

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

RESOLUTION #15-03-063

RESOLUTION ADOPTING FINDINGS OF FACT #0941 RELATING TO A REQUEST FROM STEVEN LITTLE FOR A VARIANCE TO LOT SIZE REQUIREMENTS IN THE CRITICAL RIVER OVERLAY DISTRICT TO ALLOW AN ADMINISTRATIVE SUBDIVISION TO ELIMINATE AN ENCROACHMENT OF AN IN-GROUND SWIMMING POOL.

WHEREAS, Steven Little, 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 to facilitate an Administrative Subdivision to eliminate an encroachment of an existing in-ground swimming pool that partially encroaches on the property generally known as 14235 Bowers Drive NW and legally described as follows:

Lot 2, Block 2, Bower’s Mississippi Acres 3rd Addition, 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 March 5, 2015, 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 1.01 acres in size.
3. That the Subject Property is surrounded by properties also zoned R-1 Residential (MUSA) and of similar sizes, with the exception of the parcel to the east which is approximately seventy-eight (78) acres in size.
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 1973 as part of the Bowers Mississippi Acres 3rd Addition plat and is considered lawful non-conforming with regard to lot size.

7. That in 1985, a Building Permit was issued for the installation of an in-ground swimming pool on the adjacent property known as 14255 Bowers Dr. NW.
8. That the Site Plan submitted as part of the Building Permit application indicated the swimming pool would be located at least forty (40) feet from the side lot line of the Subject Property.
9. That the Subject Property was recently sold and as part of the title work for that transaction, it was discovered that the swimming pool belonging to the adjacent parcel at 14255 Bowers Dr. NW encroached onto the Subject Property by almost ten (10) feet.
10. That to resolve this encroachment, the title company representing the owners of the swimming pool are proposing an Administrative Subdivision to realign the common boundary between the Subject Property and 14255 Bowers Dr. NW to eliminate the encroachment.
11. That an Administrative Subdivision would increase the non-conforming lot size of the Subject Property.
12. That the Subject Property size would be reduced to approximately 0.89 acres with the Administrative Subdivision.
13. That the Administrative Subdivision would realign the property line to a point that both property owners thought was the actual property boundary.
14. That a variance to setbacks for a swimming pool would still be required on 14255 Bowers Dr. NW after the Administrative Subdivision.
15. That City Code Section 117-590 prohibits the Zoning Administrator from realigning lot lines if doing so would circumvent other zoning regulations.
16. That City Code Section 117-57 (b) prohibits expansions of nonconformities without the issuance of a variance.
17. That Lucas Hase is now the fee title owner of the Subject Property.
18. That the encroachment of the swimming pool was not the result of actions of either the current or former fee title owner of the Subject Property.
19. That the encroachment of the swimming pool was not the result of the current owners of the parcel generally known as 14255 Bowers Dr. NW.
20. That economic circumstances alone do not create the practical difficulties.
21. That the plight is due to circumstances unique to the Subject Property.

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

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 5th day of March, 2015.

Chairperson

ATTEST:

City Clerk