

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

RESOLUTION #21-178

**A RESOLUTION GRANTING THE ISSUANCE OF A VARIANCE TO KEEP A
DETACHED ACCESSORY BUILDING WITHIN THE REQUIRED SIDE YARD
SETBACK AT THE PROPERTY AT 7474 163RD AVENUE NW**

RECITALS

1. Manuel Cuevas, hereinafter referred to as the “Applicant”, has properly applied for a Variance to keep a detached accessory building (the “Structure”) within the required side yard setback on the property located at 7474 163rd Ave NW and legally described as follows:

Lot 15 Block 2 Sweetbay Ridge, Anoka County, Minnesota

(“Subject Property”)

2. That the Subject Property is zoned R-1 Residential (MUSA) District; the surrounding parcels are also zoned R-1 Residential (MUSA).
3. That the Subject Property is approximately 0.38 acres in size.
4. That the detached building is 12’ x 10’ feet and 120 square feet in size, and is placed within the side yard setback as well as the drainage and utility easement. The Subject Property has a drainage and utility easement on the east side of the property that is 10’ wide, which is where the accessory structure has been placed.
5. That the placement within the drainage and utility easement would require an easement encroachment agreement, approved by the City Council; City Staff is not supportive of said encroachment agreement.
6. The accessory structure typically would have required a zoning permit before placement on the property, and has since been subject to the City’s code enforcement process.
7. That City Staff followed the code enforcement process with a first notice of violation, a second notice of violation with an administrative citation, and an additional meeting on May 11, 2021 to discuss alternative locations and requirements for the structure to remain in its current placement.
8. That the City of Ramsey does not support this request as the Applicant has options for placement of the Structure on the Subject Property.

9. That the Planning Commission met and held a duly noticed public hearing on July 22, 2021 and denied the request.

FINDINGS OF FACT

1. That the **Structure** will not adversely impact traffic in the area.
2. That the **Structure** will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
3. That the **Structure** will be constructed so as to 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.
4. That the **Structure** will not create additional requirements at public cost for public facilities and services.
5. That the **Structure** will not be detrimental to the economic welfare of the community.
6. That the **Structure** will not be disturbing or hazardous to existing or future neighboring uses.
7. That the **Structure** will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.

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 keep the Structure within the side yard setback, and drainage and utility easement, on the Subject Property:

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Dunaway, and upon vote being taken thereon, the following voted in favor thereof:

Chairperson Bauer
Commissioner Walker
Commissioner Dunaway
Commissioner Peters

and the following voted against the same:

Commissioner Anderson
Commissioner VanScoy

and the following abstained:

None

and the following were absent:

Commissioner Gengler

whereupon said resolution was declared duly passed and adopted by the Ramsey Planning Commission this the 22nd day of July, 2021.

Chairperson

ATTEST:

City Clerk

CITY OF RAMSEY

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, 2021, before me a Notary Public personally appeared Randy Bauer and Colleen Lasher, 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 Colleen Lasher acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
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Ramsey, MN 55303