

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

RESOLUTION #19-123

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO SETBACKS FROM THE ORDINARY HIGH WATERMARK OF THE RUM RIVER ON THE PROPERTY GENERALLY KNOWN AS 15637 JUNIPER RIDGE DRIVE NW AND DECLARING TERMS OF SAME

RECITALS

1. Emily and Andrew Gilbertson, hereinafter referred to as the “Permittee”, have properly applied for a Variance to construct a detached accessory building (the “Building”) within the required setback from the Ordinary High Watermark (OHW) of the Rum River at the property generally known as 15637 Juniper Ridge Drive NW and legally described as follows:

Lot 11, Block 1, Reilley Estates, Anoka County, Minnesota

(“Subject Property”)

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code on June 6, 2019, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
3. That the Subject Property is zoned R-1 Residential (MUSA) and is approximately 1.35 acres in size.
4. That the surrounding parcels to the east, west and south are zoned R-1 Residential (MUSA), and north of the Subject Property is the Rum River.
5. That the surrounding parcels range in size from about 0.77 acres to 3.49 acres.
6. That the Permittee is proposing to construct a detached accessory building (the “Building”) that is twenty-four feet wide by twenty-eight feet deep (24’ x 28’) and would consist of pine siding and trim, both painted to match the home.
7. That the Permittee is proposing to construct the Building at the north end of the existing, asphalt driveway.
8. That detached accessory buildings are a permitted accessory use in the R-1 Residential (MUSA) zoning district.

9. That the Subject Property is located within the Scenic River Protection Overlay District (the "Overlay District), which requires structures to be setback from the OHW at least 150 feet and from the bluff line at least thirty (30) feet.
10. That the Subject Property was created as part of the Reilley Estates Plat, which was approved in 1976.
11. That the home on the Subject Property was constructed in 1978.
12. That the Overlay District standards were not adopted by the City until 1981.
13. That the location of the home on the Subject Property is considered lawful, nonconforming as it was already constructed at the time the Overlay District standards were adopted by the City.
14. That while the Subject Property is within the Metropolitan Urban Service Area (MUSA), it, as well as all the surrounding homes, are still on private wells and septic systems.
15. That the septic system (tank and drain field) are located east and north of the home, eliminating those locations from consideration for siting the Building.
16. That the proposed location of the Building would be approximately 100 feet from the OHW and about twenty (20) from where the land starts to slope down toward the river.
17. That the proposed location of the Building is generally the most well screened location from view from the river and requires the least amount of additional impervious surfacing too (no need to extend the driveway).
18. That on April 10, 2019, the City sent information regarding this request to the Minnesota Department of Natural Resources to ensure adequate time for any comments or feedback.
19. That the Environmental Policy Board (EPB) reviewed this request at their April 15 meeting and recommended approval of the Variance contingent upon a site visit by City Staff to determine if there was space for additional trees to be planted.

FINDINGS OF FACT

1. That the location of the Building will not impair an adequate supply of light and air to adjacent property.
2. That the location of the Building will not unreasonably increase the congestion on the public street.

3. That the location of the Building will not have the effect of allowing any use prohibited in the R-1 Residential (MUSA) District.
4. That the location of the Building will not permit a lesser degree of public health, safety, and general welfare protection than established by Chapter 117 of the Ramsey City Code or permit standards which are lower than those required by state law.
5. That the location of the Building will not increase the danger of fire or endanger the public safety.
6. That the location of the Building will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of Chapter 117 of the Ramsey City Code.
7. That the location of the Building will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area.
8. That the location of the Building will not violate the intent and purpose of the Comprehensive Plan.
9. That the location of the Building will be in accordance with the objectives of the intent of Section 117-53 (Variances) of the Ramsey City Code.

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

That the Ramsey Planning Commission hereby grants approval of a variance (the “**Variance**”) to construct a detached accessory building (the “**Building**”) within the required setbacks from the OHW and bluff line of the Rum River on the **Subject Property** contingent upon the following conditions:

CONDITIONS

1. That there shall be no other improvements constructed on the **Subject Property**, unless in full accordance with City Code.
2. That the **Permittee** shall construct the **Building** in accordance with all other provisions of City Code Sections 117-111 (R-1 Residential), 117-349 (Accessory Uses and Buildings), and Chapter 117, Article II, Division 4, Subdivision V (Scenic River Protection Overlay District).
3. That the **Permittee** shall not operate a home based business from the **Building** unless in full compliance with City Code Section 117-351 (Home Occupations).
4. That the **Permittee** agrees to construct the **Building** as shown in **Exhibit 1**.

5. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
6. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
7. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Building**, including a Building Permit.
8. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
9. That this **Variance** shall automatically expire if the use is not initiated by June 6, 2020, and issuance of the Building Permit for the **Building** 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 passed and adopted by the Ramsey Planning Commission this the 6th day of June, 2019.

CITY OF RAMSEY

By: _____
 Planning Commission Chair

By: _____
 City Clerk

STATE OF MINNESOTA)
) ss.
 COUNTY OF ANOKA)

On this _____ day of _____, _____, before me a Notary Public personally appeared Randy Bauer and Jo Ann 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 Jo Ann M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

**Exhibit 1
Site Plan**

