



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

**File #:** RES 19-37    **Version:** 1    **Name:** Variance - Dem-Con (PC18-0071-Metals Recycling)  
**Type:** Resolution    **Status:** Passed  
**File created:** 3/7/2019    **In control:** City Council  
**On agenda:** 3/7/2019    **Final action:** 3/7/2019

**Title:** GRANTING (A) A 3.78 ACRE VARIANCE TO THE 7 ACRE MINIMUM LOT SIZE REQUIREMENT FOR WASTE TRANSFER FACILITIES; (B) A 35-FOOT VARIANCE TO THE 50-FOOT SIDE YARD WEST PARKING SETBACK; (C) A 110-FOOT VARIANCE TO THE 150-FOOT FRONT YARD NORTH BUILDING SETBACK AT 3360 99TH COURT NE. DEM-CON PROPERTIES, LLC. (CASE FILE NO. 18-0071/LSJ)

**Sponsors:** Lori Johnson

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/7/2019	1	City Council	Adopted	Pass

**DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**GRANTING (A) A 3.78 ACRE VARIANCE TO THE 7 ACRE MINIMUM LOT SIZE REQUIREMENT FOR WASTE TRANSFER FACILITIES; (B) A 35-FOOT VARIANCE TO THE 50-FOOT SIDE YARD WEST PARKING SETBACK; (C) A 110-FOOT VARIANCE TO THE 150-FOOT FRONT YARD NORTH BUILDING SETBACK AT 3360 99<sup>TH</sup> COURT NE. DEM-CON PROPERTIES, LLC. (CASE FILE NO. 18-0071/LSJ)**

Planning Commission (Public Hearing)	02/12/19
City Council (Variance)	03/07/19
Action Deadline	03/11/19

The Planning Commission voted unanimously to approve the proposed variances. There were no comments at the public hearing.

Dem-Con has purchased this site, which is immediately adjacent to its existing waste transfer station on 99<sup>th</sup> Court, for the purpose of using the building and site as a metals processing facility. A metals processing facility falls under the category of waste transfer station in the City’s Zoning Ordinance and Code of Ordinances. In order to use this site as such, a conditional use permit is required.

The applicant is also requesting the approval of several variances which will be outlined below.

### Variances

The applicant is requesting the following variances on the site:

1. A 3.78 acre variance to the 7 acre minimum lot size requirement for waste transfer facilities.

The applicant purchased this site because of its proximity to its other waste transfer station site, which is immediately adjacent to this site. If this site were combined with the other site, the size of this site would not be an issue, which is why staff is amenable to recommending approval of this proposed variance. In addition, this is a unique situation where a vacant property was available and adjacent to the principal use. If this situation were to arise elsewhere, with the other existing transfer stations in Blaine, staff would likely recommend approval of a variance in that situation as well.

2. A 35-foot variance to the 50-foot side yard west parking setback.

Given that the adjacent property is owned by the same organization, and given that this property is currently vacant, staff is amenable to recommending approval of this variance. When other sites have required variances for the sites to be reused, staff has been supportive of efforts to bring the site into conformance through variance approvals. The reuse of this site is a benefit to the City, and the applicant is making other efforts to bring the site into compliance with the ordinance.

3. A 110-foot variance to the 150-foot front yard north building setback.

While parking and paved areas can be modified to reduce the size of variances required, buildings cannot be moved. Given that the applicant is working to bring the site into compliance to reuse the site, staff recommends approval of this variance, just as it has in the past when nonconforming sites are being reused.

By motion, approve the Resolution.

### **Attachments**

See report for conditional use permit.

**WHEREAS**, an application has been filed by Dem-Con Properties, LLC. as Case File No.18-0071; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on February 12, 2019; and

**WHEREAS**, the Blaine Planning Commission recommends said Variance be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on March 7, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that variances are hereby approved per Section 27.05 of the Zoning Ordinance to allow the following:

Approval of a 3.78 acre variance to the 7 acre minimum lot size requirement for waste transfer facilities for 3360 99<sup>th</sup> Court NE based on the following rationale:

1. If this site were combined with the adjacent waste transfer site owned by the same company, the size of this site would not be an issue.
2. This is a unique situation where a vacant property was available and adjacent to the principal use.
3. If this situation were to arise elsewhere, with the other existing transfer stations in Blaine, staff would likely recommend approval of a variance in that situation as well, so the owners of this site are not being treated differently than other owners of waste transfer sites in Blaine.

Approval of a 35-foot variance to the 50-foot side yard west parking setback for 3360 99<sup>th</sup> Court NE based on the following rationale:

1. Given that the adjacent property is owned by the same organization, and given that this property is currently vacant, it makes this a unique situation and allows the reasonable reuse of a vacant property.
2. When other vacant sites have required variances for the sites to be reused, staff has been supportive of efforts to bring the site into conformance through variance approvals, therefore the City has set a precedence for approving these types of variances.
3. The reuse of this site is a benefit to the City, and the applicant is making other efforts to bring the site into compliance with the ordinance.

Approval of a 110-foot variance to the 150-foot front yard north building setback for 3360 99<sup>th</sup> Court NE based on the following rationale:

1. While parking and paved areas can be modified to reduce the size of variances required, buildings cannot be moved, therefore this is the minimum variance required in this case.
2. Given that the applicant is working to bring the site into compliance to reuse the site, and just as it has in the past when nonconforming sites are being reused, the City has set precedence for approving this type of variance.

**PASSED** by the City Council of the City of Blaine this 7<sup>th</sup> day of March, 2019.