

**UNAPPROVED
CITY OF BLAINE
PLANNING COMMISSION MEETING MINUTES
September 13, 2022**

The Blaine planning commission met in the City Hall Chambers on Tuesday, September 13, 2022. Chair Goracke called the meeting to order at 7:00PM.

Members Present: Commission Members: Deonauth, Gorzycki, Halpern, Homan, Olson, Swanson, and Chair Goracke.

Members Absent: None.

Staff Present: Shawn Kaye, Planner
Elizabeth Showalter, Community Development Specialist
Teresa Barnes, Project Engineer

NEW BUSINESS

Item 4.4 – Case File No. 22-0060 – Public Hearing – The applicant is requesting a 162 square foot variance from the 1,200 square foot maximum garage and accessory building space allowed with a conditional use permit.
LON FIEDLER, 12352 RADISSON ROAD NE.

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 22-0060 was opened at 7:26PM.

Chair Goracke reported the commission received an email from a neighbor, Chuck Dodge stating he supported the request.

The public hearing was closed at 7:27PM.

Lon Fiedler, 12352 Radisson Road NE, explained he sent a list of the variance compliance criteria to staff. He provided a print out of this document to staff.

Community Development Specialist Elizabeth Showalter explained this document was not uploaded with the application but noted staff could provide this information to the city council. She then reviewed the information within the document in further detail with the planning commission.

Commissioner Halpern asked if the existing shed was fully rebuilt.

Mr. Fiedler stated he did not do a full rebuild of the shed, but rather he firmed up some areas on the shed that were weak. He reported he resided the shed in order to match the house. He then thanked Ms. Showalter for working with him on this variance request. He explained he was only one foot short from complying with city code and he thanked the commission for considering his variance request. He commented he spoke with his neighbors and they all supported him keeping the shed. He believed there was a difference between intent and the letter of the law. He anticipated staff presented the letter of the law to the commission. However, he noted his property was unique, it was 400 feet deep and the shed was directly behind the garage making it not viewable for the neighbors.

Chair Goracke questioned how many variances the city has granted over the 1,200 square foot requirement.

Community Development Specialist Elizabeth Showalter explained this was the city's third request in the past three years. It was her understanding one request was denied and one was approved for a 10 acre parcel.

Chair Goracke requested further comment from staff regarding the variance criteria provided by the applicant.

Community Development Specialist Elizabeth Showalter reported she was not seeing a practical difficulty that was preventing the reasonable use of this property. She understood the proposed shed was not impacting neighboring properties, but it was not meeting the practical difficulty test. She feared if the shed were allowed to remain in place, this would confer a special privilege because his neighbor could not do the same thing.

Commissioner Homan thanked staff for following the rules, but stated in her opinion this request falls outside the city requirements because the shed has been in place for quite some time and precedes needing a permit. She reported Mr. Fiedler purchased the property assuming he could use the shed and has maintained it nicely. She believed it was non-sensical to require Mr. Fiedler to alter building that looks to be in good condition and no neighbors were complaining. She was of the opinion the commission was in place to look at the humanity of the matter as well as the reasonableness. She stated on this request, she could support making an exception.

Commissioner Halpern explained a lot of times cases are presented to the planning commission where a resident has done something that was not up to par and was in need of forgiveness. He reported with this case, the shed was preexisting.

Commissioner Olson commented the permit for the new structure required the homeowner to follow the rules and having to remove the shed was one of the rules. She noted she lived on this street and drove by this home often. She indicated she was unaware of the fact there was a shed behind the home, but stated she still supported the city following the rules that were in place for fear of setting a precedence.

Motion by Commissioner Olson to recommend the commission not approve Planning Case 22-0060 based on the following conditions:

Case 22-0060:

1. The applicant has not identified any practical difficulty caused by the application of the zoning ordinance. The property can be put to reasonable use with 1,200 square feet of garage and accessory building space.
2. Exceptional or extraordinary circumstances do not apply to the property. All other similarly sized lots in the vicinity appear to comply with the maximum garage and accessory building sizes.
3. Granting of the requested variance would confer on the applicant special privileges that are denied by the zoning ordinance to other property owners in the vicinity.
4. If the applicant wanted to retain the detached accessory building in its current form, the new home could have been constructed with an attached garage up to 816 square feet in size.

Motion seconded by Commissioner Gorzycki. The motion passed 4-3 (Commissioner Deonauth, Homan, and Swanson opposed).

Chair Goracke noted this would be on the agenda of the October 3, 2022 city council meeting.