

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

**RESOLUTION #22-189**

**A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO EXCEED THE ALLOWABLE SQUARE FOOTAGE FOR DETACHED ACCESSORY BUILDINGS ON THE PROPERTY GENERALLY KNOWN 15410 NUTRIA ST NW**

**RECITALS**

1. Brady Doble, hereinafter referred to as the “Permittee”, has properly applied for a Conditional Use Permit to exceed the allowable square for detached accessory buildings on the property generally known as 15410 Nutria Street NW and legally described as follows:  
  
Lot 4, Block 6 Whispering Pines Estates  
  
(the “Subject Property”)
2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on August 25, 2022, and that said public hearing was properly advertised and that the minutes of said public hearing are available.
3. That the Subject Property is approximately 0.93 acres in size,
4. That the surrounding parcels are of similar size, ranging from approximately 0.80 acres to 1.20 acres.
5. That the Subject Property is zoned R-1 Residential (Rural Developing) and is guided as Rural Developing in the Comprehensive Plan.
6. That the surrounding properties are zoned R-1 Residential (Rural Developing) and are also guided Rural Developing in the Comprehensive Plan.
7. That the Permittee currently has three (3) detached accessory buildings on the Subject Property; a detached garage (576 square feet), which serves as the primary garage, and two sheds (168 and 100 square feet).
8. That the smallest shed appears to be partially encroaching onto the adjacent property, within the required side yard setback (10 feet), and within a drainage and utility easement.
9. That the combined square footage of the three (3) existing detached accessory buildings is 844 square feet.

10. That per City Code Section 117-349 (Accessory Uses and Buildings), properties between 0.5 acres and 1 acre are eligible for 1,800 square feet of detached accessory building space and a maximum of three (3) detached accessory buildings.
11. That the Permittee is proposing to construct a fourth detached accessory building that would be 1,200 square feet in size (30' x 40').
12. That the proposed total square footage for the Subject Property is 2,044 square feet, which is 244 square feet more than City Code allows.
13. That the Permittee desires to retain all three (3) of the existing detached accessory buildings in addition to the proposed 1,200 square foot detached accessory building.
14. That the exterior finish of the proposed detached accessory building will consist of metal panels that are color compatible with the home, which is gray, on the Subject Property.
15. That the new detached accessory building would be accessed from 154<sup>th</sup> Lane NW (a Zoning Permit for a driveway was issued in 2021).
16. That the mean gable height of the proposed building would not exceed twenty-two feet (22').

#### **FINDINGS OF FACT**

1. That the overall square footage of detached accessory buildings will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That the overall square footage of detached accessory buildings will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the overall square footage of detached accessory buildings will be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. That the overall square footage of detached accessory buildings will not be hazardous to existing or future neighboring uses.
5. That the overall square footage of detached accessory buildings will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That the overall square footage of detached accessory buildings will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the overall square footage of detached accessory buildings will not involve uses, activities and equipment that will 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 CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the “**Permit**”) to construct a thirty foot by forty foot (30’ x 40’) detached accessory building (the “**Accessory Building**”) on the **Subject Property** that exceeds the cumulative maximum square footage allowed, contingent upon the following conditions:

**CONDITIONS**

1. That this **Permit** allows for the construction of a 30’ x 40’ (1,200 square feet) **Accessory Building** on the **Subject Property**.
2. That there shall be no other accessory buildings constructed on the **Subject Property**, unless in accordance with City Code.
3. That the **Permittee** agrees to maintain all detached accessory buildings on the **Subject Property** in compliance with the International Property Maintenance Code and City Code.
4. That the **Permittee** agrees to remove one (1) of the three existing detached accessory buildings from the **Subject Property** within thirty (30) days of approval of the final inspection for the **Accessory Building**.
5. That the **Accessory Building** shall comply with the height restrictions outlined in City Code Section 117-349 (Accessory Uses and Buildings).
6. That the **Permittee** agrees that no part of the **Accessory Building** shall be used for a home occupation unless in compliance with City Code Section 117-351 (Home Occupations).
7. That the **Permittee** shall comply with all applicable local, state, and federal regulations and shall obtain all applicable licenses and permits prior to construction of any building.
8. That the **Permittee** agrees the exterior finish of the detached accessory building will be the same general design and materials as the home or consist of metal panels that are color compatible with the home (this means, at a minimum, a shade of gray, which is the primary color of the home).
9. That the **Permittee** agrees that no part of the **Accessory Building** shall be used as an accessory dwelling.
10. That the **Permittee** agrees that any future building modifications will be subject to review by the City of Ramsey, either via a Building Permit or Zoning Permit Application.

11. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Accessory Building**, including a building permit and electrical permit.
12. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
13. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
14. 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.
15. That this **Permit** shall automatically expire if the use is not initiated by September 13, 2023, and issuance of the building permit shall constitute initiation.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, 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 City Council this the 13<sup>th</sup> day of September, 2022.

