

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

RESOLUTION #22-043

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO SETBACKS FROM THE ORDINARY HIGH WATERMARK OF THE RUM RIVER ON THE PROPERTY GENERALLY KNOWN AS 5280 161st AVENUE NW AND DECLARING TERMS OF SAME

RECITALS

1. Mark Rice, hereinafter referred to as the “**Permittee**”, has properly applied for a Variance to construct a detached accessory building (the “**Building**”) within the required setback from the Ordinary High Watermark (OHW) of the Rum River at the property generally known as 5280 161st Ave NW and legally described as follows:

Lots 11 & 12 Block 6, Barthels Rum River Acres 2nd, Anoka County, Minnesota

(“**Subject Property**”)

2. That the **Permittee** appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code on February 24, 2022 and that the public hearing was properly advertised.
3. That the **Subject Property** is zoned R-1 Residential (Rural Developing) and is approximately 4.89 acres in size.
4. That the surrounding parcels to the west are zoned R-1 Residential (Rural Developing), properties to the south are zoned Public/Quasi-Public, and north and east of the **Subject Property** is the Rum River.
5. That the surrounding parcels range in size from about 2.50 acres to 44.30 acres.
6. That the **Permittee** is proposing dimensions of thirty-six feet wide by thirty-six feet deep (36’ x 36’) for the **Building**.
7. That the **Permittee** is proposing to construct the **Building** at the north end of the existing driveway.
8. That detached accessory buildings are a permitted accessory use in the R-1 Residential (Rural Developing) zoning district.
9. That the **Subject Property** is located within the Scenic River Protection Overlay District (the “Overlay District”), which requires structures to be setback from the OHW at least 150 feet.

10. That the **Subject Property**, as well as all the surrounding homes, are on private wells and septic systems.
11. That the septic system (tank and drain field) are located southwest of the home, eliminating that location from consideration for siting the **Building**.
12. That the proposed location of the **Building** would be approximately 120 feet from the OHW.
13. That the proposed location of the **Building** is generally the most well screened location from view from the river and requires the least amount of additional impervious surfacing.
14. That the proposed location of the **Building** is furthest away from the one and only adjacent residential property.

FINDINGS OF FACT

1. That the location of the **Building** will not impair an adequate supply of light and air to adjacent property.
2. That the location of the **Building** will not unreasonably increase the congestion on the public street.
3. That the location of the **Building** will not have the effect of allowing any use prohibited in the R-1 Residential (Rural Developing) District.
4. That the location of the **Building** will not permit a lesser degree of public health, safety, and general welfare protection than established by Chapter 117 of the Ramsey City Code or permit standards which are lower than those required by state law.
5. That the location of the **Building** will not increase the danger of fire or endanger the public safety.
6. That the location of the **Building** will not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of Chapter 117 of the Ramsey City Code.
7. That the location of the **Building** will 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.
8. That the location of the **Building** will not violate the intent and purpose of the Comprehensive Plan.

9. That the location of the **Building** will be in accordance with the objectives of the intent of Section 117-53 (Variances) of the Ramsey City Code.

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 construct a detached accessory building (the “**Building**”) within the required setbacks from the OHW of the Rum River on the **Subject Property** contingent upon the following conditions:

CONDITIONS

1. That there shall be no other improvements constructed on the **Subject Property**, unless in full accordance with City Code.
2. That the **Permittee** shall construct the **Building** in accordance with all other provisions of City Code Sections 117-111 (R-1 Residential), 117-349 (Accessory Uses and Buildings), and Chapter 117, Article II, Division 4, Subdivision V (Scenic River Protection Overlay District).
3. That the **Permittee** shall not operate a home based business from the **Building** unless in full compliance with City Code Section 117-351 (Home Occupations).
4. That the **Permittee** agrees to construct the **Building** in the location shown in **Exhibit 1**.
5. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
6. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
7. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Building**, including a Building Permit.
8. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
9. That this **Variance** shall automatically expire if the use is not initiated by February 24, 2023, and issuance of the Building Permit for the **Building** shall constitute initiation.

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 24th day of February, 2022.

Exhibit 1 Site Plan

