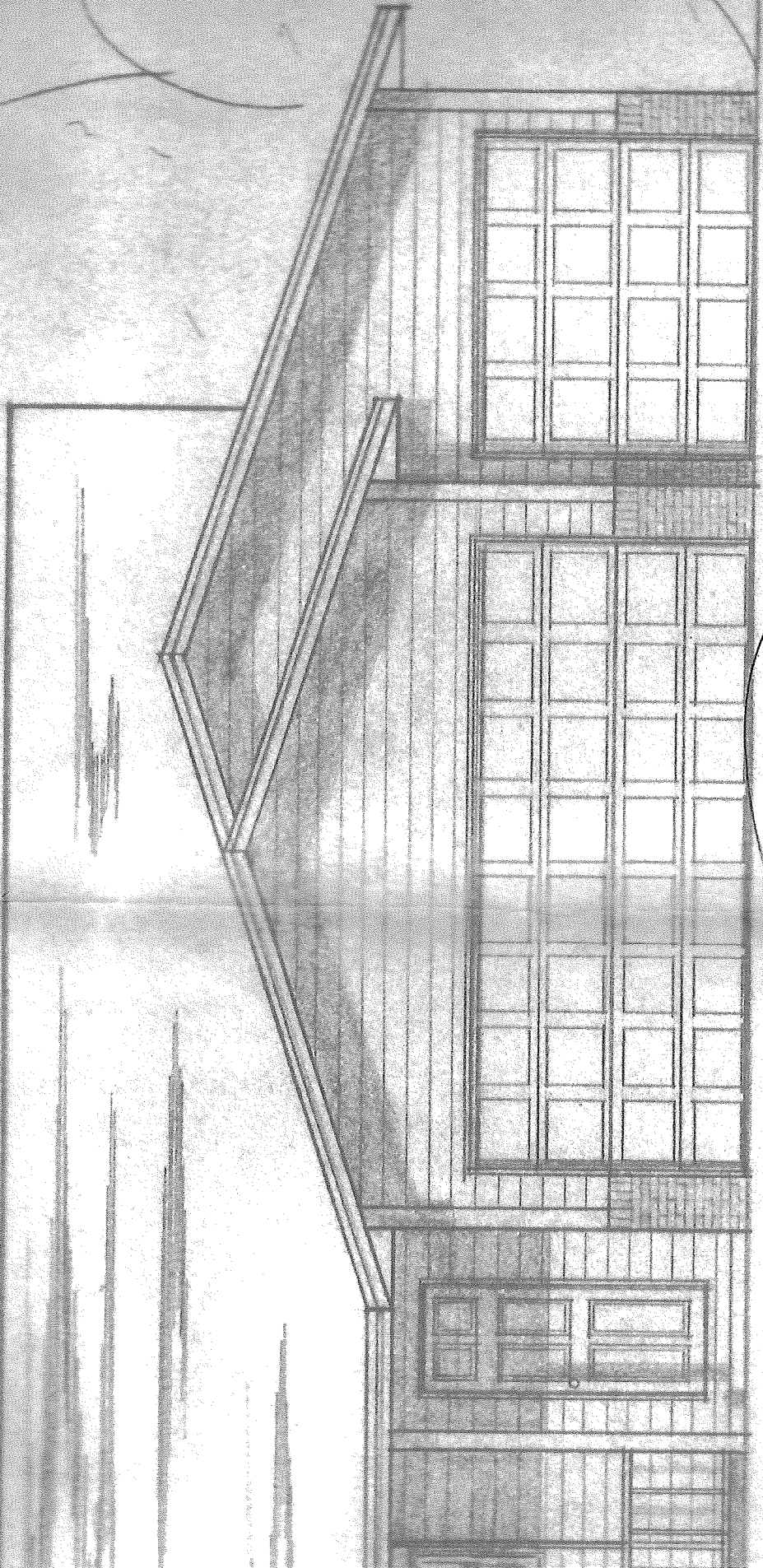
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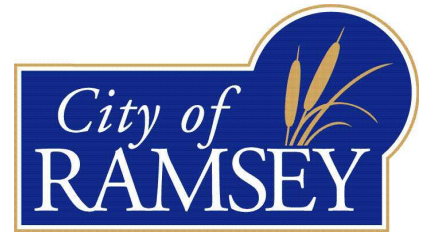




BIT DRAW




Bill Paul July
Denise K. [unclear]

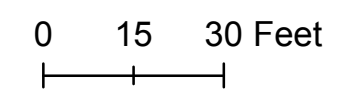
TIME HOMES INC.



16151 Olivine St NW



-  Two Foot Contours
-  Proposed Structure
-  Parcels



This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

The City of Ramsey disclaims any responsibility for or liability for the accuracy of the information at any point of initial contact with a GIS to which the public has general access. The geographic data made available is provided pursuant to Minnesota Statute 466.03, Subd. 21 (2000), and the user of this map acknowledges that the City of Ramsey is immune from any and all claims brought by User, its employees or agents, or third parties who do not have access to the data.

Board Member _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-09-____

RESOLUTION ADOPTING FINDINGS OF FACT #____ RELATING TO A REQUEST FROM ROB SCHILLER FOR A VARIANCE TO FRONT YARD SETBACK AT 8700 171ST AVE NW

WHEREAS, Rob Schiller, hereinafter referred to as the “Applicant,” has properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to construct an addition to an existing attached accessory building (the “Structure”) encroaching on the front yard setback on the property generally known as 8700 171st Ave NW and legally described as follows:

Lot 1, Block 4, Alicia Addition

(the “Subject Property”).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That the Applicant appeared before the Board of Adjustment for a public hearing pursuant to Section 117-53 of the Ramsey City Code on September 8, 2011 and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
2. That the Subject Property is approximately 2.02 acres in size and is located in the R-1 Rural Developing zoning district.
3. That the Subject Property is surrounded by properties also zoned R-1 Rural Developing.
4. That the Subject Property has frontage along 171st Avenue and Rabbit Street.
5. That the Applicant is proposing to construct a four (4) foot extension to the existing attached accessory building (the “Structure”) on the Subject Property, which will create the effect of having a four (4) foot encroachment into the front yard setback.
6. That the minimum front and side yard setback for properties within the R-1 Rural Developing District are forty (40) feet and ten (10) feet, respectively.
7. That the Variance is/is not in harmony with the general purposes and intent of the ordinance.
8. That the Variance is/is not consistent with the Comprehensive Plan.

9. That the Applicant proposes to use the Subject Property that is/is not in a reasonable manner not permitted by the ordinance.
10. That the plight is/is not due to circumstances unique to the Subject Property
11. That the plight is/is not created by the Applicant.
12. That the Variance will/will not alter locality's essential character
13. That economic circumstances alone do/do not create the undue hardship.
14. That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
15. That, if granted, the Variance will/will not unreasonably increase congestion on the public street.
16. That, if granted, the Variance will/will not have the effect of allowing any uses prohibited in the applicable zoning district.
17. That if granted, the Variance will/will not permit a lesser degree of public health, safety, and general welfare.
18. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
19. That, if granted, the Variance will/will not increase the danger of fire or endanger public safety.
20. That, if granted, the Variance will/will not diminish or impair established property values within the neighborhood.

The motion for the adoption of the foregoing resolution was duly seconded by Chairperson _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Board of Adjustment this the 8th day of September, 2011.

Chairperson

ATTEST:

City Clerk

Board Member _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-09-___

RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO CONSTRUCT AN ADDITION TO AN EXISTING ATTACHED ACCESSORY STRUCTURE ENCROACHING FOUR (4) FEET INTO THE MINIMUM FRONT YARD SETBACK AT 8700 171ST AVE NW AND DECLARING TERMS OF SAME

WHEREAS, Rob Schiller, hereinafter referred to as the “Permittee,” has properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to construct an addition to an existing attached accessory building encroaching four (4) feet into the required minimum front yard setback on the property generally known as 8700 171st Ave NW and legally described as follows:

Lot 1, Block 4, Alicia Addition

(the “Subject Property”).

AND WHEREAS, the Board of Adjustment conducted a public hearing on September 8, 2011, pursuant to Section 117-53 of the Ramsey City Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That based on Findings of Fact #____, a variance to construct an addition to an existing attached accessory building encroaching four (4) feet into the required minimum front yard setback on the Subject Property is hereby granted.
2. That the accessory building constructed on the Subject Property shall not be located any closer than thirty-six (36) feet from the front property line.
3. That the exterior finish of the proposed building shall match that of the principal structure, including soffit, fascia, and eave overhang.
4. That the Permittee shall be responsible for all costs incurred in administering and enforcing this variance.
5. That the Permittee shall obtain all necessary permits prior to commencing any construction of the accessory building, including, but not limited to, a building permit.
6. That the accessory building shall be used for storage of personal property and that no commercial activity of any type shall be permitted in said structure unless such use is permitted in accordance with City Code.

7. That this Variance shall automatically expire if the use is not initiated by September 8, 2012 and issuance of the building permit shall constitute initiation.

The motion for the adoption of the foregoing resolution was duly seconded by Board Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Board of Adjustment this the 8th day of September, 2011.

Robert W Schiller, Jr. and Jeanne Schiller hereby acknowledge receipt of this Variance and that they have reviewed the terms of the Variance and have agreed that they will comply with the terms of the Variance.

Robert W Schiller, Jr.

Jeanne Schiller

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)

On this ____ day of _____, 2011, before me, a Notary Public, personally appeared Robert W Schiller, Jr. and Jeanne Schiller, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Chairperson, Board of Adjustment

By: _____
City Clerk

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)

On this ____ day of _____, 20____, before me, a Notary Public, personally appeared Gary Van Scoy and JoAnn M Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Board of Adjustment Chairperson and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Gary Van Scoy and JoAnn M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

This document reviewed by:
Randall and Goodrich
2140 Fourth Avenue
Anoka, MN 55303