



City of Blaine Anoka County, Minnesota Minutes

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Planning Commission

The Planning Commission is an advisory board to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. For each agenda item the Commission will receive reports prepared by the City staff, open the public hearing, discuss and act on the application.

The council chambers will have limited seating, with audience chairs being set up at least six feet apart. There will be an overflow area where the meeting can be watched in the Cloverleaf Farms Room, also with chairs set up at least six feet apart.

Public comments prior to the meeting must be received by 4:30 PM on the Monday prior to the meeting date. Email comments to: Planning@BlaineMN.gov or phone 763-785-6180.

Tuesday, September 13, 2022

7:00 PM

Council Chambers

1. Call To Order

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.

Roll Call

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

Present: 4 - Commissioner Homan, Commissioner Goracke, Commissioner Olson, and Commissioner Halpern

Absent: 2 - Chair Ouellette, and Villella

2. Approval of Minutes

2.-1

Approval of the August 10, 2022 Planning Commission Minutes

Attachments: [Unapproved Minutes 08/10/22](#)

Motion by Commissioner Homan to approve the minutes of August 10, 2022, as presented. Motion seconded by Commissioner Swanson. The motion passed 4-0-3 (Commissioners Deonauth, Halpern and Olson abstained).

Aye: 4 - Homan, Goracke, Olson, and Halpern

3. Old Business

None.

4. New Business

4.-1

Public Hearing Case File No. 22-0058 // WPG Northtown Venture LLC // 150 Northtown Drive NE

The applicant is requesting a preliminary plat to clean up property lines and replat existing lots into 5 lots and one outlot to be known as Prime North.

Attachments: [Attachments](#)
 [Unapproved PC Minutes 091322](#)

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0058 was opened at 7:05PM.

Jacob Steen, Larkin Hoffman Attorneys, explained he represents Washington Prime which was the owners of Northtown Mall. He reported he has been working with staff over the past year on two separate plats. He commented on the future redevelopment that was coming to the Northtown Mall area and thanked the commission for considering his request.

The public hearing was closed at 7:07PM.

Commissioner Halpern asked if this request fit into the overall redevelopment plans the council had in mind for the Northtown area.

Planner Shawn Kaye explained most of this area was vacant and the request would clean up the land titling in order for redevelopment to occur.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0058 based on the following conditions:

Case 22-0058:

- 1. The developer is responsible for recording the plat mylars with Anoka County. Proof of recording must be provided to the city prior to issuance of building permits.**

2. The developer must provide the city with the recorded document that provides ingress/egress and all cross access/parking for each of the newly created lots.

Motion seconded by Commissioner Homan. The motion passed 7-0.

Aye: 4 - Homan, Goracke, Olson, and Halpern

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

4.-2

Public Hearing Case File No. 22-0057 // Joseph Stontz // 802 131st Avenue NE

The applicant is requesting the following:

1. A 9-foot variance to the 22.5-foot rear yard setback for a deck.
2. A 12.5-foot variance to the 30-foot rear yard setback for a 4-season porch addition.

Attachments: [Attachments](#)
[Unapproved PC Minutes 091322](#)

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0057 was opened at 7:13PM. As no one wished to appear, the public hearing was closed at 7:14PM.

Joseph Stontz, 802 131st Avenue NE, thanked the commission for considering his request. He noted he spoke to his neighbor to the south and he supported the four season porch. In addition, the Northside Christian School and Church also supported the four season porch.

Motion by Commissioner Halpern to recommend approval of Planning Case 22-0057A a 9-foot variance to the 22.5-foot rear yard setback for a deck with the following findings:

Case 22-0057A:

1. The subject site is 15,561 square feet which is slightly larger than typical R-1 lot of 10,000 square feet. The house was existing when the lot was platted, which determined the front yard and side yard for this corner lot. The front yard is off 131st Avenue and the corner side is Van Buren Street NE. which makes the southern property line the rear yard and requires a 22.5-foot setback for a deck. If reversed with the front yard as Van Buren and the 131st Avenue side the corner side yard, the southern property line would be considered a side yard and a 7.5-foot setback would apply. The house is set back farther than the required 30-foot front setback and the 20-foot setback on the street corner. Based on the orientation of the house, the rear yard of the property (south side) is adjacent to the neighbor's side yard. If the house was oriented to Van Buren Street, then the proposed addition would be in a side yard and able to meet the 7.5-foot setback for a deck. The property to the south is able to add a deck to their existing home 7.5 feet from the same property line that the code requires the subject site to have a 22.5-foot setback. The orientation of the house is not a circumstance of the property owner. The greater setbacks on the existing house and lot orientation demonstrate a circumstance that does not

apply generally to other properties in the same zone or vicinity.

2. The property to the south can have a 7.5-foot setback from the common lot line, but the subject site is subject to a 30-foot setback. The variance would provide a 17.5-foot setback to the porch and a 13.5-foot setback from the landing, both meeting the 10-foot setback that would be required had the house been oriented differently.

3. The applicant bought the house in its current location and did not determine the front yard designations.

4. The variance in this circumstance is due to the building orientation and larger setbacks of the existing house that are not typical for properties in the same district.

5. The variance would not be detrimental to properties in the same zone.

Motion by Commissioner Halpern to recommend approval of Planning Case 22-0057B a 12.5-foot variance to the 30-foot rear yard setback for a 4-season porch addition with the following findings:

Case 22-0057B:

1. The subject site is 15,561 square feet which is slightly larger than typical R-1 lot of 10,000 square feet. The house was existing when the lot was platted, which determined the front yard and side yard for this corner lot. The front yard is off 131st Avenue and the corner side is Van Buren Street NE. which makes the southern property line the rear yard and requires a 30-foot setback for a home. If reversed with the front yard as Van Buren and the 131st Avenue side, the corner side yard the southern property line would be considered a side yard and a 10-foot setback would apply. The house is set back farther than the required 30' front setback and the 20' setback on the street corner. Based on the orientation of the house the rear yard of the property (south side) is adjacent to the neighbor's side yard. If the house was oriented to Van Buren Street, then the proposed addition would be in a side yard and able to meet the 10-foot setback for a deck. The property to the south is able to add an addition to their existing home 10 feet from the same property line that the code requires the subject site to have a 30-foot setback. The orientation of the house is not a circumstance of the property owner. The greater setbacks on the existing house and lot orientation demonstrate a circumstance that does not apply generally to other properties in the same zone or vicinity.

2. The property to the south can have a 10-foot setback from the common lot line, but the subject site is subject to a 30-foot setback. The variance would provide a 17.5-foot setback to the porch and a 13.5-foot setback from the landing, both meeting the 10-foot setback that would be required had the house been oriented differently.

3. The applicant bought the house in its current location and did not determine the front yard designations.

4. The variance in this circumstance is due to the building orientation and larger setbacks of the existing house that are not typical for properties in the same district.

5. The variance would not be detrimental to properties in the same zone.

Motion seconded by Commissioner Deonauth. The motion passed 7-0.

Aye: 4 - Homan, Goracke, Olson, and Halpern

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

4.-3

Public Hearing Case File No. 22-0061 // Dallas Sessions // 9323 Jamestown Street NE

The applicant is requesting a conditional use permit to allow for a total of 1,187 square feet of accessory garage space in the R-1 (Single Family) zoning district.

Attachments: [Attachments](#)
[Unapproved PC Minutes 091322](#)

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 22-0061 was opened at 7:18PM. As no one wished to appear, the public hearing was closed at 7:19PM.

Motion by Commissioner Olson to recommend approval of Planning Case 22-0061 based on the following conditions:

Case 22-0061:

1. The accessory building shall be combatable in color and architectural style with the primary structure.
2. The proposed accessory building cannot be located within the drainage and utility easement.
3. The accessory building space shall be used for personal storage only and may not be used for a home occupation.
4. The homeowner is not required to construct an access driveway if they are able to maintain grass to access the proposed garage. If grass is unable to be maintained in the access drive, a driveway shall be installed to access the proposed garage.
5. Applicant to remove the two existing accessory buildings from the site prior to a certificate of occupancy being granted for the proposed garage on site.

Motion seconded by Commissioner Swanson. The motion passed 7-0.

Aye: 4 - Homan, Goracke, Olson, and Halpern

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

4.-4

Public Hearing Case File No. 22-0060 // Lon Fiedler // 12352

Radisson Road NE

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.

Attachments:

Attachments

Unapproved PC Minutes 091322

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.

Adjournment

Adjournment time was 7:46PM.

Motion by Commissioner Homan to adjourn the regular planning commission meeting. Motion seconded by Commissioner Halpern. The motion passed 7-0.

Aye: 4 - Homan, Goracke, Olson, and Halpern