

**UNAPPROVED  
CITY OF BLAINE  
PLANNING COMMISSION MEETING MINUTES  
December 8, 2020**

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, December 8, 2020. Chair Ouellette called the meeting to order at 7:00 PM. Due to the COVID-19 pandemic this meeting was held virtually.

Members Present: Commission Members: Deonauth, Goracke, Halpern, Homan, Olson, Villella, and Chair Ouellette. Also present was Adjunct Member Drew Brown.

Members Absent: None.

Staff Present: Elizabeth Showalter, Community Development Specialist  
Pat Robinson, Administrative Assistant  
Teresa Barnes, Project Engineer

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**APPROVAL OF MINUTES**

**Motion by Commissioner Homan to approve the minutes of November 10, 2020, as presented. Motion seconded by Commissioner Halpern. A roll call vote was taken. The motion passed 7-0.**

**OLD BUSINESS**

None.

**NEW BUSINESS**

Item 4.1 – Case File No. 20-0041 – Public Hearing – The applicant is requesting the following:

- 1.) Conditional Use Permit to allow up to 1,200 square feet of garage and accessory building space in an R-1 (Single Family) zoning district.
- 2.) Variance to allow for an additional 700 square feet of garage and accessory building space to construct an addition to an existing detached garage resulting in a total garage size of 1,900 square feet.

MATTHEW MERRITT, 8631 BALTIMORE STREET NE.

The report to the Planning Commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 20-0041 was opened at 7:14 PM.

Chair Ouellette noted the Planning Commission had received several comments from the public prior to the meeting.

Myron Klemz, 8632 Baltimore Street, explained he lived directly across the street from the applicant. He noted he went through the process of building a garage several years ago. He reported he constructed a 1,200 square foot garage for storage and to allow him to pursue his car hobby. He stated Matt was a wonderful guy and he wanted him to be able to use his property. He explained he supported Matt Merritt constructing a 1,200 square foot garage as requested because Matt's lot was twice the size of his.

Matt Merritt, 8631 Baltimore Street, introduced himself to the Commission. He thanked the Commission for considering his request. He indicated his house was built in 1946 and storage was extremely limited. He explained he had no basement which was one of the reasons he was requesting additional garage space. He reported the former owner of his house bought a farm tractor in order to complete yard work and assist with snow removal. He stated he took great pride in his yard which required additional yard equipment. He noted he shared a driveway with the property to the north. He described how difficult it was to remove snow on his shared driveway and discussed the farm tractor he used for the work. He explained he would like a place to store the tractor inside. He believed that because he did not have a basement in his home, he needed additional garage space for storage and hobby space. He stated he loved the lot he lives on and did not want to move. He noted he had a garage fire in February of this year and was looking to replace his garage with more capacity. He indicated he had discussed his proposed garage with his neighbors and he had their full support.

Commissioner Halpern questioned what the City Council decision was on a recent variance request on a different property.

Community Development Specialist, Elizabeth Showalter explained the other request was for a home proposed within Radisson Woods on Main that was to be constructed on a lot 12 acres in size. She stated the large size and unique shape of the lot, with the home pad far from the road, allowed for the large garage structure to remain unseen. She noted that the property met the minimum lot size for the Farm Residential District which allows for the size of accessory building proposed and the substantial distance from the home pad to the nearest homes.

Commissioner Goracke asked what the Planning Commission recommended for the garage request for the 12 acre property.

Community Development Specialist, Elizabeth Showalter stated the Planning Commission recommended denial. She reported the City Council had the final determination on these cases.

Commissioner Goracke indicated he appreciated the case that was made by the applicant given the fact the home did not have a basement. He commented the snow removal was also another valid argument.

Community Development Specialist, Elizabeth Showalter described how the zoning code and state statute defined practical difficulty as not being able to put a property to reasonable use, and

that a property could be experiencing difficulty, without having a practical difficulty as defined in the code.

Chair Ouellette stated most of the R-1 properties were around a quarter acre in size. He noted this lot was larger in size. He understood the applicant was a really nice guy and had the support of his neighbors. However, he feared how the City would address future requests if this case were recommended for approval.

Community Development Specialist, Elizabeth Showalter reported the City had 182 lots that were .9 acres or larger that were zoned R-1 in Blaine. She noted these lots were generally heavily wooded, like the subject lot and indicated the Commission should consider the large number of lots that may request variances based on the precedent set by approving the requested variance.

Mr. Merritt commented on the size of his preexisting garage. It was his understanding this was the second or third garage fire. He noted the garage was previously only 500 or 600 square feet.

The public hearing was closed at 7:41 PM.

Commissioner Villella explained he was sympathetic to the applicant, but noted the home had no basement when he purchased the home. He stated he feared that a precedent would be set if the Planning Commission were to recommend approval of this variance request. For this reason, he would be supporting staff's recommendation.

Commissioner Homan agreed stating she did not want to set a dangerous precedent by recommending approval of this variance request.

**Motion by Commissioner Olson to recommend approval of Planning Case 20-0041A the Conditional Use Permit to allow for 1,200 square feet of accessory building space in an R-1 (Single Family) zoning district based on the following conditions:**

Case 20-0041A:

1. The total garage and accessory building space, limited to a total of 1,200 square feet, to be constructed as a 1,200 square foot detached garage.
2. The applicant's proposed garage must be used for personal storage space only, and it may not be used for a home occupation/business.
3. Garage/accessory building doors shall not exceed ten (10) feet in height.
4. The materials and colors of the garage must be compatible with the home.
5. All outside storage of vehicles, except what is allowed by 33.13 (j) must cease by June 15, 2021, or the date of completion of the garage, whichever is sooner.

6. The temporary membrane structure (temporary carport) must be removed from the property by June 15, 2021, or the date of completion of the garage, whichever is first.
7. The dumpster on the property must be moved onto the applicant's property as soon as possible, and no later than January 31, 2021.
8. The property owner must cease utilizing any route other than the driveway for access to the garage immediately. If the turf or other site conditions show evidence of routine access off the secondary driveway, the existing driveway must be removed and restored to turf and a new driveway must be constructed on the south side of the home meeting all required setbacks and dimensional standards.
9. Compliance with conditions 5-7 shall be guaranteed by \$2,000 escrow which must be paid to prior to the issuance of any building permits. The escrow will be returned upon determination that the conditions have been met.

**Motion by Commissioner Olson to recommend denial of Planning Case 20-0041B the Variance for an additional 700 square feet of accessory building space over the allowed 1,200 square feet with a Conditional Use Permit based on the following rationale:**

Case 20-0041B:

1. The applicant has not demonstrated a practical difficulty, and the property has been put to reasonable use for decades with the existing 988 square foot garage.
2. The property is located in an area surrounded by R-1 zoned property with a typical suburban, as opposed to rural, character. A garage larger than the allowed 1,200 square feet would break from that character.
3. Exceptional or extraordinary circumstances do not apply to the property or to other properties in the same zone or vicinity. All other similarly sized lots in the vicinity appear to comply with the maximum garage and accessory building sizes.
4. Granting of the variance requested will confer on the applicant special privileges that are denied by this ordinance to other owners of lands, structures or buildings within the same vicinity.
5. Variances, if granted, would be materially detrimental to the purposes of this ordinance, or to other property in the same zone.

**Motion seconded by Commissioner Deonauth. A roll call vote was taken. The motion passed 7-0.**

Chair Ouellette noted this would be on the agenda of the December 21, 2020 City Council meeting.

Item 4.2 – Case File No. 20-0042 – Public Hearing – The applicant is requesting a Conditional Use Permit for 2,629 square feet of outdoor restaurant seating in a B-3 (Regional Commercial) zoning district.  
WAGON WHEEL SALOON (JDA DESIGN ARCHITECTS INC.), 76 NORTHTOWN DRIVE NE.

The report to the Planning Commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 20-0042 was opened at 7:48 PM. As no one wished to appear, the public hearing was closed at 7:49 PM.

**Motion by Commissioner Goracke to recommend approval of Planning Case 20-0042 based on the following conditions:**

Case 20-0042:

1. Administrative site plan approval will be required prior to work being performed on site. This approval will include the requirement for a signed Site Improvement Performance Agreement and associated financial guarantee.
2. A copy of the lease outlining the applicant's available parking must be submitted to the City prior to any permits being issued for the site.
3. The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the City's chief building official and Metropolitan Council to determine the amount required for this use.
4. Plans for amplified music or a public address system for the outdoor dining area to be reviewed by the City and approved by the Northtown Mall management company prior to installation. Noise level of the music in the outdoor dining area to not exceed normal conversation level.
5. No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
6. The outdoor dining area limited to the patio area identified on the site plan attached to the staff report and a maximum of 2,629 square feet and 68 seats.
7. The outdoor dining area to meet all appropriate city regulations and license requirements for dispensing of alcohol in an outdoor setting.
8. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
9. Exit doors in any railing or fence in the outdoor dining area shall be openable from the inside without the use of a key or any special knowledge or effort, per the Minnesota Building Code.

10. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.
11. Provide a detailed plan of fencing to surround patio and acquire a permit for construction of said fencing. Fencing shall be wrought iron or equivalent, subject to approval by the Zoning Administrator.
12. All signage by separate permit. Wall signage shall be permitted on a maximum of two walls and is limited to 10% of the wall area or 200 square feet, whichever is less. One freestanding sign is permitted up to 14 feet in height and 140 square feet, so long as no freestanding signage for the mall includes advertisement for the subject business.
13. The proposed decorative silo shall be regulated as a freestanding sign and must be constructed of masonry materials.

**Motion seconded by Commissioner Halpern. A roll call vote was taken. The motion passed 7-0.**

Chair Ouellette noted this would be on the agenda of the December 21, 2020 City Council meeting.

The applicant's representative, John Anderson, thanked the Commission for their time and support for the request.

### **ADJOURNMENT**

Motion by Commissioner Olson to adjourn the Regular Planning Commission meeting. Motion seconded by Commissioner Homan. A roll call vote was taken. The motion passed 7-0. Adjournment time was 7:54 PM.

Respectfully submitted,

Heidi Guenther  
*Minute Maker Secretarial*