



# 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 19-33	<b>Version:</b>	1	<b>Name:</b>	Variance - Village Bank (PC19-0002)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Held in Council
<b>File created:</b>	3/7/2019	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	3/7/2019	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	GRANTING A 21-FOOT VARIANCE TO THE 50-FOOT FRONT YARD BUILDING SETBACK ON THE NORTH SIDE OF THE VILLAGE BANK BUILDING SITE LOCATED AT 9298 CENTRAL AVENUE NE. AMCON CONSTRUCTION (VILLAGE BANK) (CASE FILE NO. 19-0002/LSJ)				
<b>Sponsors:</b>	Lori Johnson				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
3/7/2019	1	City Council	Removed Prior to Meeting	

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

### **GRANTING A 21-FOOT VARIANCE TO THE 50-FOOT FRONT YARD BUILDING SETBACK ON THE NORTH SIDE OF THE VILLAGE BANK BUILDING SITE LOCATED AT 9298 CENTRAL AVENUE NE. AMCON CONSTRUCTION (VILLAGE BANK) (CASE FILE NO. 19-0002/LSJ)**

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

The Planning Commission voted 4-3 to deny the proposed variance. Two letters were received from residents opposing the request. Comments at the public hearing included the impact removing the trees would have on both the dog park and the community, and the loss of land from the dog park area.

In 1997, the City granted a conditional use permit to allow for the construction of the Village Bank building at the southwest corner of the intersection of Highway 65 and Clover Leaf Parkway). At this time, the owner of the bank would like to expand the size of the building, and in doing so, is requesting that a variance be approved for the front yard building setback on the north side of the site (along Clover Leaf Parkway). A conditional use permit amendment is required for the building addition.

### **Variance**

The approval of a variance must be based on the criteria detailed in the Zoning Ordinance, and if the requested variance can meet those criteria, the approval of the variance is appropriate. In this case, the applicant is requesting the approval of a 21-foot variance to the 50-foot front yard building setback on the north side of the site, adjacent to Cloverleaf Parkway. Staff does not recommend approval of this variance based on the criteria in the Zoning Ordinance and the following rationale:

1. There are no exceptional or extraordinary circumstances or documented hardship involved with this variance request.
2. The variance does not appear to be necessary to expand the property because the expansion could be designed in other ways in order to meet zoning ordinance requirements. The City has even seen plans that meet all zoning ordinance requirements for such addition. The building could be configured differently to avoid the variance as there is sufficient room on site for this size of addition. The applicant has indicated in the narrative that this is not the case but staff does not concur with this position.
3. Granting a variance would give the applicant an advantage over other businesses in this zoning district who meet the ordinance requirements for their buildings.
4. The City acknowledges that there will likely be changes to this intersection at some time in the future and that extra right-of-way could be required in the location of the variance. Approving the variance would make it more difficult to acquire the right-of-way for the necessary improvements if needed in the future.
5. Allowing a building expansion with a reduced setback along this changing corridor is inconsistent with protecting the public interest and welfare.

By motion, deny the Resolution based on the rationale outlined above.

### **Attachments**

See report for the conditional use permit.

**WHEREAS**, an application has been filed by Amcon Construction (Village Bank) as Case File No. 19-0002; 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 denied; 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 a variance is hereby granted per Section 27.05 of the Zoning Ordinance for a 21-foot variance to

the 50-foot front yard building setback on the north side of the site based on the following rationale:

(Council to determine)

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