

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

RESOLUTION #23-240

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO DRIVEWAY SETBACKS AT 14275 ALPACA STEET NW AND DECLARING TERMS OF SAME

RECITALS

1. The City of Ramsey received an application from Jay and Carol McDonald (the “**Permittee**”) requesting a Variance to the minimum driveway setback on the property generally known as 14275 Alpaca Street NW and legally described as follows:

Lot 1, Block 2 Alpaca Estates 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 September 28, 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 3.12 acres in size.
4. That the **Subject Property** is zoned R-1 Residential (MUSA) – 80.
5. That the **Subject Property** is located in the Mississippi River Corridor Critical Area (MRCCA) Overlay District and more specifically, in the Separated from River (SR) district, which defaults to underlying zoning district standards.
6. That the parcels to the south and west of the **Subject Property** are also zoned R-1 Residential (MUSA) – 80 and the parcels to the north and east of the **Subject Property** are zoned B-2 Highway Business.
7. That the surrounding residential properties are all at least 2.5 acres in size.
8. That the **Subject Property** is guided as Low Density Residential in the 2040 Comprehensive Plan.
9. That the **Permittee** has an existing driveway (the “**Driveway**”), which consists partially of asphalt and partially of class V gravel, that leads to and around an existing detached accessory building.
10. That City Code Section 117-111 (R-1 Residential District) specifies a minimum setback of five (5) feet for a driveway to a side lot line.

11. That a portion of the **Driveway** not only encroaches on the minimum required setback but also encroaches onto the adjacent residential property as well.
12. That the driveway setback specified in City Code is intended to serve multiple purposes, including keeping impervious surfacing out of drainage and utility easements and providing space for snow storage.
13. That there is no drainage and utility easement along the southern lot of the **Subject Property**.
14. That the larger property sizes in this neighborhood provide ample space for snow storage.
15. That the **Permittee** has stated that they have communicated with the owner of the impacted property and that they have no objection to the encroachment.
16. That the **Permittee** stated a previous owner of the **Subject Property** had to dig a small basin in the rear yard to correct drainage problems that were resulting in water in the basement and as a result, the detached accessory building had to be constructed at the minimum side yard setback at the time.
17. That the **Driveway** encroachment is not readily visible from surrounding properties.

FINDINGS OF FACT

1. That the **Driveway** does not impair an adequate supply of light and air to adjacent property.
2. That the **Driveway** does not unreasonably increase the congestion on the public street.
3. That the **Driveway** does not have the effect of allowing any use prohibited in the R-1 Residential (MUSA) – 80 district.
4. That the **Driveway** does 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 **Driveway** does not increase the danger of fire or endanger the public safety.
6. That the **Driveway** does not unreasonably diminish or impair established property values within the neighborhood, nor in any way is the **Driveway** contrary to the intent of Chapter 117 of the Ramsey City Code.
7. That the **Driveway** is 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 **Driveway** does not violate the intent and purpose of the Comprehensive Plan.

9. That the **Driveway** will be in accordance with the objectives of the intent of Section 117-53 (Variances) of the Ramsey City Code.
10. That the **Driveway** will not be detrimental to Primary Conservation Areas (PCA) or Public River Corridor Views (PRCV) within the MRCCA.
11. That issuance of a variance for the **Driveway** would in no way be inconsistent with the character and management purpose of the SR District of the MRCCA.
12. That the **Driveway**, other than the side yard setback, is in substantial compliance with the MRCCA standards.

NOW THEREFORE, BE IT RESOLVED BY THE 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 driveway setback from a side property line to allow a driveway to be located with a zero setback 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 the **Permittee** shall not expand the **Driveway** in any way unless in full compliance with City Code.
4. That the **Permittee** shall be required to execute an Encroachment Agreement with the adjacent property owner and the **Permittee** shall record said Encroachment Agreement against both the **Subject Property** as well as Lot 2, Block 2 Alpaca Estates 2nd Addition.
5. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.

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 28th day of September, 2023.

Planning Commission Chairperson

ATTEST:

City Clerk

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

Exhibit 1 Encroachment Exhibit

