



# 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 22-107	<b>Version:</b>	1	<b>Name:</b>	CUP Amend - Richard Macomb (PC22-0038)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Agenda Ready
<b>File created:</b>	7/6/2022	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	7/6/2022	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Granting a Conditional Use Permit Amendment to Allow a 6-Foot Side Yard Setback Rather than a 10-Foot Side Yard Setback for an Approximately 920 Square Foot Enclosed Sport Court, Swim Spa, and Golf Simulator Addition to the House in a DF (Development Flex) Zoning District at 3151 117th Lane NE. Richard Macomb (Case File No. 22-0038/SLK)				
<b>Sponsors:</b>	Shawn Kaye				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachments, 2. Unapproved Minutes 061422				

Date	Ver.	Action By	Action	Result
6/14/2022	1	Planning Commission	Recommended for Approval	Pass

**Sponsor -** *Shawn Kaye, Planner*

### Title

**Public Hearing Case File No. 22-0038 // Richard Macomb // 3151 117<sup>th</sup> Lane NE**

The applicant is requesting a conditional use permit amendment to allow a 6-foot side yard setback rather than a 10-foot side yard setback for an approximately 920 square foot enclosed sport court, swim spa, and golf simulator addition to the house in a DF (Development Flex) zoning district.

### Background

Zoning	DF (Development Flex)
Land Use	LDR (Low Density Residential)
Area	0.43 acres
Applicable Regulations	Section 29.110 of the Zoning Ordinance
Attachments	Zoning and Location Map Site Survey House Elevations and Floor Plans Narrative Resolution No. 03-74
Schedule	Planning Commission: 06/14/22 City Council: 07/06/22

*Staff report prepared by Shawn Kaye, Planner and Teresa Barnes, Project Engineer*

### Executive Summary

#### Zoning

The property is zoned DF (Development Flex).

### Surrounding Zoning and land uses

The property is located on a corner lot and a storm pond is located in the rear yard. The adjacent property to the southeast is zoned DF (Development Flex) and the land use is LDR (Low Density Residential).

### Existing Conditions

The site has an existing home with an attached garage.

### Evaluation of Request

#### Site Plan

The applicant is requesting a conditional use permit (CUP) amendment to allow a 6-foot side yard setback for the construction of an approximately 920 square foot enclosed sport court, swim spa, and golf simulator addition to the house. The current side yard setback that was established with the Lakes development in 2003 for a home/living space is 10 feet. The garage setback for the Lakes development is 5 feet.

The applicant would like to extend the wall for the home on the same side as the existing garage (southeast side of the home) to include an addition for the sport court, swim spa, and golf simulator. However, living space (interpreted as any part of the house that is not garage) must meet the current setback of 10 feet per the approved CUP. The existing garage wall is constructed 5.5 feet from the side property line in the front of the garage, and because the property line angles the setback of the garage is 6.5 feet in the rear of the garage. The construction of the proposed addition would meet a 6-foot side yard setback and generally be in line with the garage construction. The applicant is also proposing a 3<sup>rd</sup> floor addition to the master bedroom and this addition will meet the required 10-foot side yard setback.

This type of amendment for a sport court addition has been approved in the past by the City Council.

### Architecture

The proposed addition must match architecturally with the existing house and attached garage. The plans that have been provided indicate that the structure will match the exterior materials and architecture of the existing home.

### Tree Preservation

No trees will be removed for the proposed addition.

### Grading/Storm Drainage

Existing grading and storm water drainage on the lot will be maintained.

### Conditional Use Permit

Section 27.04 Criteria for granting conditional use permits:

*The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)*

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. *The addition will not create an excessive burden on parks, schools, or streets.*

2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. (Ord. No. 20-2447, 7-20-2020) *The use will not encroach in the established setback of the existing garage. The proposed addition is being constructed with minimal windows on the southeast elevation and will be constructed with similar materials to the existing home. Therefore, the use will be compatible with the adjoining property.*
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties. *The proposed addition is being constructed with minimal windows on the southeast elevation and will be constructed with similar materials to the existing home. The appearance of the addition will not have an adverse effect on adjacent properties.*
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use. *The Development Flex District creates a reasonable balance between the interests of the property owner in developing their property with greater flexibility in land uses and at the same time protect the interest of surrounding properties.*
6. The use shall not be in conflict with the comprehensive plan of the City. *The use is not in conflict with the LDR (Low Density Residential) designation in the Comp Plan.*
7. The use will not cause traffic hazard or congestion. *The proposed addition will not result in any additional traffic hazards or additional congestion to the area.*
8. The use shall have adequate utilities, access roads, drainage and necessary facilities. *The proposed addition will not require any additional utilities, road access, drainage or other facilities.*

### Recommendation

In Planning Case File No. 22-0038, it is recommended that the Planning Commission recommend approval of a conditional use permit amendment to allow a 6-foot side yard setback for an approximately 920 square foot enclosed sport court, swim spa, and golf simulator addition to the house in a DF (Development Flex) zoning district for property located at 3151 117<sup>th</sup> Lane NE, with the following conditions:

1. The minimum 6-foot side yard setback is limited to the enclosed sport court, swim spa, and golf simulator addition on the southeast side of the home.
2. The proposed addition shall match the existing house construction in terms of architectural style, exterior color and materials.
3. All other items referenced in Resolution No. 03-74 remain unchanged.