

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

RESOLUTION #21-178

A RESOLUTION DENYING 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 proposed use will adversely impact traffic in the area.
2. That the proposed use will substantially or adversely impair the use, enjoyment or market value of surrounding properties.
3. That the proposed use will not 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 proposed use will create additional requirements at public cost for public facilities and services.
5. That the proposed use will be detrimental to the economic welfare of the community.
6. That the proposed use will be disturbing or hazardous to existing or future neighboring uses.
7. That the proposed use will 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 denies 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 _____, 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 22nd day of July, 2021.

