

**City of Ramsey**  
**Agenda**  
**Board of Adjustment**  
**Thursday, October 6, 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 September 8, 2011.
- 5. Public Hearing/Board Business**
  1. Request for a Variance to Construct a Detached Accessory Building Nearer the Front Property Line than the Principal Structure and to Encroach on the Side Yard Setback for a Corner Lot on the Property Located at 8612 168th Ave NW; Case of George and Roxy Koehler
- 6. Board/Staff Input**
- 7. Adjournment**

**Board of Adjustment**

**4. 1.**

**Meeting Date:** 10/06/2011

**By:** JoAnn Shaw, Community Development

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**Title:**

Approve the Following Board of Adjustment Meeting Minutes:

Board of Adjustment meeting minutes dated September 8, 2011.

**Background:**

n/a

**Notification:**

**Observations:**

**Funding Source:**

**Staff Recommendation:**

**Commission Action:**

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**Attachments**

09.08.11

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	Tim Gladhill	09/26/2011 08:59 AM
Form Started By: JoAnn Shaw		Started On: 09/23/2011 03:37 PM
	Final Approval Date: 09/26/2011	

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

The Ramsey Board of Adjustment conducted a regular meeting on Thursday, September 8, 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 Dunaway  
                                  Board Member Field  
                                  Board Member Gary Levine  
                                  Board Member Rob Schiller

Members Absent:           None

Also Present:               Senior Planner Tim Gladhill  
                                  Economic Development/Marketing Manager Aaron Backman  
                                  Fire Marshal Matt Kohner

**CALL TO ORDER**

Chairperson Van Scoy called the regular meeting to order at 7:01 p.m.

**CITIZEN INPUT**

There was none.

**APPROVAL OF AGENDA**

Motion by Board Member Dunaway, seconded by Board Member Levine, to approve the agenda as presented.

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

**APPROVAL OF MINUTES**

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

- 1) Board of Adjustment public hearing and regular meeting minutes dated June 2, 2011.

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

## **PUBLIC HEARINGS/BOARD BUSINESS**

**Case #1: Public Hearing – Consider Request for Variance to Front Yard Setback at 8700 171<sup>st</sup> Avenue NW**

### **Public Hearing**

Chairperson Van Scoy called the public hearing to order at 7:03 p.m.

### **Presentation**

Senior Planner Gladhill presented the Staff Report.

### **Citizen Input**

Rob Schiller, 8700 171<sup>st</sup> Avenue, the applicant, stated the structure was built in 1992 and the garage sits up against the house and cannot be expanded any other direction.

Senior Planner Gladhill displayed the site plan showing where the garage addition will be.

Motion by Board Member Levine, seconded by Board Member Dunaway, to close the public hearing.

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

The public hearing closed at 7:10 p.m.

### **Board Business**

Motion by Board Member Bauer, seconded by Board Member Levine, to adopt the Resolution approving the findings of fact favorable to the applicant related to the request for a Variance to the Front Yard Setback.

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

Motion by Board Member Bauer, seconded by Board Member Brauer to adopt the resolution approving the Variance to the Front Yard Setback and declaring the terms of the same.

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

**BOARD/STAFF INPUT**

None.

**ADJOURNMENT**

Chairperson Van Scoy adjourned the regular meeting of the Board of Adjustment at 7:14 p.m.

Respectfully submitted,

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Tim Gladhill  
Senior Planner

ATTEST:

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JoAnn Shaw  
Planning Division Secretary

## Board of Adjustment

5. 1.

**Meeting Date:** 10/06/2011

**By:** Chris Anderson, Community  
Development

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### Title:

Request for a Variance to Construct a Detached Accessory Building Nearer the Front Property Line than the Principal Structure and to Encroach on the Side Yard Setback for a Corner Lot on the Property Located at 8612 168th Ave NW; Case of George and Roxy Koehler

### Background:

On September 8, 2011, George and Roxanne Koehler submitted an application for a variance to Sections 117-349 (Accessory Uses and Buildings) and 117-111 (R-1 Residential District) of the Ramsey City Code relating to the construction of a detached accessory building that would be nearer the front property line than the principal structure and that would encroach on the required side yard setback on a corner lot.

### Notification:

In accordance with State Statute, Staff attempted to notify property owners within 350 feet of the subject property of the public hearing via Standard US Mail. The public hearing was also noticed in the Anoka County Union, the City's official newsletter for public notices.

### Observations:

The Subject Property is roughly 0.92 acres in size. Therefore, in accordance with City Code Section 117-349, the construction of any detached accessory building should not be nearer the front property line than the principal structure, which is setback forty-five (45) feet from the front property line. The Subject Property also has frontages along both 168th Ave (front) and 167th Lane (side/rear), which requires a minimum setback from those property lines of forty (40) feet as outlined in City Code Section 117-111. The septic tank and drain field are located behind the existing, attached garage.

The Applicant is proposing to construct a thirty foot by forty foot (30' x 40') detached accessory building that would be located forty (40) feet from the front property line and thirty-eight (38) feet from the side/rear lot line. While meeting the minimum required front yard setback, it would still be five (5) feet closer to the road than the home and would encroach two (2) feet into the side/rear yard setback for a corner lot. The proposed structure would have an exterior finish that matches the home including brick and cedar on the front and vinyl siding on the other three (3) walls. The detached accessory building would also have the same roof pitch as the home and would comply with the sixteen (16) foot height restriction.

Currently, there are no other detached accessory buildings on the Subject Property. With a recent City Code amendment, the attached garage no longer counts toward the total square feet allowable for accessory buildings and thus, the proposed building is well below the allowable square footage (1,800). The Applicant will also be installing a second driveway (off 168th Ave) to access this detached accessory building, which complies with City Code (a driveway is now required for any detached accessory building with a doorway opening eight [8] feet wide by seven [7] feet tall or greater).

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.

As a reminder, the Board of Adjustment is acting in a quasi-judicial capacity. Unlike the Planning Commission, the Board of Adjustment is not a recommending body, rather is deciding on approval or denial of the Variance, subject to appeals to the City Council.

**Funding Source:**

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

**Staff Recommendation:**

That due to a combination of existing factors, including the unique shape of the Subject Property, location of the septic tank and drain field, and the dual frontages, it is difficult to site a detached accessory building such that it complies with current zoning regulations. Additionally, there is a significant grade change from the rear of the property down to 167th Lane that, in conjunction with the existing vegetation, will provide some screening for the proposed building from 167th Lane. The proposed accessory building does not conflict with the general purposes and intent of the zoning ordinance and seems consistent with the Comprehensive Plan and therefore, Staff recommends approving the variance.

**Commission Action:**

Motion to adopt the resolution approving Findings of Fact related to the request for a variance to construct a detached accessory building nearer the front property line than the principal structure and to encroach on the side/rear setback for corner lots.

-AND-

Motion to adopt the resolution approving the variance to construct a detached accessory building nearer the front property line than the principal structure and to encroach on the side/rear setback for corner lots and declaring the terms of the same.

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**Attachments**

- [Site Location Map](#)
- [Statement from Applicant](#)
- [Aerial View of Site Layout](#)
- [Grading of Property](#)
- [Photos from 167th Lane](#)
- [Proposed Findings of Fact](#)
- [Proposed Variance](#)

**Form Review**

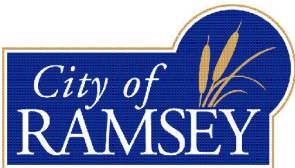
**Inbox**  
Tim Gladhill

**Reviewed By**  
Tim Gladhill

**Date**  
09/26/2011 11:03 AM  
Started On: 09/22/2011 04:12 PM



Form Started By: Chris Anderson

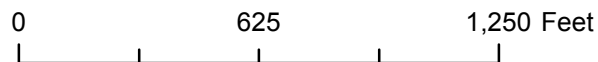
Final Approval Date: 09/26/2011



George and Roxy Koehler  
8612 168th Avenue NW

**Legend**

-  Site
-  Parcels



We request a variance to add a 30'x40' detached garage to our property. Due to the irregular shape of our lot and other factors we are unable to locate it in a standard location behind our home. Directly behind our attached garage is our septic tank as well as the drain field for it. To the west of the house there is a steep elevation change that goes all the way to the road which is 167<sup>th</sup> lane NW. We propose to locate the detached garage per the attached drawing being 40' from the right of way and 60' from the street surface. The proposed garage would have the front parallel to 168<sup>th</sup> Ave NW. Also due to the lay of the land we would like to add a second driveway to access this proposed garage. The access point to this driveway would be off of 168<sup>th</sup> Ave NW, the same street as our current driveway. We also understand the requirements for building a detached garage in that it must match the front of the house as well as have a maximum height of 16'. Thank you for your consideration.

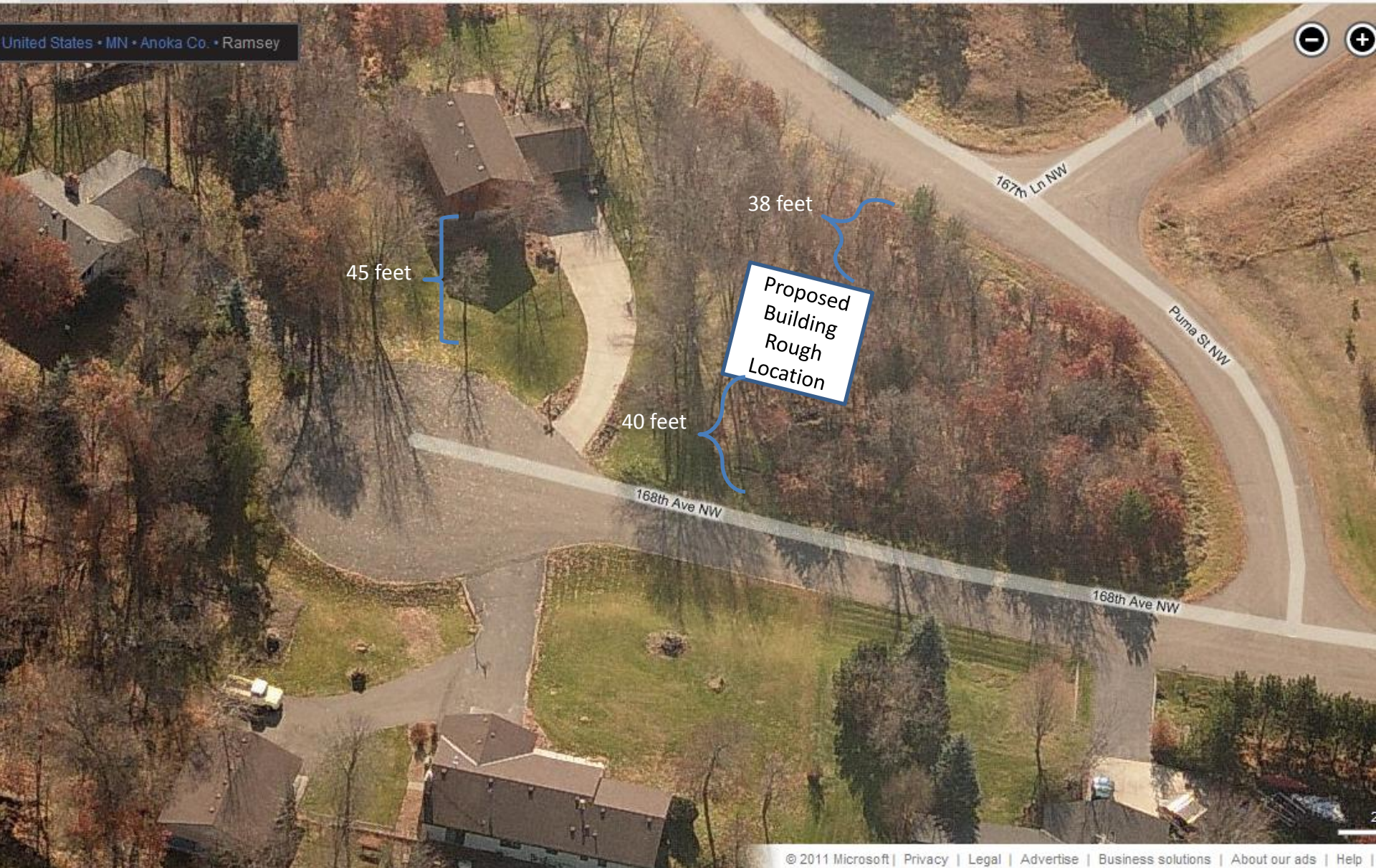
9-7-11

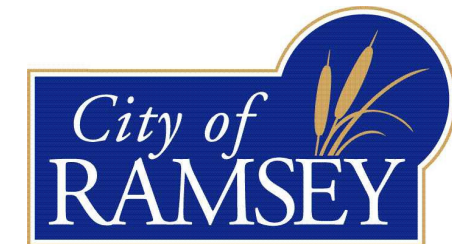
George Koehler



Roxanne Koehler

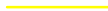




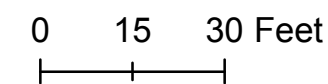




# 8612 168th Ave NW



-  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.

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

**RESOLUTION #11-10-\_\_\_**

**RESOLUTION ADOPTING FINDINGS OF FACT #\_\_\_ RELATING TO A REQUEST FROM GEORGE AND ROXANNE KOEHLER FOR A VARIANCE TO CONSTRUCT A DETACHED ACCESSORY BUILDING NEARER THE FRONT PROPERTY LINE THAN THE PRINCIPAL BUILDING AND TO ENCROACH ON THE SIDEYARD SETBACK FOR CORNER LOTS AT 8612 168TH AVE NW**

**WHEREAS**, George and Roxanne Koehler, hereinafter referred to as the “Applicant,” have properly applied for a variance from Section 117-111 (R-1 Residential District) and Section 117-349 (Accessory Uses and Buildings) of the Ramsey City Code to construct a detached accessory building nearer the front property line than the principal building and to encroach on the side yard setback for corner on the property generally known as 8612 168<sup>th</sup> Ave NW and legally described as follows:

Lot 7, Block 3, Autumn Heights, Anoka County, Minnesota, subject to easement as shown on plat

(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 October 6, 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 0.92 acres in size and is located in the R-1 Rural Developing zoning district.
3. That the Subject Property is surrounded by properties zoned R-1 Rural Developing as well as Park (adjacent to the southern property boundary and across 167<sup>th</sup> Lane NW).
4. That the Subject Property has frontage along both 168<sup>th</sup> Avenue NW and 167<sup>th</sup> Lane NW.
5. That the Applicant is proposing to construct a thirty foot by forty foot (30’ x 40’) detached accessory building (the “Structure”) on the Subject Property.
6. That the Structure would be forty (40) feet from the front property line (168<sup>th</sup> Ave) and thirty-eight (38) feet from the side/rear property line (167<sup>th</sup> Lane).
7. That the minimum front yard setback and side yard setback for corner lots within the R-1 Rural Developing District is forty (40) feet.

8. That City Code Section 117-349 states that on lots less than two (2) acres in size, no detached accessory building shall be located nearer the front property line than the principal building.
9. That the principal building on the Subject Property is forty-five (45) feet from the front property line.
10. That the septic tank and drain field are located south of the existing, attached garage.
11. That the Variance is/is not in harmony with the general purposes and intent of the ordinance.
12. That the Variance is/is not consistent with the Comprehensive Plan.
13. That the Applicant proposes to use the Subject Property in a manner that is/is not reasonable and not permitted by the ordinance.
14. That the plight is/is not due to circumstances unique to the Subject Property
15. That the plight is/is not created by the Applicant.
16. That the Variance will/will not alter locality's essential character
17. That economic circumstances alone do/do not create the undue hardship.
18. That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
19. That, if granted, the Variance will/will not unreasonably increase congestion on the public street.
20. That, if granted, the Variance will/will not have the effect of allowing any uses prohibited in the applicable zoning district.
21. That, if granted, the Variance will/will not permit a lesser degree of public health, safety, and general welfare.
22. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
23. That, if granted, the Variance will/will not increase the danger of fire or endanger public safety.
24. 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 Board Member \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

**RESOLUTION #11-10-\_\_\_**

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 6<sup>th</sup> day of October, 2011.

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Chairperson

**ATTEST:**

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City Clerk

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

**RESOLUTION #11-10-\_\_\_**

**RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO CONSTRUCT A DETACHED ACCESSORY BUILDING NEARER THE FRONT PROPERTY LINE THAN THE PRINCIPAL BUILDING AND THAT ENCROACHES ON THE SIDE YARD SETBACK FOR A CORNER LOT AT 8612 168<sup>TH</sup> AVE NW AND DECLARING TERMS OF SAME**

**WHEREAS**, George and Roxanne Koehler, hereinafter referred to as the “Permittee,” have properly applied for a variance from Section 117-111 (R-1 Residential District) and Section 117-349 (Accessory Uses and Buildings) of the Ramsey City Code to construct a detached accessory building nearer the front property line than the principal building and that will encroach on the side yard setback for a corner lot by two (2) feet on the property generally known as 8612 168<sup>th</sup> Ave NW and legally described as follows:

Lot 7, Block 3, Autumn Heights, Anoka County, Minnesota, subject to easement as shown on plat

(the “Subject Property”).

**AND WHEREAS**, the Board of Adjustment conducted a public hearing on October 6, 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 a detached accessory building nearer the front property line than the principal building and to encroach two (2) feet into the required side yard setback for a corner lot on the Subject Property is hereby granted.
2. That the accessory building constructed on the Subject Property shall not be located any closer than forty (40) feet from the front property line (along 168<sup>th</sup> Ave NW) and no closer than thirty-eight (38) feet from the property line along 167<sup>th</sup> Lane NW.
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 construction of the detached accessory building requires the installation of a driveway that is subject to the zoning standards of City Code.
5. That the Permittee shall be responsible for all costs incurred in administering and enforcing this variance.

6. 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.
7. 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.
8. That this Variance shall automatically expire if the use is not initiated by October 6, 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 6<sup>th</sup> day of October, 2011.

