



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 20-122, Version: 2

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

#### **GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF DETACHED ACCESSORY BUILDINGS UP TO 150 SF IN CLUB WEST 5<sup>TH</sup> AND 7<sup>TH</sup> ADDITIONS LOCATED IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT. AVINGTON PLACE ASSOCIATION (CASE FILE NO. 20-0026/EES)**

Planning Commission (Public Hearing)	08/12/20
City Council (Conditional Use Permit Amendment)	09/09/20
Action Deadline	11/02/20

#### ***Staff Report Prepared by Elizabeth Showalter***

The Planning Commission voted unanimously to approve the conditional use permit amendment, stating that if the homeowner's association was requesting the change they saw no reason to deny it. The manager of the homeowner's association spoke at the public hearing thanking staff for helping them through the process. There were no other comments from the public.

The Club West neighborhood is zoned DF (Development Flex), and therefore the standards for development are regulated by a conditional use permit specific to the subdivision. The neighborhood contains several smaller communities governed by homeowner's associations within the larger Club West master association. Avington Place is an association made up of the 5<sup>th</sup> and 7<sup>th</sup> additions of Club West and encompasses the 117 lots in the northern single family area.

Recently, a resident of Avington Place approached the city requesting a permit to build a shed. The resident was informed that detached accessory structures are not permitted within Club West, per the Conditional Use Permit (CUP) for the development. The Avington Place covenants allow for sheds up to 150 square feet, so there is a discrepancy between the city and HOA regulations. Multiple homes within Avington Place have sheds that are currently illegal non-conforming. Most were installed without permits and are under 120 square feet, and therefore did not require permits. Three sheds were issued zoning permits due to staff error. Staff are not aware of any complaints filed on any of the sheds.

To allow the resident to build a shed and to bring the existing sheds into compliance with the CUP requirements, the Avington Place board has applied for a CUP Amendment to allow detached accessory buildings up to 150 square feet. Staff believes that the prohibition on detached accessory structures was included in the resolution at the request of the developer. Since the HOA allows for sheds and voted unanimously to amend the CUP to match the HOA covenants, staff is supportive of amending the CUP.

Past practice has been to consider amendments to CUP's in the Development Flex district on an individual lot basis, as has occurred multiple times in the North Oaks West development. That process allows for a more individual review of the design of the building. In this case the HOA has requested the amendment for the whole development. Staff is supportive of amending the overall CUP since it is in conflict with the established HOA standards and an active HOA for the development has made the request.

The CUP amendment will only apply to the 5<sup>th</sup> and 7<sup>th</sup> additions, which encompass Avington Place and not to the other single family homes within Club West. Review of aerial photos has not found any sheds in Club West outside of Avington Place.

By motion, approve the Resolution.

### **Attachments**

Zoning and Location Map

Resolution 01-48

Approval of CUP Amendment by HOA Board

**WHEREAS**, an application has been filed by Avington Place Association as Conditional Use Permit Amendment Case File No. 20-0026; and

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

CLUB WEST 5<sup>TH</sup> ADDITION AND CLUB WEST 7<sup>TH</sup> ADDITION, ANOKA COUNTY, MINNESOTA

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on August 12, 2020; and

**WHEREAS**, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on September 9, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a conditional use permit amendment is hereby approved per Section 29.110 of the Zoning Ordinance to allow for the construction of detached accessory structures up to 150 square feet in the 5<sup>th</sup> and 7<sup>th</sup> Additions of Club West, which is a DF (Development Flex) zoning district based on the following conditions:

1. All conditions of Resolution 01-48 remain unchanged except for Accessory Uses item 1 and Standards item 7.
2. Accessory Uses item 1 is amended to read:  
*Private garages - no detached accessory structures, except for accessory buildings up to 150 square feet in the 5<sup>th</sup> and 7<sup>th</sup> additions.*
3. Standards item 7 is amended to read:  
*It shall be required for all single family dwellings that there be an attached garage constructed of a minimum of four hundred (400) square feet, with no dimension less than 20 feet. Total garage space shall not exceed one thousand (1,000) square feet. Detached garages or accessory buildings are not permitted except for homes in the 5<sup>th</sup> and 7<sup>th</sup> additions which may have one (1) detached accessory building up to one hundred fifty (150) square feet provided it is located in the rear yard and meets a five (5) foot setback from all property lines. The architectural style and color of accessory buildings shall be compatible with the principal building. Accessory buildings located within a drainage and utility easement shall not be placed or constructed, in the easement, in a manner to limit the use of the easement or alter storm drainage in any way as to negatively impact other property. Accessory buildings placed within a drainage and utility easement are placed, by the owner, at the owner's risk of removal by the city or other agencies that may have legal use of the easement.*

**PASSED** by the City Council of the City of Blaine this 9<sup>th</sup> day of September, 2020.