

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

RESOLUTION #15-11-270

RESOLUTION ADOPTING FINDINGS OF FACT #0956 RELATING TO A REQUEST FROM DOUGLAS AND VICKY FOYT FOR A VARIANCE TO THE REQUIRED DRIVEWAY SETBACK AT 5581 148TH LANE NW

WHEREAS, Douglas and Vicky Foyt, 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 5581 148th Lane NW and legally described as follows:

Lot 4, Block 1, Ramsey Commons 2nd 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 Subject Property is approximately 0.25 acres in size and is located in the R-1 Residential (MUSA) zoning district.
2. That the Subject Property is surrounded by properties of similar size that are also zoned R-1 Residential (MUSA).
3. That the Subject Property has frontage along 148th Lane NW.
4. That the City received a complaint stating that a driveway extension was installed within the past year and across a property boundary, as well as a shed and new furnace that been installed without the issuance of any permits.
5. That the City contacted the Applicant regarding these matters through the Code Enforcement Program.
6. That the Applicant has since applied for a Zoning Permit for the existing shed and obtained the required Building Permit for the furnace.
7. That while the existing shed complied with the rear yard setback of five (5) feet, it was partially located within a Drainage and Utility Easement. The Applicants have relocated the shed such that it still complies with the required setbacks and is outside of any easement.
8. That the Applicant has stated the driveway extension was installed in 2004, which predates the Zoning Permit requirement.
9. That through a review of aerial photographs, the driveway extension is clearly visible dating back to 2006, which still predates the Zoning Permit requirement. The aerial images from

2005 are too grainy to determine definitively whether the driveway extension existed at that time or not.

10. That the surface of the driveway extension consists of a landscape rock or gravel surface.
11. That the R-1 Residential (MUSA) District requires driveway surfaces to consist of either asphalt or concrete.
12. That the required driveway setback is five (5) feet in the R-1 Residential (MUSA) District.
13. That there is a five (5) drainage and utility easement along the side lot line of the Subject Property.
14. That there is no infrastructure related to stormwater within this easement area and it does not appear to contain other small utilities either.
15. That there are no known drainage issues due to the driveway extension, which has existed since at least 2006, and possibly dating back to 2004.
16. That the driveway extension is about one (1) foot from the boundary line of the Subject Property, encroaching on both the required setback and the drainage and utility easement.
17. That to establish a level parking surface, the Applicant brought in fill and installed a small retaining wall consisting of three (3) courses of landscape block, one of which is partially below grade. Both the fill and retaining wall are within the drainage and utility easement.
18. That the owners of the adjacent property to the west have submitted a written comments supporting the request for a variance.
19. 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.
20. 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.
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 economic circumstances alone do/do not create the practical difficulties.
23. That the plight is/is not due to circumstances unique to the Subject Property.
24. That the plight was/was not created by the Applicant.
25. That, if granted, the Variance will/will not alter locality's essential character.

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

Chairperson

ATTEST:

City Clerk