



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Text

File #: WS 20-07, Version: 2

WORKSHOP ITEM *Robert Fiske, Community Standards Director*

SOBER LIVING HOME APPLICATION

Meraki Recovery Housing submitted a Sober Living Home application on December 13, 2019 for a single family residential home located at 913 121st Avenue NE, Blaine, MN to be operated as a Sober Living Home as defined by Blaine Code of Ordinances (BCO) Section 18-511(b). The property owner is Grant Johnson, 732 129th Avenue NE Blaine. The home is a typical one story rambler with a full basement, 1043 square feet and built in 1970. This item has been scheduled for a public hearing and formal consideration on February 19 but since this is the first request of its type under the new Reasonable Accommodation Ordinance staff thought it best to bring forward to a workshop to allow for more discussion prior to the public hearing.

Specifically, the request for reasonable accommodations pertains to the number of non-related persons which may live in the home. The applicant is requesting the approval to allow up to nine unrelated persons to live in the single family home. Blaine Code of Ordinance requires an application be submitted for any sober living home requesting occupancy of more than 4 unrelated persons.

Under BCO Section 18-511(c) a sober living home license must be applied for and approved by the City Council. BCO Section 18-511(d) has seven requirements specifically for a sober living home, the requirements and Meraki's responses from their application follow:

1. Description, number and size of available bedrooms.

RESPONSE: 5 bedrooms total, Main level bedrooms #1-118 sq. ft., #2-146 sq. ft., #3-114 sq. ft., Basement level bedrooms #4-120 sq., #5-148 sq. ft. All bedrooms have two twin beds with the exception of bedroom #3 which has a single twin bed for a total of nine beds in the home.

2. Basic floor plan of dwelling (including all levels).

RESPONSE: Copy of floor plan attached.

3. Scaled site plan of property showing house, driveways and garage.

RESPONSE: Copy of a drawing showing house and driveway with driveway dimensions provided and attached.

4. A description and number of off-street parking stalls available.

RESPONSE: Copy of a drawing showing house and driveway with driveway dimensions provided and attached.

5. A property management plan including tenant selection process as well as maintenance of the facility.

RESPONSE: A copy of Meraki Recovery Housings resident requirements and agreement are attached.

6. A crime free/drug free lease addendum signed by and applicable to all occupants of the sober living home.

RESPONSE: Copies of signed lease addendums for six residents have been submitted and are attached.

7. Proof of membership with the Minnesota Association of Sober Homes, Inc. (MASH) that outlines additional living standards and criteria related to safety, health and house management.

RESPONSE: Copy of MASH Certificate of Membership attached.

In accordance with BCO Section 18-518 Reasonable Accommodations item (2), city staff shall review the request and make a formal recommendation to the city council. The request shall be evaluated under the following factors:

a. Whether there is a qualified disability;

STAFF RESPONSE: Under the Federal Fair Housing Amendments Act of 1988, alcoholism is deemed a disability.

b. Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling or to live in a particular neighborhood as a person without disabilities.

STAFF RESPONSE: In accordance with BCO Section 18-511 a request is needed to allow for more than four unrelated persons to live in a sober living home.

c. Whether the request is reasonable, considering the potential impact on surrounding uses, the extent to which the accommodation meets the stated need and other alternatives that may meet that need;

STAFF RESPONSE: The applicant believes the need to increase the number of persons in the home is necessary to provide a strong support group in a residential environment. Staff understands the applicants request; however no supporting documentation from the applicant was provided identifying a recognized standard for the preferred size of a group

“necessary to provide strong support”.

d. Whether the request would constitute a fundamental alteration of the city’s regulations, policies or procedures;

STAFF RESPONSE: The request does not constitute a fundamental alteration of city regulations.

e. Whether the request would impose an undue financial or administrative burden on the city;

STAFF RESPONSE: The request does not impose an undue financial or administrative burden on the city.

f. The number, nature and extent of the requested accommodation in relation to the physical limitations of the building and site;

STAFF RESPONSE: The home as stated before is a typical one story rambler with a full basement, 1043 square feet and built in 1970. It has 5 bedrooms, four with two twin beds and one with only one twin bed, for a total of 9 beds, therefore able to accommodate nine persons. The garage is a two car garage and the driveway is 22 feet wide and 55 feet long, which based on an average vehicle length of 18 feet or less, would allow two rows of three vehicles in each. There is also a single parking stall alongside the garage for a single vehicle. Based on this there would be room for nine vehicles to be legally park on site if all spaces are available.

g. Any other factors that may have a bearing on request, as determined by the city.

STAFF RESPONSE: In accordance with BCO Section 18-512 Inspection of Dwelling, an initial inspection of the premises to determine whether the property is in compliance with this chapter was conducted on January 2, 2020. During this inspection three violations were cited, a Zoning Code violation regarding a temporary structure in the rear yard, a Housing Code violation regarding electrical extension cords and the third violation of the Rental Licensing Code. This violation is in regards to the number of residents currently living in the home. There is a current rental license for this address which would allow for up to four unrelated persons to live in the home. However, it was discovered by our inspector that there are currently seven persons living in the home, six residents and one house manager. A copy of the correction notice is attached to the report.

In addition, the inspector noted that with the amount of stored items in the garage there is currently only room for one vehicle in the garage, reducing the number of available off street parking spots to only eight.

After reviewing all the submitted materials, results of the on-site inspection and the above evaluation factors, staff will be recommending the following:

The applicant has requested to be allowed to have up to nine persons living in the home to provide a “strong support group in a residential environment”. However, as mentioned above, no supporting documentation or standards supporting the need for nine persons to create a “strong support group” have been submitted.

Staff would propose that without documentation supporting the need for nine persons, the number of persons approved could be less than nine. **Minnesota State Statute 245A.11 Special Conditions for Residential Programs, Subdivision 1** states “it is the policy of the state that persons shall not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings.” **Subdivision 2 Permitted single-family residential use**, further states “residential programs with a licensed capacity of six or fewer persons shall be considered a permitted single-family residential use of the property for the purposes of zoning and other land use regulations...”

Using this statute as a recognized and established standard allowing an increase from four persons to six persons would be consistent with state licensed residential programs.

Also based on current conditions found during the on-site inspection the ability to park nine vehicles off street is questionable, due to the storage in the garage. Limiting the number of residents to six would ensure ample off street parking.

Finally, as cited above, it was discovered during the on-site inspection that the residence is currently occupied by seven persons which is a violation of our current rental and zoning code requirements of no more than four unrelated adults living in the same rental property. This violation in of itself, gives the City Council the authority to deny the issuance of a Sober Living Home License under BCO Section 18-514(a) The City Council may revoke, suspend, deny or decline to renew any sober living home license issued under this article upon any of the following grounds: (4) Any other violation of the property maintenance, zoning, environmental and utility chapters of City Code.

It is for these reasons that if City Council does elect to approve a Sober Living Home License for Meraki Recovery Housing, staff recommends the license is for no more than six unrelated persons.