

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Wednesday, July 6, 2022

10.4 Resolution No. 22-114, Granting a Conditional Use Permit to Construct a 2,613 Square Foot Detached Garage for a Total Garage Space of 2,963 Square Feet in an FR (Farm Residential) Zoning District at 12640 Radisson Road NE. Aaron Jordan (Case File No. 22-0034/EES).

Ms. Sellman stated the property owner is requesting a conditional use permit to build a 2,613 square foot detached garage. Staff discussed the request in detail with the Council and detailed the site work that would be required. Comments received from the public at the planning commission meeting were reviewed with the Council. It was noted staff met with the applicant to discuss alternatives for the site. The requirements for a conditional use permit (CUP) were discussed in further detail. It was noted the Planning Commission forwarded the application with no recommendation as there was a tie vote. Council may approve the CUP as requested, add one or more conditions to mitigate the impacts to neighboring properties, or deny the CUP and adopt findings to support that denial.

Aaron Jordan, 12640 Radisson Road NE, explained he has worked to try and accommodate the neighbors, which was why he was proposing to have the garage at the front of the property. He indicated this led him to move the house 100 feet from Radisson Road, noting he would be having extended family members living with him soon. He stated the garage was placed as proposed due to the placement of his home and the wetlands on the site. He reported he would like a larger garage to store his equipment and trailers in. He noted he would be installing two different hedges surrounding the garage to assist with screening the 36' x 52' garage.

Mayor Sanders opened the meeting for public comment.

Brett Burfine, 1925 125th Lane, thanked the Council for speaking with him over the past few weeks. He encouraged the Council to consider another option for this garage, even if that requires a variance. He stated the neighbors support this option because it would impact all parties less. He indicated the proposed garage would negatively impact all the surrounding neighbors. He explained he disagreed with staff's recommendation noting the garage had an adverse impact on the neighbors and requested the Council work with the property owner on a variance.

Ben Sparks, 1979 125th Lane, encouraged the Council to require the applicant to pursue a variance. While he understood the City was uncomfortable with the variance, he stated this would be the better option for the neighborhood. He explained he was a 15-year resident of

Blaine and was concerned how his property value would be adversely impacted if the large garage were constructed as requested.

Danny Lindsey, 12618 Isanti Street, stated he used to work for Forest Lake Contracting and noted there was no bottom to the amount of peat on the applicant's property. He reported the applicant's land will sink 10 to 15 inches each year because there was no bottom. He questioned how the applicant will be able to fill this property to keep it from sinking.

Shannon Burfine, 1925 125th Lane, explained she supported the concerns raised by her husband and neighbors. She stated the proposed garage structure would be closer to her house than the applicant's house. She indicated this building would impact her more than the applicant and encouraged the Council to be creative in order to find another solution to this request.

Mayor Sanders requested comment from the city attorney regarding what can and cannot be done with variances. City Attorney Nelson explained an application would be required for a variance to be considered and noted a variance has not been submitted for this property. He reviewed the variance requirements per Statute, which included a practical difficulty. He reported staff was concerned with the fact that there was a viable use of the land that complies with the zoning ordinance, and therefore the request does not qualify for a variance.

Councilmember Robertson stated this property looked difficult to her because only one-fifth of the land could be built on. She asked if this was a practical difficulty. Mr. Nelson advised the Council determines if a practical difficulty has been met. He reported this type of decision requires a variance application to be in place and noted the applicant does not have a variance request before the Council at this time.

Councilmember Robertson questioned when the original application came to the City. Ms. Sellman stated the original application was brought to staff in May 2022.

Councilmember Robertson inquired if the proposed plan was the original intent of the applicant. Mr. Jordan stated his original intent was to put the garage near Radisson Road, however he was told the garage could not be placed there. He commented on the costs he has had to incur to redesign the site plans over the past year and indicated he would like to have the garage at its original location.

Councilmember Massoglia asked if the conditional use permit was just for the size of the structure. Ms. Sellman stated this was correct, but noted the request also led to a site plan review.

Councilmember Massoglia questioned if the Council could approve the CUP and then request the applicant to apply for a variance to address the placement of the garage. Mr. Nelson stated this theoretically could be done, but there would be nothing to prevent the applicant

from constructing the garage right away. He explained it would be in the City's best interest to enter into an agreement with Mr. Jordan extending the CUP period which would require the City to act on the variance within a certain period of time.

Councilmember Jeppson inquired why this request was a huge issue. She stated it was very rare that applicants were willing to hear the neighbors. She supported the Council working with the applicant in order to find a solution for all parties. She indicated she supported the size of the garage and appreciated the fact the applicant would be storing his equipment indoors. She noted this was a unique lot and encouraged staff to work with the applicant on a variance request.

Councilmember Newland agreed stating a variance would be the best solution for this request. He understood it was the property owners' right to do as he wanted on the property, but he appreciated the fact he was willing to hear the concerns of the neighbors. He encouraged the property owner to move forward with the original plan, which would mean pursuing a variance.

Mayor Sanders asked what concerns staff would have if the landowner were to move forward with a variance. Ms. Sellman stated her first concern would be what type of precedent would be set. Mr. Thorvig reported if a variance were pursued, another notification process would be held and new concerns may be raised. He inquired if the Council wanted a building of this size along a major corridor in Blaine.

Mayor Sanders requested the applicant come forward. He stated the Council has spoken favorably towards a variance request. He commented on how difficult this lot would be to develop. He commended the applicant for his efforts and asked if he would be willing to apply for a variance. Mr. Jordan stated he would be willing to do this in order to keep the garage away from the neighbors. He indicated he only concern was that this would delay the project 60+ days further. He asked that the Council approve the conditional use permit, which would allow him to have a larger garage and noted he would then apply for a variance to address the placement of the garage.

Mayor Sanders questioned if Mr. Jordan would support planting trees along Radisson Road to buffer the garage from this corridor. Mr. Jordan stated he would be willing to plant privacy trees.

Mr. Nelson asked if Mr. Jordan would agree in writing to waive the 60-day requirement for the CUP to be acted upon. He stated this meant the CUP would not be acted on until the variance request was before the City Council. Mr. Jordan stated he would agree to this.

Mr. Nelson advised the Council to table action on the conditional use permit.

Moved by Councilmember Massoglia, seconded by Councilmember Jeppson, to table action on a Conditional Use Permit to Construct a 2,613 Square Foot Detached Garage for a Total Garage Space of 2,963 Square Feet in an FR (Farm Residential) Zoning District at 12640 Radisson Road NE to a date uncertain.

Councilmember Newland commended Mr. Jordan for being a good neighbor.

Motion adopted unanimously.