



WORKING DOCUMENT: This Engineer's report is a draft or working document of RCWD staff and does not necessarily reflect action by the RCWD Board of Managers.

Permit Application Number:

25-115

Permit Application Name:

1517 14th Ave NW Single-family Demo & Rebuild

Applicant/Landowner:

Nancy and Keith Narrs  
3709 W. 104th St  
Bloomington, MN 55431  
Ph: (952) 239-3498  
narrs@msn.com

Permit Contact:

Robert Homes  
Attn: John Schmitt  
16972 Brandtjen Farm Dr  
Lakeville, MN 55044  
Ph: (612) 750-0535  
john.schmitt@robertthomashomes.com

Bollig & Sons  
Attn: Ashley Gil de Lamadrid  
Ph: (952) 938-4133  
office@bolligandsons.com

Project Name: 1517 14th Ave NW Single-family Demo & Rebuild

Purpose: After-the Fact - FA – Floodplain Alteration; Single-family demo and rebuild.

Site Size: 0.63± acre parcel / 0.14± acres of disturbed area; existing and proposed impervious areas are 0.08± acres

Location: 1517 14th Ave NW, New Brighton, MN

T-R-S: NW ¼, Section 20, T30N, R23W

District Rule: D, E, L

Recommendation: CAPROC

It is recommended that this Permit Application be given Conditional Approval Pending Receipt of Changes (CAPROC) and outstanding items related to the following items:

Conditions to be Met Before Permit Issuance:

Rule D – Erosion and Sediment Control

1. Submit the following information per Rule D.4:
  - (b) Tabulation of the construction implementation schedule.
  - (c) Name, address and phone number of party responsible for maintenance of all erosion and sediment control measures.

Administrative

2. The applicant shall record on the property (and provide an attested copy) in a form acceptable to the district that the proposed house was built below the 100-year elevation of Long Lake and does not meet the 2 feet of freeboard required by RCWD regulations.
3. Email one final, signed full-sized pdf of the construction plan set. Include a list of changes that have been made since approval by the RCWD Board. Final plans must include the following:

- It appears from inspection reports that the existing boat house has been removed. The Proposed Certificate of Survey should be updated.
4. The applicant is responsible for the actual cost of variance review and must pay any remaining balance due; contact District for amount.

Stipulations: None.

Exhibits:

1. Proposed Certificate of Survey, indicating hydrologic features, existing and proposed contours, floodplain fill extent, and erosion control measures, dated and received 12-04-2025. Duplicated received 12-05-2025
2. Architectural Plan set containing 10 sheets dated 10-13-2025 and received 12-04-2025. Duplicated received 12-05-2025.
3. Existing Certificate of Survey, indicating hydrologic features, existing contours, dated and received 12-04-2025. Duplicated received 12-05-2025
4. MS4 Permit application receipt, received 12-01-2025
5. Variance request, dated 12-04-2025 and received 12-04-2025.
6. Review file 25-173R

Findings:

1. Description – The project proposes to construct a new single-family home on a 0.63± acre parcel located in New Brighton. The existing single-family home on the site was demolished around 11-20-2025. The existing and proposed impervious areas will remain the same at 0.08± acres and with a total overall disturbance of 0.14± acres. The project drains to Long Lake, which is the Resource of Concern. The property is directly adjacent to Long Lake; the applicant has submitted a request for variance from district rule E.3(f) which requires 2 feet of freeboard between the lowest floor and the 100-year flood elevation (871.9 NAVD 88). The applicant has submitted a \$300 application fee for a non-Rule C permit.
2. Stormwater – The new/reconstructed area for the project is 2,200± SF. Since the proposed work will create less than 10,000 SF of new and reconstructed impervious surface, Rule C is not triggered.
3. Wetlands – There are no wetlands located within the project area.
4. Floodplain – The RCWD regulatory floodplain for the site is 871.9 (NAVD 88). The applicant is proposing 40 cubic yards of fill within the floodplain. As the fill is less than 100 cubic yards, the project does not require compensatory mitigation. The low floor level of the proposed home is at 870.0, which is 1.9 ft below the RCWD floodplain; the applicant is requesting variance from the RCWD Rule E.3(f) for freeboard, which requires 2 feet of freeboard above the floodplain elevation. The proposed project is otherwise compliant with Rule E.
5. Erosion Control – Proposed erosion control methods include silt fence and rock construction entrances. The project will disturb less than 1 acre; an NPDES permit nor a SWPPP is required. The information listed under the Rule D – Erosion and Sediment Control section above must be submitted. Otherwise, the project complies with RCWD Rule D requirements. The project is within 1 mile of Long Lake which is impaired for nutrients.
6. Regional Conveyances – Rule G is not applicable.
7. Public Drainage Systems – Rule I is not applicable.

8. Documenting Easements and Maintenance Obligations –Applicant must meet the easement and maintenance obligations per requirement 2.
9. Previous Permit Information – Review file 25-173R is for the site.

I assisted in the preparation of this report under the supervision of the District Engineer.

Karina m. Hanson 12/10/2025

Karina Hanson, EIT

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the state of Minnesota.

K. MacDonald 12/10/2025

Katherine MacDonald, MN Reg. No 44590

# Technical Memorandum

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**To:** Rice Creek Watershed District  
Board of Managers

**From:** Kate MacDonald (PE)  
Houston Engineering, Inc.

**Through:** Chris Otterness (PE)

**Subject:** Variance Request for 1517 14th Ave NW Single-family Demo & Rebuild, RCWD #25-115

**Date:** December 10, 2025

**Cc:** Nick Tomczik, RCWD  
Keith Narr (Applicant)

## INTRODUCTION

Keith Narr, as the project applicant, has submitted a written request for a variance from Rice Creek Watershed District (RCWD) Rule E.3(f), which requires structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year flood profile. The District Engineer evaluated the variance request per RCWD Rule L for Permit 25-115, as provided in the Request for Variance (Exhibit A) dated and received on December 4, 2025.

The District Engineer evaluated the variance request by applying the practical difficulties test set forth in the municipal variance statute and incorporated by prior-adopted policy into the variance standard of the District. This standard is applied through the Board of Managers' consideration and weighing of the following criteria:

- (a) How substantial the variation is in relation to District Rule requirement(s);
- (b) the effect the variance would have on government services;
- (c) whether the variance will effect a substantial change in the character of the watershed resources or will be a substantial detriment to neighboring properties;
- (d) whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor);
- (e) how the practical difficulty occurred, including whether the landowner created the need for the variance; and
- (f) whether in light of all of the above factors, allowing the variance will serve the interests of justice.

Ultimately, the Board determines whether consideration of the above criteria supports approval of a variance. The text below reviews the technical aspects of the proposal as they relate to the above criteria. The Board may exercise discretion in analyzing the applicant's compliance with the variance criteria – both generally and with regard to application of the individual variance (and other rule) criteria. The Board also may require input from legal counsel. Nothing herein should be construed as rendering a legal opinion.

## PROJECT SUMMARY

The project included the demolition of an existing home and construction of a new home in a floodplain area on a single-family residence at 1517 14th Ave NW, New Brighton. The lot is adjacent to Long Lake, which is the Resource of Concern (ROC). The property is approximately 0.62 acres, of which 0.14 acres will be disturbed. Existing and propose impervious areas are similar. The RCWD regulatory floodplain elevation for the site is 871.9 based on Long Lake 10-day snowmelt. All stated elevations are NAVD 88. The applicant has requested a variance from RCWD Rule E.3(f), which requires structures to be built within the 100-year floodplain will have two feet of freeboard between the lowest floor and the 100-year flood profile.

## EVALUATION OF CRITERIA

Per practical difficulties criterion (a), the low floor elevation is 870.0 which is approximately 1.9 feet below the regulatory 100-year elevation. The top of block for the lookout window in the rear of the house, is 873.2 which is above the 100-year flood elevation. Thus, the concern here is not from floodwaters entering the building at grade, but rather from seepage that could potentially occur if the 100-year flood elevation were to occur over an extended period.

Per criterion (b), issuance of a variance for the 1517 14th Ave NW Single-family Demo & Rebuild project is not expected to increase the cost or difficulty of providing governmental services. It only affects the subject property.

Per criterion (c), which sets the criteria for consideration of whether the variance will affect a substantial change in the character of resources within the watershed, the District Engineer used three criteria to assess substantial change: 1) water quality, defined as the quantity of pollutants such as phosphorus and suspended sediment leaving the site and the potential for degrading water quality downstream; 2) the presence of and potential impact to special and impaired waterbodies as defined by various laws including the Minnesota Pollution Control Agency stormwater program, whether a water body is impaired and related designations including Wild and Scenic or Outstanding Natural Resource Value designations; and 3) flooding, the potential for flood damages or other adverse hydrologic impacts.

In assessing whether a substantial change in the character of the watershed resources may occur, we considered, not exclusively but as a measure of impact, the presence of and potential impact to the following:

- a 303(d) listed water body (i.e., an impaired water);
- a high quality or non-degraded wetland;
- a federally listed threatened or endangered species or state threatened, endangered or species of special concern and their critical habitat;
- a Scientific and Natural Area as defined by the Minnesota Department of Natural Resources;
- resources protected from degradation as identified within 7050.0180 Nondegradation for Outstanding Resource Value Waters; and
- other generally sensitive resources.

Non-compliance with the compensatory floodplain storage volume of Rule E.3(f) is not expected to affect above mentioned watershed resource criteria. The project is currently compliant with all other District Rules except for Rule E.3(f).

Per criterion (c) and whether issuing the variance has a negative effect to the neighboring properties, we considered whether the granting variance will:

- cause or contribute to a change in the 100-year floodplain elevation immediately downstream or upstream of the project site
- increase the frequency or magnitude of flood damages to adjacent properties; or
- increase hardship downstream from peak flow and flood duration.

The construction of the new home requires placement of fill estimated at 40 cubic yards (CY). The total fill is less than the 100 CY exemption and will not change the 100-year flood elevation of Long Lake. Thus, compensatory storage is not required under Rule E.3(d). Neither the lack of freeboard required by Rule E.3(f) nor the proposed fill (which is allowable by RCWD Rule) is expected to have a negative effect on neighboring properties. The proposed grades adjacent to the building are consistent with the neighboring properties.

Per criterion (d), an assessment of whether the practical difficulty can be alleviated by a feasible method other than a variance (economic considerations play a role in the analysis under this factor) is necessary.

The applicant has indicated a practical difficulty of constructing the desired home style within the lot given the sites size and topographic limitations. The District Engineer has not independently confirmed the difficulties characterized by the applicant but does find the applicant's assessment to be reasonable. The lot is narrow, and proposed driveway slope is 7.3%, which is close to the

maximum reasonable driveway slope. As such, the current house plan could not be raised to meet RCWD freeboard requirements yet provide a reasonable driveway slope. An alternative house layout would need to be utilized to meet RCWD rule requirements.

Per criterion (e), we considered how the practical difficulty occurred, including whether the landowner created the need for the variance. The existing site constraints of the lot are pre-existing and not caused by the applicant. The permit requirements were relayed to the applicant's contractor (Bollig and Sons) on 10-30-2025. Work proceeded on the new house foundation despite the communication between the contractor and District staff. It is unclear if the freeboard requirement had been considered earlier whether a different house plan could have been chosen.

In consideration of criterion (f), some determination of whether in light of all of the above factors, allowing the variance will serve the interests of justice is necessary. This criterion lies largely in the Board's domain as it involves judgments of a non-technical nature. One criterion for assessing this portion of the practical difficulties standard is the ability or inability of other permit applicants with similar site conditions to comply with the District's fill requirements of Rule E.3(f). Most other applicants have had the ability to feasibly meet these requirements onsite, but the practical difficulties provided by the applicant are similar to other sites which have been granted variances from this rule, with the exception that the structure for this variance request is a habitable structure, as opposed to prior similar variance requests which were for accessory structures.

Another consideration is the relationship of the existing rule to the public interest. The intent of Rule E.3(f) is not to protect a downstream resource, but rather to decrease the risk of damage to the landowner's property. With this in mind, if the Board decides to grant the variance request, it is our recommendation that the applicant record on the property that the low floor of the proposed house was built below the 100-year flood elevation which is non-compliant with RCWD standard freeboard regulations.

#### **EXHIBITS:**

1. Variance request form dated and received 12-4-2025.

Exhibit A  
Variance Request

The applicant's signature below affirms that the applicant has carefully read Rice Creek Watershed District Rule L, Variances, and the Permit Variance Guidance (effective July 1, 2013).

Date: 12/4/2025 Permit #

Applicant: Keith Narr

Address: 3709 West 104<sup>th</sup> St., Bloomington, MN 55431

Telephone number: 612-250-7269

Email: narrs@msn.com

Property location and county property identification number:

1517 14<sup>th</sup> Ave. NW, New Brighton, MN 55112 Property ID: 203023230007

*For all items below, attach additional sheets if necessary.*

1. RCWD Rule from which variance is requested (circle applicable rule(s) and cite section/paragraph of rule):

A B C ☒ D ☒ E F G H I J

2. Project description: Demolition of existing home and building new home on property.

3. Requirements of applicable rule(s) from which variance is being requested: Lowest proposed floor is below RCWD 100-year flood profile. Proposed house **will not** require deposition of greater than 100 cubic yards of fill per survey (Hill Incorporated)/builder (Robert Thomas Homes) attestation.

4. Are you requesting a variance pursuant to ☒ Undue Hardship or ☒ Practical Difficulty standard (check one or both)? Please complete following sections accordingly. Greater specificity will benefit your request.

a. Description of Undue Hardship (must not rest entirely on economic burden). The proposed new house as situated on the lot provides (upper floor) single level living for 68+ year old owners coupled with lower level "lookout" floor for future resale purposes. This footprint maximizes two floors of finished living space (approximately 3000 sq. ft.) in an excavated footprint of 1700 sq. ft. This plan is the only Robert Thomas Homes semi-custom design that "fits" on this 50' wide lot. Finding another builder/floorplan at this point (if even possible) would undoubtedly cause the owners undue hardship



and extra cost. RTH "Aurora" model includes a 3 car garage as part of the base design, which we reduced to a double garage as the base footprint would not fit into a 40' wide maximum construction space.

**b. Description of Practical Difficulty (must not rest entirely on economic burden).**

If requesting variance under Practical Difficulty standard, please respond to the following:

**(i) How substantial is the requested divergence from the District rule?** Lower level elevation is 2 feet lower than RCWD regulatory floodplain, but 1 foot higher than FEMA level.

**(ii) In what respects, and to what extent, would the variance increase the cost or difficulty of providing governmental services?** None. In fact, note that the City of New Brighton has issued all required permits and has gone on record as disagreeing with the RCWD high water model. Also please note the attached "872 Contour" map showing the a number of existing Long Lake and Pike Lake homes that fall within the RCWD high water model.

**(iii) How would the variance change the character of the water resource or be a detriment to neighboring properties?** Not at all in terms of "matching" the footprints of adjacent properties in terms of front (roadside) and back (lakeside) wall placement.

**(iv) How can your project goals be met without a variance? Is any of these alternatives infeasible or economically unreasonable?** Try to find another builder and floorplan that meets New Brighton and RCWD standards. If that is even possible - a compliant two story plan would be much taller than this plan and be more out of character with neighboring properties. Starting over as noted would no doubt result in higher cost to the owners than we would likely be able to afford.

**(v) What is the cause of the practical difficulty? Did you or a prior landowner contribute to circumstances creating the practical difficulty?** Property is a 50 foot wide lot with 5 foot minimum required setbacks on either side. Options for desirable home designs are limited as such. The original house (now demolished) was built on this lot in 1954, so present owners did not cause this practical difficulty.

**(vi) How do the interests of justice weigh in granting the variance?** As noted, City of New Brighton has issued all permits from demolition to completion as of end of October. The owners (and builder) were unaware of the RCWD objections until 11/20.

5. Will the proposed activity, if conducted in accordance with the requested variance rather than the strict terms of the District rule:

a. Have an adverse effect on public health, safety or welfare? None

b. Create public expense? None

c. Adversely affect water quality, water control or drainage in the District? None. New house as proposed is approximately 200 feet away from the OHWL for Long Lake. (See survey)

6. How would granting the variance be consistent with the spirit and intent of the District rules, generally, and the rule from which the variance is requested? As noted above, a significant number of existing Long Lake and Pike Lake homes fall within the RCWD 100 year flood plain, including the house we demolished which was built in 1954 - as well as our proposed new structure. I believe that as proposed, this new home is much more likely to better withstand a "100 year event" for several reasons:

1. It has a continuously poured concrete foundation which even at it's lowest height is still 1.3 feet higher than the 100 year RCWD level. Existing "grandfathered" homes which are walkouts and/or have block wall foundations would likely face more water damage – particularly without a full perimeter sump system and subfloor aggregate fill in place as we propose.

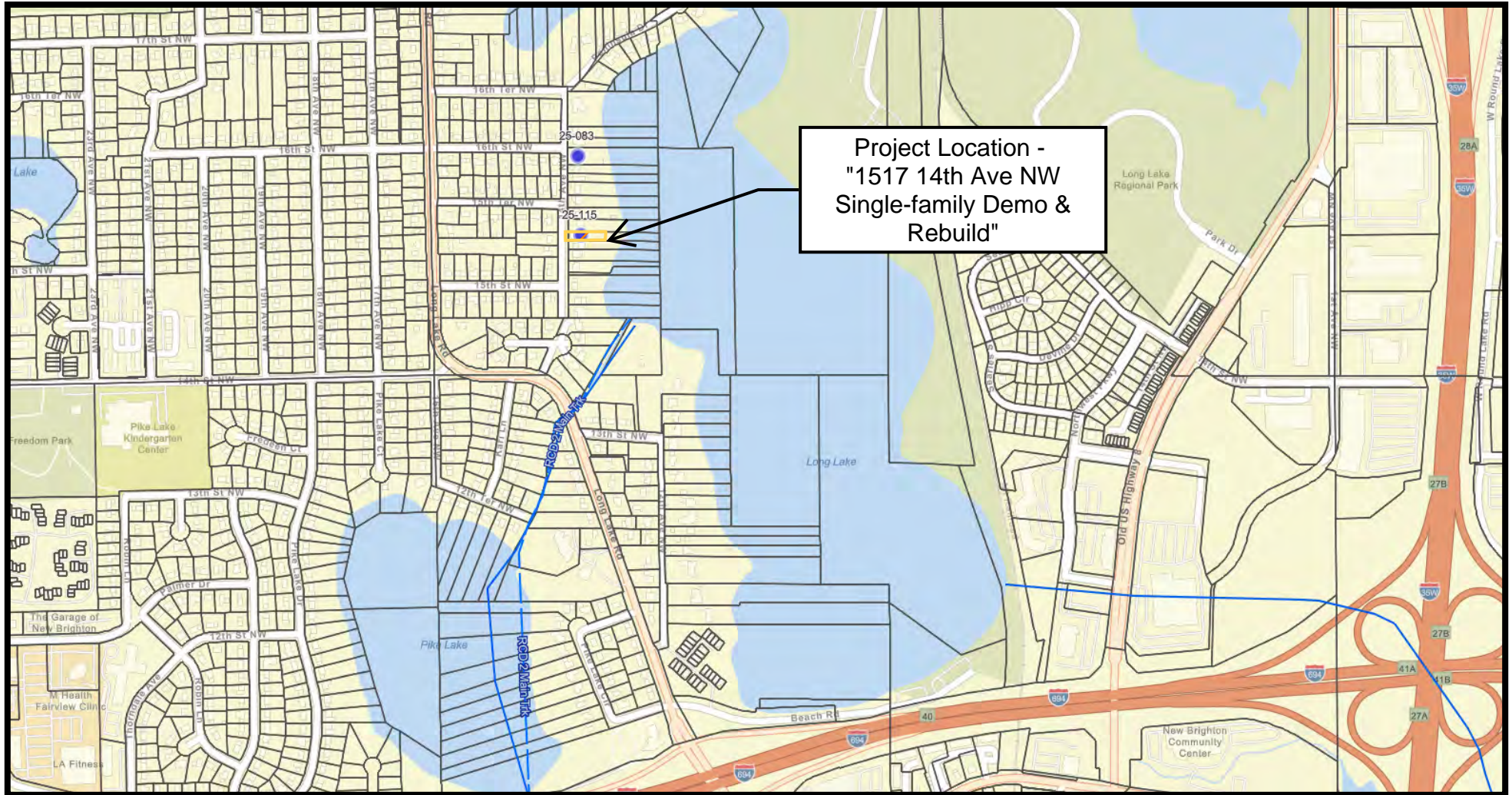
Applicant Name: Keith Narr Date: 12/4/2025

Applicant signature: 


Staff Findings (RCWD only)

Staff Recommendation (RCWD only)

# RCWD Permit File #25-115



## Legend

-  Project Location
-  Public Waterway
-  Public Ditch - Open Channel

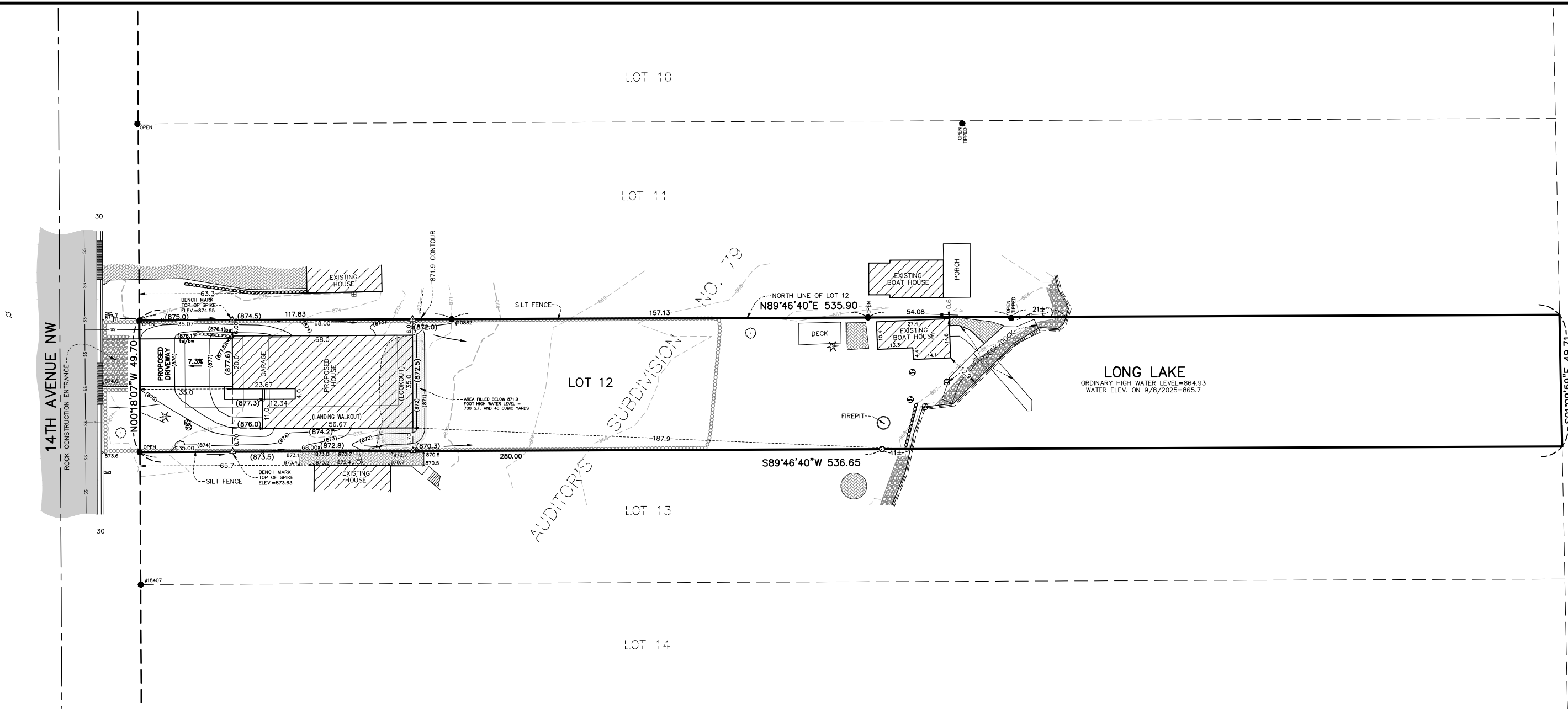


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#### LEGEND

- FOUND IRON PIPE
- SET IRON PIPE
- AIR CONDITIONER UNIT
- MAILBOX
- ★ LIGHT POLE
- ⊞ ELECTRIC METER
- ⊞ POWER POLE
- ⊞ TELEPHONE BOX
- ⊞ GAS METER
- OVERHEAD UTILITY
- UNDERGROUND GAS
- UNDERGROUND SANITARY
- UNDERGROUND WATER
- CHAIN LINK FENCE
- WROUGHT IRON FENCE
- WOOD FENCE
- VINYL FENCE
- RETAINING WALL
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- PAVER SURFACE
- RIP RAP
- DECIDUOUS TREE
- ★ CONIFEROUS TREE
- SHRUB



#### PROPERTY DESCRIPTION

Lot 12, AUDITOR'S SUBDIVISION NO. 79, Ramsey County, Minnesota.

#### NOTES

- Subject property's address is 1517 14th Avenue NW, New Brighton, its property identification number is 203023230007.
- The bearing system is based on the North line of Lot 12, AUDITOR'S SUBDIVISION NO. 79 which is assumed to bear North 89 degrees 46 minutes 40 seconds East.
- Field work was completed 9/8/2025.
- The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.
- No specific title search for existence or non-existence of recorded or un-recorded easements has been conducted by the surveyor as a part of this survey. This survey does not purport to show all improvements, easements or encroachments to the property, except as shown hereon.
- The gross area of the subject property is 0.612 Acres or 26,654 square feet. Area above ordinary high water level of the subject property is 0.359 Acres or 15,625 square feet.

#### BENCHMARK

The vertical datum is NAVD88.

Benchmark  
Top nut hydrant at the northwest quadrant of 14th Avenue NW and 15th Street NW. Elevation = 874.02

#### FLOOR ELEVATIONS

	Proposed
Garage Floor @ Front:	877.6
Garage Top of Block:	878.0
House Top of Block:	878.0
Lowest Floor:	870.0
Top of Block	
at Lookout Window:	873.2
Top of Block	
at Landing Walkout:	874.7

#### HARD COVER

high water level:	15,625 sq. ft.
House/Garage:	2,161 sq. ft.
Porch:	49 sq. ft.
Driveway:	630 sq. ft.
Sidewalk:	60 sq. ft.
Existing paver surfaces:	168 sq. ft.
Existing boat house:	347 sq. ft.
Total Impervious:	3,415 sq. ft. or 21.8% of lot

#### SURVEYOR'S CERTIFICATE

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed this 9th day of October, 2025  
*Marcus F. Hampton*  
Marcus F. Hampton, MN L.S. No. 47481

1517 14TH AVENUE NW  
NEW BRIGHTON, MINNESOTA  
**CERTIFICATE OF SURVEY**  
FOR  
**ROBERT THOMAS HOMES, INC.**  
16972 BRANDT JEN FARM DRIVE LAKEVILLE, MN 55044

DRAWN BY

PLM

DATE

10/9/2025

REVISIONS

- A. 2025-11-03: City comments
- B. 2025-11-11: House staking
- C. 2025-11-25: 871.9 Contour
- D. 2025-12-3: Raise house to low floor of 870.0 and adjust contours
- D. 2025-12-4: Adjust contours w/fill

CAD FILE

24337LLS.dwg

PROJECT NO.

24337-00

SHEET 1 OF 1

12

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_



**HILL**  
INCORPORATED

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RINKE NOONAN  
*attorneys at law*

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St. Cloud, Minnesota 56302-1497  
Telephone 320-251-6700, Fax 320-656-3500

From: John Kolb, Mitchel Anderson; Rinke Noonan  
Re: Opinion of Variance Request and Technical Memorandum  
Date: December 10, 2025

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We concur with the Engineer's analysis of practical difficulties found in the Variance Request and Technical Memorandum for 1517 14<sup>th</sup> Ave NW Single-family Demo & Rebuild, RCWD permit #25-115. The Board may use the Engineer's analysis and other evidence presented in determining whether to grant the requested variance according to the standards in Rule L.2(a-d).

In order to grant a variance, the Board of Managers must determine that:

- (a) Special conditions apply to the structures or lands under consideration that do not apply generally to other land or structures in the District.
- (b) Because of the unique conditions of the property involved, undue hardship or practical difficulty to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the rules were applied. Economic considerations alone do not constitute undue hardship or practical difficulty if any reasonable use of the property exists under the terms of the District's rules.
- (c) The proposed activity for which the variance is sought will not adversely affect the public health, safety or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control or drainage in the District.
- (d) The intent of the District's rules is met.

In its Technical Memorandum, the Engineer includes a detailed analysis of the criteria above. The Engineer also notes prior instances where variances were issued under similar circumstances. Notwithstanding those previous approvals, the Board should exercise its discretion in determining whether the rule standard is met.

### NOTICE OF VARIANCE ISSUANCE

This NOTICE is made on December \_\_\_, 2025, by Keith Narr and Nancy Narr, married to each other (together the, “**Owners**”), pursuant to Rice Creek Watershed District (“**RCWD**”) Permit 25-115, approved on December \_\_\_, 2025.

1. Owners are the fee owners of real property located at 1517 14<sup>th</sup> Ave NW, in the City of New Brighton, Ramsey County, Minnesota and legally described as follows (the “**Property**”):

Lot 12, Auditor’s Subdivision No. 79, Ramsey County, Minnesota

2. The RCWD is a political subdivision of the State of Minnesota. Pursuant to Minnesota Statutes, chapter 103D, the RCWD has adopted and implements rules governing permits for land disturbance in order to manage flooding, protect water quality and for other purposes.
3. Owners applied to the RCWD for, and were granted, a permit to, among other things, demolish and rebuild a single-family home.
4. RCWD rules require that the single-family home be constructed with at least a two-foot freeboard between the Rice Creek 100-year Flood Elevation, NAVD88, 871.9, and the low floor of the proposed structure. The planned low floor elevation of the single-family home is currently estimated at 870.0, which is approximately 1.9 feet below the regulatory 100-year flood elevation.
5. As part of the permit application, Owners requested, and the RCWD granted, a variance to this requirement, removing the two-foot freeboard requirement, conditioned on Owners recording a notice for the benefit of future owners of the Property.
6. An executed copy of this notice shall be filed with the Ramsey County Recorder and Registrar of Titles, filing cost to be borne by the Owners. This notice will be unlimited in duration without being re-recorded.

[Signature page to follow]

SIGNATURE PAGE TO NOTICE OF VARIANCE ISSUANCE

Lot 12, Auditor's Subdivision No. 79, Ramsey County, Minnesota

\_\_\_\_\_  
Keith Narr

\_\_\_\_\_  
Nancy Narr

STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF RAMSEY            )

This instrument was acknowledged before me on December \_\_\_\_, 2025, by Keith Narr and Nancy Narr, married to each other.

\_\_\_\_\_  
Notary Public

This instrument was drafted by:  
Rinke Noonan (MLA)  
1015 West St. Germain Street, Suite 300  
P.O. Box 1497  
St. Cloud, MN 56302-1497  
(320) 251-6700  
File No. 16266-0076

**RESOLUTION NO. 2015-13**

**RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS**

**RESOLUTION ISSUING VARIANCE PURSUANT TO RCWD RULE L: NARR, Lot 12, AUDITOR'S  
SUBDIVISION NO. 79, RAMSEY COUNTY, MINNESOTA**

Manager \_\_\_\_\_ offered the following Resolution and moved its adoption, seconded by Manager \_\_\_\_\_:

WHEREAS, Keith Narr and Nancy Narr (the "Owners") are the fee owners of certain real property existing in Ramsey County, City of New Brighton, State of Minnesota legally described as follows (the "Property"):

Lot 12, Auditor's Subdivision No. 79, Ramsey County, Minnesota; and

WHEREAS, the Rice Creek Watershed District ("RCWD") has adopted and implements rules governing permits for land disturbance in order to manage flooding, protect water quality and for other purposes; and

WHEREAS, the Owners applied for a permit with the RCWD for the purposes of demolishing and rebuilding a single-family home located on the Property (Permit #25-115); and

WHEREAS, RCWD rules required that the single-family home be constructed with at least a two-foot freeboard between the Rice Creek 100-year Flood Elevation, NAVD88, 871.9, and the low floor of the proposed structure; and

WHEREAS, despite the freeboard requirements being communicated with the applicant's contractor, work proceeded on the proposed structure located on the Property; and

WHEREAS, after substantial completion of the proposed structure, it was discovered that the proposed structure's low floor elevation was approximately 1.9 feet below the regulatory 100-year flood elevation and did not comply with RCWD's freeboard requirements; and

WHEREAS, the Owners have submitted a variance request to remove the two-foot freeboard requirement; and

WHEREAS, on December 10, 2025, The RCWD Board of Managers reviewed the request for variance, its Engineer's Technical Memorandum and other evidence related to the variance request; and

WHEREAS, the Board evaluated the evidence under the standards articulate in its Administrative Rule L; and



WHEREAS, based on its consider of the facts and circumstances herein, the Board determines that, due to the unique conditions of the Property, the Owners face practical difficulties in complying with the District's rules; and

WHEREAS, the Board further that the current house plan cannot be raised to meet the freeboard requirements while also maintaining a reasonable and compliant driveway slope to the Property; and

WHEREAS, the Board further finds that the criteria set forth in Administrative Rule L.2(a-d) are satisfied; and

WHEREAS, in order to protect the interests of the RCWD, the Owners and any future owners of the Property, the Board finds it reasonable that the Owners be required to record evidence of the variance issued herein on the Property record.

Therefore, be it resolved by the RCWD Board of Managers that:

A. The RCWD Board of Managers approves the request for variance under Permit #25-115 for the Property.

B. The approval is conditioned upon the following:

The Owners must record a notice, in substantially the form appended hereto, identifying the variance and the details of the variance. The notice must be recorded with the Ramsey County Recorder and Registrar of Titles, filing cost to be borne by the Owners. The notice will be unlimited in duration without being re-recorded.

C. If the owners refuse to record the notice as required, the Board authorizes the preparation and execution of a similar notice to be recorded by the District.

The question was on the adoption of the Resolution and there were \_\_ yeas and \_\_ nays as follows:

	Yea	Nay	Absent	Abstain
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERTSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WALLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution \_\_\_\_\_.

\_\_\_\_\_  
Jessica Robertson, Secretary

Dated: December 10, 2025

\* \* \* \* \*

I, Jessica Robertson, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 10<sup>th</sup> day of December, 2025.

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Jessica Roberston, Secretary