



City of Blaine

Planning Commission

July 19, 2023 | 5:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

The Planning Commission is an advisory board to the City Council. One of the Commission's functions is to hold public hearings and make recommendations to the City Council. The City Council makes all final decisions on these matters. For each agenda item the Commission will receive reports prepared by the City staff, open the public hearing, discuss and act on the application.

Public comments prior to the meeting must be received by 4:30 PM on the Tuesday prior to the meeting date. Email comments to: Planning@BlaineMN.gov or phone 763-785-6180.

AGENDA

1. Call to Order

2. Roll Call

3. Approval of Minutes

- 3.1.** 2023-319 Approval of the June 13, 2023 Planning Commission Minutes
Sponsors:

4. Public Hearing

- 4.1.** 2023-268 Case File No. 23-0056 // South Side Entertainment District // 2030 105th Avenue NE
The applicant is requesting a code amendment to the 105th Avenue Redevelopment District to allow drive-thru's on the south side of 105th Avenue, limited to one drive-thru per parcel, as a conditional use.
Sponsors: Sheila Sellman, City Planner
- 4.2.** 2023-264 Case File No. 23-0057 // Jason Merkel // 1866 120th Lane NE
The applicant is requesting a variance to the five-foot side yard setback for a shed.
Sponsors: Shawn Kaye, Planner

5. Adjournment



City of Blaine

Planning Commission

June 13, 2023 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order

The Blaine Planning Commission met in the City Hall Chambers on Tuesday, June 13, 2023. Chair Goracke called the meeting to order at 7:00PM.

Members Present: Commission Members Deonauth, Gorzycki, Halpern, Homan, Swanson, and Chair Goracke.

Members Absent: Commission Member Olson.

Staff Present: Shawn Kaye, Planner
Elizabeth Showalter, Community Development Specialist
Teresa Barnes, Project Engineer

2. Approval of Minutes

- 2.1. 2023-207 Approval of the May 9, 2023 Planning Commission Minutes
Sponsors:

**Motion by Commissioner Homan to approve the minutes of May 9, 2023, as presented.
Motion seconded by Commissioner Deonauth. The motion passed 6-0.**

3. Public Hearing

- 3.1. 2023-135 Case File No. 23-0042 // Blaine Quality Automotive // 9664 Central Avenue NE
The applicant is requesting a conditional use permit amendment to allow overnight outside storage of up to 13 vehicles in a B-2 (Community Commercial) zoning district.
Sponsors: Elizabeth Showalter, Community Development Specialist

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 23-0042 was opened at 7:08PM.

Derrel Singh, 17350 Bataan Street NE in Ham Lake, reported he was the owner of Blaine Quality Automotive, which has been in business at this location for the past 27 years. He explained it was hard for him to comply with the existing conditional use permit, given the fact he has exceeded the three year make it or break it point and the business has grown. However, he stated there were some items the city has required and would be fulfilled.

Don Carlson, 1131 96th Lane NE, explained he was the park manager for Sandpiper Bend and Northview Villa. He stated many of his people have their cars fixed at Blaine Quality Automotive. He understood it took time to fix cars when parts had to be ordered.

The public hearing was closed at 7:13PM.

Chair Goracke asked if the eleven parking stalls would be adequate.

Mr. Singh stated he would start with eleven parking stalls based on staff's recommendation. He commented if he needed additional parking, he would have to come back before the city.

Chair Goracke commended Mr. Singh for serving the community well for the past 27 years.

Commissioner Swanson asked if the applicant minded enhancing the landscaping.

Mr. Singh stated he did not mind and noted he had met with a landscaper in order to discuss the work needed.

Commissioner Deonauth questioned what the applicant's thoughts were regarding a fence.

Mr. Singh discussed how catalytic converters were being stolen throughout the metro area and noted he had seven cars that had catalytic converters stolen. He stated he had to pay to have these replaced out of his pocket. He has since enhanced security on the property. He was of the opinion a fence would not enhance security for his property because officers would not be able to see into his property. Rather, he would like to have shrubs and boulders along the property line. He stated if he was required to do a fence, he feared it would not be appealing because it was too close to Highway 65.

Commissioner Halpern inquired if the city had any recorded complaints from the adjacent neighbors regarding the subject property.

Community Development Specialist Elizabeth Showalter reported a comment was received in opposition and a complaint was received in 2021 and these complaints were anonymous. She noted there was a period of time between 2002 and 2005 where there was a high volume of complaints and staff was working with the applicant to amend the CUP and the council considered revocation. In the end, no action was taken.

Commissioner Halpern asked if there was a general theme to the complaints.

Community Development Specialist Elizabeth Showalter stated the complaints were based on

the visual appearance of the property and there being too much stuff outside.

Commissioner Halpern requested further information regarding the new landscaping.

Community Development Specialist Elizabeth Showalter commented on the landscaping enhancements that would be required along Highway 65. She reported shrubs and/or a fence could be required along Ulysses to enhance the screening for the adjacent residents.

Commissioner Halpern questioned if the applicant would object to amendments to the landscaping plan.

Mr. Singh stated he did not have any objection to the requirement, but stated this could become quite expensive for him. He reiterated that this property was constructed in 1971. He explained if his customers were not able to pay their bill, the cars could become abandoned. It was his hope that the city would be able to help him with the financing of the landscaping improvements.

Chair Goracke asked if there were any grants from the city that would assist Mr. Singh with the landscaping enhancements.

Community Development Specialist Elizabeth Showalter reported staff has provided the applicant with information on the city's small business loan program. She was uncertain if the amount of work required would be enough to qualify for a small business loan.

Motion by Commissioner Deonauth to recommend approval of Planning Case 23-0042 based on the following conditions:

Case 23-0042:

1. **Outside overnight storage shall be limited to the 11 parking stalls indicated on the attached site plan.**
2. **Any vehicle storage beyond the 11 vehicles permitted by this CUP shall be removed by October 31, 2023.**
3. **All stalls must meet the dimensional requirements listed in 33.13 of the zoning code.**
4. **One accessible parking stall is required, which shall include the associated access aisle.**
5. **The parking lot shall be striped, including any required accessible parking stalls, by October 31, 2023. A scaled site plan depicting the proposed striping shall be submitted to the city prior to commencing the work.**
6. **Two six foot tall conifer trees and thirteen shrubs shall be planted along the Highway 65 frontage prior to October 31, 2023. A landscape plan showing the proposed trees and shrubs shall be provided by August 31, 2023.**
7. **Hours of operation are limited to 7:00 am to 7:00 pm on weekdays and 8:30 am to 1:00 pm on Saturday.**
8. **All vehicle parking to be on-site. No vehicle parking on the frontage road.**
9. **No vehicle repair may occur outside.**
10. **All vehicles stored outside must be licensed with current registration and appear drivable. Vehicles on blocks may not be stored outside overnight.**

11. All exterior storage other than vehicles must be removed by October 31, 2023.

Motion seconded by Commissioner Swanson. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the July 5, 2023 city council meeting.

- 3.2.** 2023-201 Case File No. 23-0046 // Aaron Jordan // 12640 Radisson Road NE
The applicant is requesting a variance to allow a 6-foot privacy fence in the front yard along Radisson Road NE.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 23-0046 was opened at 7:34PM. As no one wished to appear, the public hearing was closed at 7:34PM.

Aaron Jordan, 2071 127th Lane NE, thanked the commission for considering his fence request. He explained the fence would assist with managing the noise from Radisson Road and would improve safety.

Commissioner Halpern asked if a six-foot fence would be installed between the applicant's property and the adjacent home.

Mr. Jordan stated he would be installing a six-foot privacy fence.

Motion by Commissioner Deonauth to recommend approval of Planning Case 23-0046 based on the following conditions:

Case 23-0046:

- 1. A fence permit is required.**
- 2. The fence cannot exceed six feet in height.**

Motion seconded by Commissioner Homan. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the July 5, 2023 city council meeting.

- 3.3.** 2023-202 Case File No. 23-0049 // Montessori School of Chantilly // 641 89th Avenue NE
The applicant is requesting a conditional use permit to operate a preschool/daycare in the Christ Lutheran Church building in the R-1 (Single Family) zoning district.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 23-0049 was opened at 7:42PM. As no one wished to appear, the public

hearing was closed at 7:42PM.

Nadirzeh Jama, representative for the Montessori School of Chantilly, thanked the commission for considering her request.

Chair Goracke questioned how many teachers and instructors would be working at the Montessori school.

Ms. Jama stated she did not have this answer, but noted the number of staff would be based on the number of students, as certain ratios would have to be met.

Motion by Commissioner Deonauth to recommend approval of Planning Case 23-0049 based on the following conditions:

Case 23-0049:

1. The applicant must obtain a certificate of occupancy from the City prior to occupying the building.

Motion seconded by Commissioner Gorzycki. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the July 5, 2023 city council meeting.

- 3.4.** 2023-203 Case File No. 23-0050 // Ben Saefke // 2857 108th Lane NE
The applicant is requesting a conditional use permit to construct an 8 foot fence in the rear yard on a property adjacent to a county roadway in the R-1B (Single Family) zoning district.
Sponsors: Elizabeth Showalter, Community Development Specialist

The report to the planning commission was presented by Elizabeth Showalter, Community Development Specialist. The public hearing for Case File 23-0050 was opened at 7:47PM. As no one wished to appear, the public hearing was closed at 7:48PM.

Chair Goracke asked if the city has approved eight foot fences in the past.

Community Development Specialist Elizabeth Showalter reported other eight foot fences have been approved in Blaine along county roads.

Motion by Commissioner Homan to recommend approval of Planning Case 23-0050 based on the following conditions:

Case 23-0050:

- 1. The 8 foot fence is limited to the rear yard, which is defined as behind the rear plane of the home. A small portion of the fence shown on the submitted drawing is in the side yard and is therefore limited to 6 feet in height.**
- 2. Fence shall be maintenance free (vinyl or composite).**

3. Applicant to obtain all necessary permits prior to installation.

Motion seconded by Commissioner Halpern. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the July 5, 2023 city council meeting.

- 3.5.** 2023-204 Case File No. 23-0051 // On the Green, Indoor Golf // 12507 Central Avenue NE
The applicant is requesting a conditional use permit to operate a year-round golf experience with indoor virtual golf simulators in the B-3 (Regional Commercial) zoning district.
Sponsors: Shawn Kaye, Planner

The report to the planning commission was presented by Shawn Kaye, Planner. The public hearing for Case File 23-0051 was opened at 7:51PM. As no one wished to appear, the public hearing was closed at 7:52PM.

Elliot Jang, the applicant, explained he was requesting to build and operate a year round virtual golf indoor facility in Blaine. He stated that facility would have quick serve food and a full bar. He reported his family has nearly 20 years of small business experience and a passion for golf. He believed his business would benefit Blaine and the surrounding community. He understood Blaine has a major golf community, but there was a lack of simulators in the Blaine area. He thanked the commission for considering his request and noted he was available to answer questions.

Chair Goracke asked how many employees would be working at this facility.

Mr. Jang reported the machines were virtual and computer operated. He indicated he would need staff to check people in, along with serving food and alcohol. He commented further on the seasonal nature of his business and anticipated he would have one to three staff members.

Commissioner Halpern questioned how much a virtual golf simulator cost.

Mr. Jang reported commercial simulators range from \$20,000 to \$100,000. He reported he would be buying very high end simulators for his customers. He commented further on how he looked forward to engaging with the community through his new business.

Motion by Commissioner Swanson to recommend approval of Planning Case 23-0051 based on the following conditions:

Case 23-0051:

- 1. Applicant to obtain on-sale liquor license prior to any liquor sales.**
- 2. No activity related to the use is to be conducted outside the building.**

3. **The interior tenant finish work to be completed with a building permit meeting all Building and Fire Code requirements.**
4. **A Certificate of Occupancy is required prior to occupying the space.**
5. **All business signage by separate review and permit.**

Motion seconded by Commissioner Homan. The motion passed 6-0.

Chair Goracke noted this would be on the agenda of the July 5, 2023 city council meeting.

4. Adjournment

Motion by Commissioner Deomauth to adjourn the regular planning commission meeting.
Motion seconded by Commissioner Halpern. The motion passed 6-0.

Adjournment time was 7:58PM.



City of Blaine Staff Report

File Number: 2023-268

Agenda Date	Status
July 19, 2023	
In Control	File Type
Planning Commission	Report

Public Hearing - Sheila Sellman, City Planner

Agenda Item # 4.1

Case File No. 23-0056 // South Side Entertainment District // 2030 105th Avenue NE

The applicant is requesting a code amendment to the 105th Avenue Redevelopment District to allow drive-thru's on the south side of 105th Avenue, limited to one drive-thru per parcel, as a conditional use.

Background

Zoning	105th Avenue Redevelopment District
Applicable Regulations	30.905 and 30.906 Code of Ordinances Zoning and Location Map Ordinance Amendment Narrative
Schedule	Planning Commission: 07/11/23 and 7/19/23 City Council 08/07/23 and 08/21/23

Staff report prepared by Sheila Sellman, City Planner

The Planning Commission opened the public hearing at the July 11, 2023 meeting. Due to lack of a quorum, this item was continued to the next Planning Commission meeting.

The applicant is proposing a code amendment to Sections 30.905 Conditional Uses and Section 30.906 Prohibited Uses to add drive-thrus south of 105th Avenue as a conditional use. The 105th Redevelopment Zoning District was created in 2022 specifically for this redevelopment area. The Council meticulously reviewed all possible uses for this redevelopment district and specifically prohibited drive-thrus.

If the Council determines that a drive-thru is appropriate for a portion of this area, staff suggests specific language under Conditional Uses: Drive-thru south of 105th Avenue, limited to one drive-thru per parcel. This would allow a drive-thru on the south side of 105th Avenue and limit it to one drive-thru

per lot, not per development, to keep the number of drive-thrus at a minimum.

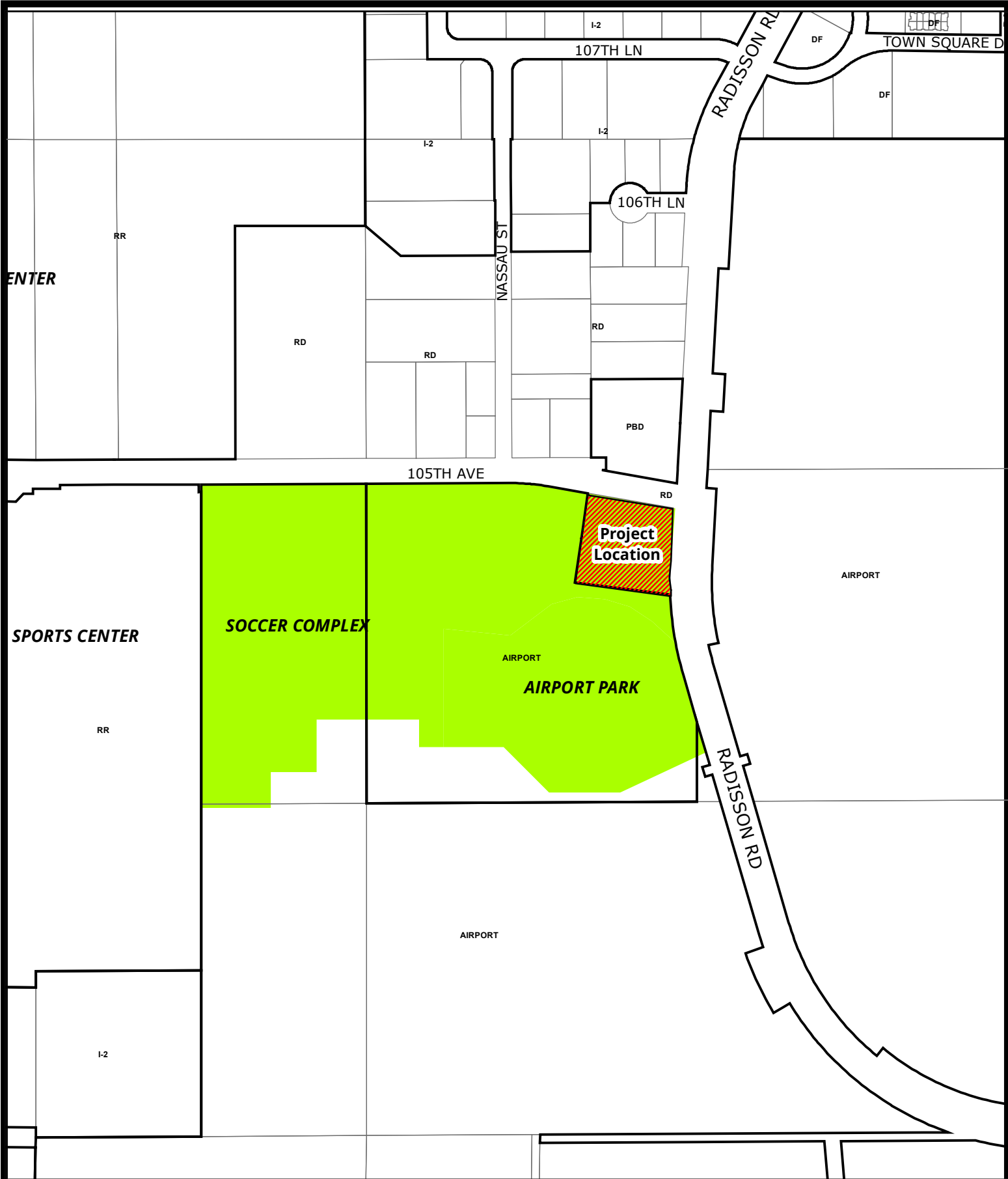
The applicant had made this request in May 2023 and it was not approved, City Council suggested that the applicant come back with the request when a user could be identified. The applicant has identified a coffee chain as the user. The user would have a drive-thru, indoor dining and outdoor dining.

Recommendation

In Planning Case File No. 23-0056, it is recommended that the Planning Commission recommend approval of a code amendment to the 105th Avenue Redevelopment District to allow drive-thru's on the south side of 105th Avenue NE, limited to one drive-thru per parcel, as a conditional use permit.

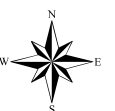
Attachment List

1. Attachments



Case File No. 23-0056 South Side Entertainment

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180



Proposed Ordinance

Section 30.90 105th AVENUE REDEVELOPMENT DISTRICT (RD)

30.905 Conditional uses.

- (m) Drive-thru located on south of 105th Avenue NE, limit to one per parcel

30.906 Prohibited use.

- (a) Auto sales - indoor or outdoor sales.
- (b) Automobile repair.
- (c) Car washes.
- (d) Daycare.
- (e) Drive-thru facilities, except when located south of 105th Avenue NE

Southside Narrative

A popular and desired coffee chain is looking for 1,200 sq ft to lease at the National Sports Village. In their 13 page Letter of Intent, they have outlined very specific needs, including a drive-thru as an essential design element needed to support their business needs. A big component, beyond safety, for the right in right out into the development was to provide the potential conveniences such as excellent coffee & morning food options for the thousands that travel south on Radisson Rd for work every day. With the drive-thru amendment approval; NSV will be able to welcome in this highly desired coffee chain and provide a convenience so many locals desire.



City of Blaine Staff Report

File Number: 2023-264

Agenda Date	Status
July 19, 2023	
In Control	File Type
Planning Commission	Report

Public Hearing - Shawn Kaye, Planner

Agenda Item # 4.2

Case File No. 23-0057 // Jason Merkel // 1866 120th Lane NE

The applicant is requesting a variance to the five-foot side yard setback for a shed.

Background

Zoning	R-1A (Single Family)
Land Use	LDR (Low Density Residential)
Area	0.27 Acres
Applicable Regulations	29.005 (e)
Attachments	Zoning and Location Map Site Survey Aerial Alternative Shed Locations Shed Elevations Narrative Applicant Criteria Findings
Schedule	Planning Commission: 07/11/23 and 7/19/23 City Council: 08/07/23

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

Executive Summary

The Planning Commission opened the public hearing at the July 11, 2023 meeting. Due to lack of a quorum, the item was continued to the next Planning Commission meeting.

Zoning

The property is zoned R-1A (Single Family).

Surrounding Zoning and Uses

The adjacent properties are zoned R-1A and occupied by single-family homes.

Comprehensive Land Use

The subject property and adjacent properties are guided LDR (Low Density Residential).

Existing Conditions

The property has a single-family home with an attached garage. The rear yard has a deck, trees, and an open grass area.

Evaluation of Request

Code Requirement

R-1A

29.005 Standards -

(e) Rear yard and side yard setback for detached garage—Fifteen (15) feet, and accessory buildings—Five (5) feet. Corner yard setback for garages and accessory buildings—twenty five (25) feet.

The 5-foot side yard setback for accessory buildings is required in the R-1AA, R-1A, and R-1B Zoning District. The 5-foot side yard setback can be found in most DF (Development Flex) zoning standards. The R-1 zoning district permits side yard setbacks of not less than five (5) feet with the exception that accessory buildings, less than one hundred twenty (120) square feet in area, shall have a rear and side yard setback of not less than one (1) foot.

In 2005, a City Council sub-committee researched various single family code requirements. Based on that review, the City Council directed a change to the R-1 standards to allow a one-foot setback to the side yard if the accessory building was under 120 s.f.

A question was raised at the 2005 City Council meeting as to why the yard shed modification was limited to the R-1 Zoning district. It was suggested in 2005 that R-1 was chosen based on the experience R-1 homeowners had shared with various city council members in 2005. The City Council in 2005 chose not to include any other zoning districts at that time based on not hearing concerns from residents in those zoning districts.

Site Plan

The applicant is requesting to locate an 8x12 (96 square foot) shed with a 3-foot side yard setback instead of a 5-foot side yard setback. The shed is proposed to be located in the southeast corner of the site.

The shed location has been chosen by the homeowner because it is furthest from the house and in an area of deep shade where grass cannot grow (due to many trees on neighbors property). The desired location of the shed has an oak tree located in the southeast corner of the property. In order to keep the oak, a variance of 2 feet is being requested to allow a 3-foot setback rather than a 5-foot setback from the side lot line. The rear yard setback of 5 feet is able to be met in other locations on the site.

Grading/Storm Drainage

The construction of a small movable utility shed will not include any alterations to the existing grading or alteration of storm water drainage patterns on the property.

Wetlands/Watershed

There are no wetlands or FEMA flood plain on the existing site. A Coon Creek Watershed District review is not required.

Access/Street Design

The construction of a small movable utility shed will not include any new street access or require any street, sidewalk or trail design.

Easements/Right-of-way/Permits

The construction of a small movable utility shed will not require any additional easements or work within the existing street right-of-way.

Variances (Section 27.06)

(a) Criteria for granting variances. A variance to the provision of the zoning ordinance may be issued by the City Council to provide relief to the land owner in those cases where the ordinance imposes practical difficulty on the property owner in the use of his land. No use variances may be issued.

(1) Variances shall only be permitted: Explain how these are met or not met after each item

- (a) When they are in harmony with the general purposes and intent of the ordinance and
- (b) When the variances are consistent with the comprehensive plan.

(2) Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the zoning. Practical difficulties, as used in connection with the granting of a variance, means that:

(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

- A 3 foot setback may or may not be considered a reasonable use of the property.

(b) The plight of the landowner is due to circumstances unique to the property not created by the land owner;

- The applicant has identified the layout of the rear yard as a unique circumstance. This lot is 90 feet x135 feet and is the same size as 10 lots on 120th Lane. The rear yard has other locations available to locate the 96 square foot shed that would meet the 5-foot side and rear yard setback.

(c) The variance, if granted will not alter the essential character of the locality.

- The shed would most likely not be visible from the street but visible from adjacent properties.

(d) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

- The variance is not for economic reasons.

(e) The variance requested is the minimum variance which would alleviate the unique circumstances.

- The applicant has indicated that the oak tree currently located on the property and the lot layout requires the shed to have a 3-foot setback. Staff does not see a

relationship between the unique circumstances (the layout of the lot) and the 2-foot variance needed for the shed location as there are other locations on the parcel for the shed.

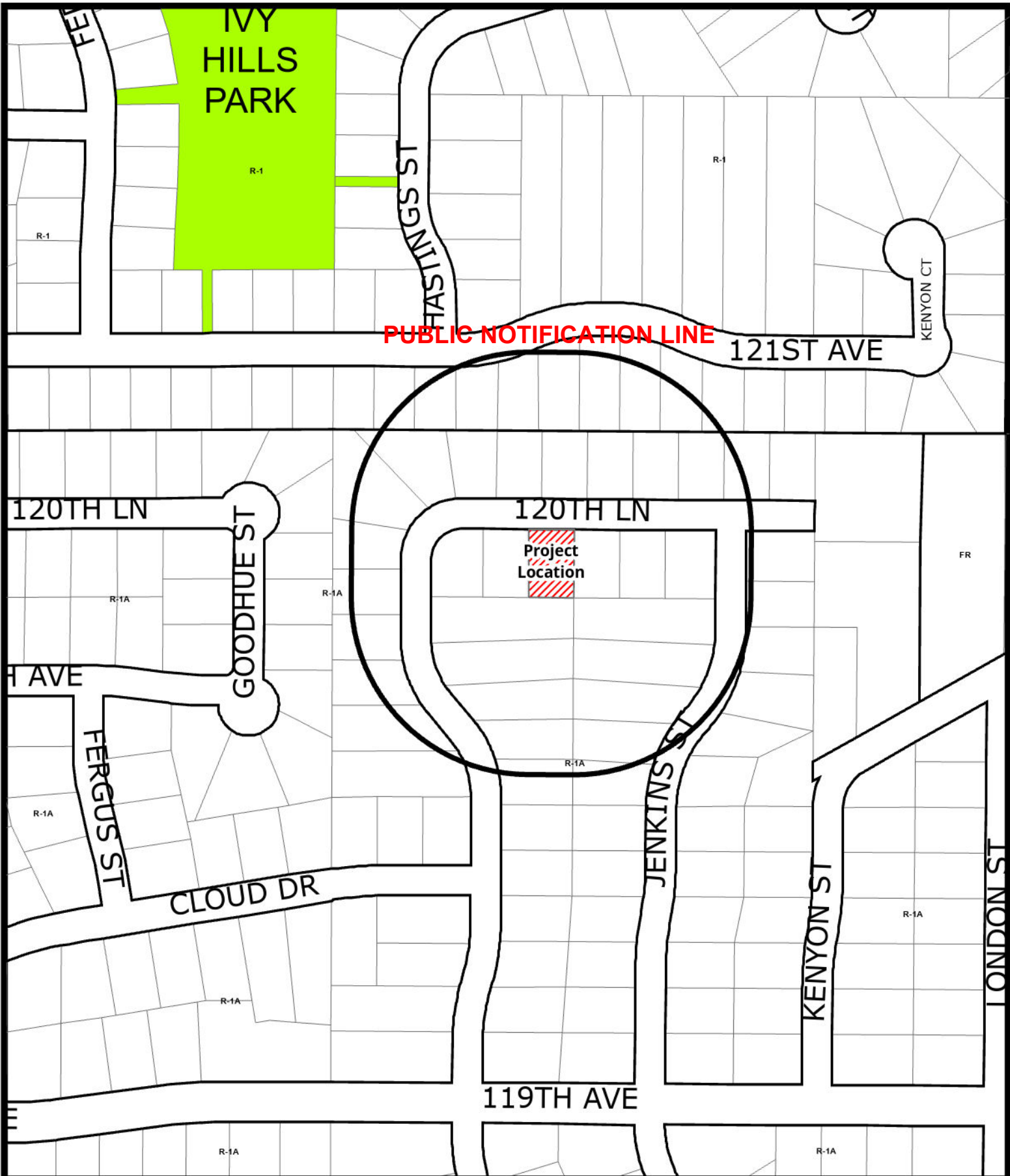
Recommendation

In Planning Case File No. 23-0057, staff does not support the variance as alternative conforming locations have been identified and staff is unable to make the findings for approval.

If the Planning Commission recommends approval of the variance to allow a 3-foot side yard setback for an accessory building, the Commission should identify findings of approval.

Attachment List

1. Attachments



BlaineMN.gov

Case File No. 23-0057
Jason Merkel

Blaine Planning Department / 10801 Town Square Dr NE / Blaine, MN 55449 / (763) 785-6180



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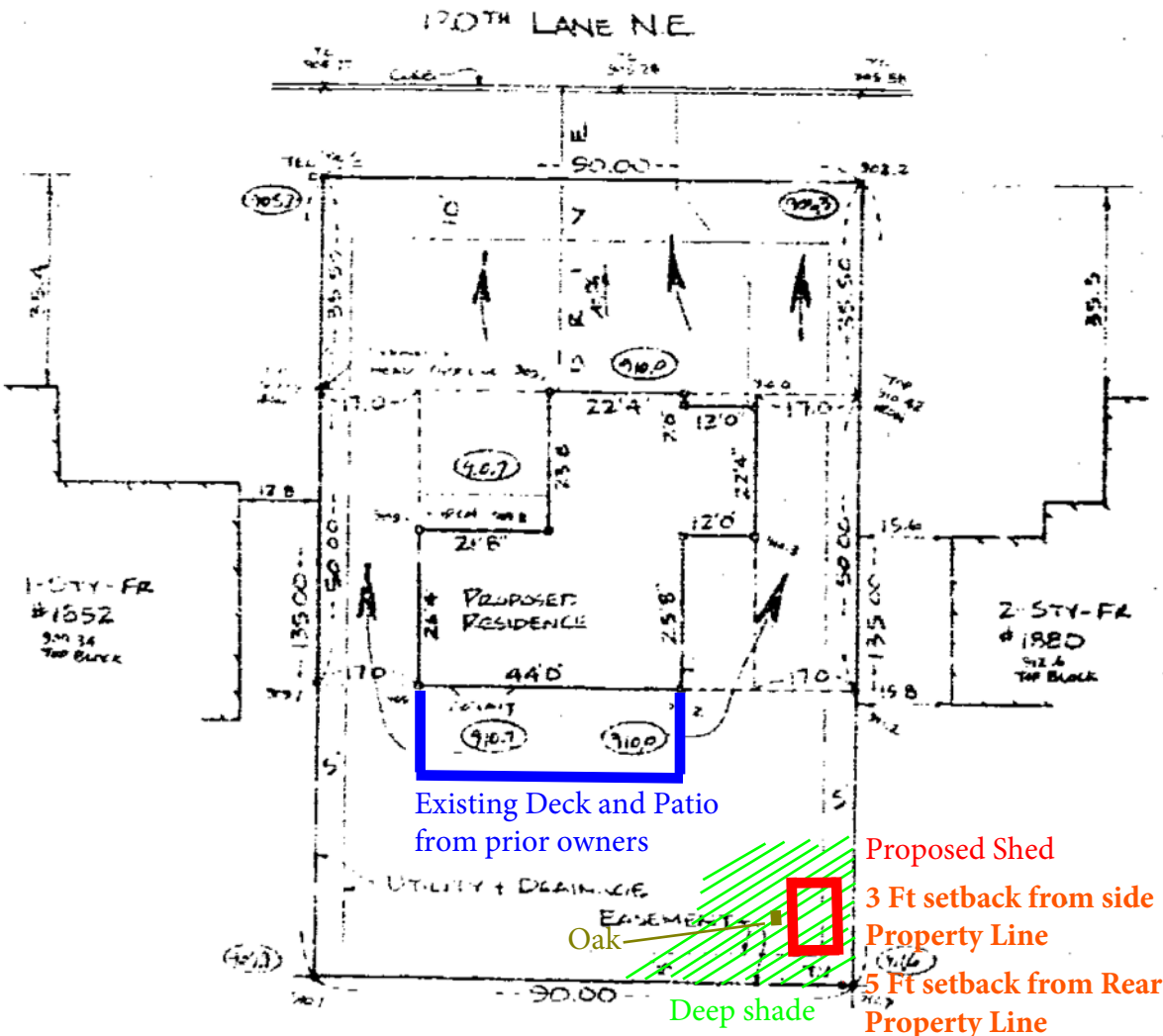
MINNEAPOLIS, MINNESOTA 55415

Surveyors Certificate

Property located in Section
 9, Township 31, Range 23,
 Anoka County, Minnesota

INVOICE NO. 37475
 F. B. NO. 618-32
 SCALE 1" = 20'

- Denotes Iron Monument
- Denotes Wood Stake Set For Excavation Only
- ▽ Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Surface Drainage
- 911.4 Proposed Top of Block
- 710.2 Proposed Garage Floor
- 703.4 Proposed Lowest Floor
- Type of Fencing - 4 CYC



Proposed building information must be checked with approved building plan before excavation and construction.

The only easements shown are from plats of record or information provided by client.

We hereby certify that this is a true and correct representation of a survey of the bounds and of the site as described and the location of all easements and other encroachments, if any, from or on said land.

Surveyed by us on 24th day of May 1994

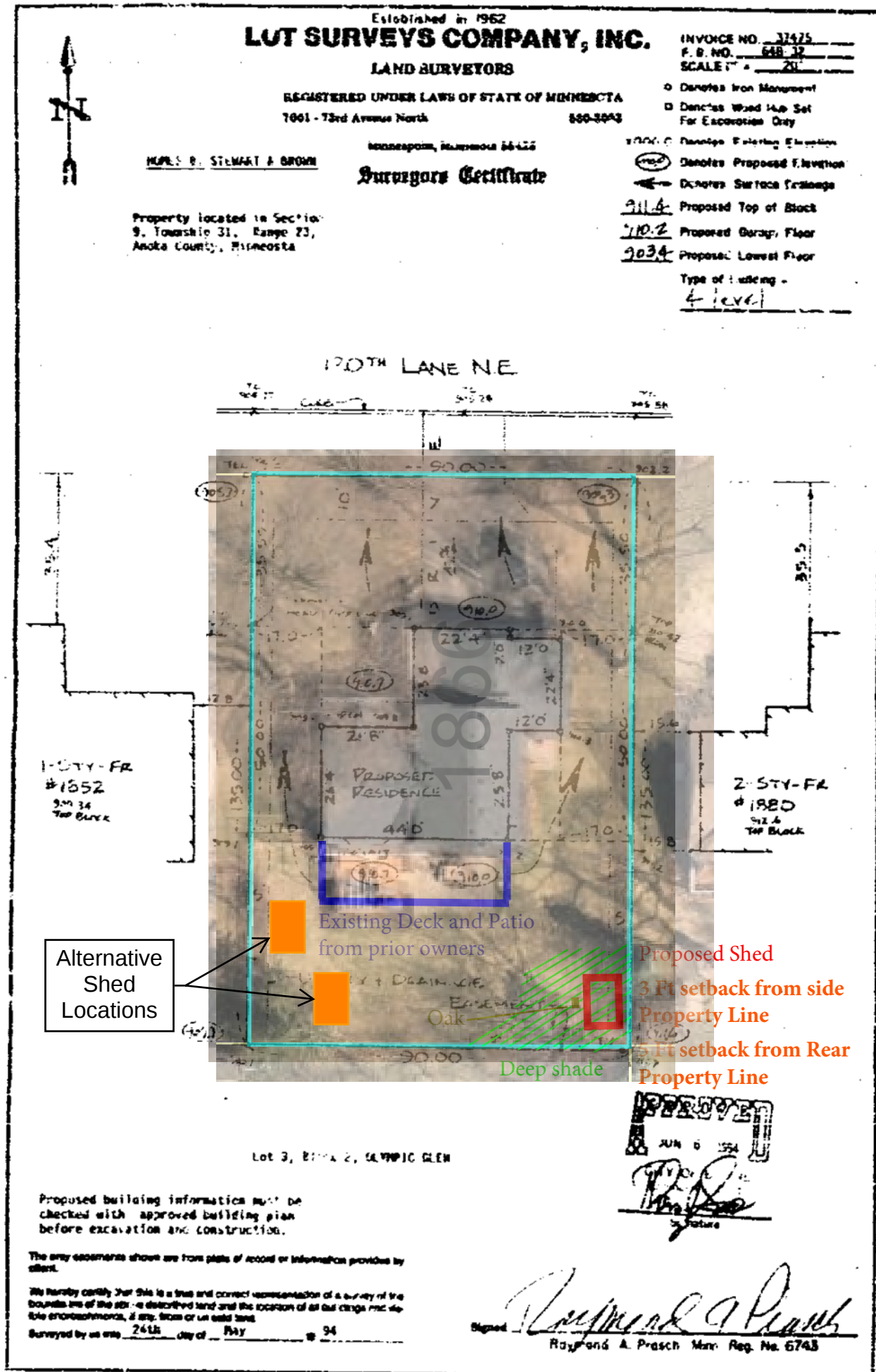
APPROVED
 JUN 6 1994
 [Signature]
 Signature

Signed *Raymond A. Prash*
 Raymond A. Prash Minn. Reg. No. 6743

Site Aerial

**Proposed shed in red



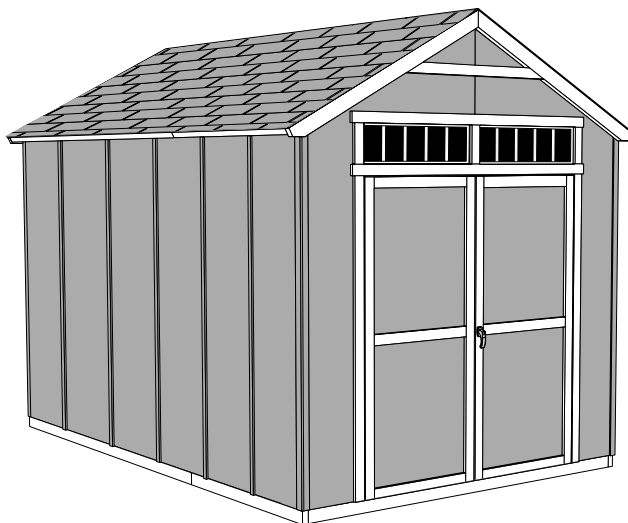


MARCO SERIES

MAJESTIC 8' x 12' (244 x 366 cm)

ACTUAL FLOOR SIZE IS 96 x 144" (244 x 366 cm)

KEEP THIS MANUAL FOR FUTURE REFERENCE



! IMPORTANT! !

READ INSTRUCTIONS THOROUGHLY PRIOR TO BEGINNING ASSEMBLY.

BEFORE YOU BEGIN

• **BUILDING RESTRICTIONS AND APPROVALS**

Be sure to check with local building department and homeowners association for specific restrictions and/ or requirements before building.

• **ENGINEERED DRAWINGS**

Contact our Customer Service Team if engineered drawings are needed to pull local permits.

• **SURFACE PREPARATION**

To ensure proper assembly you must build your shed on a level surface.

Recommended methods and materials to level your shed are listed on page 8.

• **CHECK ALL PARTS**

Inventory all parts listed on pages 4 - 6. Contact our Customer Service Team if any parts are missing or damaged.

• **ADDITIONAL MATERIALS**

You will need additional materials to complete your shed. See page 3 for required and optional materials and quantities.



- CUSTOMER SERVICE -



Call: 1-877-743-3400 email: customerservice@backyardproductsllc.com

Our House sits in one of two very small areas of Blaine which is Zoned Residential R-1A. As a result, and unlike the rest of Blaine, zoning requires a 5 ft setback for any accessory structures, such as sheds, playhouses, sandboxes, etc. Most all other areas of the city only require 1 ft setback for such structures from property lines. We would like to build a very small shed (8x12, 96 Square ft). With this, we have run into a practical difficulty in maintaining the zoning requirements in relation to our intended shed.

Specifically:

Our lot layout provides one of the smallest rear yards in the neighborhood. Of the two rear corners of the property, we would like to build the shed in the corner furthest from our house and neighbors houses, in an area of deep shade where grass cannot grow (due to many trees on neighbors property), and we can best utilize our property while maintaining the limited rear yard we have. This corner is preferred for the shed, because of its distance from the house and deep shade. Other possible areas on our property are significantly closer to our house, encroach significantly into our rear yard, or are sunny (Providing future opportunities for gardens, play equipment for our son, etc, which all can adhere to zoning requirements easily. This desired location of the shed, however, has an unfortunately placed Oak tree that was part of a grove of Oaks that have been present on the land since at least the 1950/60's (per the aerial photography from the time). The Oak in question is the youngest of the surviving oaks in the neighborhood, as all other surviving oaks are approximately twice the size and age of ours. In our opinion, this oak is key to maintaining the areas character as it grows, and we desperately do not want to cut down a slow growth tree like this.

Because of the Oak's location in relation to the lot lines, to keep the oak, we would need a variance of 2ft (maintaining a 3ft setback rather than a 5ft setback from the side lot line (maintaining the rear lot line setback isn't an issue). I have attached a proposed plan for the shed for reference and convenience.

Applicant Variance Criteria

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning code.

We would like to build a very small shed (8x12, 96 Square ft), on our property, however due to our unique circumstances, would require a 2 ft variance from the existing zoning requirements. Current zoning requirements call for a 5 foot setback from our side property line, and we are requesting a 3 ft setback.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Our house sits in one of two very small areas of Blaine which is Zoned Residential R-1A. As a result, and unlike the rest of Blaine, zoning requires a 5 ft setback for any accessory structures, such as sheds, playhouses, sandboxes, etc. Most all other areas of the city only require 1 ft setback for such structures from property lines. We would like to build a very small shed (8x12, 96 Square ft). With this, we have run into a practical difficulty in maintaining the zoning requirements in relation to our intended shed.

This desired location of the shed, however, has an unfortunately placed Oak tree that was part of a grove of Oaks that have been present on the land since at least the 1950/60's (per the aerial photography from the time).

Because of the Oak's location in relation to the lot lines, to keep the oak, we would need a variance of 2ft (maintaining a 3ft setback rather than a 5ft setback from the side lot line (maintaining the rear lot line setback isn't an issue).

3. The variance, if granted, will not alter the essential character of the locality.

This desired location of the shed, however, has an unfortunately placed Oak tree that was part of a grove of Oaks that have been present on the land since at least the 1950/60's (per the aerial photography from the time). The Oak in question is the youngest of the surviving oaks in the neighborhood, as all other surviving oaks are approximately twice the size and age of ours. In our opinion, this oak is key to maintaining the areas character as it grows, and we desperately do not want to cut down a slow growth tree like this.

4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Our lot layout provides one of the smallest rear yards in the neighborhood. Of the two rear corners of the property, we would like to build the shed in the corner furthest from our house and neighbors houses, in an area of deep shade where grass cannot grow (due to many trees on neighbors property), and we can best utilize our property while maintaining the limited rear yard we have. This corner is preferred for the shed, because of its distance from the house and deep shade. Other possible areas on our property are significantly closer to our house, encroach significantly into our rear yard, or are sunny (Providing future opportunities for gardens, play equipment for our son, etc, which all can adhere to zoning requirements easily). This desired location of the shed, however, has an unfortunately placed Oak tree that was part of a grove of Oaks that have been present on the land since at least the 1950/60's (per the aerial photography from the time). The Oak in question is the youngest of the surviving oaks in the neighborhood, as all other surviving oaks are approximately twice the size and age of ours. In our opinion, this oak is key to maintaining the areas character as it grows, and we desperately do not want to cut down a slow growth tree like this.

Because of the Oak's location in relation to the lot lines, to keep the oak, we would need a variance of 2ft (maintaining a 3ft setback rather than a 5ft setback from the side lot line (maintaining the rear lot line setback isn't an issue). We think a variance of 24 inches for the side lot line only, for a small shed, is a practical solution to preserve the oak for future generations while still providing increased utility and value for our property; all while maintaining the minimum variance necessary to maintain the spirit of the zoning requirements, and equitable use compared to other residentially zoned areas of the city.

5. The variance requested is the minimum variance which would alleviate the unique circumstances.

2ft