

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

RESOLUTION #16-01-005

RESOLUTION ADOPTING FINDINGS OF FACT #0958 RELATING TO A REQUEST FROM CENTRAL BANK FOR A VARIANCE TO LOT SIZE AND LOT WIDTH REQUIREMENTS IN THE CRITICAL RIVER OVERLAY DISTRICT TO ALLOW AN ADMINISTRATIVE SUBDIVISION TO ELIMINATE EXISTING ENCROACHMENTS.

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 minimum lot size and lot width to facilitate an Administrative Subdivision that would address the infringement of an existing deck and home that partially encroach on the property generally known as 14510 Bowers Drive NW and legally described as follows:

Lot 26, 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 0.94 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 and minimum lot width of 200 feet 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 Subject Property was foreclosed on in 2015 by Central Bank.

8. That as part of the title exam, certain encroachments were identified on the Subject Property including parts of a deck, home, and driveway from the adjacent property to the south.
9. That the home on the adjacent lot to the south of the Subject Property appears to be have been constructed in 1970.
10. That the deck(s) on the adjacent lot to the south of the Subject Property appears to have been in place since at least 1991, based on assessment information in the property file of said adjacent lot.
11. That an asphalt driveway 'turn-around' serving the adjacent property to the south also encroaches on the Subject Property.
12. That prior to the foreclosure, the Subject Property was owned by the current owner of the adjacent parcel to the south.
13. That to resolve these encroachments, the Applicant is proposing an Administrative Subdivision to realign the common boundary between the Subject Property and the adjacent parcel to the south, which is generally known as 14500 Bowers Dr. NW.
14. That an Administrative Subdivision would expand the lot size non-conformity on the Subject Property.
15. That the Subject Property size would be reduced to approximately 0.89 acres with the Administrative Subdivision.
16. That the Administrative Subdivision would realign the property line such that the home and deck would no longer encroach on the Subject Property; the deck on the adjacent parcel to the south would be seven (7) feet from the newly aligned lot boundary, which would require a variance to the minimum side yard setback of ten (10) feet.
17. That the Administrative Subdivision would not address the driveway encroachment; however, a condition of the variance would require the removal of said encroachment and restoration of that area with vegetation.
18. That City Code Section 117-590 prohibits the Zoning Administrator from realigning lot lines if doing so would circumvent other zoning regulations.
19. That City Code Section 117-57 (b) prohibits expansions of nonconformities without the issuance of a variance.
20. That the encroachments on the Subject Property were not the result of the owner of the Subject Property.
21. That economic circumstances alone do/do not create the practical difficulties.

22. That the plight is/is not due to circumstances unique to the Subject Property.
23. That the plight was/was not created by the Applicant.
24. That, if granted, the variance will/will not alter the locality's essential character.
25. That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
26. That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
27. That, if granted, the variance will/will not unreasonably increase the congestion on the public street.
28. 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.
29. That, if granted, the variance will/will not diminish established property values within the neighborhood.
30. That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Applicant.
31. That the unique circumstances on the Subject Property do/do not result from the actions of the Applicant.
32. 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.
33. That, if granted, the variance will/will not increase the danger of fire or endanger the public safety.
34. 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