



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

|                       |   |                      |              |              |                       |
|-----------------------|---|----------------------|--------------|--------------|-----------------------|
| <b>File #:</b>        | RES 12-035  | <b>Version:</b>      | 2            | <b>Name:</b> | 12-04 Way of Shepherd |
| <b>Type:</b>          | Resolution  | <b>Status:</b>       | Passed       |              |                       |
| <b>File created:</b>  | 3/13/2012   | <b>In control:</b>   | City Council |              |                       |
| <b>On agenda:</b>     | 4/5/2012  | <b>Final action:</b> | 4/5/2012     |              |                       |
| <b>Title:</b>         | GRANTING 15-FOOT VARIANCE TO THE 25-FOOT PARKING LOT SETBACK REQUIREMENT ON THE SOUTHWEST SIDE OF THE SITE AT 13200 CENTRAL AVENUE NE. WAY OF THE SHEPHERD. (CASE FILE NO. 12-0004/LSJ) |                      |              |              |                       |
| <b>Sponsors:</b>      | Bryan Schafer   |                      |              |              |                       |
| <b>Indexes:</b>       |   |                      |              |              |                       |
| <b>Code sections:</b> |   |                      |              |              |                       |
| <b>Attachments:</b>   | 1. Attachments.pdf, 2. Public Comments.pdf  |                      |              |              |                       |

| Date      | Ver. | Action By           | Action                   | Result |
|-----------|------|---------------------|--------------------------|--------|
| 4/5/2012  | 2    | City Council        | Adopted                  | Pass   |
| 3/13/2012 | 1    | Planning Commission | Recommended for Approval | Pass   |

**ITEM: 11.1 DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

### **GRANTING 15-FOOT VARIANCE TO THE 25-FOOT PARKING LOT SETBACK REQUIREMENT ON THE SOUTHWEST SIDE OF THE SITE AT 13200 CENTRAL AVENUE NE. WAY OF THE SHEPHERD. (CASE FILE NO. 12-0004/LSJ)**

Planning Commission (Public Hearing) 03/13/12  
City Council (Conditional Use Permit) 04/05/12  
Action Deadline (Extended by City) 05/18/12

In 2002, the Way of the Shepherd School received a conditional use permit that allowed the school to use the building and site at 13200 Central Avenue. They also received several site variances at that time to bring the site into conformance with the zoning ordinance. One of the conditions of approval at that time was to meet a 20-foot side yard setback on the southwest side of the parking lot. The side yard setback for parking areas in this location is actually 25-feet, but the City Council issued a 5-foot variance for this location given that the school could remove 10-feet of asphalt to create a 20-foot parking setback. This would also allow the school to have the required number of parking stalls on site. The parking requirement for schools is one parking stall for each faculty member and adequate off-street parking for students who are permitted to drive. This school is an elementary school so no students are driving to this location. Please see the site plan that was submitted in 2002. The school was originally given 3 years to complete the asphalt removal project.

In 2006, the school had not yet removed the asphalt and installed curb and requested an extension of the variance condition that requires them to meet the 20-foot setback. The City Council granted the extension to the school which then allowed them to complete the asphalt removal project by September 15, 2008.

At this time, the project has still not been completed and the School is now requesting that an additional variance be granted that allows them to leave the parking lot as it exists on site. The setback for the parking area is still at 10-feet which would require a 15-foot variance. The school indicates they do not have the money to complete the project and they do not want to lose a row of parking stalls. Note: the parking stalls that would be lost are not required by zoning code but are felt by the school to be important for school events that draw significant numbers of parents.

Based on the new state law for variances, staff has determined that it would be reasonable to grant a variance for this site based on the rationale listed in the recommendation portion of this report. Please keep in mind that economic factors cannot be used as a rationale to support variances according to state law and city ordinances.

By Motion, approve the Resolution.

#### **Attachments**

Zoning and Location Map

Site Plans (2002 and 2012)

Narrative

Public Comment

### **PER SECTION 30.15 OF THE ZONING ORDINANCE OF THE CITY OF BLAINE**

**WHEREAS**, an application has been filed by The Way of the Shepherd as variance Case File No. 12-0004; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on March 13, 2012; and

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

**WHEREAS**, the Blaine City Council has reviewed said case on April 5, 2012.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine

that a 15-foot variance to the 25-foot side yard setback is hereby approved per Section 29.35(b) of the zoning code to The Way of the Shepherd, with the following rationale:

1. The proposed variance is in harmony with the purposes and intent of the zoning ordinance.
2. The proposed variance is in harmony with the purposes and intent of the comprehensive plan.
3. The proposed variance would allow the applicant to use the property in a reasonable manner.
4. The need for the variance is not caused by actions of the landowner as the conditions existed prior to current owner's use of the property.
5. The variance will not alter the essential character of the surrounding neighborhood.

**PASSED** by the City Council of the City of Blaine this 5<sup>th</sup> day of April, 2012.