



# 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 21-209, **Version:** 2

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**Development Business** - *Erik Thorvig, Community Development Director*

### Title

**Granting a Conditional Use Permit to Allow for a Total of Four Accessory Structures in an R-1 (Single Family) Zoning District at 11460 Jefferson Street NE. Mihail Isacov (Case File No. 21-0065/EES)**

### Executive Summary

The applicant has requested a conditional use permit to allow for a total of four accessory buildings. Consistent with past approvals on similar properties, staff recommends approval of a CUP for three accessory buildings with conditions to ensure the buildings are compatible with the home.

### Schedule of Actions

Planning Commission Public Hearing	10/12/21
City Council (Conditional Use Permit)	11/01/21
Action Deadline	11/13/21

### Background

*Staff report prepared by Elizabeth Showalter, Community Development Specialist*

The applicant is requesting a Conditional Use Permit (CUP) to allow for a total of four accessory buildings in an R-1 (Single Family) zoning district.

The applicant currently has a 648 square foot attached garage, a 176 square foot shed, and a 64 square foot tree house. A 80 square foot sauna is proposed. The applicant is applying after a complaint was received regarding the appearance of the back yard and the accessory buildings. The applicant was given the options of applying for a CUP or removing all but two of the accessory buildings.

The zoning code allows for up to two accessory buildings as a permitted use and requires a CUP for any more than two. Staff is not aware of any previous approvals to allow four accessory buildings on other R-1 properties.

The R-1 zoning district requires that architectural style and color of accessory buildings be compatible with the primary structure. The shed is currently a different color than the home and includes some unfinished wood. The shed must be modified to be consistent with the home. Unfinished wood is not permitted and the front of the shed must consist of matching siding and doors only.

The sauna is wood burning, therefore several conditions have been included to ensure the City is able to regulate the fire in the same way a fire in a fire pit would be regulated.

Enclosed tree houses are considered accessory buildings. Open tree houses, such as platforms with railings, are considered recreational equipment. The tree house on the property is enclosed and therefore regulated as an accessory building. Since previous approvals have been limited to three accessory buildings, and since the treehouse is not consistent with the home, the applicant has indicated that they would be amenable to removing this structure. Staff is recommending that the CUP be approved for the garage, shed and sauna only, and that the tree house be removed.

Since this CUP request will not be acted upon by the City Council until November 1, 2021, a condition has been included to allow the applicant until June 1, 2022 to make the necessary modifications (weather in November may not be suitable for painting the shed and removal of the treehouse).

### **Strategic Plan Relationship**

Not applicable.

### **Board/Commission Review**

The Planning Commission voted unanimously to approve the conditional use permit. There were no comments at the public hearing.

### **Financial Impact**

Not applicable.

### **Public Outreach/Input**

Notice of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.

### **Staff Recommendation**

By motion, adopt the resolution

### **Attachment List**

Zoning and Location Map

Site Plan

Narrative

Photos of Accessory Buildings

Unapproved Planning Commission Minutes 10/12/21

**WHEREAS**, an application has been filed by Mihail Isacov as Conditional Use Permit Case File No. 21-0065; and

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

Lot 16 Block 5, DONNAYS OAK PARK 12<sup>TH</sup> ADDITION

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on October 12, 2021; and

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

**WHEREAS**, the Blaine City Council has reviewed said case on November 1, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 29.034(f) of the Zoning Ordinance to allow for a total of three accessory structures in the R-1 (Single Family) zoning district based on the following conditions:

1. The accessory building space can be used for personal storage only and may not be used for a home occupation.
2. The materials and colors used on the shed must be modified to be consistent with the home. No unfinished wood is permitted and the front of the shed must consist of matching siding and doors only. Modifications must be made to bring the shed into compliance with these requirements by July 1, 2022.
3. The tree house must be removed by July 1, 2022.
4. The following standards apply to the operation of the sauna:
  - a. Only natural firewood cut in short lengths less than two (2) feet may be burned.
  - b. A connected garden hose or other means to extinguish the fire must be readily available.
  - c. The use of flammable or combustible liquid accelerants is not permitted.
  - d. Police and Fire Department officers are authorized to require that fire be immediately extinguished and discontinued if it is determined that the fire is not in compliance with the above rules, the smoke is offensive to nearby neighbors, or the burning is determined to constitute a hazardous condition.

**PASSED** by the City Council of the City of Blaine this 1<sup>st</sup> day of November, 2021.