

BlaineMN.gov

Case File No. 22-0066
Chase Hennessey

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180







Home & Grounds Company Equipment List



Dodge Ram and Dump Trailer



Ford Cube Van



Bobcat T66



Kioti CK20



Kioti CK3510

Personal Equipment



Enclosed Trailer

Not pictured - Yellow 20' Tilt Deck

Narrative of Business Operations

Home & Grounds is a landscaping and handyman service company started in 2021.

Office operations from residence located at 11453 National Ct NE, Blaine, MN 55449. Office and equipment stored inside of 30x40 detached garage Bobcat T66 Skidloader and Kioti 3510 Utility Tractor and Kioti CK20. The 2 single stall service doors where the equipment will enter and exit the building are west facing. The trucks will be loaded with tools from the shop at these West facing doors.. Any of the motorized equipment stored inside the building may be loaded/unloaded either on the west side of the building or the east side of the building.

Outside of the building the cube van will be parked along the north side of the building and the dump trailer, truck and personal trailers will be parked on the east side of the building. Access to the shop office will be a Class V or Asphalt Milling path entering from the driveway and staying to the East side of the house. There will be no trees needed to be removed for this pathway to be installed and used.

Items below summarize Home & Grounds Business and operations.

1. **Who we are:** Small business and plan to stay small. We are in our second year of business serving the Twin cities north metro servicing our clients in areas of Landscaping and handyman services.
2. **Business Operations:**
 - a. No customer interactions are conducted on the premises.
 - b. Business operations in areas of construction are conducted at the location of customers residence and/or place of business.
3. **Employees:** Currently have 1 full time employee. We hire high school and college seasonal employees for the summer. Employees do not report to the shop/office to start or end the day, they meet at the project site of our customer. On occasion my full time employee may drive a company vehicle or come to the shop to pick up tools/equipment.
4. **Daily operations:** Our projects are custom and day to day operations vary based upon project scope. Typically leave for the day between 7 and 8 am and return anytime between 4 and 7 pm. Occasionally return to the office/shop to pick up tools and/or equipment.
 - a. We do not do snow work like other landscaping businesses and do not plan to do snow work.
5. **Days and Hours of Operation:**
 - a. Monday - Saturday: 7am-9pm
 - b. Sunday: 10am-8pm

Hello Ms. Robinson,

Attached please find my response addressing my concerns of the above request. I have also attached several pictures and a couple videos.

In addition, the applicant is in the process of constructing a driveway around his house for access to the garage in the rear. I am sure that it falls within the drainage and utility easement as platted. Not sure if this is an issue but just mentioning.

I will mail or drop off several copies also.

Thank You and take care.

Sincerely,

Ron Alwin, LS
Oakdale Survey Manager
Bolton & Menk, Inc.
3507 High Point Drive North
Bldg. 1 , Suite E130
Oakdale, MN 55128

Office: 651-704-9970 ext. 3593
Mobile: 612-251-5458
email: Ron.Alwin@bolton-menk.com
Bolton-Menk.com



November 1, 2022

City of Blaine
Planning Department
10801 Town Square Drive NE
Blaine, Mn 55449

Attention: Pat Robinson
PRobinson@BlaineMN.gov

Case: 22-0066
Applicant: Chase Hennessey (applicant)
Location: 11453 National Ct. NE (subject property)

Petition: Requesting a conditional use permit to operate a home occupation in an FR (Farm Residential) zoning district.

Response from: Ronald P. Alwin

Location: 11450 National Ct. NE
(Immediately West of the subject property)

Ronald and Christine Alwin do not support the request for a conditional use permit to run a landscaping business on the subject property.

History (brief):

My wife, Christine and myself and Fred and Linda Goebel, original owners of the subject property, were the first to construct homes on National Ct. NE. We constructed our homes in 1996. Chris and I have lived here for 27 years and raised 4 children during this time. Several of the reasons that we chose this location were based upon the quietness of the area and the larger sized lots. Since this time we have had several neighbors at the subject property which we got along with very well. I also owned a Land Surveying and Engineering business which I did not run out of our home.

It is also my understanding that Mr. Chase Hennessey is not the owner of the subject property.

Current:

Since the Hennessey relocation they have been running a landscaping business on the subject property. I have attached several pictures of some of their equipment and operations. I have also attached a video which shows their typical operations. They have a lot of equipment which is constantly moving on the subject property, and the larger vehicles have safety equipment installed on them that when in reverse they emit a loud high pitch beeping sound. We have

heard this regularly. In addition, they have had their employees park in the back yard and along our property line. When they park in the applicant's driveway, they walk along my fence line where our deck and swimming pool is located. My wife, daughters, daughter-in-law, and grandchildren have been using the pool when the workers were in this area. The applicant has and is currently stockpiling dirt or building materials on the property. Since the start of the applicant's occupancy of the property there has been lots of equipment parked and operated on the property. In addition, most of the equipment is stored outside and not in a constructed building.

Zoning: The property is zoned FR (Farm Residential) Section 29 of the City Codes.

Under previously mentioned Section 29, Sub-section 29.014 (Conditional Uses), it states "Home occupations as described in Section 33.10(d)".

Per Section 33.10 of the City Code I offer the following:

The first paragraph in this section states as follows:

"Intent. In order to provide peace, quiet, and domestic tranquility within all residential neighborhoods, within the City, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas. "

This statement really expresses most of the reasons that we decided that this is where we wanted to live and raise our children and grandchildren. Also this "Intent" does not exclude FR (Farm Residential) zones.

In regard to City Code Section 33.10, I state the following observed violations:

- A.) Permitted home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling and, furthermore, that not more than one (1) room may be used for such purposes. (Ord. No. 87-1007, amended 2-19-1987)
- B.) There shall be no exterior, garage or accessory building storage of any materials including business equipment, merchandise, inventory, or heavy equipment. Motor vehicles used in the home occupation must be stored inside. (Ord. No. 87-1007, amended 2-19-1987)
- C.) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation. (Ord. No. 87-1007, amended 2-19-1987)

- D.) The use of mechanical equipment other than is usual for purely domestic or hobby purposes is prohibited. (Ord. No. 87-1007, amended 2-19-1987)
- E.) Merchandise shall not be regularly or openly displayed or offered for sale within the residence. (Ord. No. 87-1007, amended 2-19-1987)
- F.) The operation of any wholesale or retail business unless it is conducted entirely by mail or by occasional home invitation. (Ord. No. 87-1007, amended 2-19-1987)
- G.) Trucks shall not be stored, operated, or maintained in residential districts. (Ord. No. 87-1007, amended 2-19-1987)

I was recently informed of Section 82-153 of the city code in regard to Truck parking in residential zones.

Nowhere in Section 29 or Section 33 is there mentioned Section 82-153. In fact, it would conflict with the requirements of Section 33, which Section 29 refers to comply with.

Additional Comments:

- A.) Unfortunately, it appears that Mr. Chase did not review the city code before purchasing the property and understands that the operation of his business would be in violation of the city code. Or did he.
- B.) Even since his acknowledgement of the city code he continued to run his business from this residence.
- C.) It is my understanding that if the Council denies this conditional use permit, then the applicant intends to use some of his equipment to work on improvements to his property. Please consider what equipment that he may use and keep on the subject property and a reasonable time to end its use and not just a way for the applicant to keep his equipment on the subject property.
- D.) This business would devalue our property drastically, which is our retirement fund.
- E.) If a denial is reached, then it would be good to put together a time frame for clean up or removal of supplies and equipment is created.
- F.) Please find attached several pictures and videos.
- G.) Lastly, for 27 years we have lived here and at times we have had many deer as well as turkeys and mallard ducks in our front and back yards. The wildlife is abundant. We feed

all the animals year-round. We even had a deer, a long story, that would come up to me when I was mowing the lawn (raised as a fawn by one of my neighbors). Our backyard has always been a place to unwind, quiet and peaceful. I can not imagine the future with moving vehicles, equipment storage, beeping of the heavy equipment when moving. It will devastate my wife and myself!

I hope that the city will agree that the applicants request for a conditional use permit is in direct violation of the city code and does not comply with the first paragraph in this section as repeated below:

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Sincerely submitted,



Ronald P. Alwin

11450 National Ct. NE

Blaine, Mn 55449

Cell: 612-251-5458

Email: ralwin@live.com

Attachments

LOCHNESS PARK

S00°09'12"W
525.84'

N89°05'45"W
257.99'

N 89°05'45" W
500.88'

LOT AREA = 175,169 SQ. FT. OR 4.02 ACRES

ALWIN PROPERTY
11450 NATIONAL CT. NE

HENNESSEY PROPERTY
11453 NATIONAL CT. NE

LOT AREA = 190,356 SQ. FT. OR 4.37 ACRES

DRAINAGE & UTILITY EASEMENT

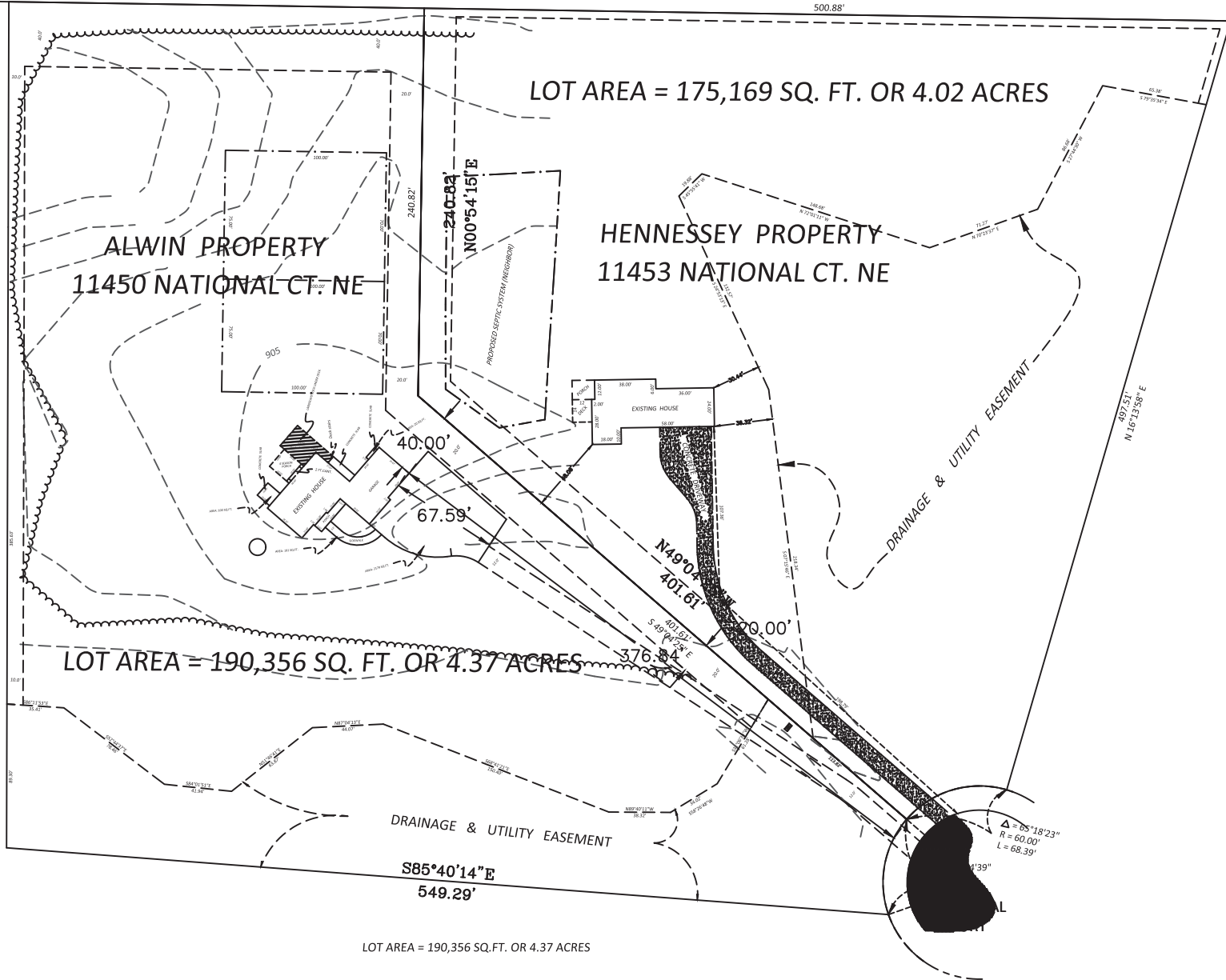
S85°40'14"E
549.29'

LOT AREA = 190,356 SQ. FT. OR 4.37 ACRES

DRAINAGE & UTILITY EASEMENT

49°25'1"
N 16°13'58" E

$\Delta = 65^{\circ}18'23"$
 $R = 60.00'$
 $L = 68.39'$

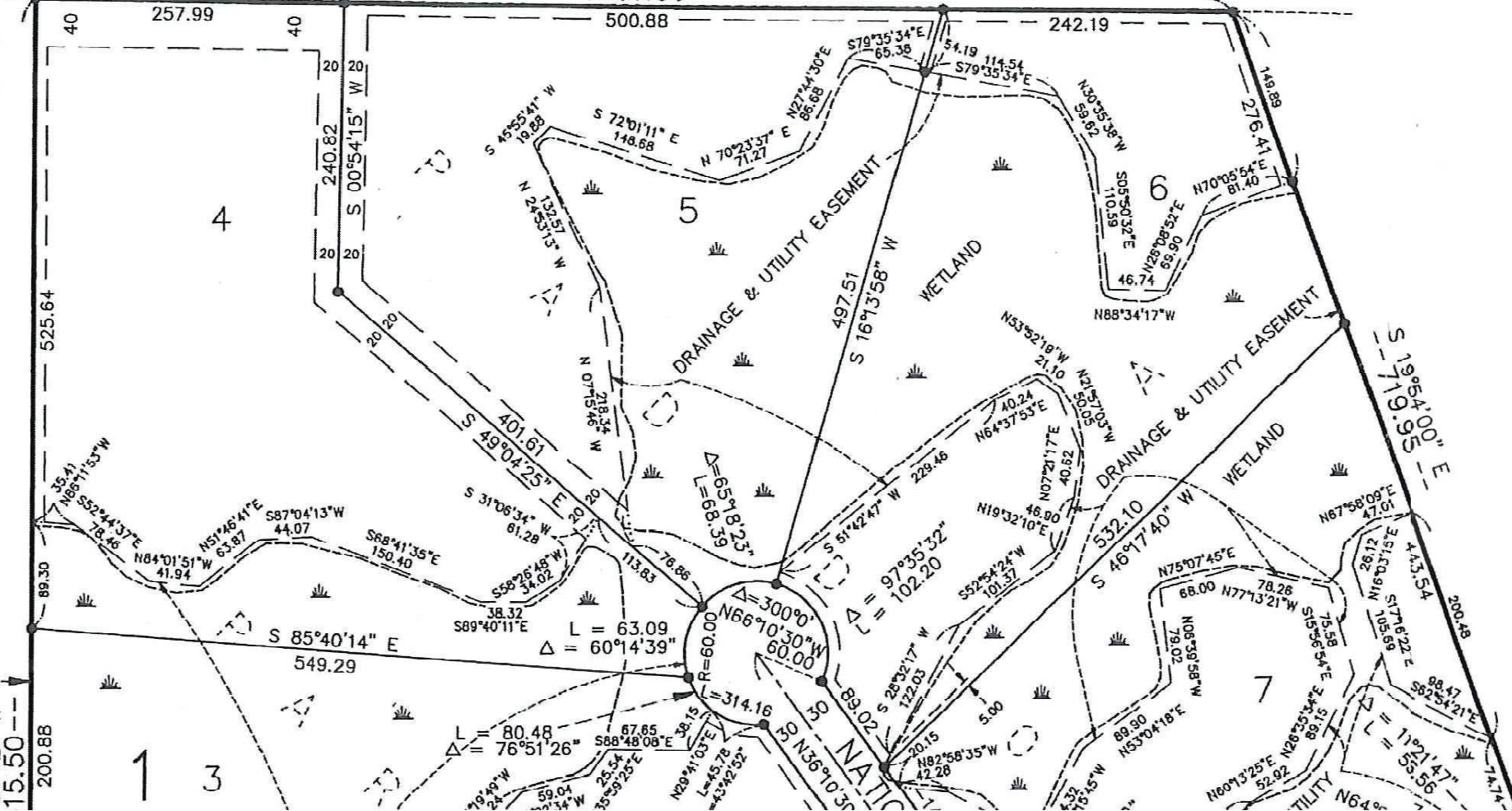


PO9'12" W
 1/4 OF THE SW 1/4 OF THE NW1/4 OF SEC 13 AND THE W. LINE OF OUT

N. LINE OF THE SW1/4 OF THE NE1/4 OF SEC. 13 AND THE N. LINE OF OUTLOT A

S 89°05'45" E

--1001.06--



3000

N64°54' N70°51'





11-01-2022

Applicant Chase Hennessey

Location: 11353 National Ct NE

Christine Alwin

11450 National Ct NE

cell 612 306 7545

To the Blaine City Council, (and all concerned)

I have resided in my home for 27 years, it is my safe haven and biggest asset in my life, as I am a nature lover, I take care of the birds, deer etc. I garden, enjoy my time on my deck and in the pool. I am at complete peace here. Correction, that is until recently when we got new neighbors this last summer. It has been a circus sitting on my deck and residing here. There is equipment, employees of Chase in and out, beeping sounds and total disruption. I am retired and home during the day, never did I imagine this would go on in basically in my backyard.

Chase paid a visit to me a few months ago, and told me he has been knocking on neighbors as somebody complained to the City of Baine. I told him indeed, we did and rightfully so. He said he does not appreciate that he got a notice from the City of Blaine of concerns and a complaint. I told him, my deck is my favorite place to relax etc, that the disruption going on is not right. I told him that this was a peaceful place for us. He told me that is why they purchased their home (purchased by his Dad), as it was peaceful. He said he wanted to build a driveway alongside our fence, but that his equipment was too heavy to go over the septic system. So, he is now constructing one on the other side. He also told me they were going to build a deck/patio overlooking their pond in the front. How ironic I was thinking as, he chose an area that was peaceful, yet took all my peace away with his actions of running a landscaping business out of his backyard. I am appalled to say the least. I can't imagine there is any individual that would put up with this. This is a residential area that backs up to a beautiful park.

I beg of you to put a stop to this. Chase says one thing and does another. He needs to take his business to a commercial area where it is law-abiding and does not infringe on another to benefit himself.

I thank you in advance for taking on this matter and trust that you will resolve this matter that will be right and just.



Sincerely,

Christine Alwin

November 1, 2022

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Blaine, Mn 55449

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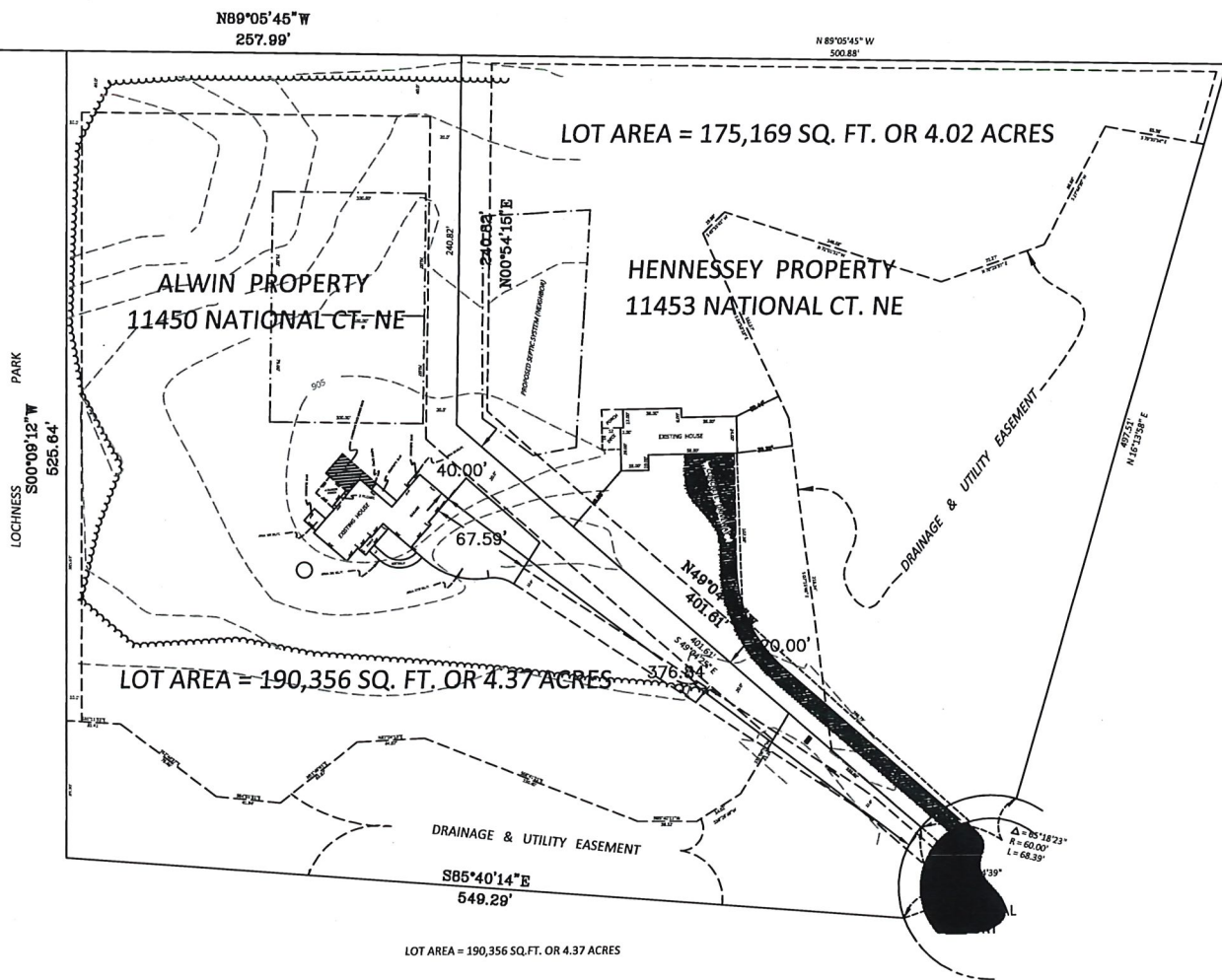
11450 National Ct. NE

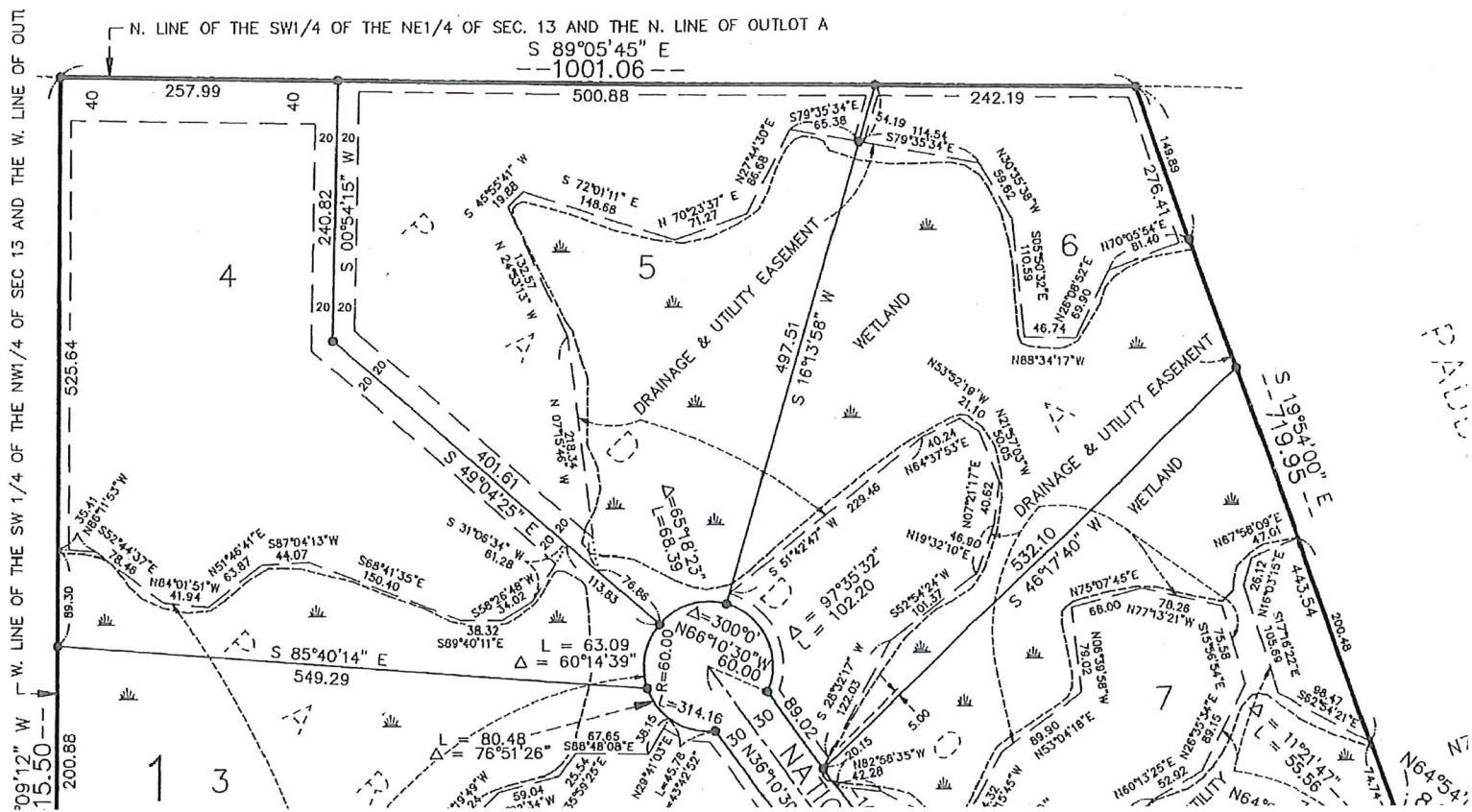
Blaine, Mn 55449

Cell: 612-251-5458

Email: ralwin@live.com

Attachments











- **29.010 - FARM RESIDENTIAL (FR)**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

- **29.011 - Intent.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

This district is intended for areas where urban services are not presently available. A minimum lot size of ten (10) acres will retain these lands in their natural uses and agricultural uses pending proper timing of economical provision for parks, streets, utilities, and other public facilities, so that orderly development will occur.

(Ord. No. [20-2447](#), 7-20-2020)

- **29.012 - Permitted uses.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

(a)

Single family detached dwellings.

(b)

General farming and gardening.

(c)

Raising of domestic farm animals, excluding swine and fur bearing animals, not to exceed one (1) animal unit per acre.

(d)

Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

(e)

Nurseries (Ord. No. 98-1728, amended 6-25-1998)

(f)

State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.

(Ord. No. [20-2447](#), 7-20-2020)

- **29.013 - Accessory uses.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Private garages/accessory buildings/carports attached to garages. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. [20-2447](#), 7-20-2020)

(b)

Private swimming pools and tennis courts.

(c)

Signs as regulated in [Section 34.07](#)(c). (Ord. No. 94-1501, amended 4-21-1994)

(d)

Keeping of not more than two (2) boarders and/or roomers per dwelling unit. (Ord. No. 94-1501, amended 4-21-1994)

(e)

Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

(f)

Accessory dwelling unit, attached or accessory dwelling unit, detached consistent with the standards outlined in [Section 33.25](#), subject to approval of an administrative permit. (Ord. No. [21-2489](#), 12-20-2021)

- **29.014 - Conditional uses.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Churches.

(b)

Golf courses and golf driving ranges. (Ord. No. 93-1492, amended 12-16-1993)

(c)

Schools.

(d)

Public buildings.

(e)

Home occupations as described in [33.10\(d\)](#).

(f)

Kennel—Private.

(g)

Boarding houses.

(h)

Private stables with a density exceeding one (1) horse per acre, or more than twenty (20) horses in aggregate, meeting standards outlined in [29.015](#) (x). (Ord. No. 89-1113, amended 4-20-1989)

(i)

Garden supply stores. (Ord. No. 95-1574, added 9-21-1995.; Ord. No. 98-1729, amended 6-25-1998)

(j)

Accessory buildings located within the front yard, provided the structure to be placed in the front yard has at least a one-hundred-foot front yard setback. (Ord. No. 01-1910, added 7-19-2001; Ord. No. 01-1933, amended 12-20-2001)

(k)

Accessory buildings with a total combined area greater than twelve hundred (1,200) square feet but less than three thousand (3,000) square feet. (Ord. No. 01-1933, amended 12-20-2001).

(Ord. No. [20-2447](#), 7-20-2020)

- **29.015 - Standards.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Minimum lot area—ten (10) acres.

(b)

Frontage—Three hundred (300) feet.

(c)

Average width—Three hundred (300) feet.

(d)

Minimum depth—None.

(e)

Front yard setback—Forty-five (45) feet for house, forty-five (45) feet for garage/accessory building, two hundred (200) feet for accessory buildings sheltering domestic farm animals. (Ord. No. 94-1501, amended 4-21-1994)

(f)

Rear yard—House thirty (30) feet, garage/accessory building thirty (30) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)

(g)

Side yard—House twenty (20) feet, garage/accessory building twenty (20) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)

(h)

Corner lot—House forty-five (45) feet, garage/accessory building forty-five (45) feet, accessory buildings sheltering domestic farm animals two hundred (200) feet. (Ord. No. 94-1501, amended 4-21-1994)

(i)

It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage/accessory building/carport space shall not exceed 1,200 square feet, except as provided by [Section 29.014\(j\)](#). The height of the accessory structure shall not exceed the height of the principal building.

Accessory buildings shall only be located in the rear yard, except as permitted by [Section 29.014\(j\)](#). The architectural style and color of a garage/accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1910, amended 7-19-2001)

(j)

Maximum building height—Two and one-half (2½) stories or thirty (30) feet.

(k)

No part of the garage shall be considered a livable area.

(l)

For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:

(1)

Without basement—One thousand two hundred forty (1,240) square feet.

(2)

With basement—One thousand forty (1,040) square feet.

(m)

No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

(n)

All residential structures shall have permanent concrete or wood foundations, which comply with the Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

(o)

All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three and one-half-inch roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) provided with a minimum G-90 galvanized protective coating or equivalent 3) a factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the Minnesota State Residential Building Code and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 11-2225, amended 6-16-2011)

(p)

All residential dwellings must be built in conformance with the Minnesota Residential Code as adopted in the State of Minnesota.

(q)

All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

(r)

Any metal siding upon residential structure shall have horizontal siding edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district except as follows: (Ord. No. 84-856, amended 1-3-1985)

(1)

For parcels of four (4) acres or more, metal siding shall be permitted for accessory structures other than the garage. (Ord. No. 84-856, amended 1-3-1985)

(s)

All single family lots shall contain a minimum of two (2) front yard trees of a minimum of two and one-half (2½) inch caliper. (Ord. No. 94-1501, amended 4-21-1994)

(t)

Driveways shall not be constructed closer than five (5) feet to the property line.

(u)

The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)

(v)

Single family lots shall provide a driveway with a surface equal to the street's surface for the first thirty-five (35) feet off the traveled street. (Ord. No. 94-1501, amended 4-21-1994)

(w)

All new homes within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, [Section 33.22](#).

(x)

Standards and requirements for private stables: (Ord. No. 89-1113, added 4-20-1989; Ord. No. 95-1574, amended 9-21-1995)

(1)

Minimum lot area—Ten (10) acres.

(2)

Maximum density—Three (3) horses per acre.

(3)

Must obtain Minnesota Pollution Control Agency (MPCA) feedlot permit.

(4)

Building(s) used for sheltering, training, or riding horses shall have a minimum two-hundred-foot setback from any property line.

(5)

Fences to control livestock adjacent to single family zoning districts, excluding AG and FR, shall have a minimum setback of one hundred (100) feet.

(aa)

Standards and requirements for churches, golf courses and golf driving ranges, schools, and garden supply stores: (Ord. No. 95-1574, added 9-21-1995; Ord. No. 98-1728, amended 6-25-1998)

(i)

Shall have principal access to a collector or arterial roadway.

(ii)

Front, rear, and side yard building and parking setbacks—Forty-five (45) feet.

(iii)

Maximum building height two (2) stories.

(iv)

Off street loading and overhead doors shall comply with [Section 33.15](#).

(v)

All site improvements and landscaping shall comply with Sections [33.07](#) and [33.08](#).

(vi)

Underground irrigation is required for all front and corner side yards.

(vii)

Architectural style and building materials shall be compatible with the surrounding area and subject to Council approval.

(Ord. No. [20-2447](#), 7-20-2020)

ZONED – FARM RESIDENTIAL (FR)

-
- **33.10 - Home occupations.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Intent. In order to provide peace, quiet, and domestic tranquility within all residential neighborhoods, within the City, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas.

(b)

Definitions.

(1)

A home occupation is defined as any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this ordinance. (Ord. No. 87-1007, amended 2-19-1987)

(2)

A home occupation conditional use permit is a permit authorized by the City Council only after a public hearing by the Planning Commission. (Ord. No. 87-1007, amended 2-19-1987)

(c)

All home occupations which conform to the following standards may be conducted without a conditional use under this ordinance: (Ord. No. 87-1007, amended 2-19-1987)

(1)

Permitted home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as the private

dwelling and, furthermore, that not more than one (1) room may be used for such purposes. (Ord. No. 87-1007, amended 2-19-1987)

(2)

Home occupation may have one (1) wall sign per dwelling which may not exceed 2.5 square feet. (Ord. No. 87-1007, amended 2-19-1987)

(3)

There shall be no exterior, garage or accessory building storage of any materials including business equipment, merchandise, inventory or heavy equipment. Motor vehicles used in the home occupation must be stored inside. (Ord. No. 87-1007, amended 2-19-1987)

(4)

The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence. (Ord. No. 87-1007, amended 2-19-1987)

(5)

Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation. (Ord. No. 87-1007, amended 2-19-1987)

(6)

The use of mechanical equipment other than is usual for purely domestic or hobby purposes is prohibited. (Ord. No. 87-1007, amended 2-19-1987)

(7)

Off-street loading and off-street parking requirements of Sections [33.14](#) and [33.15](#) must be provided. (Ord. No. 87-1007, amended 2-19-1987)

(8)

Merchandise shall not be regularly or openly displayed or offered for sale within the residence. (Ord. No. 87-1007, amended 2-19-1987)

(9)

The operation of any wholesale or retail business, unless it is conducted entirely by mail or by occasional home invitation. (Ord. No. 87-1007, amended 2-19-1987)

(10)

Any home occupation or activity which produces noise or obnoxious odors, vibrations, glare, fumes, fire hazard, or electric interference detectable to normal sensory perception beyond the property line is prohibited. (Ord. No. 87-1007, amended 2-19-1987)

(11)

Trucks shall not be stored, operated, or maintained in residential districts. (Ord. No. 87-1007, amended 2-19-1987)

(12)

A home occupation must normally involve fewer than four (4) customers entering daily. (Ord. No. 87-1007, amended 2-19-1987)

(13)

Home occupation is served by delivery trucks no larger than 20,000 GVW.

(d)

Conditional Use Permits:

(1)

All home occupations which do not conform to the standards contained in [Section 33.11\(c\)](#) shall only be conducted with a home occupation conditional use permit. Conditional Use Permit applications shall be made and considered in accordance with [27.04](#) of this code.

(2)

Conditional use permits, once granted, may be revoked by the City Council for cause after hearing before the City Council. Complaints seeking the revocation of such permit shall be filed with the Director of Community Development and may be initiated by the Planning Commission or any three (3) residents of the block (both sides where the home occupation is being conducted). All such revocation hearings shall be conducted in accordance with [Section 27.07](#) of this ordinance. Publication and notice requirements shall be the same as for home occupation conditional use permit application hearings.

(e)

Garage sales or sales of household items are permitted without special permit provided they meet the following standards: (Ord. No. 87-1007, amended 2-19-1987)

(1)

Garage sales last no longer than three (3) days and sales of individual household items last no longer than fifteen (15) days. (Ord. No. 87-1007, amended 2-19-1987)

(2)

Sales are held no more than twice yearly. (Ord. No. 87-1007, amended 2-19-1987)

(3)

Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one (1) of the participants. (Ord. No. 87-1007, amended 2-19-1987)

(4)

No goods purchased for resale may be offered for sale. (Ord. No. 87-1007, amended 2-19-1987)

(5)

No consignment goods may be offered for sale. (Ord. No. 87-1007, amended 2-19-1987)

(6)

All directional and advertising signs shall be freestanding and removed after completion of the sale. (Ord. No. 87-1007, amended 2-19-1987)

(7)

All directional and advertising signs shall be placed on private property and shall have the owner's permission. (Ord. No. 87-1007, amended 2-19-1987)

(8)

No directional or advertising sign may be larger than two (2) feet by three (3) feet. (Ord. No. 87-1007, amended 2-19-1987)

(Ord. No. [20-2447](#), 7-20-2020)

- **27.04 - Conditional use permits.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Criteria for granting conditional use permits. In granting a conditional use permit, the Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. [20-2447](#), 7-20-2020)

(1)

The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

(2)

The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. (Ord. No. [20-2447](#), 7-20-2020)

(3)

The use shall have an appearance that will not have an adverse effect upon adjacent properties.

(4)

The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.

(5)

The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.

(6)

The use shall not be in conflict with the comprehensive plan of the City.

(7)

The use will not cause traffic hazard or congestion.

(8)

The use shall have adequate utilities, access roads, drainage and necessary facilities.

(b)

Conditional use permits shall remain with the property, and not the applicant, as long as the property and use are in compliance with the conditions attached to the permit. (Ord. No. [20-2447](#), 7-20-2020)

A conditional use permit shall expire if the use is discontinued for a period of more than one (1) year. (Ord. No. 04-2035, amended 12-16-2004)

A conditional use permit shall be recorded pursuant to Minnesota Statutes, Section 462.3595.

(c)

Additional conditions. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following:

(1)

Increasing the required lot size or yard dimension.

(2)

Limiting the height, size or location of buildings.

(3)

Controlling the location and number of vehicle access points.

(4)

Increasing the street width.

(5)

Increasing the number of required off-street parking spaces.

(6)

Limiting the number, size, location or lighting of signs.

(7)

Requiring additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

(8)

Designating sites for open space.

(9)

Enhanced building materials or architectural design.

The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and conditions imposed by the City Council such as review dates, and other information as may be appropriate.

(d)

Required exhibits for a conditional use permit. The following exhibits shall be required:

(1)

A boundary line survey.

(2)

A general development plan showing the potential development of the property, including proposed streets, buildings, landscaping, and drainage.

(3)

Any other information as required.

(e)

Procedure. The procedure for obtaining a conditional use permit is as follows:

(1)

The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, learn the procedures, and obtain an application form.

(2)

The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. All applications for a conditional use permit must be received in the Office of Community Development thirty (30) days prior to a Planning Commission meeting.

(3)

The Zoning Administrator shall transmit the application to The Planning Commission and shall notify all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property in question and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1067, amended 2-4-1988)

(4)

The Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

(5)

The Planning Commission shall hold the public hearing and determine possible adverse effects of the proposed conditional use and determine what additional requirements may be necessary to reduce such adverse effects and recommend to the City Council one (1) of three (3) actions - approval, denial, or conditional approval. (Ord. No. [20-2447](#), 7-20-2020)

(6)

The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)

(7)

The City Council shall take appropriate action on the request for conditional use permit after receiving the recommendations by the Planning Commission. If it grants a conditional use permit, the City Council may impose conditions it considers necessary

to protect the public health, safety, and welfare. (Ord. No. 04-2035, amended 12-16-2004; Ord. No. [20-2447](#), 7-20-2020)

(8)

Zoning Administrator may transmit the application directly to the City Council to hold the public hearing following the notice produce outlined in [27.04](#) (e) 3-5.

(f)

Revocation of Conditional Use Permits.

(1)

Where a conditional use permit has been issued pursuant to provisions of this ordinance, such permit shall become null and void without further action by The Planning Commission or City Council unless construction commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one (1) particular use and shall expire if that use shall cease for more than one (1) year. (Ord. No. 04-2035, amended 12-16-2004)

(2)

In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the conditional use permit following a public hearing. In addition to a potential revocation of the conditional use permit, the City may issue a citation for a violation of any of the conditions set forth in the permit, pursuant to [Section 27.07](#)(d). (Ord. No. 11-2227, amended 8-4-2011)

- **27.05 - Interim use permits.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Criteria for granting interim use permits. An interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions. The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable.

(1)

The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;

(2)

The proposed use will not create an excessive burden on parks, streets, and other public facilities; and

(3)

The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

(b)

Interim use permits shall terminate upon the specified termination date or whenever the use is discontinued for more than one (1) year. The city council may impose conditions requiring termination prior to the termination date, including but not limited to the platting of neighboring property.

(c)

Additional conditions. In permitting a new interim use or the alteration of an existing interim use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following

(1)

All conditions listed in [27.04](#) (c);

(2)

Termination date;

(3)

Conditions requiring termination prior to the termination date.

(d)

Procedure. The procedure for obtaining an interim use permit and the exhibits required for making an application shall be the same as for a conditional use permit, as [27.04](#) (d)-(e).

(e)

Revocation of Interim Use Permits. In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the interim use permit following a public hearing. In addition to a potential revocation of the interim use permit, the City may issue a citation for a violation of any of the conditions set forth in the permit, pursuant to [Section 27.07](#)(d).

(Ord. No. [20-2447](#), 7-20-2020)

- **Sec. 82-153. - Truck parking in residential zones.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

For the purposes of this chapter, definitions in Minn. Stat. § 168.011 shall be adopted by reference.

(b)

No trucks, farm trucks, semitrailers, special mobile equipment, truck tractors, farm implements or tractors, or trucks carrying or designed to carry explosive or flammable materials, buses, or vehicles exceeding gross vehicle capacity of 12,000 pounds shall be parked on public or private property in any residential district, **except the farm residential and agriculturally zoned districts**. Pickup trucks and vans rated under 12,000 gross vehicle capacity are exempt from this subsection.

(c)

This shall not prohibit recreational motor vehicles from parking, provided that the recreational motor vehicle is not used to display advertising or service.

(d)

This shall not prohibit vehicles, as described in subsection (b) of this section, from short term parking (two hours or less), actively loading, unloading or performing a service.

(e)

No auxiliary motors or engines on any vehicle shall be allowed to operate except when actively loading, unloading or performing a service.

(f)

No person shall allow a semitrailer to be parked unattached from a tractor unit for any length of time on any city street in the city except in an emergency in order to change tractors

(g)

Any person violating this provision shall be guilty of a misdemeanor and shall be subject to the sanctions set forth in the applicable statutes adopted in this chapter by reference.

(Ord. No. [19-2433](#), 8-19-2019)

Patricia Robinson

From: tm@focusexecutivesearch.com
Sent: Tuesday, November 8, 2022 4:07 PM
To: Patricia Robinson
Subject: Hennessey cup

Hi Pat,

Thanks for the time yesterday

- I 100% support the approval of the permit. I own the 3 lot directly north of the outbuilding.
-The Alwin's and I had our lots sold at a great price to a developer who was going to build an eco-village. When they were going to be required to build sewer lines beyond the development the offer was canceled. This was disappointing for the Alwins and me. I went to plan B and sold my house separate from the back approximately 6 acres. I am now marketing the 6 acres and Alwin cannot market their 3-4 lots.
I consider the Alwins to be friends but that is because we were beyond tolerant of the Alwin's dog(s) who barked constantly when we lived there. It's like they can't hear them and it was real irritating.
They have been running a business cleaning up playground stuff and selling it from their property for a few years. They have customers coming to their house and have displayed it up and down their driveway. What that had meant to my family was constant power washing running all day sometimes, on their driveway right next to our pool area. Right next to it. Tough to talk or have guests-no privacy. I historically stored an old pickup truck and boat by the outbuild
I got to know Ron and Christine during attempts to sell and consider them as friends. The Alwin's are obviously disappointed that I didn't stay on the sell to a developer game but was clearly on life support. In spite of the money difference, I got a few acceptable offer on my house and sold it. They will now not be able to develop their 3 lots outback. They lost their privacy when Loc Ness put a paved walking path. They lost their privacy when St. Andrews village went in. It was a constant construction of one house at a time.

The neighborhood has multiple people and lots smaller than 4 acers.

Thanks,
Tim McLafferty
Cell: 6127305544

Tim McLafferty
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