

City of Coon Rapids Board of Adjustment and Appeals

In re	16-09V
Appeal of John Becker	File Numbers:
9526 Foley Boulevard	59184-26062
Coon Rapids, MN	63043-26061
	63043-26064

The above matter came before the Board on April 7, 2016, for hearing pursuant to the appeal of the above citations under Coon Rapids City Code sections 12-309(5), 11-601.5, 11-601.3(1)(c), 12-313, and 11-601.4(d). Melissa A. Westervelt, Assistant City Attorney, appeared on behalf of the City of Coon Rapids, Mr. Becker appeared without/with counsel. Based on the files and proceedings herein, the Board, being duly advised in the premises, makes the following:

Findings of Fact

Following is a table of elements the City intends to prove, the source of the information, and a notation whether an exhibit is involved. The final column is also a place for Board members' notes.

Element	Source	Notes/Exhibit
1. The property that is the subject of this hearing is located at 9526 Foley Blvd in Coon Rapids, MN	Scott Harlicker Trevor White	Exhibit 1- Anoka County aerial photo of property.
2. Scott Harlicker is the city Planner and familiar with how the City is Zoned and how Mr. Becker's property has been zoned and treated.	Scott Harlicker	
3. At all relevant times, the subject property was zoned industrial according to the city's zoning code, however, has always been treated as a non-conforming residential in use because Mr. Becker lives on the property,	Scott Harlicker Leya Drabczak Trevor White	
4. The property is subject to the requirements of City Code 11-600, and 12-300.	Scott Harlicker Leya Drabczak Trevor White	

5. At all relevant times, the owner and occupant of the subject property was Mr. John Becker.	Trevor White Scott Harlicker Leya Drabczak	
6. The property is and at all relevant times has been listed as a classification 1-A Residential Homestead.	Scott Harlicker Trevor White	Exhibit 2- Anoka County Property Account Summary
7. One property cannot have two principal uses on one property.	Scott Harlicker	
8. Mr. Becker's principal use is residential.	Scott Harlicker Leya Drabczak Trevor White	
9. Leya Drabczak is the Housing Inspector employed by the City of Coon Rapids. In that capacity it is her duty to inspect residences where code violations are inspected.	Leya Drabczak	
10. There has been a history of code enforcement issues over the years with this property. The city has been aware of the property.	Scott Harlicker Leya Drabczak Trevor White	Exhibit 3- Coon Rapids Property Report/Staff Notes.
11. On November 19, 2015, code officials along with the Coon Rapids planner set up on inspection at 9526 Foley Blvd. to meet with the property owner regarding code violations and a conditional use permit that had been revoked.	Leya Drabczak Trevor White	
12. Several citations were issued on November 19, 2015. Leya Drabczak issued #59184-26062 in violation 12-313, Buildings Unfit for Human Habitation, with a penalty of \$300 and a compliance date of 12/1/15/.	Leya Drabczak	Exhibit 4- Administrative Citation #59184-26062.
13. There was a person who was residing in a fish house on the property.	Leya Drabczak	Exhibit 5(a)- photo of living quarters set up in a fish house.

<p>14. The fish house did not have a bathroom in it, nor did it have basic illumination, heat or ventilation facilities without the help of several cords and an outhouse.</p>	<p>Leya Drabczak</p>	<p>Exhibit 5(b)- photo of living quarters set up in a fish house.</p>
<p>15. The set up in the fish house or multiple electric cords poses a health, safety and welfare risk to the occupant.</p>	<p>Leya Drabczak</p>	
<p>16. The outhouse has since been abated and there is no bathroom facility. A bucket is currently being used as a bathroom facility.</p>	<p>Leya Drabczak</p>	
<p>17. Coon Rapids City Code Section 12-313 deals with Buildings Unfit for Human Habitation. Section (1) indicates: Any building or portion thereof that is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or that lacks basic illumination, heat, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation. The Compliance Official is authorized to order the building or affected dwelling unit or units vacated within a reasonable time and placard the building or dwelling units. A rental license, if any, previously issued for such building, dwelling, or occupancy is subject to revocation. An order issued pursuant to this Section may be served on the owner, operator, or owner's agent and upon any occupants in the same manner as the notice under 12-315(3). The appeal process for Section 12-315(4) applies to orders issued under this Section except</p>	<p>Leya Drabczak</p>	<p>Exhibit 6- Certified City Code Section 12-313.</p>

that the Compliance Official may order the vacation of the building pending an appeal upon the Chief Building Official's finding that continued occupancy poses an immediate threat to health and safety.		
18. Trevor White is the Property Maintenance Inspector employed by the City of Coon Rapids. In that capacity it is his duty to inspect all properties where code violations are identified.	Trevor White	
19. On November 19, 2015, code officials along with the Coon Rapids planner set up on inspection at 9526 Foley Blvd. to meet with the property owner regarding code violations and a conditional use permit that had been revoked.	Trevor White	
20. Several code violations were issued to the property owner on that day. Trevor White issued several citations including #63043-26061 in violation of city codes 12-309(5), 11-601.5, 11-601.3(1)(c), and #63043-26064 in violation of city codes 11-601.4(d), and 11-601.5. A total of \$2100 in fines were issued with a compliance date of 12/1/15.	Trevor White	Exhibit 7- Administrative Citation #63043-26061. Exhibit 8- Administrative Citation # 63043-26064
21. An accessory tent structure was located on the property made out of a tent type structure and material. In violation of 12-309(5)	Trevor White	Exhibit 9(a), Exhibit9(b) and; Exhibit 9(c)- photos of the tent structure.
22. A red truck (MN License Plate 112 JLC) was located outside on the property with outdated registration in violation of 11-601.5.	Trevor White	Exhibit 10(a), and Exhibit 10(b)- photos of red truck and expired registration.
23. More than two major recreation vehicles were located on the property. Major	Trevor White	Exhibit 11(a), Exhibit 11(b), Exhibit 11(c),

recreation vehicles located on the property included; a boat, jet ski, camper and an RV in violation of 11-601.3(1)(c).		Exhibit 11(d), Exhibit 11(e), Exhibit 11(f), and Exhibit 11(g)- photos of multiple recreation vehicles.
24. More than two trailers were located on the property, there were two enclosed trailers and four utility trailers in violation of 11-601.4(d).	Trevor White	Exhibit 12(a), Exhibit 12(b), Exhibit 12(c), Exhibit 12(d), Exhibit 12(e), Exhibit 12(f), and Exhibit 12(g)- photos of multiple trailers.
25. An utility trailer was located outside on the property (MN license plate B23-381) without current registration in violation of 11-601.5	Trevor White	Exhibit 13(a), and Exhibit 13(b)- photos of utility trailer stored outside with expired registration.
26. An enclosed trailer was located outside on the property (MN license plate T1097F) without current registration in violation of 11-601.5.	Trevor White	Exhibit 14-Photo of expired registration on the enclosed trailer located outside.
27. Mr. Becker was given until December 1, 2015, to comply with the citations or appeal them.	Leya Drabczak Trevor White	Exhibit 4 Exhibit 7, Exhibit 8
28. Coon Rapids City Code 12-309(5) deals with accessory structures. It indicates: Accessory structures or buildings must be structurally sound and be maintained in good repair and appearance. The exterior of such structures must be made weather resistant through the use of decay resistant materials such as paint or other preservatives. Paint must be maintained consistent with Section 12-306(1).	Trevor White	Exhibit 15- Certified City Code Section 12-309(5).
29. Coon Rapids City Code 11-601.3(1)(c) deals with the maximum number of major recreational equipment allowed on residential property. It reads: Maximum Number: Major Recreational Equipment is	Trevor White	Exhibit 16- Certified City Code Section 11-601.3(1)(c).

limited to two per residential dwelling unit, whether stored inside or outside a building.		
30. Coon Rapids City Code 11-601.4(1)(d) deals with number of vehicles. It reads: Trailers, trucks and other vehicles used in loading, unloading, maintenance, or construction on the premises. The total number of trailers allowed stored outside on a residential property is two.	Trevor White	Exhibit 17- Certified City Code Section 11-601.4(1)(d).
31. Coon Rapids City Code 11-601.5 deals with Junk Vehicles on residential property. It reads: The parking, storage, repairing, dismantling, demolition, or abandonment of junk vehicles or part thereof on a residential property is prohibited.	Trevor White	Exhibit 18- Certified City Code Section 11-601.5
32. On November 24, 2015, Mr. Becker filed an appeal on seven of the code violations, specifically listed on 3 citations, 63043-26061, 63043-26062, and 63043-26064.	Leya Drabczak Trevor White	Exhibit 19- Copy of the packet Mr. Becker submitted regarding his appeal of the citations.
33. On January 13, 2016, Hearing was held regarding Mr. Becker's appeal of the citations.	Trevor White	Exhibit 20- Copy of the letter sent to Mr. Becker regarding his appeal hearing to the hearing officer.
34. On March 1, 2016 a notice of determination was sent to Mr. Becker affirming the appealed citations, 59184-26062, 63043-26061, , and 63043-26064, in their entirety. The determination letters advised Mr. Becker of his right to appeal the decision no later than 4:30pm on March 14, 2016.	Trevor White	Exhibit 21(a), Exhibit 21(b), and Exhibit 21(c)- copies of the hearing officers determination letters affirming the citations.
35. Mr. Becker filed his written appeal on March 14, 2016, pursuant to City Code section 2-1106(2), and the matter was placed on before this Board on	Leya Drabczak Trevor White	Exhibit 22- copy of the packet Mr. Becker submitted regarding his appeal to the board of adjustment.

April 7, 2016, which was the next available meeting date		
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Conclusions of Law

1. The property located at 9526 Foley Boulevard, Coon Rapids 55433 is a Non- Conforming Residential Use in an Industrial District.
2. As of the violation date, Mr. Becker maintained an accessory structure, mainly a fish house, on the property that was being occupied by a person in violation of Coon Rapids City Code Section 12-313.
3. As of the violation date, Mr. Becker maintained an accessory tent structure on the property in violation of Coon Rapids City Code 12-309(5).
4. As of the violation date, Mr. Becker maintained a truck on the property with Minnesota license plate 112JLC displaying expired registration in violation of Coon Rapids City Code Section 11-601.5
5. As of the violation date, Mr. Becker maintained four major recreation vehicles on the property, a boat, jet-ski, camper and an RV in violation of Coon Rapids City Code 11-601.3(1)(c), which permits only two major recreation vehicles on the property.
6. As of the violation date, Mr. Becker maintained six trailers on the property in violation of Coon Rapids City Code 11-601(4)(d), which only allows two trailers on the property.
7. As of the violation date, Mr. Becker maintained a utility trailer on the property with Minnesota license plate B23-381 displaying expired registration in violation of Coon Rapids City Code 11-601.5.
8. As of the violation date, Mr. Becker maintained an enclosed trailer on the property with Minnesota license plate T1097F displaying expired registration in violation of Coon Rapids City Code 11-601.5.

Order

1. Citation 59184-26062 is hereby affirmed in its entirety.
2. Citation 63043-26061 is hereby affirmed in its entirety.
3. Citation 63043-26064 is hereby affirmed in its entirety.
4. Mr. Becker is granted until May 9th, 2016, to come into compliance with this Order and pay any associated fines.

By the Board:
Date:

Its Chair: