

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

RESOLUTION #23-135

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO DEVIATE FROM THE SETBACK ALONG DYSPROSIUM STREET TO CONSTRUCT A DECK AT 5364 142ND CIRCLE NW AND DECLARING TERMS OF PERMIT

RECITALS

1. The City of Ramsey received an application from Paul and Heather Anderson (the "Permittee") requesting a Variance to the setback standard along Dysprosium Street NW to construct a deck on the property generally known as 5364 142nd Circle NW and legally described as follows:

Lot 19, Block 2 FLINTWOOD HILLS 2ND ADDITION, Anoka County, Minnesota

(the "Subject Property")

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on June 22, 2023, 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 0.21 acres in size and is zoned Planned Unit Development (PUD).
4. That the Subject Property is guided as Low Density Residential in the Comprehensive Plan.
5. That the Permittee is proposing the construction of a deck that is ten feet (10') deep and twenty-one and a half feet (21.5') long off the west wall of the home on the Subject Property.
6. That the Flintwood Hills PUD specified a twenty (20) foot setback along Dysprosium Street.
7. That the home was constructed twenty (20) feet from the west property line (along Dysprosium Street).
8. That there is a ten (10) foot wide drainage and utility easement along the western property line of the Subject Property.
9. That no part of the proposed deck would encroach into the drainage and utility easement.
10. That Dysprosium Street is a Municipal State Aid (MSA) road and with eighty feet of right-of-way.

11. That there is approximately twenty-two feet (22') from the back of curb to the property boundary (about nine [9] feet of boulevard, a six [6] foot wide sidewalk, and about seven [7] additional feet of turf), so the deck would still be slightly more than thirty feet (30') from the road.
12. That the two parcels directly north of the Subject Property (between 142nd Circle and 142nd Lane) both have decks off the western sides of those homes along Dysprosium Street.
13. In 1988, the City of Ramsey Board of Adjustment issued a variance for the construction of a deck up to ten feet (10') from the property line along Dysprosium Street (the parcel immediately north of the Subject Property).
14. That while there is no record of a Building Permit (or variance), the second parcel referenced in #12 above has had a deck, which is approximately eleven feet (11') off the western property line (along Dysprosium Street), dating to at least 1997 (based on historical aerial photographs).
15. That the Subject Property has a privacy fence and tree cover along Dysprosium Street that will at least partially screen the deck.

FINDINGS OF FACT

1. That the deck will not impair an adequate supply of light and air to adjacent property.
2. That the deck will not unreasonably increase the congestion on the public street.
3. That the deck will not have the effect of allowing any use prohibited in the PUD.
4. That the deck 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 deck will not increase the danger of fire or endanger the public safety.
6. That the deck 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 deck 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 deck will not violate the intent and purpose of the Comprehensive Plan.
9. That the deck will be in accordance with the objectives of the intent of Section 117-53 (Variances) of the Ramsey City Code.

10. That the deck depth is the minimum necessary to accomplish the Permittee's intended purpose.

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 deviate from the required setback along Dysprosium Street to allow the construction of a deck on the **Subject Property**, subject to review and approval as to legal form and contingent upon the following conditions:

CONDITIONS

1. That this **Variance** shall allow a deviation to the setback requirement on the **Subject Property** as shown in Exhibit 1.
2. That this **Variance** shall be perpetual in duration as long as the terms are herein complied with.
3. That no part of the deck or stairs shall encroach into the drainage and utility easement along Dysprosium Street.
4. That the **Permittee** shall obtain a Building Permit from the City of Ramsey and shall construct the deck in accordance with all applicable codes.
5. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
6. That this **Variance** shall automatically expire if the use is not initiated by June 22, 2024, and initiation shall be considered issuance of a Building Permit for the deck.

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 June, 2023.

Chairperson

ATTEST:

City Clerk

**Exhibit 1
Site Plan**

