



From Site to Finish

Narrative

# Wetland Setback Variance for William Woods 1<sup>st</sup> Addition

Prepared for:

Bill Bovum

June 22, 2021



SUBMITTED TO  
City of Ramsey  
7550 Sunwood Drive NW  
Ramsey, MN 55303



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## Introduction

On behalf of Bill Boyum, Landform is pleased to submit this application for approval of a wetland setback variance for “Williams Woods”, a nine lot rural subdivision on 94.4 acres located at 7363 175<sup>th</sup> Avenue NW (PIN #04-32-25-13-0001, 04-32-25-14-0005, 04-32-25-41-0002, 04-32-25-42-0002, 04-32-25-42-0003 and 04-32-25-44-0003).

At the June 3<sup>rd</sup> meeting, the Planning Commission approved a variance from the maximum cul-de-sac length. The Commission also recommended approval of the preliminary plat request, which is scheduled for City Council action on June 22<sup>nd</sup>.

## Variance

### Wetland Setback

We have completed our wetland delineation for the site and expect LRRWMO (Lower Rum River Watershed Management Organization) to approve the delineation on July 15<sup>th</sup>. We are requesting City approval for a variance from Section 117-289, which requires a 16.5-foot setback from all wetlands and stormwater ponds. This site is uniquely restricted by the wetlands and trees on site. We have designed the subdivision to limit the impacts to trees and wetlands by limiting the subdivision to nine lots where the code would allow up to 37 lots. However, some flexibility is requested to allow driveways to cross the wetlands for three of the lots.

The variance is needed to put the property to reasonable use. The location of the wetlands on the southern half of the property creates a hardship that makes it impossible for the developer to serve three of the lots and meet the wetland setback requirements. The physical characteristics of the site require the variance.

The wetland complex on the west side of the site does not allow driveway access for Lots 3-5 without some wetland setback flexibility. The Wetland Conservation Act (WCA) allows up to 2,500 sq. ft. of de minimis wetland fill on this site. We have worked to minimize the wetland impacts and have only 270 sq. ft. for these three driveways. Unfortunately, this means that we cannot meet the wetland setback for these lots and are requesting a variance to allow a 1.9-foot setback on Lot 3 and zero setback on Lots 4-5. While the WCA rules could allow additional de minimis fill under to create the required setbacks, we do not believe that filling wetlands to create the setback is in the spirit of the WCA.

If the driveways for Lots 4 and 5 were combined into a shared driveway, we could fill the wetland under the de minimis rule to create the driveway on Lot 3 and the new shared driveway on Lot 4 within the de minimum fill allowance and create the required wetland setbacks.

The following table summarizes the proposed impacts for the three affected lots:

|              | Wetland Impact | Wetland Setback Impact |
|--------------|----------------|------------------------|
| <b>Lot 3</b> | 0 sq. ft.      | 873 sq. ft.            |
| <b>Lot 4</b> | 178 sq. ft.    | 2,157 sq. ft.          |
| <b>Lot 5</b> | 92 sq. ft.     | 1,816 sq. ft.          |
| <b>Total</b> | 270 sq. ft.    | 3,973 sq. ft.          |

We have reviewed the request in accordance with MN law and the City ordinance standards in Section 117-53 and find that the ordinance standards have been met. Specifically, the proposed action will not:

1. *Impair an adequate supply of light and air to adjacent property.*

The variance from the wetland buffer requirements will have no impact on the supply of light and air to adjacent property.

2. *Unreasonably increase the congestion in the public street.*

The wetland buffer setback variance will not increase the congestion on public streets.

3. *Have the effect of allowing any uses prohibited in the applicable zoning district, 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.*

The variance will not allow any uses prohibited by ordinance and will only affect three homes. We have reduced the driveway width to 10 feet for these lots to minimize the wetland impacts, but the location of the wetlands makes it impossible to access the west side of the property without some flexibility. We would be well below the amount of de minimis fill allowed by WCA rules, but believe that requesting the variance rather than filing the wetland to create the setback is consistent with the spirit and intent of the ordinance.

4. *Increase the danger of fire or endanger the public safety.*

The setback variance will not increase the danger of fire or endanger public safety. The plan provides driveways for each of the homes.

5. *Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this chapter.*

The project will allow construction of nine custom homes. Three of the driveways require a variance from the wetland setback requirements for the driveway crossing, but the remainder of the wetlands on the lots will meet the setback requirements. Many other communities do allow some wetland setback averaging to accommodate common impacts like the driveway impacts proposed.

6. *Violate the intent and purpose of the comprehensive plan.*

The development is consistent the intent and purpose of the Comprehensive Plan goals to maintain and expand the rural character of Ramsey by creating nine estate lots rather than maximizing the potential number of homes on the lot. The development was designed to minimize wetland impacts and tree loss by creating only nine lots on this 94.4-acre site.

7. *Violate any of the terms or conditions of subsection (b)(2)b of this section.*

Granting the variance would not violate any of the terms or conditions of the subsection, which references the statutory requirements in MN Statute §462.357, subd. 6(2).

Furthermore, the City Code requires compliance with the following:

1. *A variance from the terms of this chapter shall not be granted unless it can be demonstrated that that the conditions for granting a variance under Minn. Stats. § 462.357, subd. 6(2) have been satisfied.*

There are practical difficulties in complying with the wetland setback due to the physical site constraints. The hardship is caused by the location of the wetlands on site, which do not allow access to the western portion of the property without impact to the wetland setback. These physical constraints were not caused by the landowner. If the variance is granted it will not alter the essential character of the locality, but will reinforce the rural character of Ramsey.

2. *Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.*

The variance is required to make reasonable use of the land. The site is zoned to allow up to 37 lots and our project is for only nine lots. The existing wetlands on site and the location of the trees that are proposed for preservation create challenges to accessing this portion of the property.

## Summary

We respectfully request approval of the variance for wetland setbacks for Lots 3-5 in Williams Woods 1<sup>st</sup> Addition. It is our understanding that this item will be scheduled for the July 22<sup>nd</sup> Planning Commission meeting.

## Contact Information

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