

UNAPPROVED MINUTES

**PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 25, 2024, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Cheri Gengler
 Commissioner Bruce Anderson
 Commissioner Randy Bauer
 Commissioner Ryan Heineman (via Zoom)
 Commissioner Eric Peters
 Commissioner Gary VanScoy

Members Absent: Commissioner Tom Hunt

Also Present: Planning Manager Todd Larson
 City Planner Adam Martin
 Building Official Andy Schreder
 City Council Liaison Matt Woestehoff

1. CALL TO ORDER

Chairperson Gengler called the regular meeting to order at 7:00 p.m.

6. PUBLIC HEARINGS/COMMISSION BUSINESS

**6.02: Public Hearing: Consider a Variance for a Lean-To Structure at 6960 148th Lane NW
(Curtis Forster)**

Public Hearing

Chairperson Gengler called the public hearing to order at 7:29 p.m.

Presentation

Planning Manager Larson presented the staff report stating that staff's recommendation is that the supplied practical difficulties used to justify the variance for the lean-to structure are not reasonable and the variance should be denied. The siding material is not consistent with the applicant's siding nor other siding in the neighborhood. It is not an approved architectural material for homes. It can be found as deck and fencing material. Should the walls be removed, an open-aired lean-to

would appear more in character of a residential property. However, if the property owner or the adjacent neighbor chose to build a fence along the property line, the structure would immediately look out of place. Variances cannot restrict what neighboring property owners do, therefore the variance should be denied. Staff is taking no position on the concrete slab.

Commissioner Bauer recognized that the lean-to and concrete slab were built without City involvement. He asked if the concrete slab would still require a variance, even if the lean-to were never considered as part of the project.

Planning Manager Larson confirmed that the slab would still require a variance.

Commissioner Bauer noted that there were several aspects of the lean-to that did not meet City Code. He asked if the slab would also need to be removed if the variance were denied.

Planning Manager Larson confirmed that if the variance were denied, that would be correct. He stated that staff did not provide an opinion on either of these variances on the agenda tonight and if the Commission supported the variance request(s) they would need to specify the practical difficulties upon which they made the decision. He stated that another option would be to allow the slab to remain on its own. He stated that the Commission would provide the direction tonight and staff would then prepare the appropriate resolution.

Commissioner Bauer asked if the variance is related to the lean-to or related only to the side yard setback.

Planning Manager Larson commented that the variance requested is for the entire structure (lean-to and slab), but staff also provided the option of allowing only the slab to remain. He noted that staff did not provide an opinion on the slab only option as that was not the request of the applicant.

Commissioner Bauer stated that if the variance request is denied, the slab itself is too close to the property line.

Commissioner Heineman asked what the roof is composed of. He commented that it sounds like regardless of the decision the siding material would need to be replaced.

Planning Manager Larson replied that the roof is a metal roof, which does not match the home. He stated that accessory structures do need to be composed of the same material and colors as the home and therefore the roof would also need to be replaced.

Citizen Input

Curtis Forster, applicant, stated that he built the structure to house his trailer and camper and protect them from the large tree. He stated that he is aware of Building Code and the structure is built to Code. He stated that the Building Official did come to the site before he built the structure, and he has been told that it could be brought up to Code. He stated that the footing size exceeds the minimum standards. He stated that he has been told that the cedar could remain, but a fire barrier could be added by framing the walls and installing drywall. He recognized that there are

two parts to the request, which would be the variance and then bringing the structure up to Code with the fire barrier. He stated that he chose the steel roof for the reasons of weight and fire protection, as steel does not burn. He stated that nothing flammable is kept under the structure as he does not use this as a shed. He stated that last fall he was working with the City to put a garage on the east side of his property but was told that he could not because of the curve, the corner of the garage would be within the easement. He stated that he needed something to protect his trailer. He stated that the grass between the two properties always dies because it gets so hot and when he placed his camper in that location, the aluminum on the camper warped as well. He stated that the lean-to provides the protection that is needed. He stated that he spoke with his direct neighbor before constructing the structure, as well as the other neighbors on their dead-end street. He stated that the structure is actually six inches from the property line, not one inch.

Commissioner Peters asked why a permit was not pulled.

Mr. Forster stated that he did not have the time and therefore constructed it up to Code and realized that he would be before the City at some time.

Commissioner Peters commented that the permitting process would have told the resident that this was not an option.

Mr. Forster replied that he would have applied for a variance the same as he is now.

Commissioner Peters commented that this is an after the fact variance. He stated that those setbacks prevent people from being homeless because their neighbor's house burns down. He stated that he is troubled by how close this is to the neighbor's house. He stated that he watched a fire spread and drywall does not prevent a fire from spreading. He stated that he is troubled by the steps that were skipped in this process, especially when the resident is in construction and should be aware of the process required.

Mr. Forster stated that he is willing to work with the Building Official to make the structure up to Code. He stated that he can take down the cedar as well and just have the posts and roof.

Commissioner VanScoy referenced the statement that drywall could be used as a fire barrier and recognized that this is open to the weather. He asked how that would hold up over time.

Mr. Forster stated that was a concern that he had as well. He stated that if drywall is used there is waterproof barrier that could be added, as he also did not believe that drywall alone would hold up.

Chairperson Gengler asked if the wall sits directly on the concrete slab or whether there would be space between.

Mr. Forster replied that there is a space. He confirmed that the slab is six inches from the property line and the cedar is at the edge of the slab and therefore the same distance from the property line.

Brian Nagel, 6940 148th Lane, commented that he is the neighbor to the east. He recognized that there is a due process that should be followed but there are a lot of people that park things next to their homes in Ramsey. He commented that this is a nice structure, along with the other structure constructed by another neighbor to house those things. He appreciated that the residents are investing in their properties to contain some of those things. He agreed that fire is scary but noted that there are many examples in Ramsey where things are constructed even closer to one another. He believed that there would be other ways to combat and find a balance to allow this structure on the street.

Commissioner Bauer asked the Building Official to respond to the comments from the applicant.

Building Official Schreder stated that recommendations and referrals are not something they can typically do, but he did speak with the applicant about ways to encapsulate the interior walls. He stated that the Building Code requires five feet of separation between unprotected elements and anything within that setback would need to meet a one-hour fire resistance of construction. He stated that something like this would need to have fire resistant sheet rock. He stated that typically zero lot line setbacks are reserved for commercial or multi-family residential and not single-family. He stated that this could possibly meet Building Code, but the steps necessary are not well defined in the Building Code because that five foot setback is violated.

Commissioner Anderson asked if there is a utility easement between the homes.

Planning Manager Larson confirmed that there is a utility easement and therefore if the variance were approved, the Council would also need to approve a utility easement encroachment agreement. He stated that through the Zoning Code update, a few exemptions were added such as driveways. He stated that if it were just the slab, an encroachment agreement would not be necessary.

Commissioner Anderson asked how much of the slab would need to be cut to meet the five-foot setback.

Mr. Forster replied that would be five feet.

Commissioner Anderson asked how much room would be left if five feet were removed.

Mr. Forster replied that would leave around 15 feet. He stated that the trailer cannot be placed under the hangover from the garage because it is too high.

Commissioner Anderson stated that he is concerned with the easement location and there is a reason that five feet is required from the property line.

Mr. Forster stated that all his utilities are located on the other side of the home and therefore he would find it unlikely that there are any utilities within that easement.

Planning Manager Larson commented that it is a platted drainage and utility easement, explaining that those are generally low spots that allow drainage from the roofs of the homes/garages and driveways to flow to the street or other drainage area.

Mr. Forster commented that the concrete does slope with the elevation of the ground to allow for drainage.

Commissioner Anderson commented that he has been to the property and the metal roof is nice because it does shed snow. He stated that his concern would be that this would encumber on the neighbor's property and potentially cause damage to that siding.

Mr. Forster commented that there are two rows of snow breaks on the roof.

Commissioner Anderson commented that would not slow the rainwater.

Mr. Forster commented that he does have gutters as well. He stated that he has worked with his neighbor on the design and the neighbor helped him construct the structure. He stated that they worked together to address those concerns with the snow breaks and gutters. He noted that he actually has additional snow breaks that could be installed if necessary.

Commissioner Anderson stated that his other concern was with fire protection, as that is a State regulation.

Mr. Forster stated that the only reason he is there tonight is because when he spoke with the Building Official, he was told that the structure could pass Code with improvements. He stated that he is committed to making the structure pass Code.

Commissioner Heineman asked if the applicant would find the structure acceptable if the variance were granted but required the sides and the back to be removed and the posts to be wrapped.

Mr. Forster replied that if that is what he has to do to keep this and have his items covered, he would be willing to do that.

Motion by Commissioner Anderson, seconded by Commissioner VanScoy, to close the public hearing.

A roll call vote was performed:

Commissioner Anderson	aye
Commissioner VanScoy	aye
Commissioner Bauer	aye
Commissioner Peters	aye
Commissioner Heineman	aye
Chairperson Gengler	aye

Chairperson Gengler closed the public hearing at 8:00 p.m.

Commission Business

Commissioner Heineman stated that he would be okay with approving the variance for the slab and roof only, insisting that attempts be made to fireproof the posts. He understood that there were a lot of steps missed, but it is also the job of the Commission to consider all aspects.

Commissioner VanScoy stated that he attempted to do research on why the setbacks were required, noting the main aspects he found were safety, privacy and aesthetics. He stated that his main concern is safety, and the applicant knows the process for building things and chose not to follow that process. He stated that he does not support the variance as this was built to the property line and impacts the neighbor and neighborhood.

Commissioner Peters stated that he does see people park their fifth wheels on grass throughout the community and appreciates that the applicant wanted to do something more to park on a surface. He stated that there were some big steps that were missed that would have prevented this situation and he leans towards the side of Commissioner Heineman that if the sides were removed, he would be open to letting the posts and roof remain.

Commissioner VanScoy stated that he does not see any practical difficulties. He stated that his garage being ten feet from another garage is not a practical difficulty as that is Code and there are hundreds and hundreds of homes in the same situation. He stated that regardless of the lack of process he could not find a practical difficulty in this situation.

Motion by Commissioner Bauer, seconded by Commissioner Anderson, to deny the variance request for the slab and lean-to structure.

Further discussion

Commissioner Heineman stated that the practical difficulty in this situation is that there is not another spot on the property where a structure of this nature could be constructed. He stated that if someone wants to invest in their property, reduce blight and improve the land, this would be the logical location. Commissioner Anderson stated that the lean-to could be removed, the slab could be reduced by five feet and the structure could be rebuilt and used without a variance. Commissioner Heineman commented that the trailer would not fit in that scenario. He asked City staff to provide the resident with his options, should this variance be denied. Planning Manager Larson replied that if the Commission denied the variance, the applicant could appeal to the City Council. He stated that the same option would be available to a neighbor, explaining that if the Commission approved the variance and a neighbor did not agree, a neighbor could then appeal the decision and the City Council would hear the request. Commissioner VanScoy stated that it would appear that there would be room for a structure on the east side of the home. Planning Manager Larson stated that he spoke with the applicant last year about potentially constructing a structure in that location, but the structure needs to have the same setback as the home and there would be some sloping as well. He noted that may also require a variance. Commissioner Heineman asked if the utilities are located on that side of the home. Planning Manager Larson stated that typically utilities run direct from the street to the home. Mr. Nagel stated that he looked into building an

accessory structure on his property and there is not enough room between the front setback and wetland buffer to have a structure that would house a trailer or anything of similar size. He explained that is why there is space between his home and the applicant's home, as there was not enough buildable area to construct a home. He noted that there is also a large slope. Planning Manager Larson commented that reasons for denial would need to be articulated. Commissioner Bauer commented that there are no practical difficulties to support the variance.

A roll call vote was performed:

Commissioner Heineman	nay
Commissioner Peters	nay
Commissioner Bauer	aye
Commissioner VanScoy	aye
Commissioner Anderson	aye
Chairperson Gengler	aye

Motion Carried.