

To: The Members of The Board of Adjustment and Appeals, City of Coon Rapids

Planning Case 15-23

Request for a Variance:

I am requesting for a variance for a wood storage shed to remain in the current location on my lot. It encroaches for inches into the front yard utility/drainage easement. The footprint of the shed encroaches into the front yard easement 10 inches for 12 inches, the overhang of the shed encroaches 18 inches for 12 inches. The triangle shape total of encroachment is  $\frac{3}{4}$  of a square foot.

Criteria for granting a variance:

1. Undo hardship that exists based on circumstances unique to the subject property: In December of 1991 I purchased the property. At that time I was told that my property went from fence to fence for the length and from fence to fence for the width. All original fences are still in place. There was landscaping in the front yard that was equal on both sides of the driveway. Since the time of purchase myself and all 4 neighbors who lived there since believed that the lot line was the backyard fence continuing down to a line between the cable box and mailboxes at the road. In November of 2012 I was informed that the line was not in fact that as we had believed. After 21 years of upkeep and improving on that portion of the property I filed an adverse possession lawsuit against the then owners of the property Wells Fargo Home Mortgage. Now after almost 3 years Wells Fargo and I have come to an agreement and I have the deed for the agreed upon portion. On July 16th, 2015 the Planning Commission approved the request for a Subdivision Exception for a lot line adjustment with the following conditions:

a. The existing drainage and utility easements along the current line be vacated and a new five foot easement be granted on either side of the new lot line. This has been done and the letters are attached.

b. The storage shed on my lot be moved or the width be reduced so that it complies with the five foot setback requirement. I appealed this condition to the City Council. On August 18, 2015 the City Council approved the repeal replacing it with the following condition, The applicant apply for a variance to the five foot setback requirement and execute an easement encroachment with the City. The application is attached.

2. The request allows for minimal improvement that would make possible the reasonable use of the property: By leaving it as it has been since the time it was built it requires NO change to the existing property. It has been like this for many years. I have letters from the 5 utility companies stating that they do not make use of the area, the letters are attached. It should be noted that my property has the highest elevation of my neighbors.

3. The request is not detrimental to the neighborhood or the public welfare: By leaving it as it is this will make no changes to the look of the property. Cosmetically it looks nice, as reported by a City Council Member who drove by before the meeting in August. By cutting off the triangle section it will no longer be as presentable as it is. The shed is on the front yard fence line and is visible to all neighbors as well as

the public that come down 116th Ave. All my immediate neighbors are in agreement that it should stay as it is. They are Doug and Chris Johnson 3361, Donna Randall 3366, Tom and Judy Grant 3328, Shannon Frakie 3325, Ellen Ingvolstand 3337, Gary and Wanda Hansen 3349 and Wells Fargo Home Mortgage 3352.

4. This variance will not grant a special privilege not common to other property in the same zoning district: The city of Coon Rapids has properties that are non conforming. Due to the fact that when it was built it was 5 feet from the believed property line for more than 21 years.

Please see the enclosed updated survey, satellite view showing the old lot line, lot line used for the past 23 years by both 3338 and 3352 and the new approved lot line (which is not to scale), a photograph showing the encroachment amount, letter from Scott Harlicker stating the City Council conditions as well as letters from the utility companies.

Feel free to contact me: Home 763-427-4134 Cell 763-300-2554 Work 612-668-3228

Thank You,



Mary Kay Kayser