

GENERAL INFORMATION

Applicant: Bary and Janet Ingebrigtsen

Location: 1500 E 83rd Street

Request: Recreational Vehicle (RV) Permit to park and store a 23 foot Class II RV nine feet from the property line adjacent to 15th Avenue and a waiver to the screening requirement.

Existing Land Use and Zoning: Single Family Residential; zoned R-1

Surrounding Land Use and Zoning: Single Family Residential; zoned R-1

Comprehensive Plan Designation: Low Density Residential

HISTORY

Hearing Examiner Action: 04/06/99 – Approved a three year temporary conditional use permit to allow the parking and storage of a 23.5 foot Class II motor home at least 20 feet from the curb of 15th Avenue and a waiver of screening requirement (Case 10457A-99).

05/07/02 – Approved a three year temporary conditional use permit to park and store a 25 foot Class II motor home in the side yard adjacent to a public street and a waiver to the screening requirement (Case 10457A-02).

06/07/05 - Approved a renewal of a three year temporary conditional use permit to park and store a 25 foot long recreational vehicle, in a side yard adjacent to a public street, and a waiver to the screening requirement (Case 10457A-05).

06/24/08 – Temporary Conditional Use Permit to park and store a 19-foot boat on a 23-foot trailer on the driveway more than 8 feet in front of the residence from April 1 to October 31 each year and a waiver to the screening requirement (Case 10457A-08). Owner at 8242 Bloomington Avenue withdrew consent.

CHRONOLOGY

Planning Commission Action: 05/26/16 – Item continued.
Planning Commission Action: 07/07/16 - Review scheduled
City Council Agenda: 07/25/16 – Anticipated date

DEADLINE FOR AGENCY ACTION

Application Date: 03/31/2016
60 Days: 05/30/2016
120 Days: 07/29/2016
Applicable Deadline: 09/13/2016 (extended by applicant)

STAFF CONTACT

Liz O'Day
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PROPOSAL

The applicant requests approval of a Recreational Vehicle Permit to park and store a 23 foot Class II RV adjacent to 15th Avenue (a side yard adjoining a street) and a waiver to the screening requirement. According to the plan submitted, the eight foot wide motor home would be positioned 10 feet from the dwelling along 15th Avenue. This location would be 9.8 feet from the property line.

Based on the submitted plans, the principal dwelling is set back 31 feet from the front (south) property line and 27.8 feet from the side property line adjoining a street (west). The detached garage is also 27.8 feet from the side property line adjoining a street, 10 feet from the rear property line (north) and 12.5 feet from the side property line (east). The corner lot is 10,287 square feet and is located at the intersection of East 83rd Street and 15th Avenue South.

The recreational vehicle is parked on the western edge of the legally non-conforming U-shaped driveway adjacent to 15th Avenue. The driveway is approximately 9 feet from the property line adjacent to 15th Avenue, 79 feet from the front property line and 49 feet from the rear property line. There are three over story trees between the vehicle and the street that provides minimal

screening and no screening is provided on the north and south side of the vehicle, therefore a waiver to screening is also requested.

ANALYSIS

The applicant received temporary conditional use permits to store the RV along 15th Avenue in 1999, 2002 and 2005. In 2008, the applicant applied for a Temporary Conditional Use Permit renewal but the owner at 8242 Bloomington Avenue withdrew his consent shortly before the Hearing Examiner meeting. The application could not continue through the Hearing Examiner process without the required signatures. The applicant continued to store the recreational vehicle in violation of the City Code since 2008. In 2016, Environmental Health issued a notice of the violation.

Since 2008, the City Code was revised to allow the applicant to make an application to the Planning Commission in cases where a signature could not be obtained. City Code Section 2.14(d) states “if the applicant is unable to obtain written consent of all adjacent and affected residential property owners, the application for outside storage of a recreational vehicle may be submitted to the Planning Commission and City Council pursuant to the provisions of 19.17 through 19.21 of this Code.” The applicant received signatures from adjacent property owners except for the owner at 8242 Bloomington Avenue (which is immediately east of the subject site).

The applicant’s property is a legally non-conforming corner lot. Corner lots require a minimum of 15,000 square feet and 120 feet in lot width. The applicant’s lot is 10,287 square feet and 68.6 feet wide. Reasonable area for recreational vehicle storage is limited to the area along 15th Avenue or the yard between the home and the garage. The area between the home and the garage is the only usable and available yard on the property. Parking the vehicle on the driveway in front of the garage would interfere with street sight lines and encroach into any future public sidewalk along 15th Avenue. Preservation of the highly limited yard area within the lot is the strongest argument for the location as proposed.

A site visit verified the submitted plans are not accurate with respect to the distance between the RV and the property line adjacent to 15th Avenue. The storage location is actually approximately 9 feet from the 15th Avenue property line rather than 20 feet as shown in the plans.

Since the 1990s, the City Code has required a 20 foot setback for patios or internal driveways. Records do not indicate when the driveway or patio was constructed. Any driveway or patio closer than 20 feet would require a variance unless legal non-conformity was established. Through the aerial photo research, it is inconclusive when the driveway was constructed. Without conclusive evidence otherwise, staff believes the driveway to be legally non-conforming.

The City Code stated purpose for regulating the parking of storage and recreations vehicles reads:

The City Council finds that the use and possession of recreational vehicles are an important factor in the lives of a substantial number of residents of the City of Bloomington. The Council finds that improperly stored recreational vehicles can affect public health and safety, property values, and the reasonable use and enjoyment of neighboring properties. While the ability of recreational vehicle owners to provide security of and access to their vehicles is a reasonable expectation, they have a responsibility to respect the rights of residents, owners, and users of neighboring properties and to avoid interference with the purposes of the zoning district in which they are located. The City Council establishes these regulations as a means to balance the interests of the owners of recreational vehicles, adjacent residents and the public.

The City Code also lists standards for the location, size and number of recreational vehicles. Section 19.50.03(c) reads “Recreational vehicles shall be parked or stored on residential properties in such a manner as to minimize visual impact on adjacent residential uses and on public streets”. The applicant requests approval to position the RV 10 feet from the dwelling, thereby increasing the impact on the public street and adjacent properties. While the RV could not be placed against the dwelling, staff believes positioning the RV three feet from the dwelling will provide adequate pedestrian movement around the RV and increase the yard area between the street and the RV by seven feet. This location change would further the intent to “minimize visual impact on adjacent residential uses and on public streets”, as stated in the City Code.

When looking north and south along 15th Avenue South, the vehicle is visible and not screened, as shown in Figure 1 and 2. Therefore, a waiver to the screening requirement is requested.

Figure 1: Looking south along 15th Avenue



Figure 2: Looking north along 15th Avenue



Section 19.50.03(c) states any temporary covering shall be of an earth toned color to minimize the visual impact on adjacent properties and the right-of-way. Figures 1 and 2 show the temporary covering is of an earth toned color.

The property owners at 1508 E 83rd Street, 8234 Bloomington Avenue, 8235, 8230, 8326, and 8242 15th Avenue South have signed a recreational vehicle Consent Form supporting the parking and storage as proposed and waiver of screening. The owner at 8242 Bloomington Avenue has not signed the recreational vehicle Consent Form.

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-53, I recommend approval of a three-year Recreational Vehicle Permit to park and store a 23 foot Class II RV in the side yard adjoining 15th Avenue and a waiver to the screening requirement at 1500 East 83rd Street subject to the attached conditions of approval.