



City of Blaine Anoka County, Minnesota

Blaine City Hall
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Blaine MN 55449

Legislation Details (With Text)

File #: RES 15-117 **Version:** 2 **Name:** 15-30 Andy Burmeister
Type: Resolution **Status:** Passed
File created: 7/9/2015 **In control:** City Council
On agenda: 7/9/2015 **Final action:** 7/9/2015
Title: GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR A 10' X 14' DECK TO BE LOCATED IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 12473 MIDWAY CIRCLE NE. ANDY BURMEISTER. (CASE FILE NO. 15-0030/LSJ)
Sponsors: Bryan Schafer
Indexes:
Code sections:
Attachments: 1. Andy Burmeister - Attachments, 2. Andy Burmeister - Public Comment

Date	Ver.	Action By	Action	Result
7/9/2015	2	City Council	Adopted	Pass
6/9/2015	1	Planning Commission	Recommended for Approval	Pass

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

GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR A 10' X 14' DECK TO BE LOCATED IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT AT 12473 MIDWAY CIRCLE NE. ANDY BURMEISTER. (CASE FILE NO. 15-0030/LSJ)

Planning Commission (Public Hearing) 06/09/15
City Council (Conditional Use Permit) **07/09/15**
Action Deadline 08/09/15

The Planning Commission voted unanimously to approve the conditional use permit amendment. Staff received emails from two neighboring residents in support of the conditional use permit. The applicant spoke at the hearing on his behalf.

As you know, The Lakes development was approved in 2005 by the City Council. Part of that approval was a conditional use permit resolution that outlines the standards of development as the Lakes is in a DF (Development Flex) zoning district. At this time, the applicant, Andy Burmeister wishes to deviate from those approved standards with a deck that extends further into the rear yard than what is allowed. In other zoning districts, a variance would normally be requested for this type of situation, but since the standards were set up with a conditional use permit, and amendment to such conditional use permit is the preferred form of administration.

Mr. Burmeister's deck, under the current standards of the Lakes conditional use permit, requires a 25-foot rear yard setback (+25% encroachment) which would allow construction of a deck that is 8 feet 6 inches from his house in the rear yard. He also has a concrete pad in the rear yard that extends 10 feet from the house. He would like to be consistent with the concrete pad in putting a deck on the home that also extends 10 feet, which would be 1 foot 6 inches more than he is currently allowed. In addition, he has a berm in his rear yard that serves as a buffer between the Hans Hagen rental homes and the single family development. The berm does contain landscaping, which does not make the deck extremely visible from the property that is behind his home.

Staff is amenable to this change given the ability to amend the conditional use permit and given the fact that there is a berm with landscaping behind the deck area. Please note, however, that the red cross-hatched area on the deck plan is actually part of the stairs and is a step down, and will not be included in the deck area.

By motion, approve the Resolution.

Attachments

Zoning and Location Map

Narrative

Site Plan

Deck Plan

WHEREAS, an application has been filed by Andy Burmeister as Conditional Use Permit Case File No. 15-0030; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on June 9, 2015; and

WHEREAS, the Blaine Planning Commission recommends said Conditional Use Permit amendment be approved; and

WHEREAS, the Blaine City Council has reviewed said case on July 9, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a Conditional Use Permit amendment is hereby approved per Section 29.83 of the Zoning Ordinance to allow for a 10' x 14' deck to be located in a DF (Development Flex) zoning district at 12473 Midway Circle NE based on the following conditions:

1. The applicant to obtain a building permit for the proposed deck and follow all rules of the Uniform Building Code.

2. The red cross-hatched area on the attached deck plan must be constructed as a step down and part of the stairs for the deck.

PASSED by the City Council of the City of Blaine this 9th day of July, 2015.