



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

**File #:** RES 22-140    **Version:** 2    **Name:** CUP - Robert Putz (22-0045)  
**Type:** Resolution    **Status:** Passed  
**File created:** 9/7/2022    **In control:** City Council  
**On agenda:** 9/7/2022    **Final action:** 9/7/2022  
**Title:** Granting a Conditional Use Permit to Allow for a Total of Three Accessory Structures in an R-1 (Single Family) Zoning District at 12371 Buchanan Street NE. Robert Putz (Case File No. 22-0045/SLK)  
**Sponsors:** Sheila Sellman  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachments, 2. Unapproved PC Minutes 081022

Date	Ver.	Action By	Action	Result
9/7/2022	2	City Council	Adopted	Pass
8/10/2022	1	Planning Commission	Recommended for Approval	Pass

**Development Business** - *Sheila Sellman, City Planner*

### Title

**Granting a Conditional Use Permit to Allow for a Total of Three Accessory Structures in an R-1 (Single Family) Zoning District at 12371 Buchanan Street NE. Robert Putz (Case File No. 22-0045/SLK)**

### Executive Summary

The applicant is requesting approval to allow three accessory buildings on his lot. Two of the accessory buildings are existing and he would like to construct an additional 200 square foot detached accessory building in the rear yard.

### Schedule of Actions

Planning Commission Public Hearing	08/10/22
City Council (Conditional Use Permit)	09/07/22
Action Deadline	10/26/22

### Background

*Staff report prepared by Shawn Kaye, Planner and Teresa Barnes, Project Engineer*

### Zoning

The property is zoned R-1 (Single Family) and has a land use of LDR (Low Density Residential).

### Surrounding Zoning and land uses

The adjacent properties to the north, south, and west are zoned R-1 (Single Family) and has a land use of LDR (Low Density Residential). The property to the east is zoned DF (Development Flex) and has a land use of MDR (Medium Density Residential).

### Existing Conditions

The property is a single-family lot with a storm pond located in the rear yard. The site has an existing home with an attached garage and an existing detached 80 square foot shed in the rear yard.

### **Evaluation of Request**

#### Site Plan

The applicant is requesting a Conditional Use Permit (CUP) to allow for a total of three accessory buildings in an R-1 zoning district.

The applicant currently has a 643 square foot attached garage and an 80 square foot shed. A 200 square foot accessory building is proposed to be constructed in the rear yard. The total square footage of all accessory buildings will be 923 square feet which is below the maximum of 1,000 square feet that is allowed.

The zoning code allows for up to two accessory buildings as a permitted use and requires a CUP for more than two.

The existing 80 square foot shed is located in the rear yard with a 2-foot side yard setback. This meets the zoning ordinance requirement for sheds under 120 square feet (permitted to have a one-foot side yard setback).

The proposed 200 square foot accessory building will be located in the rear yard and meets the required 5-foot side yard setback with a proposed side yard setback of 8 feet. The proposed accessory building cannot be located within the rear drainage and utility easement. Per the recorded plat, the drainage and utility easement are noted to begin 100-feet west of the east (or rear) property line. Given that the property pins for the rear property line are likely within the noted storm water pond, reference from the rear side of the house would be more accessible. The rear side of the house is approximately 150-feet west of the east property line and the drainage and utility easement is located 50-feet from the rear of the home. Therefore, the rear of the proposed accessory building will be required to be no further than 50-feet from the rear of the existing house. No portion of the proposed accessory structure can be constructed within the existing drainage and utility easement.

#### Architecture

The R-1 zoning district requires that the architectural style and color of accessory buildings be compatible with the primary structure.

#### Tree Preservation

No trees will be removed for the proposed accessory building.

#### Grading/Storm Drainage

The construction of the proposed accessory structure will be required to maintain the existing grading and drainage patterns.

#### Utilities

The proposed accessory structure will not be allowed to have additional connections to the public water or sanitary sewer.

#### Wetlands/Watershed

The construction of the proposed accessory structure is within an existing residential rear yard. Any wetlands will not be altered and no watershed review would be required.

### Access/Street Design/Sidewalks

The construction of the proposed accessory structure will not require additional access, street design or sidewalks will be required.

### Easements/Right-of-Way/Permits

The construction of the proposed accessory structure will not require additional easement or right-of-way to be provided. Property owner shall obtain all necessary building permits prior to construction.

### Conditional Use Permit

Section 27.04 Criteria for granting conditional use permits:

*The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)*

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. *The additional accessory building will not create an excessive burden on parks, schools, or streets.*
2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. (Ord. No. 20-2447, 7-20-2020) *The proposed accessory building is being constructed to be compatible with the existing home and an existing privacy fence is located along the north property line. Therefore, the use will be compatible with the adjoining property.*
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties. *The proposed accessory building is being constructed to be compatible with the existing home and an existing privacy fence is located along the north property line. The appearance of the addition will not have an adverse effect on adjacent properties.*
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use. *The proposed use meets the purpose of the zoning code by promoting efficient and desirable utilization of land, conserving natural resources and natural beauty, and utilizing buildings that are compatible with intended development.*
6. The use shall not be in conflict with the comprehensive plan of the City. *The use is not in conflict with the LDR (Low Density Residential) designation in the Comprehensive Plan.*
7. The use will not cause traffic hazard or congestion. *The proposed accessory structure will not result in any additional traffic hazards or additional congestion to the area.*
8. The use shall have adequate utilities, access roads, drainage and necessary facilities. *The proposed accessory structure, once constructed, will have the required utility services, adequate roads and necessary drainage.*

### **Strategic Plan Relationship**

Not Applicable.

### **Board/Commission Review**

The Planning Commission voted unanimously to approve the conditional use permit. There were no comments at the public hearing.

### Financial Impact

Not Applicable.

### Public Outreach/Input

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.

### Staff Recommendation

By motion, adopt the Resolution.

### Attachment List

Zoning and Location Map

Site Survey

Elevations (2)

Floor Plan

Narrative

Public Comments

Unapproved Planning Commission Minutes 8/10/22

**WHEREAS**, an application has been filed by Putz, Kristine E as Conditional Use Permit Case File No. 22-0045 for Robert Putz; and

**WHEREAS**, said case involves the property described as follows:

Lot 8 Block 1 HEATHERWOOD 3<sup>RD</sup> ADD

**WHEREAS**, the Blaine Planning Commission held a public hearing on August 10, 2022, and recommended approval regarding said Conditional Use Permit; and

**WHEREAS**, the Blaine City Council has reviewed said case on September 7, 2022; and

**WHEREAS**, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 29.034 (f) and 27.04 of the Zoning Ordinance to allow for a total of three accessory structures in the R-1 (Single Family) zoning district with the following conditions:

1. The accessory building shall be compatible in color and architectural style with the primary structure.
2. The proposed accessory building cannot be located within the drainage and utility easement. The rear of the proposed accessory building will be required to be no further than 50-feet from the rear of the existing house.
3. The accessory building space shall be used for personal storage only and may not be used for a home occupation.

**PASSED** by the City Council of the City of Blaine this 7<sup>th</sup> day of September, 2022.