

July 17, 2019

Tim Gladhill
Community Development Director
City of Ramsey
7550 Sunwood Drive
Ramsey, MN 55303

RE: Request for Variance, Delta ModTech
City of Ramsey Variance Request: 19-108

Dear Mr. Gladhill:

On behalf of the Applicant in this matter, Delta ModTech ("Delta"), I am writing to request that this letter be added to the public record on for this appeal and be provided to the City Council prior to and as part of Delta's appeal of the decision of the City Planning Commission on this matter. It was communicated to the Applicant that the appeal of the Planning Commission's decision, pursuant to Ramsey Ordinance Section 117-53(b)(1) would be heard by the City Council at its regular meeting on July 23, 2019.

As you will recall, the Variance Request is for a buffer setback variance from 60' to 40' on the West side of the property that abuts the residential parcel because of the practical difficulties in complying with the published setbacks which are unique to the this parcel, not created by the owner and are not related alone to economic difficulties

The 40' setback would allow a more gradual entrance to the site from Bunker Lake Blvd which is needed for worker and driver safety and is associated with the unusual topography of the property. The trapezoidal shape and physical characteristics of the property and curvature of Bunker Lake Avenue make the reasonable use of the property a challenge without the variance. As part of the variance and use of the property, Delta would be adjusting the landscape plan to add Trees and Plantings in this area to further increase the screening between the properties.

As described in Ramsey Ordinance Section 117-53(b)(2)(b) which sets forth the criteria for permitting the granting of a variance, the Council should note:

1. The requested variance will have no impact on the adequate supply of light and air to and adjacent property. As a setback variance for a driveway only, there is no elevated structures that could cause shadows or impair the flow of air to any adjacent parcels.
2. The reduction in set back from the adjacent residential parcel will not increase traffic congestion on Bunker Lake Boulevard and may actually reduce the chance for congestion. The lengthened driveway resulting from the variance will allow trucks to pull fully off the public street before navigating the change in grade and thus remove this potential source of congestion.
3. The reduction in setback for the driveway will not have the effect of allowing any new uses, and certainly not uses prohibited in the applicable zoning district, nor will it permit a lesser degree of public health, safety, and general welfare protection than established by this chapter, or permit standards which are lower than those required by state law.

As noted above, the granting of the variance will actually increase protection of the of public health, safety, and general welfare because it will provide a more gradual entrance to the site from Bunker Lake Blvd which is needed for worker and driver safety and is associated with the unusual topography of the property.

4. If granted, the variance will not in any way increase the danger of fire or endanger the public safety and may actually increase safety as described above.
5. The variance will not have any effect on property values and will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this chapter.
6. Finally, the granting of the variance will not in any way change the zoning or planned land use for the parcel and as such will not violate the intent and purpose of the comprehensive plan.

Additionally, to address some of the challenges identified at the Planning Commission meeting, we have met and obtained approval for the variance from both Kevin & Mary Groothousen, the neighbors who own the residential parcel adjacent to the West of the Applicant's property. They have approved the buffer yard plantings as shown on the plan included in the packet sent to the Planning Commission and support the variance.

Pursuant to Minn. Stat. 462.357, Subd. 6, The Ramsey Council should grant this variance request because of the practical difficulties suffered by the landowner because of the unique nature of this property related to its irregular shape and topography. The subject request meets the three factor test for reasonableness, uniqueness and lack of negative impact on the essential character of the neighborhood as described in the original materials included in the Agenda Packet provided to the Planning Commission which the Applicant requests be included in the public record for this appeal.

The variance request in this case is not a use variance and therefore the use proposed by the Applicant is no different than the use allowed by the current zoning controls making the request reasonable. As stated herein above and in other areas, the unique physical characteristics of the property shape, grade and need to preserve trees, not created by the owner, also support the granting of the variance. Finally, the granting of the variance will not impact the essential character of the neighborhood. Neither the building nor the driveway will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

The Council should grant the appeal and approve the setback variance from 60' to 40' for the reasons stated above. The Applicant will have several representatives at the City Council meeting on July 23, 2019 to address any questions or comments directly in support of this request.

Sincerely,

John Kinghorn
VP Operations, Kinghorn Construction