



# 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 20-148	<b>Version:</b>	2	<b>Name:</b>	Variance - Allen Hambleton (20-0025)
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	10/5/2020	<b>In control:</b>	City Council		
<b>On agenda:</b>	10/5/2020	<b>Final action:</b>	10/5/2020		
<b>Title:</b>	GRANTING A VARIANCE TO ALLOW FOR AN ADDITIONAL 1,192 SQUARE FEET OF ACCESSORY BUILDING SPACE OVER THE ALLOWED 1,200 SQUARE FEET TO BE LOCATED WITHIN THE FRONT YARD, AT 2247 125TH AVENUE NE. ALLEN HAMBLETON. (CASE FILE NO. 20-0025/SLK)				
<b>Sponsors:</b>	Lori Johnson				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachments				

Date	Ver.	Action By	Action	Result
10/5/2020	2	City Council	Amended	Pass
9/8/2020	1	Planning Commission	Recommended for Approval	Pass

### DEVELOPMENT BUSINESS - *Lori Johnson, City Planner*

## GRANTING A VARIANCE TO ALLOW FOR AN ADDITIONAL 1,192 SQUARE FEET OF ACCESSORY BUILDING SPACE OVER THE ALLOWED 1,200 SQUARE FEET TO BE LOCATED WITHIN THE FRONT YARD, AT 2247 125<sup>TH</sup> AVENUE NE. ALLEN HAMBLETON. (CASE FILE NO. 20-0025/SLK)

Planning Commission (Public Hearing)	09/08/20
City Council (Variance)	10/05/20
Action Deadline	11/26/20

### ***Staff Report Prepared by Shawn Kaye***

The planning commission voted unanimously to deny the variance.

The applicant and an adjacent property owner were the only speakers at the public hearing. The adjacent property owner stated he had no concerns with the proposed accessory buildings. The applicant indicated he thought this was a very unique lot. He understood the accessory structure would be in his front yard, but he had 12.8 acres of land and was 220 yards from Main Street. He stated he would like to have the additional accessory structure to store his items indoors versus in the yard. He explained the structure could be placed behind the pond (north), but this would require him to remove a number of trees.

A member of the planning commission questioned whether the property could be rezoned to permit the larger detached building. Staff did not recommend the rezoning of properties to accommodate the standards needed for each individual property owner as it sets a precedence of zoning changes when needed for certain standards. Also, the properties to the west and north are still required to meet the single family (similar) zoning standards.

The commissioners also did not see an extraordinary circumstance on this lot.

***Prior to the staff report, Chris Nelson with Eckberg Lammers will be present to provide insight into the legal nuances that are associated with the variance process.***

The applicant would like to construct a 1,200 square foot (40'x30') detached accessory building, which would be in addition to the already proposed 1,192 square foot attached garage on this property. The total proposed accessory building space (attached and detached) on the property will be 2,392 square feet, which would require a variance of 1,192 square feet. The detached accessory building will be used for personal storage such as the storage of motorcycles, boat, fish house, etc.

Because of the existing zoning, surrounding similar zoning requirements and land use, it is recommended to deny the variance for 1,192 square feet.

The applicant is also requesting to have the detached structure located within the front yard. The Zoning Ordinance states that no accessory building, other than the required garage shall be located within any yard other than the rear yard. The front yard is defined as the yard between the front face of the home and the public right of way. Therefore, the detached structure in its proposed location would need a variance to be located within the front yard. It is recommended to deny the variance as the applicant has other options in the rear yard to locate the proposed detached accessory building.

This area has a land use designation of LDR (Low Density Residential) and has similar zoning districts (requirements) to the north and west, which would only permit a maximum of 1,200 square feet of total garage/accessory building space.

Section 27.05 of the zoning ordinance outlines criteria for granting a variance. An essential finding to grant a variance is that exceptional circumstances apply to the property. Staff sees the request as being in direct violation of three criteria and therefore recommends denial of the variance requests.

1. Exceptional or extraordinary circumstances do not apply to the property or to other properties in the same zone or vicinity. In fact, several properties in the same vicinity are meeting the current code requirements for accessory building size and location.

2. That the granting of the variances requested will confer on the applicant special privileges that are denied by this ordinance to other owners of lands, structures or buildings within the same vicinity.
3. Variances, if granted, would be materially detrimental to the purposes of this ordinance, or to other property in the same zone.

Sanitary sewer and water service to serve Lot 5 was installed with the Partridge Preserve plat directly to the north of the lot. Lot 5 will require an individual sewage lift station. Water service to Lot 5 will need to be oversized to maintain proper pressure at the house and if approved the detached accessory building. The final design of the service for Lot 5 will be based on the house size applied for with a building permit. All structures (home, attached garage, and any detached accessory building) on Lot 5 will require individual fire suppression systems due to their distance from a public street. The fire suppression requirement was a condition of the platting approval in 2018.

Additionally, this property owner was given guidance on what the zoning district requirements were before the property was purchased.

By motion, approve the resolution.

#### **Attachments**

Zoning and Location Map

Site Plan / Civil Plans (2)

Radisson Woods on Main Plat

House and Attached Garage Elevation

Detached Accessory Building Elevations

**WHEREAS**, an application has been filed by Allen Hambleton as Case File No. 20- 0025; and

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

LOT 5, BLOCK 1, RADISSON WOODS ON MAIN

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on September 8, 2020; and

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

**WHEREAS**, the Blaine City Council has reviewed said case on October 5, 2020.

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

a variance is hereby granted per Section 29.044 (h) and 29.045 (k)(l) of the Zoning Ordinance to allow for an additional 1,192 square feet of accessory building space over the allowed 1,200 square feet with a Conditional Use Permit and a detached accessory building to be located within the front yard based on the following rationale:

1. Because of the large size and unique shape of lot, the granting of the variance would not be materially detrimental to other properties within the zone or against the zoning ordinance.
2. Because of the size, shape and location of the lot, there are exceptional and unique characteristics to this property not commonly applied to those similarly zoned.
3. Location of the proposed detached accessory building will not be in view or have minimal view of 125<sup>th</sup> Avenue.

**PASSED** by the City Council of the City of Blaine this 5th day of October, 2020.