

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

RESOLUTION #17-07-166

A RESOLUTION APPROVING A VARIANCE TO CONSTRUCT A FENCE WITHIN A STORMWATER POND AND DECLARING TERMS OF SAME.

RECITALS

1. Brandon Sis (the “Permittee”) has properly applied for a Variance to construct a fence within a stormwater pond on the property legally described as:

Lot 8, Block 3, Brookfield 2nd Addition, Anoka County, Minnesota

(the “Subject Property”); and
2. The City of Ramsey received an application for a Variance on June 1, 2017.
3. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on July 6, 2017, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
4. That the Subject Property is currently located in the R-1 Residential (MUSA) zoning district.
5. That the surrounding parcels are also zoned R-1 Residential (MUSA).
6. That the Subject Property is approximately 0.84 acres in size.
7. That the surrounding parcels range in size from approximately 0.27 acres to 0.90 acres.
8. That a large portion of the Subject Property has consists of a stormwater pond and overflow area (wetland) for the management of stormwater runoff.
9. That the Applicant applied for a Zoning Permit for the installation of a fence on the Subject Property in 2016.
10. That the Applicant has applied for a Variance to allow the placement of four (4) foot tall, black chain link fence around portions of the Subject Property.
11. That the City has requested a site visit by the Anoka Conservation District (ACD) Wetland Specialist and a representative from the Board of Water and Soil Resources (BWSR) to review and provide a determination on the status of the wetland.

FINDINGS OF FACT

1. That the fence installation will/will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That the fence installation will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the fence installation will/will not be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will/will not change the essential character of the area.
4. That the fence installation will/will not be hazardous to existing or future neighboring uses.
5. That the fence installation will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That the fence installation will/will not create excessive additional requirements at public cost for public facilities and services and will/will not be detrimental to the economic welfare of the community.
7. That the fence installation will/will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

That the Ramsey Planning Commission hereby grants a variance (the “Variance”) to allow the installation of a four (4) foot tall, chain link fence on the Subject Property with the following conditions:

CONDITIONS

1. That this **Variance** shall be perpetual in its duration so long as the conditions imposed herein are complied with.
2. That the **Variance** shall allow the installation of a four (4) foot tall chain link fence on the **Subject Property** as shown in Exhibit A.
3. That the **Permittee** shall install gates in the fence with direction from the **City** to ensure access to the stormwater management area.
4. That the **Permittee** shall apply for and obtain a Zoning Permit for the fence installation and shall comply with all other applicable codes.

5. That this **Variance** shall be considered null and void if the use is not commenced by July 6, 2018 and issuance of a Zoning Permit shall constitute commencement.
6. That the **Permittee** shall be responsible for all City of Ramsey (the “City”) costs incurred in administering and enforcing this **Permit**.
7. The **City** shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request. In the event the **Permittee** is determined to be in violation of any of the conditions set forth herein, the **City** shall give the **Permittee** written notice of the violation. The **Permittee** shall be given 30 days to correct the violation and submit a written response to the notice.

The motion for the adoption of the foregoing resolution as 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 passed and adopted by the Ramsey Planning Commission this the 6th day of July, 2017.

Exhibit A



— Fence boundary