



City of Blaine Anoka County, Minnesota

Blaine City Hall
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Blaine MN 55449

Legislation Details (With Text)

File #:	RES 20-190	Version:	2	Name:	Variance - Matthew Merritt (20-0041)
Type:	Resolution	Status:	Passed		
File created:	12/21/2020	In control:	City Council		
On agenda:	12/21/2020	Final action:	12/21/2020		
Title:	DENYING A VARIANCE FOR AN ADDITIONAL 700 SQUARE FEET OF ACCESSORY BUILDING SPACE OVER THE ALLOWED 1,200 SQUARE FEET WITH A CONDITIONAL USE PERMIT LOCATED AT 8631 BALTIMORE STREET NE. MATTHEW MERRITT (CASE FILE NO. 20-0041/EES)				
Sponsors:	Lori Johnson				
Indexes:					
Code sections:					
Attachments:	1. Attachments, 2. PC Unapproved Minutes 120820, 3. Additional Public Comments, 4. Applicant Comments				

Date	Ver.	Action By	Action	Result
12/21/2020	2	City Council	Adopted	Pass
12/8/2020	1	Planning Commission	Recommended for Approval	Pass

DEVELOPMENT BUSINESS - *Lori Johnson, City Planner*

DENYING A VARIANCE FOR AN ADDITIONAL 700 SQUARE FEET OF ACCESSORY BUILDING SPACE OVER THE ALLOWED 1,200 SQUARE FEET WITH A CONDITIONAL USE PERMIT LOCATED AT 8631 BALTIMORE STREET NE. MATTHEW MERRITT (CASE FILE NO. 20-0041/EES)

Planning Commission (Public Hearing)	12/08/20
City Council (Variance)	12/21/20
Action Deadline	01/18/21

Staff report prepared by Elizabeth Showalter.

The Planning Commission voted unanimously to deny the variance.

The applicant and one of his neighbors spoke in favor of granting the variance and explained the difficulty in managing snow due to the configuration and location of the driveway and the difficulty in managing leaves due to the number of large trees on the lot. The applicant expressed a desire to eliminate some of the existing outdoor storage by moving it to the garage.

Commissioners were sympathetic to the challenges that the applicant expressed with lawn and snow maintenance and the lack of basement, but expressed concern about the precedent

established by granting the variance since there are approximately 200 similarly sized lots in the City of Blaine that could then request variances on the basis of lot size.

Chair Ouellette and Commissioner Homan expressed additional concern that owners of other lots that are smaller than the subject property, but larger than the typical quarter to third of an acre lots in the R-1 zone, would also want variances to exceed the 1,200 square foot allowance, to build a 1,500 square foot garage, as an example. The granting of numerous variances would erode the integrity of the zoning code. Commissioners also stated that the code is in place for a reason and should be upheld.

Additionally, Commissioner Olson explained that the applicant was aware of the size of the home, lack of basement, and size of the garage when purchasing the property and if the applicant wanted to pursue hobbies or have a large amount of storage space, he could have purchased a home with a basement.

Chair Ouellette also noted that many residents that have multiple vehicles and hobbies make the allowed space work without storing items outside.

The property is located in the R-1 single family zoning district which allows up to 1,000 square feet of combined garage and accessory building space, or 1,200 square feet with a conditional use permit. The property has an existing home and a 988 square foot detached garage. The applicant recently had a garage fire and in rebuilding/repairing the garage, wants to expand it. The applicant is requesting a conditional use permit and variance to allow an addition to the garage for a total garage size of 1,900 square feet.

At this time, the property has several code violations. The applicant currently does not have full use of the garage, however aerial photos show the code violations were occurring prior to the garage fire.

Violations include:

1. Storage of four vehicles on unpaved surfaces in the rear yard. It is unknown if the vehicles are operable.
2. A temporary membrane structure (temporary carport) in the rear yard.
3. A driveway on the north side of the home encroaching on to the neighboring property. This driveway has existed for many years. Previous code enforcement action against a previous owner resulted in an unpaved access to the driveway being removed and restored to grass and retaining this nonconforming driveway. At this time, the applicant is driving over the grass to access the garage. The applicant argues that this access is occurring due to the location of the dumpster on the property, and otherwise, utilizes the driveway.
4. A dumpster is currently located on the property related to cleanup from the fire. The dumpster encroaches onto the neighboring property.

Variances must meet a strict set of criteria to be granted, and approval of variances establishes a precedent for the granting of future variances in similar situations. Variances may only be granted when strict compliance with the code creates a practical difficulty and specific criteria are met. The zoning code defines practical difficulty as occurring when the property in question “cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if recommended, will not alter the essential character of the locality.”

The property can, and has been put to a reasonable use under the conditions required by the zoning code, since it has existed as an occupied residential home for decades with a garage that meets the allowable size in the zoning code. The code established the maximum garage size as 1,200 square feet with a conditional use permit because it is sufficient space for multiple vehicles and the storage of lawn and recreational equipment. For reference, a typical two-car garage ranges in size from 400-600 square feet.

The applicant has suggested that the larger than typical lot size should be considered in his request. While the lot is larger than the minimum lot size of the R-1 (Single Family) zoning district at 0.9 acres, it is similar in size to several lots in this neighborhood. In other words, the size of the lot is not unique in this area. In the City, there are 182 lots zoned R-1 currently occupied by single family homes of the same size as the subject property or larger, many of which are wooded lots and have similar lawn care demands. By granting a variance on this basis, the City is establishing a precedent that opens the possibility of similar requests on many other properties.

This lot also does not meet the minimum lot size requirements of the more rural districts that allow for larger accessory buildings. For example, the Residential Estate (RE) district located in the northwest corner of the City allows for up to 2,000 square feet of garage and accessory building space, but also requires two and one half acre lots sizes, which is more than double the size of the applicant’s lot. While the zoning code has determined that 2,000 square foot garages are appropriate in areas with more rural character, the subject property is in an R-1 district with a suburban pattern of development and does not meet the minimum lot sizes for any of the zoning districts that allow larger garages. Allowing a larger outbuilding would break with that character. In establishing the maximum garage sizes in the zoning code, the council determined that residential lots dominated by large garages with small homes ultimately develops a non-residential image. Large garages are often used by illegal home based business, which present a code compliance issue for not only the current owner, who has indicated he would utilize the space for personal storage and hobbies, but for future owners who may be unaware of or knowingly violate the home occupation ordinance and operate a home based business.

Recently the City Council granted a variance to allow a larger outbuilding on a different parcel.

This application is materially different for several reasons. The property that was granted the variance was over ten acres in size, the minimum lot size for the Farm Residential (FR) district, and was allowed an outbuilding that could be constructed with a conditional use permit in the FR District. Additionally, that home was to be located on a large lot with a long driveway and extensive tree coverage, which meant the garage would not be visible from any roads or other homes. The applicant for this variance has a substantially smaller lot at 0.9 acres and the garage is visible from the road and other homes.

The recommended rationale for denial of the Variance are:

1. The applicant has not demonstrated a practical difficulty, as defined by the Zoning Code, and the property has been put to reasonable use for decades with the existing 988 square foot garage.
2. The property is located in an area surrounded by R-1 zoned property with a typical suburban, as opposed to rural, character. A garage larger than the allowed 1,200 square feet would break from that character.
3. Exceptional or extraordinary circumstances do not apply to the property or to other properties in the same zone or vicinity. All other similarly sized lots in the vicinity appear to comply with the maximum garage and accessory building sizes.
4. Granting of the variance 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.
5. Variances, if granted, would be materially detrimental to the purposes of this ordinance, or to other property in the same zone.

By motion, approve the Resolution denying the variance request.

Attachments

Zoning and Location Map

Survey

Pictures of Existing Garage

Applicant's Narrative

Aerial Photo

Public Comments

Unapproved Planning Commission Minutes

WHEREAS, an application has been filed by Matthew Merritt as Case File No. 20-0041;
and

WHEREAS, said case involves the land described as follows:

THE NORTH ½ OF LOT 34, SPRING LAKE PARK SHORES ADDITION, ANOKA
COUNTY, MINNESOTA

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

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

WHEREAS, the Blaine City Council has reviewed said case on December 21, 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a variance is hereby denied per Section 27.06 of the Zoning Ordinance for an additional 700 square feet of accessory building space over the allowed 1,200 square feet with a Conditional Use Permit based on the following rationale:

1. The applicant has not demonstrated a practical difficulty, and the property has been put to reasonable use for decades with the existing 988 square foot garage.
2. The property is located in an area surrounded by R-1 zoned property with a typical suburban, as opposed to rural, character. A garage larger than the allowed 1,200 square feet would break from that character.
3. Exceptional or extraordinary circumstances do not apply to the property or to other properties in the same zone or vicinity. All other similarly sized lots in the vicinity appear to comply with the maximum garage and accessory building sizes.
4. Granting of the variance 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.
5. Variances, if granted, would be materially detrimental to the purposes of this ordinance, or to other property in the same zone.

PASSED by the City Council of the City of Blaine this 21st day of December, 2020.