

Commissioner _____ introduced the following resolution and moved for its adoption:

RESOLUTION #16-01-007

RESOLUTION ADOPTING FINDINGS OF FACT #0959 RELATING TO A REQUEST FOR A VARIANCE TO THE SIDE YARD SETBACK REQUIREMENTS FOR AN EXISTING DECK.

WHEREAS, Central Bank, hereinafter referred to as “Applicant,” has properly applied for a variance from Section 117-148 (Critical River Overlay District Development Standards) of the Ramsey City Code regarding the minimum required side yard setback for an existing deck on the property generally known as 14500 Bowers Drive NW and legally described as follows:

Lot 27, Bowers Mississippi Acres, Anoka County, Minnesota

(the “Subject Property”).

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

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on January 7, 2016, 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 zoned R-1 Residential (MUSA) and is approximately 1.08 acres in size.
3. That the Subject Property is surrounded by properties also zoned R-1 Residential (MUSA) and of similar sizes.
4. That the Subject Property is located within the Mississippi River Corridor Critical Area and the Rural Service Area as defined in MN Statutes.
5. That Section 117-148 (Critical River Overlay District Development Standards) of City Code establishes a minimum lot size of 2.5 acres for lots within the Critical River Area and Rural Service Area.
6. That the Subject Property was platted in 1948 as part of the Bowers Mississippi Acres plat and is considered lawful non-conforming with regard to lot size and lot width.
7. That the home on the Subject Property appears to have been constructed in 1970 based on information within the property file.

8. That there is no Building Permit in the property file for the deck on the Subject Property; however, based on assessment information in the property file, there is record of a deck on the Subject Property dating back to at least 1981.
9. That Marianne and Stephen Nash (the “Property Owner”) originally acquired both the Subject Property and Lot 26, Bowers Mississippi Acres (hereinafter referred to as “Lot 26”) in 1989.
10. That Lot 26 was recently foreclosed on and subsequently, it was discovered that portions of both the home and deck on the Subject Property partially encroach onto Lot 26.
11. That to resolve these encroachments, the current owner of Lot 26 is proposing an Administrative Subdivision to realign the common boundary between the Subject Property and Lot 26 to eliminate the structural encroachments.
12. That to minimize the expansion of the non-conforming lot size of Lot 26, the proposed realigned lot line will be approximately seven (7) feet from the nearest part of the deck.
13. That Section 117-148 (Critical River Overlay District Development Standards) requires a minimum setback of ten (10) feet.
14. That there is also an asphalt driveway ‘turn-around’ affiliated with the Subject Property that encroaches onto Lot 26 that will need to be removed such that the driveway meets the minimum required setback of five (5) feet from the common lot line between the Subject Property and Lot 26.
15. That economic circumstances alone do/do not create the practical difficulties.
16. That the plight is/is not due to circumstances unique to the Subject Property.
17. That the plight was/was not created by the Applicant.
18. That, if granted, the variance will/will not alter the locality’s essential character.
19. That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
20. That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
21. That, if granted, the variance will/will not unreasonably increase the congestion on the public street.
22. That, if granted, the variance will/will not adversely impact the degree of public health, safety and general welfare provided for in the Ramsey City Code.

23. That, if granted, the variance will/will not diminish established property values within the neighborhood.
24. That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Applicant.
25. That the unique circumstances on the Subject Property do/do not result from the actions of the Applicant.
26. That, if granted, the variance will/will not grant the Applicant any special privilege that is denied to the owners of other land in the same district.
27. That, if granted, the variance will/will not increase the danger of fire or endanger the public safety.
28. That, if granted, the variance will/will not violate the intent and purpose of the comprehensive plan.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____, 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 Planning Commission this the 7th day of January, 2016.

Chairperson

ATTEST:

City Clerk