

Commissioner \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #18-089**

**RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO THE REQUIREMENT TO CONNECT TO MUNICIPAL SERVICES TO FACILITATE CONSTRUCTION OF A SINGLE FAMILY HOME.**

**RECITALS**

1. You Wish You Had This Land LLC (Permittee) has properly applied for a variance to Section 117-111 (R-1 Residential District) of the Ramsey City Code with regard connecting to municipal services to construct a single family home on a portion of the property legally described as follows:

The Northwest Quarter of the Southwest Quarter of Section 03, Township 32, Range 25, Anoka County, Minnesota, except the west 637 feet of the south 217.8 feet thereof, also except north 300 feet of the south 517.8 feet of the west 237 feet thereof, (as measured along west and south lines thereof), except road, subject to easement of record.

-Or upon recording of the Plat of Lavern Estates-

Lot 1, Block 1 LAVERN ESTATES, Anoka County, Minnesota

(the "Subject Property"); and

2. That on July 6, 2017, the Permittee applied for a Minor Plat, Zoning Amendment, and Comprehensive Plan Amendment to subdivide the Subject Property into two (2) lots, to rezone the Subject Property to R-1 Residential (Rural Developing), and to re-guide the Subject Property from Low Density Residential to Rural Developing; and
3. That the Ramsey City Council approved the Final Plat and Comprehensive Plan Amendment, contingent upon approval by the Metropolitan Council, for Lavern Estates on September 12, 2017; and
4. That the Ramsey City Council introduced Ordinance #17-11 to rezone the Subject Property to R-1 Residential (Rural Developing) on September 12, 2017; and
5. That the Ramsey City Council adopted Ordinance #17-11 on October 10, 2017; and
6. That the Subject Property, after recording of the Plat, will be approximately thirty-one (31) acres in size; and
7. That the surrounding properties range in size from approximately 0.90 acres up to nine plus (9+) acres in size; and

8. That municipal services are not north of Trott Brook yet and based on factors such as unique lot configurations of surrounding parcels, lack of vacant, undeveloped land north of 175<sup>th</sup> Ave, and the amount of wetland/floodplain, it is unlikely that municipal services will be readily available in the near future; and
9. That through discussions with Metropolitan Council staff, it was understood that the Comprehensive Plan Amendment was not supported without an equivalent amount of acreage being added to the Low Density Residential area simultaneously; and
10. That through the City's Comprehensive Plan Update, scheduled to be submitted before the end of 2018, other areas of equivalent or greater acreage will be guided as Low Density Residential, creating an equal transfer of lands between Low Density Residential and Rural Developing; and
11. That the staff of the Metropolitan Council were not opposed to the City contemplating a variance to address utilizing private well and septic rather than connecting to municipal services; and
12. That as part of the Zoning Amendment process, the Permittee had provided supporting documentation from surrounding property owners favoring the rezoning to R-1 Residential (Rural Developing); and
13. That the Planning Commission conducted a public hearing on May 3, 2018, pursuant to Section 117-53 of the Ramsey City Code.

## **FINDINGS OF FACT**

1. That, if granted, the variance will/will not result in a reasonable use of the Subject Property.
2. That, if granted, the variance will/will not alter the locality's essential character.
3. That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
4. That, if granted, the variance will/will not unreasonably increase the congestion in the public street.
5. That, if granted, the variance will/will not have the effect of allowing any uses prohibited in the applicable zoning district.
6. That, if granted, the variance will/will not permit a lesser degree of public health, safety, and general welfare protection than established by the Zoning Chapter of the Ramsey City Code, or permit standards which are lower than those required by state law.
7. That, if granted, the variance will/will not increase the danger of fire or endanger the public safety.

8. That, if granted, the variance will/will not unreasonably diminish or impair established property values within the neighborhood.
9. That, if granted, the variance will/will not violate the intent and purpose of the Comprehensive Plan.

**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 utilization of a septic system and private well on the Subject Property with the following conditions:

1. That this **Variance** shall be perpetual in its duration so long as the conditions imposed herein are complied with.
2. That the **Permittee** may utilize a private well and an individual subsurface sewage treatment system (SSTS) on the **Subject Property** and the construction of both shall be in compliance with all applicable local and state regulations.
3. That the **Permittee** shall be responsible for all costs incurred in administering and enforcing this variance.
4. That the **Permittee** shall obtain all necessary permits prior to commencing any earthwork on the **Subject Property**.
5. That the **Permittee** shall complete the subdivision process, including recording of the Plat, Development Agreement, Cross-Access Easement and Trail Easement, prior to commencing any earthwork.
6. That this **Variance** shall automatically expire if the use is not initiated by May 3, 2019, and issuance of the Building Permit to construct a single family home shall constitute initiation.

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 3<sup>rd</sup> day of May, 2018.



CITY OF RAMSEY:

By: \_\_\_\_\_  
Chairperson, Planning Commission

By: \_\_\_\_\_  
City Clerk

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF ANOKA        )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared Randy Bauer and JoAnn M Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Planning Commission Chairperson and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Randy Bauer and JoAnn M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

\_\_\_\_\_  
Notary Public

This document drafted by:  
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This document reviewed by:  
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