

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

**RESOLUTION #21-175**

**A RESOLUTION DENYING THE REQUEST FOR A HOME OCCUPATION PERMIT  
TO OPERATE A LANDSCAPING BUSINESS ON THE PROPERTY LOCATED AT 8351 160<sup>th</sup>  
AVENUE NW (PROJ. #21-119)**

**RECITALS**

1. Jacob Johnson, hereinafter referred to as the “Applicant”, has properly applied for a Home Occupation Permit to operate a landscaping business on the property located at 8351 160<sup>th</sup> Avenue NW and legally described as follows:

LOT 3 BLOCK 1 FOREST HIDEAWAY, EX RD SUBJ TO EASE OF REC, Anoka County,  
Minnesota

(the “Subject Property”)

2. That on January 2, 2019 a code enforcement case was opened for a public nuisance violation regarding waste, refuse, garbage, and construction materials.
3. That on April 28 Staff conducted a follow up inspection on the open case, discovering the home occupation at the property.
4. That on April 29, 2021, a first notice of violation was sent to the property for public nuisance, off-street parking, and home occupation violations.
5. That on May 13, 2021 a second inspection was conducted and a second notice of violation letter sent for public nuisance, off-street parking, and home occupation violations with a citation for \$75.
6. That on May 24, 2021 the Applicant contacted Staff that he would address the violations and apply for the home occupation permit.
7. That on June 10, 2021, the Applicant submitted a completed Home Occupation Supplemental Questionnaire without a completed application or fees paid.
8. That on July 2, 2021 a third notice of violation was sent to the property for a home occupation violation with a citation for \$250.
9. That on July 20, 2021, the Applicant, submitted a completed application for a Home Occupation Permit to operate a landscaping business (the “Home Occupation”) on the Subject Property.
10. That the Planning Commission reviewed the request on August 26, 2021.
11. That the Subject Property is zoned R-1 Residential (Rural Developing) and the surrounding parcels are zoned R-1 Residential (Rural Developing).
12. That the Subject Property is approximately 1.65 acres and is surrounded by lots of similar size.

13. That the Subject Property is guided for Rural Developing (residential) in the City's Future Land Use Map.
14. That the Applicant owns the Subject Property, and will occupy the dwelling while conducting business on the Subject Property.
15. That the Home Occupation is proposed to be based out of a second driveway where the landscaping equipment and materials will be stored. A site plan has been included.
16. That the Applicant has stated there will be at least 400 square feet of garage space reserved for indoor residential parking and storage in an attached garage related to residential use on the Subject Property, as established in City Code Section 117-351 (Home Occupation). The detached 800 square foot garage will be used for storage and light mechanical work.
17. There are no business signs at the Subject Property.
18. That the Applicant has stated there will be no more than sixteen (16) vehicle trips per standard eight (8) hour day.
19. That the Home Occupation employs six (6) other employees.
20. That the Applicant has proposed to store three (3) Chevrolet 2500, a Chevrolet 3500, four (4) trailers, two (2) skid steers, and a tractor outside on an allowed parking surface. Employee vehicles parked at the Subject Property are not included in this proposal.
21. That the Home Occupation does not involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the Subject Property but does involve operating the business via phone call and email in an office inside the home. Customers do not come to the Subject Property.
22. 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.
23. The property is not in compliance with City Code requirements related to home-based businesses, but is in compliance with off-street parking violations, and nuisance violations.
24. That the Planning Commission met and held a duly noticed public hearing on August 26, 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 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 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.

**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 denied and adopted by the Ramsey Planning Commission this the 26th day of August, 2021.

**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 Mark E. Kuzma and Colleen Lasher, 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 Mark E. Kuzma and Colleen Lasher acknowledge said instrument to be the free act and deed of said Municipal Corporation.

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

The document drafted by:  
The City of Ramsey  
7550 Sunwood Dr NW  
Ramsey, Minnesota 55303