

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

RESOLUTION #15-07-164

RESOLUTION ADOPTING FINDINGS OF FACT #0949 RELATING TO A REQUEST FROM FRANK AND DOROTHY FREDERICK FOR A VARIANCE TO THE REQUIRED DRIVEWAY SETBACK AT 17209 TUNGSTEN STREET NW

WHEREAS, Frank and Dorothy Frederick, hereinafter referred to as the “Applicant,” have properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to encroach on the required setback for a driveway on the property generally known as 17209 Tungsten Street NW and legally described as follows:

Lot 7, Block 5, Fox Ridge Estates, 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 Subject Property is approximately 1.61 acres in size and is located in a Planned Unit Development (PUD) zoning district.
2. That the underlying zoning district would be R-1 Residential (Rural Developing).
3. That the Subject Property is surrounded by properties also zoned PUD (with the underlying zoning being R-1 Residential [Rural Developing]) and also abuts Fox Park to the southeast.
4. That the Subject Property has frontage along Tungsten Street NW.
5. That the Applicant purchased the property in 2014.
6. That the Applicant is proposing to construct a second driveway, consisting of concrete, from Tungsten St NW to the existing attached garage on the Subject Property.
7. That there is an existing gravel driveway presently that leads to the attached garage and wraps around the side of the garage where the Applicant parks an RV that at least of portion unlawfully encroaches into the required setback.
8. That at the time the home was constructed on the Subject Property (1994), the minimum required setback for a driveway was three (3) feet.
9. That the existing gravel driveway/surfacing is evident in aerial photo images dating back to 2001 and appears to be, at least in certain areas, right at the side property line, which would have required a variance.
10. That there is no record of a variance to encroach on the required driveway setback.

11. That in 2003, the driveway setback was amended to a minimum of five (5) feet from a side lot line.
12. That the Applicant is proposing to install the second driveway (concrete surface) up to the side lot line and it would terminate at the front wall of the attached garage.
13. That the minimum setback for driveways on properties within the R-1 Residential District is five (5) feet.
14. That the Applicant does not intend to install concrete along the side of the garage but does intend to continue using the gravel surface, which abuts the side lot line, to park an RV.
15. That Ordinance #15-08, which was just recently adopted, specifies that motor vehicles and equipment parked in the side yard of a property shall maintain a five (5) foot setback from the edge of required surfacing to property boundary.
16. That as Ordinance #15-08 was developed and reviewed, it was acknowledged that it would not resolve a common issue, which is the desire of many property owners to park a motor vehicle and/or a piece of equipment along the side of a garage if that garage were constructed to the minimum required setback.
17. That the proposed new concrete driveway extends closer to the side lot line than nearer Tungsten St than the gravel surface did.
18. That there is also a ten (10) foot drainage and utility easement along this side lot line.
19. That there is no infrastructure related to stormwater within this easement area and it does not appear to contain other small utilities either.
20. That land directly adjacent to the Subject Property is slightly higher which eliminates the concern of drainage being diverted onto the neighboring property.
21. That to encroach into a drainage and utility easement with a driveway would require an Encroachment Agreement being executed between the Applicant and the City.
22. That the Applicant has written that the driveway would also serve as a method of reaching a septic system.
23. That it appears that sufficient access to the septic system for maintenance purposes exists as there are multiple septic pumping records in the property file.
24. That economic circumstances alone do/do not create the practical difficulties.
25. That the plight is/is not due to circumstances unique to the Subject Property.
26. That the plight was/was not created by the Applicant.
27. That, if granted, the Variance will/will not alter locality's essential character.

28. That, if granted, the Variance will/will not impair an adequate supply of light and air to adjacent property.
29. That, if granted, the Variance will/will not unreasonably increase congestion on the public street.
30. That, if granted, the Variance will/will not have the effect of allowing any uses prohibited in the applicable zoning district.
31. That if granted, the Variance will/will not permit a lesser degree of public health, safety, and general welfare.
32. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
33. That, if granted, the Variance will/will not increase the danger of fire or endanger public safety.
34. 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 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 9th day of July, 2015.

Chairperson

ATTEST:

City Clerk