

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

**RESOLUTION #19-252**

**A RESOLUTION DENYING THE REQUEST FOR A HOME OCCUPATION PERMIT  
TO OPERATE A GARBAGE HAULING BUSINESS  
ON THE PROPERTY LOCATED AT 17030 BAUGH STREET NW**

**RECITALS**

1. The City of Ramsey received an application from Allen and Joyce Birchem requesting a home occupation permit to operate a garbage hauling business on the property generally known as 17030 Baugh Street NW and legally described as follows:

UNPLATTED RAMSEY TWP THE S 200 FT OF THE N 1633 FT OF THE E 416 FT OF THE E1/2 OF THENW1/4 OF SEC 7-32-25 IN ANOKA CNTY, MN AS MEAS ALONG THE E & N LINES OF SD E1/2 OF THE NW1/4(SUBJ TO AN EASE FOR RDPURP OVER THE E 66 FT THEREOF)(SUBJ TO EASE FOR RD & UTIL TO RAMSEY TWP)

(the “Subject Property”)

2. That on October 3, 2019, Allen and Joyce Birchem (the “Applicants”), owners of the Subject Property, submitted an application for a Home Occupation Permit to operate a garbage hauling business (the “Home Occupation”) on the Subject Property.
3. That the City Council passed Resolution 19-228 related to Code Enforcement on the Subject Property which required the Applicants stop all business use onsite, or apply for a home occupation permit.
4. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on November 7, 2019, and that said public hearing was properly advertised.
5. That the Subject Property is zoned R-1 Residential (Rural Developing) and the surrounding parcels are zoned R-1 Residential (Rural Developing).
6. That the Subject Property is approximately 1.6 acres and is surrounded by lots of similar size.
7. That the Subject Property is guided for Rural Developing (residential) in the City’s Future Land Use Map.
8. That the Applicant owns the dwelling unit on the Subject Property (non-homesteaded) and occupies the dwelling Monday through Wednesday while conducting business, and then lives on a homesteaded property in the Brainerd area the rest of the time.
9. That the Subject Property includes an approximately 2,400 square foot dwelling unit and an approximately 1,200 square foot detached accessory building.
10. That the Home Occupation is proposed to be based out of both the detached accessory building, the dwelling unit, and the outdoor areas of the property.

11. That the Applicants have stated there will be approximately 400 square feet of garage space reserved for indoor residential parking and storage related to residential use on the Subject Property, as established in City Code Section 117-351 (Home Occupation).
12. That the Applicant has stated there is not business signage on the Subject Property.
13. That the Applicants have stated there will be no more than eight (8) vehicle trips per standard eight (8) hour day.
14. That the Home Occupation employs one other person, other than the Applicants, that lives on the Subject Property and is related to the Applicants.
15. That there are activities related to loading or unloading equipment at the Subject Property including approximately 5 residential dumpsters stored onsite and delivered to customers, and 50 residential garbage cans stored onsite and delivered to customers, and 5 garbage trucks – including inoperable trucks kept for parts.
16. That the Home Occupation does involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the Subject Property via phone call and email in an office inside the home.
17. That the Applicants have proposed business house from 8:00 a.m. to 4:30 p.m., Monday through Wednesday.
18. That the Applicants have proposed bookkeeping, accounting, billing, as well as the storage of five (5) waste hauling trucks, approximately fifty (50) residential waste containers, and five (5) waste dumpsters as onsite business operations on the Subject Property.
19. That the items listed above are currently stored outside on the Subject Property, on both pavement, dirt, and grass, and are not in compliance with outdoor storage regulations or nuisance regulations.
20. That the Applicants operate waste collection services in Sherburne and Wright Counties, with disposal of the collected waste occurring at a waste management facility in Sherburne County.
21. That the Applicants do not have a license with Anoka County, though Anoka County stated a business license (base license) is required for the use.
22. That the Applicants have stated that the garbage hauling trucks will be cleaned at the waste management facility upon being emptied and that no waste of any kind will be taken to the Subject Property at any time.
23. That the City finds the Home Occupation operates beyond the parameters of general and administrative home occupation permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval.
24. That the City of Ramsey received complaint(s) about the home-based business in relation to the traffic of garbage trucks on a residential street, garbage trucks parked on a residential property, the volume of exterior evidence related to the home-based business, and other code violations related to exterior storage, junk, nuisance regulations, and vermin onsite.

25. The property is not in compliance with City Code requirements related to home-based businesses, outdoor storage of inoperable vehicles, number of items stored outside, off-street parking violations, and nuisance violations.

### **FINDINGS OF FACT**

1. That the proposed use **will** adversely impact traffic in the area.
2. That the proposed use **will not** be compatible with the residential neighborhood due to (in part) density, lot size and use of the surrounding lots.
3. That the proposed use **will** be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or the public welfare.
4. That the proposed use **will** substantially or adversely impair the use, enjoyment, or market value of neighboring properties.
5. That the proposed use **will** be hazardous or disturbing to existing or future neighboring uses.
6. That the proposed use **will not** be served adequately by public facilities and services such as highways and streets.
7. That the proposed use **will** create excessive additional requirements at public cost for public facilities and services, and it **will** be detrimental to the economic welfare of the community.
8. That the proposed use **will** involve activities and uses that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
9. That the operation of a waste hauling company with outdoor storage of multiple commercial vehicles and commercial equipment is not consistent with the intent of the R-1 Residential (Rural Developing) District (the "District") which is to accommodate single-family dwellings.
10. That the outdoor storage of multiple waste containers is declared a public nuisance to surrounding properties.
11. That the traffic generated by commercial vehicles is not consistent with the design of the residential road section known as Baugh Street NW.
12. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.

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

That the request for a Home Occupation Permit for the operation of Birchem Sanitation on the Subject Property is hereby denied pursuant to Sections 117-51 and 117-351 of the Ramsey City Code.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, 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 denied and adopted by the Ramsey City Council this \_\_\_\_\_ the day of \_\_\_\_\_, 2019.

**CITY OF RAMSEY:**

By: \_\_\_\_\_  
Mayor

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

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF ANOKA )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared Mayor John LeTourneau and JoAnn M Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor 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 John LeTourneau and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

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

The document drafted by:  
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This document reviewed by:  
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