



BOARD OF ADJUSTMENT AND APPEALS AGENDA

Thursday, April 7, 2016

6:30 p.m.

Coon Rapids City Center

Council Chambers

Call to Order

Roll Call

Adopt Agenda

Approval of minutes from previous meeting

New Business

1. Appeal Decision of Hearing Examiner Case 16-09V

Other Business

2. 2015 Annual Report of the Board of Adjustment and Appeals

Adjourn



Board of Adjustment and Appeals - Regular Session

1.

Meeting Date: 04/07/2016

Subject: Appeal Decision of Hearing Examiner Case 16-09V

From: Cheryl Bennett, Housing and Zoning Coordinator

INTRODUCTION

The matter before you in Case 16-09V is an appeal filed by John Becker, 9526 Foley Blvd NW, of the hearing examiner's decision in the appeal of City of Coon Rapids administrative citations 59184-26062, 63403-26061, and 63403-26064, issued by staff on March 1, 2016. This appeal before the Board is being conducted in accordance with City Code Chapter 2-1100, Administrative Procedures and Penalties. For your reference, Chapter 2-1100 can be found in the attached materials.

BACKGROUND

The procedure is different from previous appeals of staff determinations heard by the Board in which your decisions were appealable to the City Council. Decisions of the Board under the procedures set forth in Chapter 2-1100 are appealable to the Minnesota Court of Appeals under the Minnesota Rules of Civil Procedure. A suggested procedure for conducting this hearing was forwarded to the Board by my office on March 30, 2016, along with material from Assistant City Attorney Melissa Westervelt, including the City's proposed Findings of Fact, and Conclusions of Law, and Order. The procedure document, *Suggested Procedure for Conducting Becker Hearing*, has been extracted from this material and is presented immediately following this memorandum for your reference.

The Board should adopt a procedure for conducting the hearing. Staff recommends the Board adopt the procedure set forth in the attached document, which was used in a similar hearing, *Suggested Procedure for Conducting Becker Hearing*.

Next you will find, in order, the following documents to assist you in your deliberations:

- March 29, 2016, letter from Melissa A. Westervelt to John Becker
- City of Coon Rapids Board of Adjustment and Appeals Findings of Fact, Conclusions of Law, and Order
- Respondent's Notice of Witness Qualifications
- Respondent's Exhibits

ACTION REQUESTED

The Board of Adjustment and Appeals is requested to adopt a procedure for the conduct of the hearing as set forth in the document *Suggested Procedure for Conducting Becker Hearing* and, further, conduct the appeal hearing in Case 16-09V, In re Appeal of John Becker.

Attachments

Suggested Procedure for Conducting Becker Hearing

March 29, 2016, Letter to John Becker

City of Coon Rapids Board of Adjustment and Appeals Findings of Fact

Respondent's Notice of Witness Qualifications

Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5a

Exhibit 5b

Exhibit 6

Exhibit 7

Exhibit 8

Exhibit 9a

Exhibit 9b

Exhibit 9c

Exhibit 10a

Exhibit 10b

Exhibit 11a

Exhibit 11b

Exhibit 11c

Exhibit 11d

Exhibit 11e

Exhibit 11f

Exhibit 11g

Exhibit 12a

Exhibit 12b

Exhibit 12c

Exhibit 12d

Exhibit 12e

Exhibit 12f

Exhibit 12g

Exhibit 13a

Exhibit 13b

Exhibit 14

Exhibit 15

Exhibit 16

Exhibit 17

Exhibit 18

Exhibit 19

Exhibit 20

Exhibit 21a

Exhibit 21b

Exhibit 21c

Exhibit 22

Suggested Procedure for Conducting Becker Appeal Hearing

1. Call to Order.
2. Call the case of City of Coon Rapids v. Becker.
3. Ask counsel for the City to identify herself; ask Mr. Becker and his counsel (if present) to identify themselves.
4. Give brief description of the alleged violations.

Mr. Becker is alleged to be in violation of Coon Rapids City Code on November 19, 2015, when his property at 9526 Foley Blvd in Coon Rapids was inspected. The violations alleged here are:

- A. Having an Accessory Structure out of unapproved material. Tent type accessory structures are prohibited in violation of City Code section 12-309(5).
- B. Fail to display current vehicle registration on Red Truck with MN license plate number 112JLC, or remove from exterior storage in violation of City Code section 11-601.5.
- C. Having more than two recreational vehicles on a property. Only two major recreation vehicles are allowed. There were a boat, jet-ski, camper and RV in violation of City Code section 11-601.3(1)(c).
- D. Vacate accessory structures that are being occupied by tenants. No one may live in any structure other than the residential dwelling in violation of City Code sections 12-313.
- E. Having more than two trailers on the property. Only two trailers are allowed and there were two enclosed trailers and four utility trailers in violation of City Code section 11-601.4(d).
- F. Fail to display current vehicle registration on utility trailer with MN license plate number B23-381, or remove from exterior storage in violation of City Code section 11-601.5
- G. Fail to display current vehicle registration on enclosed trailer with MN license plate number T1097F, or remove from exterior storage in violation of City Code section 11-601.5

Mr. Becker was ordered to correct the violations on or before the compliance date of December 1, 2015. The fine payments were stayed until disposition of the case or would have been waived if compliance was achieved by the deadline. Mr. Becker filed an appeal on November 24, 2015. He had an informal hearing on January 13, 2016 with the

City's hearing examiner. The examiner affirmed the citations in their entirety in writing on March 1, 2016. Mr. Becker appeals that determination to this board.

5. Mr. Becker may now admit the violations, or deny the violations and proceed to a hearing. If he wishes to admit the violations, the Chair will ask for a recommendation first from the City Attorney, then Mr. Becker or his representative, then deliberate on the appropriate disposition.

If Mr. Becker wishes to continue to deny the violations:

6. The Chair will give a brief description of the procedure to be followed for this hearing:

A. The City has the burden to prove, by a preponderance of the evidence, that these violations occurred on November 19, 2015.

B. Prior to taking testimony, the Chair will allow the parties to make opening statements. This is not the time to argue the case, but only for each party to indicate to the Board what it intends to offer by way of evidence as regards the allegations. A party may waive an opening statement. The City's representative goes first, followed by Mr. Becker. Mr. Becker may also reserve his opening statement until he presents his case in chief.

C. The Chair will then swear all witnesses that may be called to testify in this case. Witnesses will be asked to stand, raise their right hands, and take an oath to tell the truth. A prospective witness will be deemed to be sworn in for the duration of the hearing, including any adjournments.

D. The City will begin with its case in chief. It may call witnesses and offer exhibits to the Board to prove the violations. Mr. Becker or his counsel may offer legal objections to evidence. The Chair will sustain or overrule any objections after hearing from both parties. If an objection to a question is sustained, a witness shall not answer it. Any evidence in the record to which the Chair has sustained an objection will be disregarded by the Board. Mr. Becker will have an opportunity to ask questions of any witness called by the City.

E. When the City has finished its case in chief, it will rest its case on the record, and Mr. Becker may proceed with his opening statement, if it had been reserved, then any evidence he may wish to offer regarding the violations. Again, this is a time for offering facts into evidence, not for argument. The City has the same right to object to evidence, with ruling by the Chair, and ask questions of Mr. Becker witnesses.

F. When Mr. Becker has rested his case, the City may offer evidence to rebut any evidence Mr. Becker has offered. When the City has finished, Mr. Becker may offer sur-rebuttal evidence, but it must be limited to the City's rebuttal.

G. When both parties have rested, the Chair will request closing arguments, first from the City, and then from Mr. Becker.

H. The Board will deliberate on the violations. If it affirms any or all of the violations, it will issue an order and set a compliance date by which the violation or violations must be corrected.

Two other procedural notes:

I. If a party wishes to offer an exhibit such as a document or a photograph that has not been pre-sent to the Board and the other party, it will need to be marked by the Chair. Appellant's exhibits shall begin with an "A" followed by a unique number such as "A-12." Respondent's exhibits shall begin with "R." An exhibit must be shown to the opposing party or counsel before offering it to the Chair. The Chair will ask if there is any objection to the exhibit before receiving it.

H. This proceeding will be recorded by video and audio equipment, so it is important not to speak when anyone else is talking, except to make an objection, and when speaking, to use good diction so that if the hearing needs to be transcribed for appeal, the transcription can be accurate.

J. Parties and witnesses must direct all statements and arguments to the Chair, not to opposing counsel or witnesses, unless they are asking a witness a question.

6. Motion to Adopt Procedure for Hearing should be entertained after either party has provided comment.

7. Conduct the hearing.

A. Opening Statement from the City.

B. Opening Statement from Mr. Becker (unless reserved or waived).

C. Swear all witnesses. ("All persons who may testify in this hearing must now rise and raise your right hands to be sworn. You do swear that the testimony you are about to give will be true, so help you God? Be seated.")

D. City's case in chief.

E. Mr. Becker's opening statement (if reserved).

F. Mr. Becker's case in chief.

G. City's rebuttal (if any).

H. Mr. Becker's rebuttal (if any).

I. City's closing argument.

J. Mr. Becker's closing argument.

H. Deliberation and Determination.

8. Adjourn.

11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov



March 29, 2016

Mr. John Becker
9526 Foley Blvd. NW
Coon Rapids, MN 55433

Re: April 7, 2016 Appeal to the Board of Adjustment and Appeals

Dear Mr. Becker:

Attached please find the City's proposed Findings of Fact, Conclusions of Law, and Order, being provided to the Board prior to the upcoming hearing on April 7, 2016, together with a proposed procedure for handling the hearing. Witness qualifications statements and exhibits will sent out with the Agenda Packet at a later date. If the matter is contested, the City would call the following witnesses:

Name, Title	Summary of Testimony
Scott Harlicker- City Planner	City Zoning in general, Zoning of property, limitations on conditional uses, current use of property, Anoka County property account summary.
Leya Drabczak, Inspector	Visit to the home on various occasions including but not limited to November 19, 2015; city code violations and status of property.
Trevor White, Inspector	Visit to the home on various occasions including but not limited to November 19, 2015; city code violations and status of property.

If you choose to call witnesses other than those noted above, please notify this office of their name and address at least five days before the hearing. If you require a subpoena to produce a witness, please contact me at your earliest convenience to secure a subpoena from the Board of Adjustment and Appeals. Note that you would be required to pay for and arrange for subpoena service.

Please note that this hearing is quasi-judicial in nature. City code allows you to appear on your own behalf and speak as a party; however, if you wish to have a representative speak on your

behalf, the Board must require that this person be an attorney licensed to practice law in Minnesota. You may, of course, call any witnesses you believe may be helpful to the Board's just resolution of the case. Witnesses may not, however, argue to the Board on your behalf.

The Board will adopt a procedure to conduct the hearing as it has in similar hearings. A synopsis of the City's proposed procedure is included with these materials.

At the hearing, you would have the right to admit the violations that are alleged from November 19, 2015, or you may continue to deny the violations. If you decide to admit the violations, you would have the right to address the Board before it determines the appropriate consequence. The City's recommended action, should a violation be affirmed, is noted in the attached proposed order. If you wish to admit the violations based on the attached materials, or wish to discuss this matter with me I will be available to meet with you on **Wednesday April 6th at 1:30pm** at the City Attorney's Office located in City Hall at 11155 Robinson Drive, Coon Rapids, MN 55433.

Please note that the proceedings will be taken down by audio and video for a possible future appeal to the Minnesota Court of Appeals, but will not be transcribed unless ordered and paid for by the party that appeals.

Finally please note that the Board may not under the ordinances determine the validity of City Code provisions. The Board may, however, interpret City Code.

If I do not hear from you I will assume you will be prepared for a contested hearing on **Thursday April 7th at 6:30pm** in the City Council Chambers within City Hall.

Thank you for your attention to this matter.

Very truly yours,



Melissa A. Westervelt
Assistant City Attorney

Enclosures

cc: Board of Adjustment and Appeals

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:

City of Coon Rapids
Board of Adjustment and Appeals

In re

Appeal of John Becker
9526 Foley Boulevard
Coon Rapids, MN

File Numbers:
63043-26061
59184-26062
63043-26064

Respondent's Notice of Witness Qualifications

Scott Harlicker

Current Position: Planner- City of Coon Rapids

Field: Use Planning

Years in Field: 30

Education/Degrees: BS Bemidji State University, MURP State University of New York- Albany

Membership: American Planning Association

Trevor White

Current Position: Property Maintenance Inspector- City of Coon Rapids

Field: Neighborhood Reinvestment Division/Code Enforcement

Years in Field: 3

Education/Degrees: AA Century College

Leya Drabczak

Current Position: Housing Inspector

Field: Neighborhood Reinvestment Division/Code Enforcement

Years in Field: 10

Education: BA St Cloud State University

Certified Housing Inspector 2007 American Home Inspection Training Institute



EXHIBIT
 1
 16-09V

<Title>



Scale 1:600



Aerial Photo: Flown Spring of 2014





Welcome to the Web site of

Anoka County
 Minnesota

EXHIBIT

tabbles

 2
 16-09V

Property Account Summary

Current General Information	
Property ID	25-31-24-32-0007
Situs Address	9526 FOLEY BLVD NW , COON RAPIDS, MN 55433-0000
Property Description	THAT PRT OF LOT 7 AUD SUB 106 & THAT PRT OF LOT 3 BLK 1 CROSSROADS ADD DESC AS FOL; COM AT SW COR SD LOT 7 AUD SUB NO 106, TH E ALG S LINE THEREOF 260.3 FT, TH NWLY TO A PT ON W LINE OF SD LOT 7 DIST 293 FT N OF SW COR THEREOF, TH NELY AT RT ANG TO 1ST COURSE 150 FT TO ACT POB, TH CONT NELY ON LAST COURSE 100 FT, TH SELY AT RT ANG TO LAST COURSE 300 FT +OR- TO NLY R/W LINE OF FOLEY BLVD, TH SWLY A LG SD R/W LINE TO A PT LOCATED AT RT ANG TO LAST COURSE & DIST 100 FT THEREFROM, TH NWLY IN A DIRECT LINE 300 FT +OR- TO POB; EX RD; SUBJ TO EASE OF REC
Last Sale Price	58,000.00
Last Sale Date	09/21/2000
Last Sale Document Type	
Linked Property Group Position	
Status	Active
Abstract/Torrens	Abstract

Parties	
Role	Name
Owner	JOHN DELBERT BECKER
Owner	MARY LOUISE BECKER

Document Recording Process Dates	
Abstract Documents Have Been Recorded Through	03/14/2016
Abstract Documents Have Been Mailed Through	03/11/2016
Torrens Documents Have Been Recorded Through	03/11/2016
Torrens Documents Have Been Mailed Through	03/11/2016

Active Certificates Of Title		
Type	Certificate Number	Certificate Date
No Certificates Found		

Documents Recorded Within 30 Days Of "Recorded Through" Dates Above			
Type	Abstract/Torrens	Recorded Number	Recorded Date
No Documents Found			

Property Characteristics	
Lot Size	SE100*300
Total Acres	1.00
Year Built	1953

* Lot Size: Approximate lot size in feet, clockwise beginning with the direction the lot faces

Tax District Information	
City Name	COON RAPIDS
Watershed	COON CREEK WATERSHED
School District Number and Name	ANOKA-HENNEPIN SCHOOL DISTRICT #11

Property Classification		
Tax Year	Classification	
2016	1A-Residential Homestead	
2015	1A-Residential Homestead	

Property Values		
Tax Year	Description	Amount
2017	Est Market Land (MKLND)	55,900
2017	Est Market Improvement (MKIMP)	67,400
2017	Taxable Market (TMTV)	97,157
2017	Est Market (MKTTL)	123,300

2017	Market Value Prior to Hstd Excl. (TMVP)	123,300
2016	Taxable Market (TMTV)	88,219
2016	Est Market (MKTTL)	115,100
2016	Market Value Prior to Hstd Excl. (TMVP)	115,100
2015	Taxable Market (TMTV)	84,949
2015	Est Market (MKTTL)	112,100
2015	Market Value Prior to Hstd Excl. (TMVP)	112,100

Tax Amounts for M1PR

Tax Year	Description	Amount
2016	Qualifying Tax Amount (Tax Bill Line 1)	1,245.67
2016	Prior Year Qualifying Tax Amount (Tax Bill Line 2)	1,191.15
2016	Total Tax Amounts - Before Payments	1,269.69
2016	Special Assessments (Included in Total)	24.02

Payment History for Past Three Years

Date Paid	Tax Year	Principal	Interests, Penalties and Costs	Amount Paid
10/12/2015	2015	607.59	0.00	607.59
04/03/2015	2015	607.58	0.00	607.58
10/03/2014	2014	531.20	0.00	531.20
06/10/2014	2014	531.19	21.25	552.44
09/06/2013	2013	690.11	0.00	690.11
06/19/2013	2013	690.11	27.60	717.71

Installments Payable

Tax Year	Installment	Due Date	Principal	Interest, Penalties and Costs	Installment Total	Cumulative Due	Select to Pay
2016	1	05/15/2016	634.84	0.00	634.84	634.84	<input checked="" type="radio"/>
2016	2	10/15/2016	634.85	0.00	634.85	1,269.69	<input type="radio"/>

Delinquent Tax Years

Tax Year	Installment	Due Date	Principal	Interest, Penalties and Costs	Installment Total	Cumulative Due	Select to Pay
No Records Found							

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Property Report

Report Date: 3/17/2016

PROPERTY ADDRESS: 9526 FOLEY BLVD

PIN: 253124320007

Work Order #17486

10/16/2008 Yard and Lot issues

CLOSED

Task Name	Scheduled Start	Actual Start	Assigned To	COMMENTS
Inspection 1	10/16/08	10/16/08	MITLYNG, ADAM	Initial Inspection
INFORMATION	10/16/08	10/16/08	MITLYNG, ADAM	Posted Property appliances, auto parts, tires, building materials, misc junk & debris, expired tabs on 4 vehicles, unregistered trailers
Inspection followup		11/13/08	MITLYNG, ADAM	nov sent, compliant

~ ADMINISTRATIVE CITATION INFORMATION ~ If blank, no Administrative Citation was issued on this work order.

City Code Inspection Date Fine Inspected By Compliance Date & Instructions Citation Issued To

Files attached to this work order:

\\cr-fs2\applications\$\CityworksServerFiles\Code Enforcement Files\adams letters\junk\9526 foley blvd.doc

Work Order #39113

08/12/2010 Weeds / Long Grass

CLOSED

Task Name	Scheduled Start	Actual Start	Assigned To	COMMENTS
Inspection 1	8/17/10	8/11/10	CAMERER, CALVIN	Posted Property. Weeds along sidewalk & stone retaining wall 24".
Inspection followup		8/17/10	GAZELKA, MIKE	Grass cut

~ ADMINISTRATIVE CITATION INFORMATION ~ If blank, no Administrative Citation was issued on this work order.

City Code Inspection Date Fine Inspected By Compliance Date & Instructions Citation Issued To

Files attached to this work order:

PROPERTY ADDRESS: 9526 FOLEY BLVD

Work Order #43605

06/27/2011 Yard And Lot Issues

PIN: 253124320007

CLOSED

Task Name	Scheduled Start	Actual Start	Assigned To	COMMENTS
Inspection 1		6/21/11	SCHREDER, ANDY	Motorhome parking off pavement, enclosed trailer parking off pavement, junk and debris in front and side yard
Citation Issued		6/27/11	SCHREDER, ANDY	junk and debris located in side and side and rear yard
Citation Reinspect	7/6/11	7/6/11	SCHREDER, ANDY	I inspected the property and found the junk and debris has been removed. I also learned the location of the motor home and trailer are in an approved location because of lot configuration. Cleared
Compliance		7/11/11	SCHREDER, ANDY	

~ ADMINISTRATIVE CITATION INFORMATION ~ If blank, no Administrative Citation was issued on this work order.

City Code	Inspection Date	Fine	Inspected By	Compliance Date & Instructions	Citation Issued To
8-109 Junk Cars and Building Materials.	6/21/11	300.00	SCHREDER, ANDY	7-5-2011 Remove metal framework and other junk and debris from exterior storage.	JOHN DELBERT BECKER issue date: 6-27-2011 9526 FOLEY BLVD NW COON RAPIDS, MN 55433

Files attached to this work order:

PROPERTY ADDRESS: 9526 FOLEY BLVD

PIN: 253124320007

Task Name	Scheduled Start	Actual Start	Assigned To	COMMENTS
POLICE CONTACT		10/5/14	DRABCAZAK, LEYA	CRPD report # 14217820 dated 10/05/2014 states people are living in accessory structures at above property one in a fish house and one in a camper. Report states property is littered with tires, portable toilet, cars, trailers, boat and misc. debris.
INSPECTION 1		10/23/14	DRABCAZAK, LEYA	Field inspection made. Staff attempted to make contact owner. Staff identified person living in fish house on property.
FIRE CONTACT		10/23/14	DRABCAZAK, LEYA	Fire Inspector/Firefighter Shannon Moen of CRFD assisted staff in identifying hazards on site with regard to fire and rescue. Large amount of tires as well as junk and debris in yard identified as hazards in the event of a fire.
INSPECTOR CONSULT		10/28/14	DRABCAZAK, LEYA	Chief Building Official Greg Brady to inspect property for violations of the building code/electrical code at the request of the housing department.
INFORMATION		10/29/14	DRABCAZAK, LEYA	Leya Drabczak and Adam Mitylyng spoke to Dave Brodie about the enforcement plan for this property.
CITATION ISSUED		11/5/14	MITLYNG, ADAM	\$300.00 citation issued for junk and debris, exp tabs, portable toilet, graffiti, Conditional Use Permit violation.
CITATION ISSUED		11/5/14	DRABCAZAK, LEYA	\$300.00 Administrative Citation issued for allowing a person to live in fish house/shed on property. Staff has given this person 7 days to vacate the structure.
INSPECTOR CONSULT		11/6/14	BRADY, GREG	Letter sent to owner detailing code violations present in the back yard.
INFORMATION		11/7/14	DRABCAZAK, LEYA	Staff discussed posting options of enforcement. We have never posted a placard on an accessory structure in the past. We feel the uninhabitable clause is intended for only the primary residence, as we cannot alter shed to make it compliant.
APPEAL SUBMITTED		11/9/14		from John Becker requesting one year
CITATION REINSPECT	11/13/14		MITLYNG, ADAM	
COMMUNICATE W OWNER	11/12/14	11/12/14	DEGRANDE, KRISTIN	Received a letter from property owner's attorney requesting more time to comply, among other comments. I called attorney back and left a vm explaining time extension requests - form that needs to be filled out by tomorrow.
HEARING		8/24/15	BENNETT, CHERYL	See attached letter of determination. Citations 24802, 24803, and 24812 are rescinded. Conditional use permit will be reviewed formally.
POLICE CONTACT		8/25/15	DRABCAZAK, LEYA	CRPD report # 150011339 dated 8/25/2015 states 2 people living in the yard one in a camper the other in a fish house. Police state this is the 3rd time they have witnessed a person living in the fish house.
INFORMATION		8/25/15	DRABCAZAK, LEYA	continued. Report states junk and debris in yard, trailers. Electrical extension cords to fish house. Owner was told how to get people trespassed from his property
INFORMATION		8/25/15	DRABCAZAK, LEYA	Leya spoke with Cheryl Bennet regarding this case. Cheryl stated the citations will be rescinded and staff will examine the compliance of the conditional use permit. We cannot process the CUP and Administrative Citations together.
911 ESCORT REQUIRED		9/30/15	DRABCAZAK, LEYA	owner is very combative with staff. police escort required. 2 or 3 individuals living in campers and fishing houses on site.
INFORMATION		10/15/15	HARLICKER, SCOTT	Conditional use permit reviewed by the Planning Commission. PC recommended revocation of CUP. PC 88-37
INFORMATION		11/4/15	HINTZE, CINDY	City Council revoked Conditional Use Permit.
INSPECTION FOLLOWUP		11/19/15	DRABCAZAK, LEYA	on site with crfd scott harlicker and code enforcement. many violations remain. The same person is still living in the fish house on property. Id to issue citation for uninhabitable dwelling on site. No change from previous inspections.
INFORMATION		11/19/15	WHITE, TREVOR	Work order 63043 opened for additional citations being issued.
APPEAL SUBMITTED		11/24/15	HINTZE, CINDY	John Becker submitted appeal requesting 6 months. Appeal for citations 26061, 26062, and 26064 only.

HEARING INSPECTION FOLLOWUP 12/2/15 BENNETT, CHERYL WHITE, TREVOR (appeal submitted for 3 of 6 citations - 26061, 26062, 26064)

~ ADMINISTRATIVE CITATION INFORMATION ~ If blank, no Administrative Citation was issued on this work order.

City Code	Inspection Date	Fine	Inspected By	Compliance Date & Instructions	Citation Issued To
12-313 Buildings Unfit for Human Habitation.	10/5/14	300	DRABCZAK, LEYA	NO ONE MAY LIVE IN OUT BUILDINGS OR CAMPERS ON PROPERTY .	JOHN DELBERT BECKER Issue Date: 11/5/2014 9526 FOLEY BLVD NW COON RAPIDS, MN 55433
8-109 Building Materials, Junk and Debris.	10/5/14	300	MITLYNG, ADAM	Remove building materials, tires, household furniture, auto parts, appliances, misc junk and debris from exterior storage	JOHN DELBERT BECKER Issue Date: 11-5-2014 9526 FOLEY BLVD NW COON RAPIDS, MN 55433
11-801.6 Junk Vehicles.	10/5/14	300	MITLYNG, ADAM	RV72610 expired tabs, display current registration or remove from outdoor storage	JOHN DELBERT BECKER Issue Date: 11-05-2014 9526 FOLEY BLVD NW COON RAPIDS, MN 55433
8-103 Permitting Unhealthful Waste Disposal System.	10/5/14	300	MITLYNG, ADAM	Remove portable bathroom from property	JOHN DELBERT BECKER Issue Date: 11-5-2014 9526 FOLEY BLVD NW COON RAPIDS, MN 55433
11-801.6 Junk Vehicles.	10/5/14	300	MITLYNG, ADAM	112JLC expired tabs, display current registration or remove from outdoor storage	John Becker Issue Date 11/19/2015 9526 Foley Blvd NW Coon Rapids, MN 55433
12-313 Buildings Unfit for Human Habitation.	11/19/15	300	DRABCZAK, LEYA	Vacate accessory structures that are being occupied by tenants. No one may live in any structure other than the homesteaded dwelling.	John Becker Issue Date 11/19/2015 9526 Foley Blvd NW Coon Rapids, MN 55433

Files attached to this work order:

- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\59184\Notice of Hearing.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\59184\Appeal 11-24-2015.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\59184\9526 Foley Blvd-Notice of Determination.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\59184\Letter of Determination.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\59184\20141112113923716.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\59184\John Becker Appeal.pdf

PROPERTY ADDRESS: 9526 FOLEY BLVD

PIN: 253124320007

Work Order #63043

11/19/2015 Yard And Lot Issues

OPEN

<u>Task Name</u>	<u>Scheduled Start</u>	<u>Actual Start</u>	<u>Assigned To</u>	<u>COMMENTS</u>
INSPECTION 1		11/19/15	WHITE, TREVOR	
CITATION ISSUED		11/19/15	WHITE, TREVOR	Junk and debris, exterior storage, junk vehicles, too many major recreation vehicles, too many trailers, portable bathroom, exterior storage, tent accessory structure.
INFORMATION		11/19/15	WHITE, TREVOR	Site visit to property today with crpd, Leya, Heather and Scott Harlicker, many code violations exist. Citations issued. Also see original work order 59184 for additional information.
APPEAL SUBMITTED		11/24/15	WHITE, TREVOR	Appeal submitted for citations 26061, 26062, 26064 only. See work order 59184 for additional information.
HEARING			BENNETT, CHERYL	
CITATION REINSPECT	12/2/15		WHITE, TREVOR	(appeal submitted for citations 26061, 26062, 26064 only)
INFORMATION		1/6/16	DRABCZAK, LEYA	Id called becky from on site sanitation to change scheduled time of abatement to noon and asked for call back confirmation.
INFORMATION		1/7/16	WHITE, TREVOR	Abatement of property scheduled for 1/14/2016. Abatement will consist of items that have not been appealed. Junk and debris, exterior storage and removal of portable bathroom. Dumpster to be placed in the street. Warning Lights to provide barricade
INFORMATION		1/13/16	WHITE, TREVOR	Appeal hearing with John Becker and his attorney. Cheryl Bennett to make determination and send notice to Mr. Becker.
ABATE		1/14/16	WHITE, TREVOR	Abated tires, rims, scrap metal, building materials, paint, helium tanks, fire extinguishers, household items, auto parts, broken bike parts, 55 gal drums, portable bathroom and misc. junk and debris.
CITATION FEE APPLIED		1/14/16	WHITE, TREVOR	\$300 junk and debris applied, \$300 exterior storage applied, \$300 removal of portable bathroom applied and fwd. to assessing dept.
ASSESSMENT		1/19/16	WHITE, TREVOR	Scene Clean invoice #16000 \$1933.03 fwd to assessing dept.
ASSESSMENT		1/19/16	WHITE, TREVOR	Flo's Remodeling invoice #1284 \$1305.00 fwd to assessing dept.
INFORMATION		1/26/16	DRABCZAK, LEYA	Id took call from on site sanitation who abated the portable toilet Mr. Becker has been calling the company constantly and harassing the staff. I stated she should inform Mr. Becker to call the city directly, if he persists to call police
ASSESSMENT		2/22/16	WHITE, TREVOR	Warning Lights invoice #154010 \$160.00 fwd to assessing dept.
INFORMATION		3/1/16	WHITE, TREVOR	Notice of determination from Cheryl Bennett affirming all citations that were appealed. Mr. Becker has until 3/14/15 at 4:30pm to appeal this decision to the Board of Adjustments and Appeals. If the decision is not appealed, property will be abated.
INFORMATION		3/9/16	WHITE, TREVOR	Letter from Scott Harlicker to Mr. Becker stating that the semi-trailer that the CUP was revoked for must be removed immediately.
INSPECTION FOLLOWUP		3/11/16	WHITE, TREVOR	Pictures taken from street observing that the semi-trailer has not been removed. Tent structure also remains in violation.
INFORMATION		3/14/16	WHITE, TREVOR	Appeal to the Board of Appeals from Mr. Becker appealing the decision of Hearing Examiner Cheryl Bennett affirming the citations that were appealed.
APPEAL SUBMITTED		3/14/16	WHITE, TREVOR	Appeal to the Board of Adjustments and Appeals Citations 26061 and 26064.
INFORMATION		3/14/16	WHITE, TREVOR	Mackarthur Krell stopped by the inspections counter, asked for Cheryl Bennett and asked if she had received a letter from Mr. Becker.
ABATE		3/15/16	WHITE, TREVOR	Semi-trailer was removed from the property by Northstar Towing. See attached document named 3-15-16 Abatement Information

PROPERTY ADDRESS: 9526 FOLEY BLVD

PIN: 253124320007

~ ADMINISTRATIVE CITATION INFORMATION ~ If blank, no Administrative Citation was issued on this work order.

City Code	Inspection Date	Fine	Inspected By	Compliance Date & Instructions	Citation Issued To	Issue
8-109 Building Materials, Junk and Debris.	11/19/15	300	WHITE, TREVOR	Remove building materials, household items, garbage, auto parts, furnace, car doors, car batteries, wire, mattress, sleeping bags, junk bicycles/bicycle parts, scrap metal, 55 gal drums, oil containers and misc. junk and debris from outdoor storage.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.10(2) Exterior Storage.	11/19/15	300	WHITE, TREVOR	Remove tires, auto parts, oxy-acetylene/propane tanks, lumber, air compressors, motorcycle lifts/carts and any other items not intended for exterior storage from outdoor storage. Remove portable bathroom from property.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
8-103 Permitting Unhealthful Waste Disposal System.	11/19/15	300	WHITE, TREVOR	Remove accessory tent structure, accessory structures shall be of a weather resistant material or covering, structurally sound and maintained in good repair and appearance. Tent type accessory structures are prohibited.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.3(1)(e) Major Recreational Equipment.	11/19/15	300	WHITE, TREVOR	Display current registration on RV 47523F	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
12-309(6) Accessory Structures.	11/19/15	300	WHITE, TREVOR	Remove accessory tent structure, accessory structures shall be of a weather resistant material or covering, structurally sound and maintained in good repair and appearance. Tent type accessory structures are prohibited. Only two trailers are allowed on property. Currently two enclosed trailers and four utility trailers. Remove excess trailers.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.4(d) Number of Vehicles.	11/19/15	300	WHITE, TREVOR	Display current registration on all trailers that do not have registration or remove from exterior storage.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.5 Junk Vehicles on Residential Property.	11/19/15	300	WHITE, TREVOR	Display current registration on utility trailer MN B23-381 or remove from exterior storage.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.5 Junk Vehicles on Residential Property.	11/19/15	300	WHITE, TREVOR	Display current registration on red truck MN 112JLC or remove from exterior storage.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.3(1)(e) Major Recreational Equipment.	11/19/15	300	WHITE, TREVOR	Display current registration on starcraft camper with no registration.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.3(1)(e) Major Recreational Equipment.	11/19/15	300	WHITE, TREVOR	Display current registration on Bayliner 917HG or remove from exterior storage.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue

PROPERTY ADDRESS: 9526 FOLEY BLVD PIN: 253124320007

11-601.3(1)(c) Number of Recreational Equipment.	11/19/15	300	WHITE, TREVOR	Remove two major recreation vehicle from property, currently there is a boat, jet-ski, camper and RV. Only two major recreation vehicles are allowed.	JOHN BECKER Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	Issue
11-601.5 Junk Vehicles on Residential Property.	11/19/15	300	WHITE, TREVOR	Display current registration on enclosed trailer MN T1097F or remove from exterior storage.	JOHN BECKER Issue Date: 11/19/2015 9526 FOLEY BLVD NW COON RAPIDS, MN 55433	

Files attached to this work order:

- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Semi-trailer removal.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Appeal.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\9526 Foley Blvd-Notice of Determination.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Scene Clean invoice-16000-01.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Removal of semi trailer.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Police Report 9526 Foley Blvd.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Flo's Invoice.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\3-15-16 Abatement information.docx
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\scopesheet-16000.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Warning Lights\invoice.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\Notice of Hearing.pdf
- \\cr-fs2\applications\cityworksserverfiles\WorkOrder\63043\9526 Foley Blvd-Board of Appeals.pdf



NEIGHBORHOOD REINVESTMENT

Work Order: 59184
Date Initiated: 10/28/14

Yard And Lot Issues

PIN: 253124320007

Address: **9526 FOLEY BLVD**

9526 FOLEY BLVD

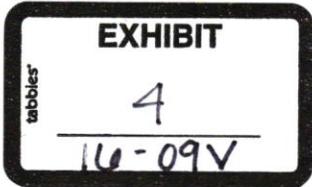
Projected Start	Task Name	Assigned To	Finish Date	COMMENTS
	POLICE CONTACT	DRABCZAK, LEYA	10/5/14	CRPD report # 14217820 dated 10/05/2014 states people are living in accessory structures at above property one in a fish house and one in a camper. Report states property is littered with tires, portable toilet, cars, trailers, boat and misc. debris.
	INSPECTION 1	DRABCZAK, LEYA	10/23/14	Field inspection made. Staff attempted to make contact owner. Staff identified person living in fish house on property.
	FIRE CONTACT	DRABCZAK, LEYA	10/23/14	Fire Inspector/Firefighter Shannon Moen of CRFD assisted staff in identifying hazards on site with regard to fire and rescue. Large amount of tires as well as junk and debris in yard identified as hazards in the event of a fire.
	INSPECTOR CONSULT	DRABCZAK, LEYA	10/28/14	Chief Building Official Greg Brady to inspect property for violations of the building code/electrical code at the request of the housing department.
	INFORMATION	DRABCZAK, LEYA	10/29/14	Leya Drabczak and Adam Mitlyng spoke to Dave Brodie about the enforcement plan for this property.
	CITATION ISSUED	MITLYNG, ADAM	11/5/14	\$300.00 citation issued for junk and debris, exp tabs, portable toilet, graffiti, Conditional Use Permit violation.
	CITATION ISSUED	DRABCZAK, LEYA	11/5/14	\$300.00 Administrative Citation issued for allowing a person to live in fish house/shed on property. Staff has given this person 7 days to vacate the structure.
	INSPECTOR CONSULT	BRADY, GREG	11/6/14	Letter sent to owner detailing code violations present in the back yard.
	INFORMATION	DRABCZAK, LEYA	11/7/14	Staff discussed posting options of enforcement. We have never posted a placard on an accessory structure in the past. We feel the uninhabitable clause is intended for only the primary residence, as we cannot alter shed to make it compliant.
	APPEAL SUBMITTED		11/9/14	from John Becker requesting one year
11/13/14	CITATION REINSPECT	MITLYNG, ADAM		
11/12/14	COMMUNICATE W OWNER	DEGRANDE, KRISTIN	11/12/14	Received a letter from property owner's attorney requesting more time to comply, among other comments. I called attorney back and left a vm explaining time extension requests - form that needs to be filled out by tomorrow.
	HEARING	BENNETT, CHERYL	8/24/15	See attached letter of determination. Citations 24802, 24803, and 24812 are rescinded. Conditional use permit will be reviewed formally.



NEIGHBORHOOD REINVESTMENT

Work Order: 59184
Date Initiated: 10/28/14

POLICE CONTACT	DRABCZAK, LEYA	8/25/15	CRPD report # 150011339 dated 8/25/2015 states 2 people living in the yard one in a camper the other in a fish house. Police state this is the 3rd time they have witnessed a person living in the fish house.
INFORMATION	DRABCZAK, LEYA	8/25/15	continued. Report states junk and debris in yard, trailers. Electrical extension cords to fish house. Owner was told how to get people trespassed from his property
INFORMATION	DRABCZAK, LEYA	8/25/15	Leya spoke with Cheryl Bennet regarding this case. Cheryl stated the citations will be rescinded and staff will examine the compliance of the conditional use permit. We cannot process the CUP and Administrative Citations together.
911 ESCORT REQUIRED	DRABCZAK, LEYA	9/30/15	owner is very combative with staff. police escort required. 2 or 3 individuals living in campers and fishing houses on site.
INFORMATION	HARLICKER, SCOTT	10/15/15	Conditional use permit reviewed by the Planning Commission. PC recommended revocation of CUP. PC 88-37
INFORMATION	HINTZE, CINDY	11/4/15	City Council revoked Conditional Use Permit.
INSPECTION FOLLOWUP	DRABCZAK, LEYA	11/19/15	on site with crfd,crpd scott harlicker and code enforcement. many violations remain. The same person is still living in the fish house on property. Id to issue citation for uninhabitable dwelling on site. No change from previous inspections.
INFORMATION	WHITE, TREVOR	11/19/15	Work order 63043 opened for additional citations being issued.
APPEAL SUBMITTED	HINTZE, CINDY	11/24/15	John Becker submitted appeal requesting 6 months. Appeal for citations 26061, 26062, and 26064 only.
HEARING 12/2/15	BENNETT, CHERYL INSPECTION FOLLOWUP WHITE, TREVOR		(appeal submitted for 3 of 6 citations - 26061, 26062, 26064)



ADMINISTRATIVE CITATION

Citation # 59184-26062

Administrative Citation Enclosed

John Becker
 9526 Foley Blvd NW
 Coon Rapids, MN 55433

Issue Date 11/19/2015

Property Address: **9526 FOLEY BLVD**
 COON RAPIDS, MN

PIN: 253124320007

This is an Administrative Citation issued under Coon Rapids City Code Chapter 2-1100. On 11/19/15 the following violation(s) of Coon Rapids City Code was found at the above property address:

<u>Compliance Date</u>	<u>Violation & Corrective Action</u>	<u>Code Section & Summary</u>	<u>Penalty</u>
12/01/2015	Vacate accessory structures that are being occupied by tenants. No one may live in any structure other than the homesteaded dwelling.	12-313 Buildings Unfit for Human Habitation. -- Any dwelling unit without basic utilities (water, heat, electric), unsafe, unsanitary or effects the health, safety or welfare of the occupants or public may be declared unfit for human habitation.	\$300

To avoid the above penalty/penalties, you **must** do one of the following:

1. Correct the violation(s) **on or before** the Compliance Date noted above. To be sure all issues are resolved, you may arrange for a City inspection **before** the Compliance Date noted above.
2. Contact the inspector below to arrange a time extension for compliance. You must sign a time extension agreement **on or before** the Compliance Date noted above.
3. Appeal the inspector's decision **on or before** the Compliance Date.

Refer to the attached/enclosed Administrative Citation Program brochure for the Notice of Appeal form, including instructions for requesting a time extension, and additional information.

Please note that if your property is not brought into compliance by the Compliance Date listed above, the City may issue a subsequent Citation and the penalty will double, or the City may enter your property to abate the violation (correct the conditions leading to the violation). If the city abates the violation, all costs of the abatement, along with any unpaid penalty, will be charged to your property taxes in a form of a Special Assessment.

Inspectors are often not in the office. If you would like to speak with the inspector regarding this citation, please call the number below.

Continued on next page

9526 FOLEY BLVD
CITATION # 59184-26062
PAGE 2

If a second or subsequent Citation is issued within 180 days of the same or similar violation, the penalty will double. If you correct the conditions leading to the subsequent Citation prior to the Compliance Date, one half of the penalty will be waived. In addition to any penalties, you may also be subject to Excessive Consumption of Services fees as allowed by City Code Section 12-317 and/or abatement costs.

You can view the full City Code online at www.coonrapidsmn.gov/citycode or you can obtain the City Code Section(s) at Coon Rapids City Hall at 11155 Robinson Dr NW, Coon Rapids, MN 55433.

Leya Drabczak
Housing Inspector
763-767-6420
Drabczak@coonrapidsmn.gov

cc:

EXHIBIT

tabbies

5a
1U-09V



11/19/2015 10:11



11/19/2015 10:11

5b
16-09V



11/19/2015 10:11



11/19/2015 10:11



CERTIFICATION BY CLERK

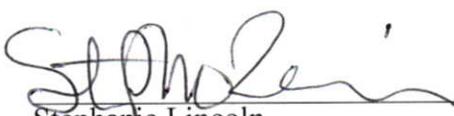
STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

I, the undersigned, being the duly qualified and acting Deputy City Clerk of the City of Coon Rapids, Minnesota, hereby certify that I have carefully compared the attached and foregoing City Code Chapter 12-313;

with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom, insofar as the same relates to Buildings Unfit for Human Habitation in effect on November 19, 2015;

WITNESS my hand officially as such Deputy City Clerk and the corporate seal of the City of Coon Rapids, Minnesota, this 24 day of March, 2016.




Stephanie Lincoln
Deputy City Clerk

12-312 Securing and Monitoring of Premises and Buildings.

(1) The Chief Building Official, the Fire Chief, the Chief of Police, and their designees, are authorized to order the immediate evacuation of a building or premises that poses an immediate threat to health and safety. Once evacuated, unsecured buildings or premises posing an immediate danger of sustaining property damage or threat to health and safety may be ordered immediately secured and placarded. Unauthorized entry onto placarded premises or into a placarded building, or the removal or defacing of a placard, is a misdemeanor. In all other cases, a vacant building that remains unsecured for a period of 48 hours or more is deemed a public nuisance and must be secured. Securing must be in the manner prescribed by Section 12-312(2). City officials or their designees are authorized to enter private property and use reasonable force to enforce this clause.[Revised 6/20/06, Ordinance 1925]

(2) Manner of Securing Buildings. Boarding must be done with sound materials securely fastened to the building and painted with a color consistent with the adjacent surfaces, except that openings on walls facing street frontages must be covered with clear acrylic plastic sheets only. Nonresidential building exterior signage on the vacant portions must be removed, except signage used for sale or lease of the building as allowed by Chapter 11-1203 (Sign Regulations). [Revised 6/20/06, Ordinance 1925]

(3) The premises of a vacant building must be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping and yard.[Revised 6/20/06, Ordinance 1925]

(4) Properties remaining vacant for 120 days or more, except for seasonal vacancies, may be assessed a monitoring fee established by ordinance, payable 30 days after notice from the Compliance Official, thereafter annually on the anniversary of the original date of vacancy. [Revised 6/20/06, Ordinance 1925]

(5) Costs of securing and maintaining a property, and unpaid monitoring fees, may be specially assessed to the property in the manner prescribed by law.[Revised 6/20/06, Ordinance 1925]

(6) Nothing in this Section creates an obligation or duty on the part of municipal officials or their designees to evacuate, secure, or maintain properties. This Section is supplementary to and does not limit the civil or criminal authority of governmental agents acting under applicable statutes, laws, codes, or ordinances.[Revised 6/20/06, Ordinance 1925]

12-313 Buildings Unfit for Human Habitation.

(1) Any building or portion thereof that is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or that lacks provision for 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. If a building or premises has been 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 a notice under Section 12-315(3). The appeal process for Section 12-315(4) applies to orders issued under this Section except 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.[Revised 6/20/06, Ordinance 1925]

6

(2) It is a misdemeanor for such building to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official, and, if the premises are to be rented, a rental license has been issued or reinstated for the affected building or units. It is a misdemeanor to deface or remove the declaration placard from any such building or dwelling unit. [Revised 6/20/06, Ordinance 1925]

(3) For rental properties, no rents may be collected from the tenant of any affected dwelling unit which has been placarded, from the date of placarding, until the placard has been removed by the City. [Revised 6/20/06, Ordinance 1925]

(4) The authority under this Section is in addition to the authority provided by Section 12-312(1). [Revised 6/20/06, Ordinance 1925]

12-314 Hazardous Building. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota statutes.

12-315 Enforcement.

(1) Inspection Authority. Except as otherwise provided herein, the Compliance Official is authorized to administer and enforce the provisions of this Chapter and to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of State or local laws and ordinances have been or are being committed. Inspections may be conducted during reasonable daylight hours, and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit upon request. This Section does not apply to investigations conducted by the Police Department regarding prohibited conduct or other similar illegal activities. [Revised 6/20/06, Ordinance 1925]

(2) Compliance Order. Whenever the Compliance Official determines that a building or the surrounding premises fails to meet the provisions of this Chapter, a compliance order stating the violations and ordering the owner, occupant, operator, or agent to correct such violations may be issued. This compliance order shall:

- (a) be in writing,
- (b) describe the location and nature of the violations,
- (c) establish a reasonable time for the correction of such violations,
- (d) provide notice of appeal rights, and
- (e) be served upon the owner, operator, agent, or occupant, as appropriate. [Revised 6/20/06, Ordinance 1925]

(3) Service of Notice. Except as otherwise provided in this Chapter, all notices given by the City relating to violations under this Chapter may be personally served on the appropriate party or sent by U.S. mail to the party's last known address. If service cannot be made personally or by U.S. mail, it can be made by posting the notice in a conspicuous place on the licensed premises. Except where the City has reasonable cause to believe an emergency exists, notice is to be directed to the owner, operator, manager, representative or local agent, and any affected occupant at least five business days before any inspection. Inspection notices will be in writing and may be personally delivered or mailed by U.S. mail. [Revised 6/20/06, Ordinance 1925]

(4) Right to Appeal. Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or ordinance, may appeal the order of the Compliance Official to the Board of Adjustment and Appeals. Such appeal must be in

9526 FOLEY BLVD
CITATION # 63043-26061
PAGE 2

Please note that if your property is not brought into compliance by the Compliance Date listed above, the City may issue a subsequent Citation and the penalty will double, or the City may enter your property to abate the violation (correct the conditions leading to the violation). If the city abates the violation, all costs of the abatement, along with any unpaid penalty, will be charged to your property taxes in a form of a Special Assessment.

Inspectors are often not in the office. If you would like to speak with the inspector regarding this citation, please call the number below.

If a second or subsequent Citation is issued within 180 days of the same or similar violation, the penalty will double. If you correct the conditions leading to the subsequent Citation prior to the Compliance Date, one half of the penalty will be waived. In addition to any penalties, you may also be subject to Excessive Consumption of Services fees as allowed by City Code Section 12-317 and/or abatement costs.

You can view the full City Code online at www.coonrapidsmn.gov/citycode or you can obtain the City Code Section(s) at Coon Rapids City Hall at 11155 Robinson Dr NW, Coon Rapids, MN 55433.

Trevor White
Property Maintenance Inspector
763-767-6427
TWhite@coonrapidsmn.gov

cc:

9526 FOLEY BLVD
CITATION # 63043-26064
PAGE 2

Please note that if your property is not brought into compliance by the Compliance Date listed above, the City may issue a subsequent Citation and the penalty will double, or the City may enter your property to abate the violation (correct the conditions leading to the violation). If the city abates the violation, all costs of the abatement, along with any unpaid penalty, will be charged to your property taxes in a form of a Special Assessment.

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You can view the full City Code online at www.coonrapidsmn.gov/citycode or you can obtain the City Code Section(s) at Coon Rapids City Hall at 11155 Robinson Dr NW, Coon Rapids, MN 55433.

Trevor White
Property Maintenance Inspector
763-767-6427
TWhite@coonrapidsmn.gov

cc:

EXHIBIT

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111-09V

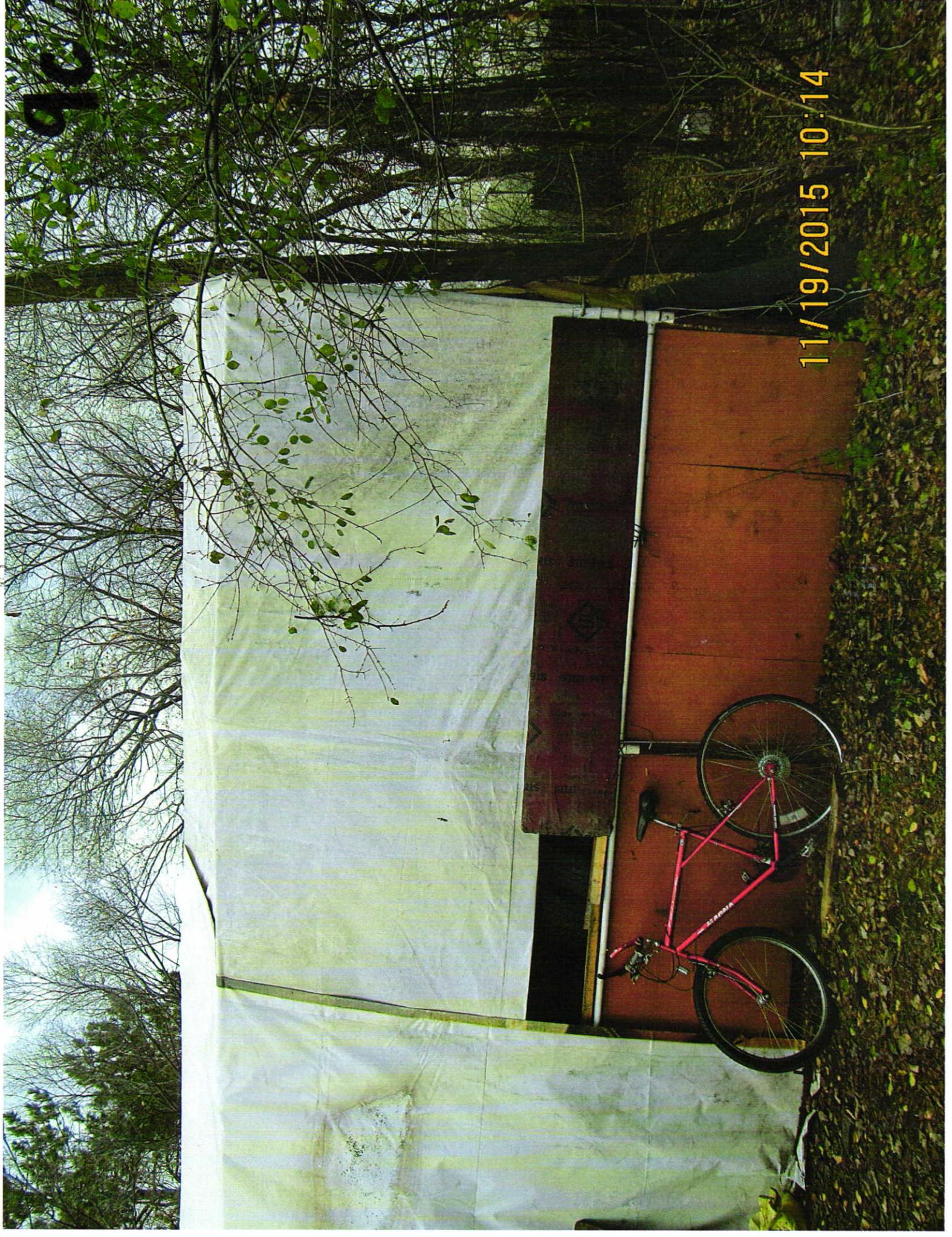
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11/19/2015 10:20

Big

EXHIBIT

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11/19/2015 10:14



11/19/2015 10:07



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11/19/2015 10:20



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EXHIBIT
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110-09V



CERTIFICATION BY CLERK

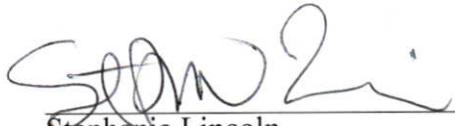
STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

I, the undersigned, being the duly qualified and acting Deputy City Clerk of the City of Coon Rapids, Minnesota, hereby certify that I have carefully compared the attached and foregoing City Code Chapter 12-309.5;

with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom, insofar as the same relates to Buildings Maintenance and Code for Accessory Structures in effect on November 19, 2015;

WITNESS my hand officially as such Deputy City Clerk and the corporate seal of the City of Coon Rapids, Minnesota, this 24 day of March, 2016.




Stephanie Lincoln
Deputy City Clerk

(3) Structures. All openings with a diameter of one half inch or more in the exterior surfaces of a structure must be sealed.[Revised 6/20/06, Ordinance 1925]

12-308 Garbage, Rubbish, and Recyclable Materials.

(1) Storage and Disposal. Garbage, rubbish, and recyclable materials must be stored and disposed of in a clean, sanitary, and safe manner in accordance with Chapter 8-100 (Nuisances), Chapter 8-200 (Collection and Disposal of Garbage and Rubbish), and Chapter 11-1800 (General District Standards).[Revised 6/20/06, Ordinance 1925]

(2) Screening and Placement of Receptacles. Outside trash disposal facilities, recycling containers, and outside or roof top mechanical equipment must be provided as required, and their location and screening must conform to Title 8 (Health, Safety, and Sanitation), and Title 11 (Land Development Regulations).[Revised 6/20/06, Ordinance 1925]

12-309 Maintenance Requirements.

(1) Screens and Storm Windows. For residential rental facilities, screens and storm windows as required by law must be installed in season.[Revised 6/20/06, Ordinance 1925]

(2) Sanitary Fixtures. Fixtures within the building must be maintained in a clean and sanitary condition.[Revised 6/20/06, Ordinance 1925]

(3) Reserved for future use.[Revised 4/28/09, Ordinance 2009]

(4) Fences. Fences must consist of metal, wood, masonry, or other decay resistant material. Fences, retaining walls, kennels, and other exterior structures must be maintained in good condition both in appearance and in structure. Exterior materials must be protected against decay by use of paint or other preservatives, and must be maintained consistent with Section 12-306(1).[Revised 6/20/06, Ordinance 1925]

(5) Accessory Structures. 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).[Revised 6/20/06, Ordinance 1925]

(6) Safe Building. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stairs, porch and balcony, and every appurtenance thereto, must be safe to use and capable of supporting loads required by the occupancy.[Revised 6/20/06, Ordinance 1925]

(7) Facilities to Function. Every supplied facility, fixture, piece of equipment, or utility required under this Code and every chimney and flue must be installed, maintained, and must function effectively in a safe, sound, and working condition.[Revised 6/20/06, Ordinance 1925]

12-310 Minimum Requirements for Dwellings and Dwelling Units. No person is allowed to occupy, or permit another person to occupy, any dwelling or dwelling unit for the purpose of living therein that does not comply with the following:

(1) Permissible Occupancy of Rental Dwelling Unit. Except for families as defined by Section 12-304(9)(a), the number of occupants of a rental dwelling unit must not exceed two times the number of bedrooms in the dwelling unit.[Revised 6/20/06, Ordinance 1925]

(2) One Family Per Dwelling Unit. No more than one family is allowed to occupy a dwelling unit for the purpose of living therein.[Revised 6/20/06, Ordinance 1925]

12-311 Reserved for future use[Revised 04/28/09, Ordinance 2009]

EXHIBIT
tabbles
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16-09V



CERTIFICATION BY CLERK

STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

I, the undersigned, being the duly qualified and acting Deputy City Clerk of the City of Coon Rapids, Minnesota, hereby certify that I have carefully compared the attached and foregoing City Code Chapter 11-601.3(1)(c);

with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom, insofar as the same relates to Maximum Number of Major Recreational Equipment in Residential Districts in effect on November 19, 2015;

WITNESS my hand officially as such Deputy City Clerk and the corporate seal of the City of Coon Rapids, Minnesota, this 24 day of March, 2016.

Stephanie Lincoln
Deputy City Clerk



11-601.8					
Maintenance, management, or community recreation buildings incidental to the development	NP	NP	P	P	NP
Off-street parking in accordance with Section 11-1201	P	P	P	P	NP
Accessory buildings and uses incidental to a mobile home	NP	NP	NP	NP	P
Storage of docks on riparian lots provided the dock is stored within 50 feet of the shoreline and setback at least five feet from any property line. Docks may be stored further than 50 feet from the shore line provided the property owner provides written proof to the Community Development Director that exceptional and unusual circumstances exist, relating to topography or vegetation, that prohibit compliance with the setback requirement. If the Director agrees that exceptional and unusual circumstances exist the Director may approve the dock storage location.	P	P	NP	NP	NP

11-601.2 Truck and Trailer Storage.

(1) Except as provided below, it shall be illegal to park or store, or permit to be parked or stored on residential property a Truck licensed for more than 9,000 pounds gross vehicle weight, a Truck-tractor, a Semitrailer, or Special Mobile Equipment.

(a) This Section shall not apply to major Recreational Equipment, to any motor vehicle which is being actively loaded or unloaded or which is being utilized to render a service.

(b) One Truck licensed for more than 9,000 pounds gross vehicle weight or one Truck-tractor per dwelling unit may be parked on residential property, provided that the vehicle is owned or operated by a resident of the property, any such vehicle is parked on the paved portion of the driveway or private parking lot of such residential property, and, provided further, that the engine of any such vehicle shall not be allowed to idle for more than a total of one hour within any six hour period.

(2) The regulations of this Section include the streets within and adjacent to such residential property.

11-601.3 Major Recreational Equipment in Residential Districts.

(1) Standards. Major Recreational Equipment in a residential district must conform to the following standards, in addition to the standards in Title 9 (Traffic and Transportation). These standards are enforceable against the property owner, the vehicle owner, and the vehicle possessor(s), joint and severally. For this purpose, the vehicle owner is presumed to be the registered owner, unless rebutted.

(a) No Major Recreational Equipment may be used for living, sleeping, or housekeeping purposes, except that one major recreational vehicle not exceeding the limitations of 11-601.3 is allowed for occasional living purposes, not to exceed three days per 30 day period, to accommodate visitors, provided the vehicle is parked on private property.

(b) Major Recreational Equipment stored outside must be in a condition for the safe and effective performance of its intended function or repaired to put such equipment in such condition. Equipment being repaired may not be stored longer than 20 days.

(c) Maximum Number: Major Recreational Equipment is limited to two per residential dwelling unit, whether stored inside or outside a building.

(d) Size limitations for Major Recreational Equipment parked or standing in residential districts more than 12 hours:

(i) Maximum Height: Thirteen and one half feet measured from the ground to the highest point on the vehicle at the recommended tire pressure. For the purposes of measuring height, all accessories, attachments, and material carried on the vehicle shall be considered part of the vehicle.

(ii) Maximum Length: Forty-five feet, measured from the longest point on the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purposes of measuring length, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(iii) Maximum Width: Eight and one half feet in width, measured from the widest point on the vehicle or, if a trailer, the horizontal distance between the left and right edges of the trailer bed. For the purposes of measuring width, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(e) Vehicles must be both operable and currently registered. [Revised 4/1/14, Ordinance 2120]

11-601.4 Number of Vehicles.

(1) The number of vehicles on a residential parcel may exceed by only two the number of persons with valid driver’s licenses residing on the premises. The following vehicles shall be exempted from this requirement:

- (a) Temporary visitor parking.
- (b) Major Recreational Equipment.
- (c) A maximum of two collector vehicles registered as pioneer, classic, collector or street rod vehicles. The collector plates must be displayed on the vehicle.

(d) 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. [Revised 4/1/14, Ordinance 2120]

(e) Two- or three-wheeled vehicles.

(2) It shall be illegal to park or store or permit to be parked or stored any vehicle on undeveloped residential property. This provision shall not apply to vehicles used in conjunction with City approved projects.

**CERTIFICATION BY CLERK**

STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

I, the undersigned, being the duly qualified and acting Deputy City Clerk of the City of Coon Rapids, Minnesota, hereby certify that I have carefully compared the attached and foregoing City Code Chapter 11-601.4(1)(d);

with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom, insofar as the same relates to Number of Vehicles and Major Recreational Equipment in Residential Districts in effect on November 19, 2015;

WITNESS my hand officially as such Deputy City Clerk and the corporate seal of the City of Coon Rapids, Minnesota, this 24 day of March, 2016.



Stephanie Lincoln
Deputy City Clerk

(b) Major Recreational Equipment stored outside must be in a condition for the safe and effective performance of its intended function or repaired to put such equipment in such condition. Equipment being repaired may not be stored longer than 20 days.

(c) Maximum Number: Major Recreational Equipment is limited to two per residential dwelling unit, whether stored inside or outside a building.

(d) Size limitations for Major Recreational Equipment parked or standing in residential districts more than 12 hours:

(i) Maximum Height: Thirteen and one half feet measured from the ground to the highest point on the vehicle at the recommended tire pressure. For the purposes of measuring height, all accessories, attachments, and material carried on the vehicle shall be considered part of the vehicle.

(ii) Maximum Length: Forty-five feet, measured from the longest point on the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purposes of measuring length, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(iii) Maximum Width: Eight and one half feet in width, measured from the widest point on the vehicle or, if a trailer, the horizontal distance between the left and right edges of the trailer bed. For the purposes of measuring width, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.

(e) Vehicles must be both operable and currently registered. [Revised 4/1/14, Ordinance 2120]

11-601.4 Number of Vehicles.

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- (b) Major Recreational Equipment.
- (c) A maximum of two collector vehicles registered as pioneer, classic, collector or street rod vehicles. The collector plates must be displayed on the vehicle.

(d) 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. [Revised 4/1/14, Ordinance 2120]

(e) Two- or three-wheeled vehicles.

(2) It shall be illegal to park or store or permit to be parked or stored any vehicle on undeveloped residential property. This provision shall not apply to vehicles used in conjunction with City approved projects.

**CERTIFICATION BY CLERK**

STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

I, the undersigned, being the duly qualified and acting Deputy City Clerk of the City of Coon Rapids, Minnesota, hereby certify that I have carefully compared the attached and foregoing City Code Chapter 11-601.5;

with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom, insofar as the same relates to Junk Vehicles and Major Recreational Equipment in Residential Districts in effect on November 19, 2015;

WITNESS my hand officially as such Deputy City Clerk and the corporate seal of the City of Coon Rapids, Minnesota, this 24 day of March, 2016.



A handwritten signature in black ink, appearing to read "Stephanie Lincoln".

Stephanie Lincoln
Deputy City Clerk

11-601.5 Junk Vehicles Residential Property. The parking, storage, repairing, dismantling, demolition, or abandonment of junk vehicles or part thereof on a residential property is prohibited.

11-601.6 Prevailing Front Setbacks. Where adjoining principal structures existing at the time of adoption of this Ordinance have a lesser setback from that required, the minimum front setback of a new structure shall not be less than the average front yards of the principal buildings on each side lot for 240 feet in either direction. In no case shall the front yard setback be less than 20 feet or be required to set back more than 60 feet.

11-601.7 Restrictions on Accessory Structures.

- (1) An accessory structure shall not:
 - (a) Be constructed on any lot prior to the time of construction of the principal building.
 - (b) Exceed the height of the principal building, except when on a farm and related to a farming operation.
 - (c) Be located within the required front setback area or within five feet of a lot line.
 - (d) Be located nearer to the front lot line than the principal building. This provision does not apply to attached garages or to those lots which have the shoreline of the Mississippi River or Crooked Lake as the rear lot line.
- (2) An accessory structure larger than 120 square feet of floor area so located such that any one of its walls is within five feet of a wall of any other structure must be attached to and made structurally part of the other structure.
- (3) An accessory structure 120 square feet in floor area or larger must have a permanent concrete slab under the entire structure
- (4) Accessory structures other than garage/storage structures cannot be used for the storage of motor vehicles or major recreational equipment.

11-601.8 Home Based Retail Sales.

(1) A maximum of six separate and distinct Home Based Retail Sale events may be conducted in conjunction with a residential unit in any calendar year. Each sale event shall be considered a separate event whether it is the same or a different type of sale event from previous sale events at the same location. Each sale event shall be limited to a maximum of four consecutive calendar days and days not used for any one sale event may not be accumulated to lengthen the time of any future sale event. The first and fourth sale events of a calendar year shall be separated by a minimum of 90 days from the previous sale event from the same location and the second, third, fifth, and sixth sale events of a calendar year shall be separated by a minimum of one day from the previous sale event from the same location. A sale event during any part of a day shall constitute a sale event on that day. For purposes of this subsection, the terms "day" and "calendar day" shall mean a consecutive 24-hour period commencing at midnight and concluding at the next following midnight.

(2) One vehicle may be displayed for sale provided the vehicle is registered to a resident of the property where it is being displayed and is located on an improved driveway. A

I NEED 6 MONTHS TO Sell everything
Due to cold weather AND SNOW COMING
ONLY 2 Trailers + Boat By DNR AND RV
will remain.

Happy THANKS GIVING
JB

John
Becker

EXHIBIT
19
16-09V

NOTICE OF APPEAL

PLEASE PRINT

Complete this form and submit it to City Hall on or before
the Compliance Date if you wish to appeal the Citation. 61

Administrative Citation Number: 59184-26062

Property Address: 9526 FOLEY BLVD 64

This form must be completed by the property owner.

I am appealing the Citation because: 1000 CATS ACROSS THE STREET

1. I NEED TIME TO Sell every-
THING OUTSIDE, I HAVE SALE
ITEMS ON INTERNET NOW
I NEED TIME TO Sell

- 1. ICE Fish house ON wheels
- 2. FORD RANGER + 100 TIRES
- 3. TWO 80 GAL AIR COMPRESSORS
- 4. JET SKI + FURNACE ETC

MLS REALTY SOLD THIS PROPERTY TO ME
AS COMMERCIAL/IND WHICH I USE. YOU

Attach additional pages if needed ARE TRYING TO
FORCE RESIDENTIAL CODE ONTO

I certify that I am the owner of the property and the
information contained herein is correct to the best of my
knowledge. ~~LEGAL BUSINESS~~

Signature: John Becker → Property

Print Name: John Becker

Phone Number: _____ Date: 11-23-15

Mailing Address: SPECIALTY MACHINE
9526 Foley Blvd.
Soo Rapids, MN 55455
(612) 780-0828

For ADCAP Staff only:

Notice rec'd date: _____ Initials _____

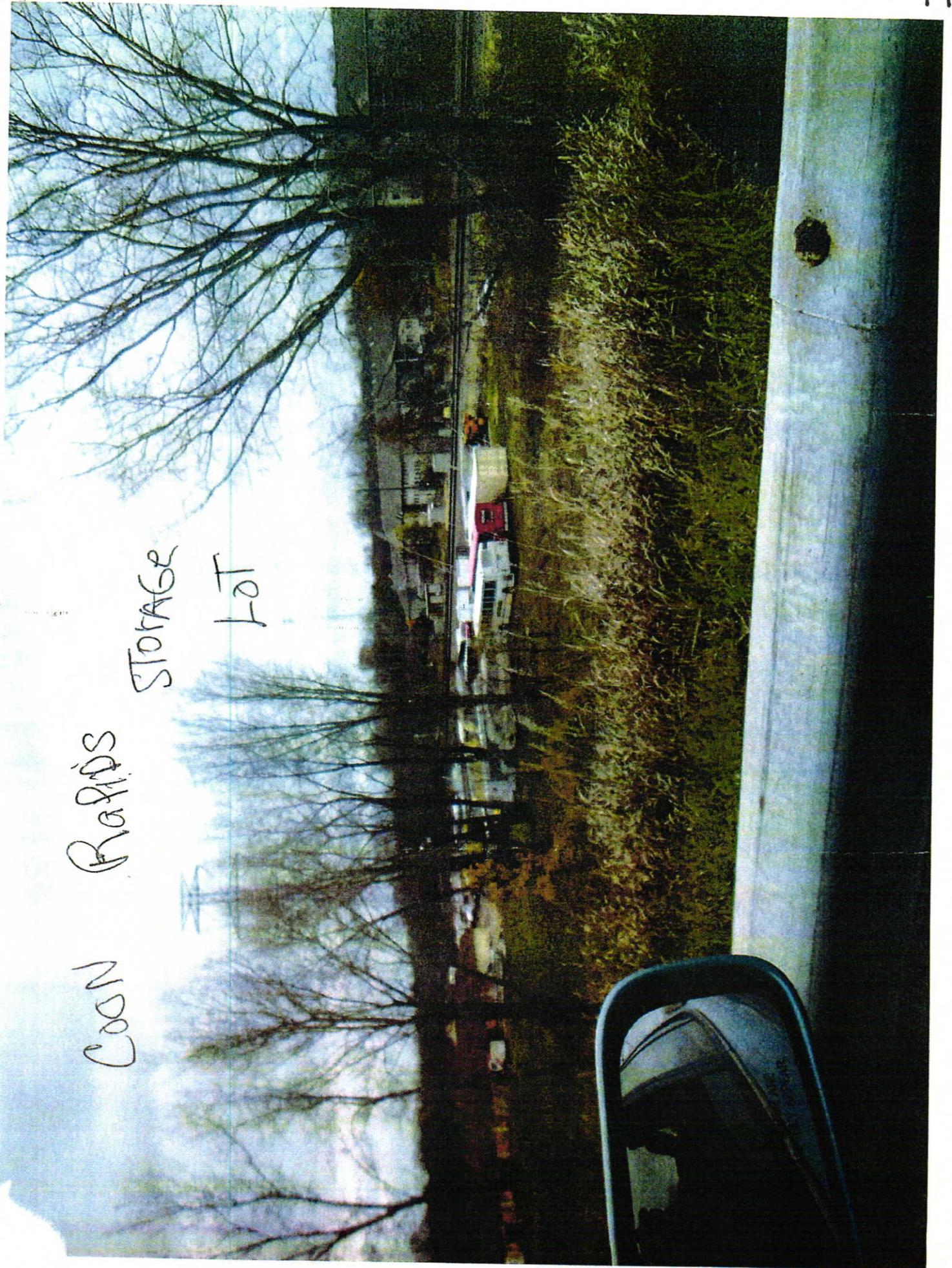
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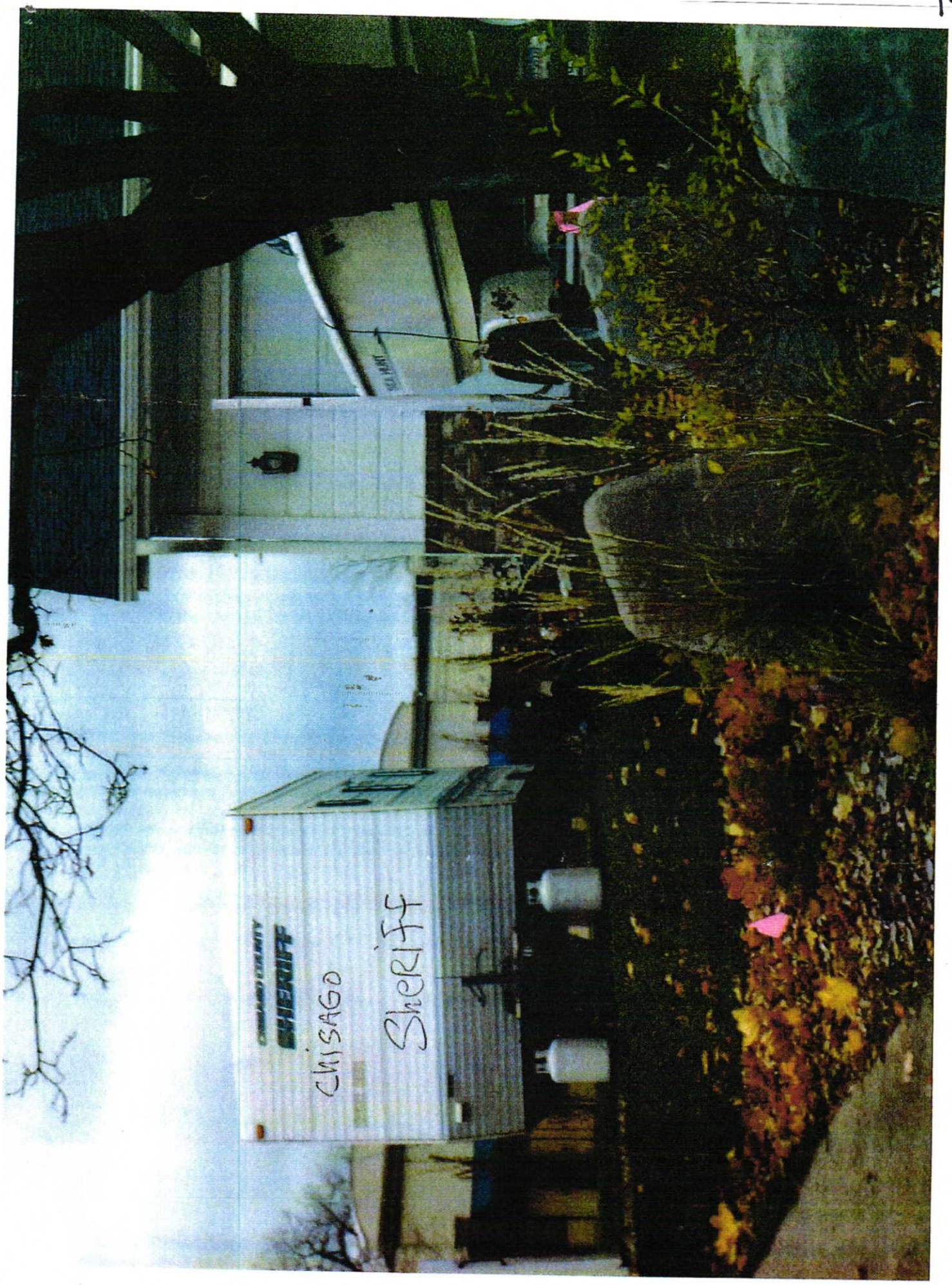
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COON RAPIDS

STORAGE

LOT





CHISAGO

SHERIFF



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

LORI SWANSON
ATTORNEY GENERAL

November 2, 2015

102 STATE CAPITOL
ST. PAUL, MN 55155
TELEPHONE: (651) 296-6196

Mr. John Becker
Specialty Machine
9526 Foley Blvd.
Coon Rapids, MN 55433

Dear Mr. Becker:

I thank you for sending this Office a copy of your email dated October 22, 2015 to the City of Coon Rapids, which this Office received on October 26.

You state that, for years, you have had a trailer on your property that you have used to operate a business. You state that the city granted you a permit to place the trailer on the property. You report that, when you contacted the police for assistance in a matter, the responding officer identified violations of city ordinances. You state the city is threatening to rescind your permit if you do not comply with the applicable ordinances. You believe that the city is interfering with your business. You ask for any assistance this Office can provide.

Small businesses provide the economic livelihood for our communities. It must have been troubling to ask for help from the city, and then be charged with violating the city code. While this Office does not have any authority over the city or its enforcement of its city ordinances, I can tell you the following, which I hope will be helpful:

First, cities like Coon Rapids are considered autonomous when acting within their statutory or charter authority. The legislature did not give authority to this Office to inspect, supervise, or otherwise direct the actions of a municipal government. Because the legislature has delegated zoning decisions to local governments, this Office has no authority to intervene in such a matter. Accordingly, you have appropriately shared your concerns, as a resident and a local business owner, with the city council.

Second, a city has the authority to revoke a conditional use permit ("CUP") if the permit holder does not substantially comply with the conditions on the permit. The revocation, however, must be based on factual evidence after appropriate notice and an opportunity for the permit holder to be heard. See *Edling v. Isanti County*, 2006 WL 1806397 (Minn. Ct. App. 2006) (enclosed).

Third, a staff member in this Office contacted the city and was referred to Dave Brody in the city attorney's office. Mr. Brody stated that while the city issued a CUP to your property that allowed the trailer to be on the property, the city believes that you violated the terms of the CUP



Mr. John Becker
November 2, 2015
Page 2

and it is in the process of revoking the permit. I am advised that the city council will hear the matter on November 4, 2015. I strongly encourage you to attend the meeting and explain to the council what you have done to try to come back into compliance with the CUP and what you intend to do in the future to maintain compliance. You may want to include a timeline with your future plans. Prior to the meeting, you may also want to sit down and discuss your concerns with the council member who represents your neighborhood. Based on your address, I believe that you reside in Ward 5 and Brad Johnson is the City council member who represents you. You may contact council member Johnson at:

Brad Johnson, Council Member
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN 55433
(763) 767-4684

Finally, a city council's decision to revoke a CUP is reviewable by a court. Any aggrieved person can challenge a city's action on a CUP in state district court. You may wish to ~~discuss this matter~~ with a private attorney. This Office cannot provide legal advice or legal representation to individual citizens. I recognize that retaining a private attorney is not cheap. In this case, however, I believe that a private attorney may be able to advise you as to your legal rights and potential avenues of recourse. If you cannot identify an attorney to advise you, the Minnesota State Bar Association's Attorney Referral Service is available on the Internet at www.mnfindalawyer.com. If you select an attorney through the referral service, you should ask about any initial consultation fee since the fees vary. I enclose our flyer, *Hiring an Attorney*, which has more information. In addition, you may be able to obtain assistance from Legal Services which provides legal representation to individuals who meet certain income eligibility requirements. The Legal Services Office in your area may be contacted at:

East Central Legal Services
176 N Buchanan
Cambridge, MN 55008
(763) 689-2849

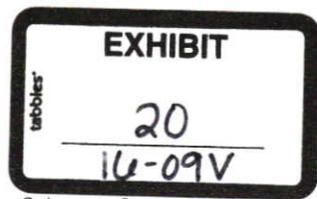
I thank you again for your correspondence.

Sincerely,



LAURA FLANDERS
Legal Assistant

Enclosures: *Edling v. Isanti County*
Hiring an Attorney



11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov

Cheryl Bennett
Hearing Examiner
Administrative Citations Program
(763)767-6422

**Acknowledgment of Receipt of Appeal
and Notice of Hearing**

December 16, 2015

John Becker
9526 Foley Boulevard
Coon Rapids, MN 55433

Re: John Becker
9526 Foley Boulevard, Coon Rapids
Citation Numbers: 59184-26062, 63043-26061, 63043-26064
Offense Date: 11/19/2015 (all)

To the above referenced party:

The City of Coon Rapids received your written Notice of Appeal in the above referenced matters on November 24, 2015.

Your Notice of Appeal has been accepted and your case has been set for hearing as indicated below. This is an informal procedure for you to meet with a City hearing examiner to view the information that caused your property to be cited, and to provide any evidence you wish to show why a Citation was in error or in support of a request for extending the compliance period.

Hearing Date: Wednesday, January 13, 2016
Hearing Time: 2:00 p.m.
Hearing Location: Coon Rapids City Hall, Planning/Inspections Service Counter

The referenced citations concern the following cited offenses of Coon Rapids City Code:

59184-26062: •Permit occupancy of accessory structures unfit for human habitation in violation of City Code Section 12-313.

63043-26061: •Permit maintenance of a tent and other accessory structures that are not structurally sound, maintained in good repair and appearance or constructed without the use of decay resistant materials in violation of City Code Section 12-309(5).
•Permit maintenance of a vehicle in open storage on a residential property without the display of current vehicle registration in violation of City Code Section 11-601.5. (MN 112 JLC, truck)
•Permit maintenance of a number of recreational vehicles on residential property in excess of the number permitted by City Code Section 11-601.3(1)(c).

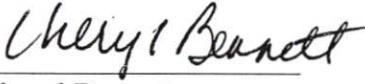
John Becker
December 16, 2015
Page 2

- 63043-26064: •Permit maintenance of a number of trailers on residential property in excess of the number permitted by City Code Section 11-601.4(d).
- Permit maintenance of vehicles in open storage on residential property without the display of current registration in violation of City Code Section 11-601.5.
(MN B23-381, trailer and MN T1097F, trailer)

If you fail to appear on the above date and time, your appeal will be stricken. Uncorrected violations are subject to the original fine, plus costs of abatement, which amounts, if not paid, may be subject to penalty and collected and/or levied against the property under Coon Rapids City Code Section 2-1107.

All other Coon Rapids Administrative Citations issued against the subject property on 11/19/2015 remain open and are subject to abatement.

Please contact me at 763-767-6422 if you have questions regarding this Notice of Hearing.


 Cheryl Bennett
 Hearing Examiner

cc: file

11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov

**COON
RAPIDS**
Minnesota

EXHIBIT

tabbles

21a
16-09V

March 1, 2016

**Notice of Determination of Hearing Examiner
Following Section 2-1106(1) Hearing**

John Becker
9526 Foley Boulevard
Coon Rapids, Minnesota 55433

Re: 9526 Foley Boulevard, Coon Rapids, Minnesota
John D. Becker, Property Owner
Administrative Citation Number – 63043-26061
Offense Date – November 19, 2015
Hearing Date – January 13, 2016

To the Above-referenced Party:

This written Notice of Determination is made pursuant to Coon Rapids City Code Section 2-1106(1). The undersigned Hearing Examiner is duly designated by the Coon Rapids City Manager to conduct an appeal under Chapter 2-1100. The Hearing Examiner has the power to affirm, rescind, or modify the Administrative Citation, and must provide a written Notice of the Determination after the Hearing, by personal service or U.S. Mail.

Findings: The appeal hearing was conducted on Wednesday, January 23, 2016, at Coon Rapids City Hall. Mr. Becker appeared with James T. Hanvik, Attorney, Bassford Hanvik PLLC. Coon Rapids Property Maintenance Inspector Trevor White attended.

Coon Rapids Administrative Citation Number 63043-26061, was issued to Mr. Becker on November 19, 2015, citing violations of the following Coon Rapids City Code Sections: violation of Section 12-309(5) for maintaining a tent as an accessory structure on the premises, violation of Section 11-601.5 for maintaining a vehicle (red truck MN 112JLC) in exterior storage on the premises without display of current vehicle registration and violation of Section 11-601.3(1)(c) for exceeding the maximum number of major recreational equipment maintained per residential dwelling unit in a residential district.

Coon Rapids City Code Section 12-309(5) requires accessory structures or buildings “be structurally sound and be maintained in good repair and appearance.” Photographs taken by Property Maintenance Inspector Trevor White on November 19, 2015, maintained in the code enforcement file for 9526 Foley Boulevard and available for viewing at the hearing, reveal a large structure constructed chiefly of a metal framework draped in vinyl fabric pieces of varying dimensions. The structure is rectangular in shape and open to the elements on one end. Mr. Becker stated the fabric was recycled billboard fabric. The temporary nature of the tent framework and its finishing materials do not meet the requirements of City Code.

John Becker
Notice of Determination 63043-26061
March 1, 2016
Page 2

Coon Rapids City Code Section 11-601(5) prohibits junk vehicles on residential property. City Code Section 11-201 defines a junk vehicle to include any motor vehicle or trailer that does not display current registration. A photograph taken on November 19, 2015 by Property Maintenance Inspector Trevor White, maintained in the code enforcement file for 9526 Foley Boulevard and available for viewing at the hearing, reveals that Minnesota license plate number 112JLC, mounted on a red pickup truck displayed registration expiring July 2015. During the hearing on January 13, Mr. Becker stated the registration for the red Ford truck had been brought current.

Coon Rapids City Code Section 11-601.3(1)(c) limits the number of major recreational equipment to two per residential dwelling unit. During his inspection on November 19, 2015, Property Maintenance Inspector Trevor White identified four items of major recreational equipment, including "a boat, jet-ski, camper and RV" located on the property. During the hearing on January 13, 2016, Mr. Becker stated the boat and its trailer, the camper and the RV were all currently licensed. He stated that the personal watercraft was now under a tarp in the "rear of a pickup truck" on the property and that he intended to sell it and the Starcraft pop-up camper but that he needed additional time to sell these items in order to comply with the citation.

Determination: Based on the evidence provided, the undersigned issues the following Notice of Determination: *Administrative Citation Number 63043-26061 is affirmed in its entirety.*

You have the right to appeal this Notice of Determination. If you choose to appeal, you must make your appeal in writing to Cheryl Bennett, Hearing Examiner at 11155 Robinson Drive NW, Coon Rapids, MN 55433. The appeal must be in writing and may only be executed by the owner of the property. The appeal must include a statement why the decision is in error. The appeal may be served in person or delivered by U.S. Mail only. The appeal must be received by the Hearing Examiner by no later than 4:30 p.m. on Monday, March 14, 2016. Include the Administrative Citation number on all documents and correspondence.

Upon receipt of an appeal conforming to City Code, the matter will be placed before the City of Coon Rapids Board of Adjustment and Appeals at its next available hearing date, subject to the requirements of City Code Section 2-1106(3). You will be notified of the hearing date, and any additional information, by mail to the address provided in your appeal document.

Please contact me at 763-767-6422 if you have questions.



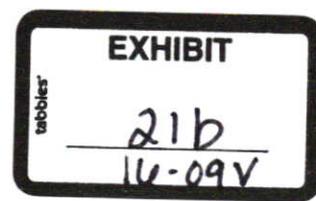
Cheryl Bennett
Hearing Examiner

cc: James T. Hanvik, Lawyer

11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov



**COON
RAPIDS**
Minnesota



March 1, 2016

**Notice of Determination of Hearing Examiner
Following Section 2-1106(1) Hearing**

John Becker
9526 Foley Boulevard
Coon Rapids, Minnesota 55433

Re: 9526 Foley Boulevard, Coon Rapids, Minnesota
John D. Becker, Property Owner
Administrative Citation Number – 59184-26062
Offense Date – November 19, 2015
Hearing Date – January 13, 2016

To the Above-referenced Party:

This written Notice of Determination is made pursuant to Coon Rapids City Code Section 2-1106(1). The undersigned Hearing Examiner is duly designated by the Coon Rapids City Manager to conduct an appeal under Chapter 2-1100. The Hearing Examiner has the power to affirm, rescind, or modify the Administrative Citation, and must provide a written Notice of the Determination after the Hearing, by personal service or U.S. Mail.

Findings: The appeal hearing was conducted on Wednesday, January 23, 2016, at Coon Rapids City Hall. Mr. Becker appeared with James T. Hanvik, Attorney, Bassford Hanvik PLLC. Coon Rapids Property Maintenance Inspector Trevor White attended.

Coon Rapids Administrative Citation Number 59184-62602, issued to Mr. Becker on November 19, 2015, cited Mr. Becker with violation of Coon Rapids City Code Section 12-313 and ordered that accessory structures on the premises be vacated of tenants. Coon Rapids City Code Section 12-313 provides that any building or portion thereof lacking provisions for 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. During the Hearing on January 13, 2016, Mr. Becker stated that an accessory structure located on the premises, which he referred to as the "paint house" and used previously for painting parts in association with a motorcycle business he operated, has no sanitary facilities or permanent electrical service and that it is occupied for living purposes by Mr. MacArthur (Mac) Krell.

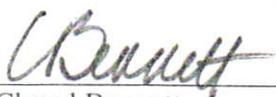
Determination: Based on the evidence provided, the undersigned issues the following Notice of Determination: *Administrative Citation Number 59184-26062 is affirmed in its entirety.*

John Becker
Notice of Determination 59184-26062
March 1, 2016
Page 2

You have the right to appeal this Notice of Determination. If you choose to appeal, you must make your appeal in writing to Cheryl Bennett, Hearing Examiner at 11155 Robinson Drive NW, Coon Rapids, MN 55433. The appeal must be in writing and may only be executed by the owner of the property. The appeal must include a statement why the decision is in error. The appeal may be served in person or delivered by U.S. Mail only. The appeal must be received by the Hearing Examiner by no later than 4:30 p.m. on Monday, March 14, 2016. Include the Administrative Citation number on all documents and correspondence.

Upon receipt of an appeal conforming to City Code, the matter will be placed before the City of Coon Rapids Board of Adjustment and Appeals at its next available hearing date, subject to the requirements of City Code Section 2-1106(3). You will be notified of the hearing date, and any additional information, by mail to the address provided in your appeal document.

Please contact me at 763-767-6422 if you have questions.



Cheryl Bennett
Hearing Examiner

cc: James T. Hanvik, Lawyer



March 1, 2016

**Notice of Determination of Hearing Examiner
Following Section 2-1106(1) Hearing**

John Becker
9526 Foley Boulevard
Coon Rapids, Minnesota 55433

Re: 9526 Foley Boulevard, Coon Rapids, Minnesota
John D. Becker, Property Owner
Administrative Citation Number – 63043-26064
Offense Date – November 19, 2015
Hearing Date – January 13, 2016

To the Above-referenced Party:

This written Notice of Determination is made pursuant to Coon Rapids City Code Section 2-1106(1). The undersigned Hearing Examiner is duly designated by the Coon Rapids City Manager to conduct an appeal under Chapter 2-1100. The Hearing Examiner has the power to affirm, rescind, or modify the Administrative Citation, and must provide a written Notice of the Determination after the Hearing, by personal service or U.S. Mail.

Findings: The appeal hearing was conducted on Wednesday, January 23, 2016, at Coon Rapids City Hall. Mr. Becker appeared with James T. Hanvik, Attorney, Bassford Hanvik PLLC. Coon Rapids Property Maintenance Inspector Trevor White attended.

Coon Rapids Administrative Citation Number 63043-26064, was issued to Mr. Becker on November 19, 2015, citing violations of the following Coon Rapids City Code Sections: violation of Section 11-601.4(d) for maintaining more than two trailers outside on residential property, violation of Section 11-601.5 for maintaining a utility trailer (MN B23-381) in exterior storage on the premises without display of current vehicle registration and a separate count of a violation of Section 11-601.5 for maintaining an enclosed trailer (MN T1097F) in exterior storage on the premises without display of current vehicle registration.

Coon Rapids City Code Section 11-601.4(d) limits the total number of trailers allowed in outdoor storage on residential property to two. Administrative Citation 63043-26064 lists two enclosed and four utility trailers in outdoor storage. Photographs taken by Property Maintenance Inspector Trevor White on November 19, 2015, maintained in the code enforcement file for 9536 Foley Boulevard and available for viewing at the hearing, document the excessive number of trailers in exterior storage. Mr. Becker stated he needed additional time to remove the excess number of trailers from the property.

John Becker
Notice of Determination 63043-26064
March 1, 2016
Page 2

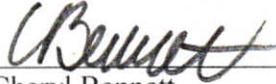
Coon Rapids City Code Section 11-601.5 prohibits junk vehicles on residential property. City Code Section 11-201 defines a junk vehicle to include any motor vehicle or trailer that does not display current registration. Photographs taken on November 19, 2015 by Property Maintenance Inspector Trevor White, maintained in the code enforcement file for 9526 Foley Boulevard and available for viewing at the hearing, reveal that neither the utility trailer with Minnesota registration B23-381 nor the enclosed trailer displaying Minnesota registration T1097F displayed current registration.

Determination: Based on the evidence provided, the undersigned issues the following Notice of Determination: *Administrative Citation Number 63043-26064 is affirmed in its entirety.*

You have the right to appeal this Notice of Determination. If you choose to appeal, you must make your appeal in writing to Cheryl Bennett, Hearing Examiner at 11155 Robinson Drive NW, Coon Rapids, MN 55433. The appeal must be in writing and may only be executed by the owner of the property. The appeal must include a statement why the decision is in error. The appeal may be served in person or delivered by U.S. Mail only. The appeal must be received by the Hearing Examiner by no later than 4:30 p.m. on Monday, March 14, 2016. Include the Administrative Citation number on all documents and correspondence.

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Please contact me at 763-767-6422 if you have questions.


Cheryl Bennett
Hearing Examiner

cc: James T. Hanvik, Lawyer

3-14-16
12:40
ym

Cheryl Bennett

SPECIALTY MACHINE
9596 Foley Blvd.
Coon Rapids, MN 55433
(612) 780-0828

CONTEST TO BOARD OF APPEALS / License PLATES
To Cheryl Bennett NOW CURRENT
3-10-2016 22

1. City Code S. 11-601.3 Refers To
604.4
RESIDENTIAL PROPERTY ONLY TRAVOR SAID WE PASSED INSPECTION

This property was SOLD TO ME AS INDUSTRIAL / COMMERCIAL and has BEEN THIS WAY ZONED SINCE 1958 and was a Repair shop for ERICKSONS ELEVATOR Repair. I SUBMIT PROOF HERE FROM THE MLS BOOK
2. The house was a NON-CONFORMING USE. 1985
AND I WAS TOLD YOU WOULD NOT ISSUE A BUILDING PERMIT TO REBUILD IT, SHOULD IT CATCH FIRE.

3. I TRIED TWICE TO GET A PERMIT TO BUILD A BIGGER SHOP 40X70 LIKE THE PREVIOUS ONE I HAD ON THE SW CORNER OF HY 10 + 65 AND WAS TOLD NO! CITY WIDE SERVICE NOW I BUILT BOTH BLOBS.

4. The TOP LINE of your Paper UNDER NON-CONFORMING USE STATES THAT "NEW ZONING LAWS CANNOT FORCE EXISTING STRUCTURES OR USE" TO CHANGE

My use has NOT CHANGED SINCE 1960 WHEN I
 BECAME A MOTORCYCLE DEALER. YOU ARE FORCING ME
 TO SUE THE MINNESOTA BOARD OF REALTY FOR MY
 LOSS OF THE ABILITY TO EXPAND HERE AS THE MLS
 LISTING STATES AS FRAUD. AND FOR THE LAST 30 YEARS
 OF MY LIFE 10 MILLION = LAWSUIT
 IF YOU WANT ME GONE, THEN BUY
 ME OUT \$800,000 EVERYTHING GOES. I WALK
 OUT OF HERE WITH ONLY MY SUITCASE. YOU WILL
 OWN ALL 50,000 MOTORCYCLE PARTS - TOOLS, MACHINERY
 HOUSE & LAND. I CAME HERE FROM 1224th HWY
 TEN & 65 IN SLP SW CORNER BECAUSE IT WAS
 TOO SMALL. I HAD OUTGROWN IT. THE REALTY BOARD
 FOUND ME THIS PLACE SO I COULD EXPAND AND ALL
 YOU'VE DONE IS STOOD IN MY WAY W/ ILLEGAL
 ORDINANCES. SEE FITZGERALD VS MINN SANITARY SEWER
 DIST = THE GOV'T HAS NO RIGHT TO CONFISCATE THE
 BENEFITS OF PRIVATE LAND OWNERSHIP. *AB*

10	LOCK BOX ON BACK DOOR STORAGE SHED	10	LOCK BOX ON BACK DOOR STORAGE SHED
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12	1000 SQ FT GARAGE	12	1000 SQ FT GARAGE
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Zoned Industrial

MAIN SUPREME COURT

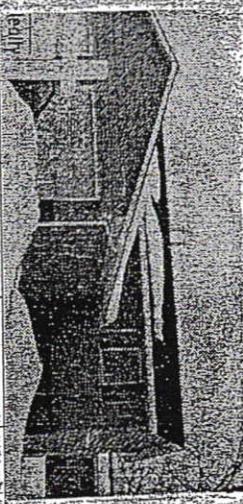
STREET

RIGHTS TO ALTERNATE LAND

OWNER FROM MEXIKIN'S MONEY

MLS Book 1986

INDUSTRIAL Zoned.



#01931 2nd 1 BA 0R \$62,900

#01934 1st 2 BA 0R \$63,500

#01931 2nd 1 BA 0R \$62,900

#01934 1st 2 BA 0R \$63,500

#01931 2nd 1 BA 0R \$62,900

#01934 1st 2 BA 0R \$63,500

Ryan

From: CenturyLink Customer, [REDACTED]
Sent: Wednesday, January 06, 2016 3:54 PM
To: Ryan
Subject: [REDACTED] THANKS JOHN

Property is fenced AND NONE
of these charges is visible from
The ROAD without Tresspassing
onto my Property
To see them

----- Forwarded Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Wed, 06 Jan 2016 13:57:14 -0500 (EST)
Subject: Re: CITY OF COON RAPIDS VS MOTORCYCLE SHOP OF 55 YEARS.

In a message dated 1/6/2016 9:38:52 A.M. Central Standard Time, nitroman@q.com writes:

THE CITY OF COON RAPIDS IS TRYING TO USE ORDINANCE CODES TO TAKE DOWN THE OLDEST MOTORCYCLE SHOP IN THE ENTIRE AREA. 55 YEARS. AND 30 YEARS HERE IN COON RAPIDS.

THEY COME HERE WITH CAMERA'S AND TAKE PICTURES WITHOUT MY CONSENT AND USE EXTENSION CORDS VIOLATIONS LIKE THE ONES USED ON COLD WINTER NIGHTS TO KEEP CARS FROM FREEZING UP AND ALSO MY TRAILERS WHICH I KEEP NEWLY BUILT MOTORCYCLES IN ALONG WITH PARTS BY SAYING I HAVE TOO MANY.....BUT I THINK TARGET ON HIWAY 65 AND 72ND ALSO HAS TOO MANY TRAILERS TOO. MY PROPERTY HAS BEEN ZONED COMMERCIAL/INDUSTRIAL SINCE 1970 AND I HAVE A LARGE PLASTICS PLANT IN MY BACK YARD OF ONE ACRE AND A METRO BUS TERMINAL ACROSS THE STREET.....WHAT I HAVE CAN BARELY BE SEEN FROM THE STREET. THEY ARE TRYING TO FORCE RESIDENTIAL ZONING CODE UPON ME WHEN IN FACT THIS PROPERTY WAS SOLD TO ME ON THE BASIS OF BEING A GREAT PLACE TO RUN A BUSINESS IN 1985 IN THE MLS LISTING REALESTATE BOOKS. SO DO I SUE THE MINNESOTA BOARD OF REALTORS FOR FALSE ADVERTISING? THE CITY WOULD NOT ALLOW ME TO BUILD A LARGER BUILDING COMPLAINING THAT THE LAND WAS TOO SMALL.....(ONE ACRE) BUT THEY FORCED ME INTO USING STORAGE TRAILERS TO RUN MY BUSINESS FROM BECAUSE THE BUILDINGS THAT CAME WITH THE PROPERTY...ARE TOO SMALL.AND NOW THEY ARE COMPLAINING ABOUT THE PROBLEMS THAT THEY CREATED FOR ME. THEY GAVE ME A PERMIT FOR A 40 FOOT SEMI TRAILER IN 1988 BUT NOW THEY WANT TO REVOKE THAT PERMIT WHICH FORCES HARDSHIPS ON ME IN USING THE PARTS IN MY BUSINESS TO BUILD CUSTOMERS MOTORCYCLES. I JUST DO NOT HAVE ENOUGH ROOM IN THE SHOP SO I WORK OUT OF THE TRAILERS OF WHICH THEY COMPLAIN. MY LAWYER SAYS THEY USE CODE ORDINANCES INSTEAD OF LAWS WHICH LAWYERS CANNOT USE IN A COURT OF LAW.....ORDINANCES WERE ALLOWED BY THE MINNESOTA LEGISLATURE UNDER THE TERM ENABLING ACTS. AND ARE NOT LAWS BUT ONLY USED AS LAWS FORCING THE POLICE TO SUPPORT WHIMS OF A GROUP OF CITY PLANNERS FOR THEIR VISIONS AND WHIMS. THE POLICE DO NOT SEEM TO KNOW THAT THESE ORDINANCES HAVE NEVER BEEN TRIED IN COURT TO SEE IF THEY ARE CONSTITUTIONAL OR NOT. I TRIED USING ONE TO GET A SQUATTER OFF MY LAND AND WAS THROWN OUT OF COURT BECAUSE THE DEFENDANT DID NOT SHOW UP FOR COURT AND THE JUDGE SAID.....YOU ARE NOT GOING TO MAKE A MONKEY OUT OF THIS COURT BY FORCING ME TO MAKE A DECISION WITHOUT HEARING THE OTHER SIDE OF THE ACCUSED CIVIL RIGHTS. CASE DISMISSED BASED UPON INSUFFICIENT GROUNDS AND EVIDENCE. AND SO THE BUM STAYED.....I CALLED THE COPS 7 TIMES BUT COULD NOT GET HIM TAKEN OFF MY PROPERTY LIVING IN A MOTORHOME IN MY FAR BACK YARD NEXT TO THE

I TOLD THE POLICE I COULD GET RID OF HIM W A BASEBALL B.

This CAME FROM THE CITY OF COON RAPIDS

Zoning, Planning and Land Use

What is Zoning?

Zoning is a local government's attempt at creating uniform neighborhoods and land uses in certain areas, by controlling how you can use your property and what you can build on your property. The United States Supreme Court has approved the locality's use of zoning powers as constitutional. Zoning categorizes and separates differing land uses into distinct districts within a municipality. Typically, a local government will provide separate districts for residential, business and industrial uses.

General Plan

The general or master plan of a locality will provide the purpose for the zoning and land use ordinances the locality employs. Generally, a zoning ordinance must conform to the general plan of the locality

What Agency Makes Zoning Decisions?

Most localities have a specific **Planning or Zoning Department** that will propose zoning ordinances and oversee zoning and land use hearings. Some localities and counties charge their board of supervisors with this duty.

These departments will also make decisions regarding variances (see below), conditional use permits and other issues that may implicate a zoning or land use ordinance. Generally, the department will have a public hearing where the individual or group whose land is affected will be able to present their case. The hearing also allows for public comment on the case. The decision made by the zoning department is subject to review by a court.

What if My Land Use Does Not Comply with the Zoning Ordinance?

The general plan usually provides different possibilities for those whose land use may not comply with the zoning ordinance for their district.

Variance - If your use of land or proposed building does not entirely conform to existing zoning and land use laws, you can apply for a variance. Typically, the landowner must show that she will experience a substantial financial hardship if she does not receive a variance.

Non-Conforming Use - Generally, new zoning laws cannot force an existing structure or use to change. Thus, a building or use that exists before a zoning ordinance is passed cannot be illegal and does not need to be changed. The zoning department considers this a non-conforming use.

Should I Consult a Real Estate Lawyer for my Land Use or

Look ↑

John Becker
Notice of Determination 59184-26062
March 1, 2016
Page 2

You have the right to appeal this Notice of Determination. If you choose to appeal, you must make your appeal in writing to Cheryl Bennett, Hearing Examiner at 11155 Robinson Drive NW, Coon Rapids, MN 55433. The appeal must be in writing and may only be executed by the owner of the property. The appeal must include a statement why the decision is in error. The appeal may be served in person or delivered by U.S. Mail only. The appeal must be received by the Hearing Examiner by no later than 4:30 p.m. on Monday, March 14, 2016. Include the Administrative Citation number on all documents and correspondence.

Upon receipt of an appeal conforming to City Code, the matter will be placed before the City of Coon Rapids Board of Adjustment and Appeals at its next available hearing date, subject to the requirements of City Code Section 2-1106(3). You will be notified of the hearing date, and any additional information, by mail to the address provided in your appeal document.

Please contact me at 763-767-6422 if you have questions.

Cheryl Bennett
Cheryl Bennett
Hearing Examiner

cc: James T. Hanvik, Lawyer

THE CITY

MARCH 14TH, 2016

MONDAY 4:30 pm

DEADLINE

1-6-2016 ABATEMENT = NOT TAX DEDUCTABLE = FINE

- 1. ON-SITE PLASTIC OUTHOUSE \$600
- 2. 5 FIRE EXTINGUISHERS 3 WERE CO₂
- 3. PICKNICK TABLE, REDWOOD + METAL
- 4. 2 THERMOPAYNE WINDOW 3' x 6' ^{FOR NEW SHOP}
- 5. TABLE SAW w STAND ^{WORKED GOOD.}
- 6. BAND SAW (SEARS) ^{SPECIALTY MACHINE 9526 Foley Blvd. Coon Rapids, MN 55433 (612) 780-0828}
- 7. 8' TRAILER AXEL w WHEELS & TIRES & SPRINGS ^{NO RECEIPTS! GIVEN}
_{FROM HOUSE TRAILER MO.}
- 8. MUCH LUMBER _{FOR NEXT TRAILER I WAS BUILDING}
- 9. 8' 4x4 SQ POSTS, ALSO 6x6 SQ
- 10. STEEL 1/4" PICKUP TOOL BOX w LID
- 11. 2 MAG alloy wheels w TIRES ^{9' x 3' x 4'} FROM FORD RANGER
- 12. 2 LARGE 2'x2' BLOWERS FROM DYNOMAC WATERBRAKE
- 13. DRILLS (ELECT)
- 14. BARRELS STEEL ^{SPECIALTY MACHINE 9526 Foley Blvd. Coon Rapids, MN 55433 (612) 780-0828}
- 15. " POLY FOR USED MC OIL

NO RECEIPTS! GIVEN
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Modern Real Estate Practice

Fillmore W. Galaty
Wellington J. Allaway
Robert C. Kyle

Tenth Edition

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Teacher*

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Wiseberg*

ON ADOPTING ACTS



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units, walk-up apartments, high-rise apartments, and so forth. In addition, some communities require the use of **buffer zones**—such as landscaped parks and playgrounds—to separate and screen residential areas from nonresidential areas. Some special types of zoning are listed in table 19.1.

Table 19.1
Special Types of
Zoning

Type of Zoning	Primary Purpose
Bulk Zoning	To control density and avoid overcrowding through restrictions on setback, building height, and percentage of open areas
Aesthetic Zoning	To require that new buildings conform to specific types of architecture
Incentive Zoning	To require that street floors of office buildings be used for retail establishments
Directive Zoning	To use zoning as a planning tool to encourage use of land for its highest and best use

Residential R1 R2 R3
Commercial or CR
Industrial
PUD multi-use
Requirements of City about Zoning Laws

LATCHES

Adoption of zoning ordinances. Today, approximately 98 percent of all cities with populations in excess of 10,000 have enacted comprehensive zoning ordinances governing the utilization of land located *within corporate limits*. Many states have enacted legislation that provides that the use of land located *within one to three miles* of an incorporated area must receive the approval and consent of the incorporated area, even if the property is not contiguous to the village, town, or city.

Zoning ordinances must not violate the rights of individuals and property holders (as provided under the due process provisions of the Fourteenth Amendment of the U.S. Constitution) or the various provisions of the state constitution of the state in which the real estate is located. If the means used to regulate the use of property are destructive, unreasonable, arbitrary, or confiscatory, the legislation is usually considered void. Tests usually applied in determining the validity of ordinances require that:

1. The power must be exercised in a reasonable manner.
2. The provisions must be clear and specific.
3. The ordinance must be free from discrimination.
4. The ordinance must promote public health, safety, and general welfare under the police power concept.
5. The ordinance must apply to all property in a similar manner.

When down zoning occurs in an area—for instance, when land zoned for residential construction is rezoned for conservation or recreational purposes only—the state is not usually responsible for compensating property owners for any resulting loss of value. However, if the courts find that a “taking” has occurred, then the down zoning will be held to be an unconstitutional attempt to use the power of eminent domain without providing fair compensation to the property owner.

Zoning laws are generally enforced through local requirements that building permits must be obtained before property owners can build on their land. A permit

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In Practice ...

Purchasers of property must be aware of zoning requirements—zoning regulations do not render the title unmarketable if they differ from what the purchaser thought they were. Licensees, too, should determine whether or not a buyer's proposed use for the property conforms to existing zoning ordinances. However, existing violations of zoning regulations do render the title unmarketable. If either the seller or a licensee misrepresents the actual permitted zoning use, the buyer may be able to rescind the transaction on the basis of the misrepresentation. Me

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Subdivision Regulations

Most communities have adopted **subdivision regulations**, often as part of a master plan. These will be covered in detail in Chapter 20. Subdivision regulations usually provide for the following:

1. location, grading, alignment, surfacing, and widths of streets, highways, and other rights of way.
2. installation of sewers and water mains.
3. minimum dimensions of lots and length of blocks.
4. building and setback lines.
5. areas to be reserved or dedicated for public use, such as parks or schools.
6. easements for public utilities.

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Subdivision regulations, like all other forms of zoning or building regulations, cannot be static. They must remain flexible to meet the ever-changing needs of society.

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Building Codes

Most cities and towns have enacted ordinances to specify construction standards that must be met when repairing or erecting buildings. These are called **building codes**, and they set the requirements for kinds of materials, sanitary equipment, electrical wiring, fire prevention standards, and the like.

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Most communities require the issuance of a **building permit** by the city clerk or other official before a person can build a structure or alter or repair an existing building on property within the corporate limits of the municipality. Through the permit requirement, city officials are made aware of new construction or alterations and can verify compliance with building codes and zoning ordinances by examining the plans and inspecting the work. Once the completed structure has been inspected and found satisfactory, the city inspector issues a certificate of occupancy.

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If the construction of a building or an alteration violates a deed restriction (discussed later in this chapter), the issuance of a building permit will *not* cure this violation. A building permit is merely evidence of the applicant's compliance with municipal regulations. Rights of adjoining owners in a subdivision to enforce subdivision restrictions usually prevail over the police power legislation of the community when there is a conflict if the restrictions are more limiting.

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The subject of city planning, zoning, and restriction of the use of real estate is extremely technical, and the interpretation of the law is not altogether clear. Questions concerning any of these subjects in relation to real estate transactions should be referred to legal counsel.

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COON RAPIDS Minnesota

11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov

March 1, 2016

Notice of Determination of Hearing Examiner Following Section 2-1106(1) Hearing

John Becker
9526 Foley Boulevard
Coon Rapids, Minnesota 55433

Re: 9526 Foley Boulevard, Coon Rapids, Minnesota
John D. Becker, Property Owner
Administrative Citation Number - 63043-26064
Offense Date - November 19, 2015
Hearing Date - January 13, 2016

This Property has not been Residential since 1958 before the plastics plant came & the city rezoned the house & making non-conforming used.

To the Above-referenced Party:

This written Notice of Determination is made pursuant to Coon Rapids City Code Section 2-1106(1). The undersigned Hearing Examiner is duly designated by the Coon Rapids City Manager to conduct an appeal under Chapter 2-1100. The Hearing Examiner has the power to affirm, rescind, or modify the Administrative Citation, and must provide a written Notice of the Determination after the Hearing, by personal service or U.S. Mail.

Findings: The appeal hearing was conducted on Wednesday, January 23, 2016, at Coon Rapids City Hall. Mr. Becker appeared with James T. Hanvik, Attorney, Bassford Hanvik PLLC. Coon Rapids Property Maintenance Inspector Trevor White attended.

Coon Rapids Administrative Citation Number 63043-26064, was issued to Mr. Becker on November 19, 2015, citing violations of the following Coon Rapids City Code Sections: violation of Section 11-601.4(d) for maintaining more than two trailers outside on residential property, violation of Section 11-601.5 for maintaining a utility trailer (MN B23-381) in exterior storage on the premises without display of current vehicle registration and a separate count of a violation of Section 11-601.5 for maintaining an enclosed trailer (MN T1097F) in exterior storage on the premises without display of current vehicle registration.

NO!

Coon Rapids City Code ^{NO} Section 11-601.4(d) ^{NOW CURRENT} limits the total number of trailers allowed in outdoor storage on residential property to two. Administrative Citation 63043-26064 lists two enclosed and four utility trailers in outdoor storage. Photographs taken by Property Maintenance Inspector Trevor White on November 19, 2015, maintained in the code enforcement file for 9536 Foley Boulevard and available for viewing at the hearing, document the excessive number of trailers in exterior storage. Mr. Becker stated he needed additional time to remove the excess number of trailers from the property.

I am still using it commercially/INDUS SPECIALTY MACHINE MOTORCYCLES SINCE 1960 DMM 29A

John Becker
Notice of Determination 63043-26064
March 1, 2016
Page 2

Coon Rapids City Code Section 11-601.5 prohibits junk vehicles on residential property. City Code Section 11-201 defines a junk vehicle to include any motor vehicle or trailer that does not display current registration. Photographs taken on November 19, 2015 by Property Maintenance Inspector Trevor White, maintained in the code enforcement file for 9526 Foley Boulevard and available for viewing at the hearing, reveal that neither the utility trailer with Minnesota registration B23-381 nor the enclosed trailer displaying Minnesota registration T1097F displayed current registration.

Determination: Based on the evidence provided, the undersigned issues the following Notice of Determination: *Administrative Citation Number 63043-26064 is affirmed in its entirety.*

You have the right to appeal this Notice of Determination. If you choose to appeal, you must make your appeal in writing to Cheryl Bennett, Hearing Examiner at 11155 Robinson Drive NW, Coon Rapids, MN 55433. The appeal must be in writing and may only be executed by the owner of the property. The appeal must include a statement why the decision is in error. The appeal may be served in person or delivered by U.S. Mail only. The appeal must be received by the Hearing Examiner by no later than 4:30 p.m. on Monday, March 14, 2016. Include the Administrative Citation number on all documents and correspondence.

Upon receipt of an appeal conforming to City Code, the matter will be placed before the City of Coon Rapids Board of Adjustment and Appeals at its next available hearing date, subject to the requirements of City Code Section 2-1106(3). You will be notified of the hearing date, and any additional information, by mail to the address provided in your appeal document.

Please contact me at 763-767-6422 if you have questions.



Cheryl Bennett
Hearing Examiner

cc: James T. Hanvik, Lawyer

This CAME FROM THE CITY OF COON RAPIDS

Zoning, Planning and Land Use

What is Zoning?

Zoning is a local government's attempt at creating uniform neighborhoods and land uses in certain areas, by controlling how you can use your property and what you can build on your property. The United States Supreme Court has approved the locality's use of zoning powers as constitutional. Zoning categorizes and separates differing land uses into distinct districts within a municipality. Typically, a local government will provide separate districts for residential, business and industrial uses.

General Plan

The general or master plan of a locality will provide the purpose for the zoning and land use ordinances the locality employs. Generally, a zoning ordinance must conform to the general plan of the locality

What Agency Makes Zoning Decisions?

Most localities have a specific **Planning or Zoning Department** that will propose zoning ordinances and oversee zoning and land use hearings. Some localities and counties charge their board of supervisors with this duty.

These departments will also make decisions regarding variances (see below), conditional use permits and other issues that may implicate a zoning or land use ordinance. Generally, the department will have a public hearing where the individual or group whose land is affected will be able to present their case. The hearing also allows for public comment on the case. The decision made by the zoning department is subject to review by a court.

What if My Land Use Does Not Comply with the Zoning Ordinance?

The general plan usually provides different possibilities for those whose land use may not comply with the zoning ordinance for their district.

Variance - If your use of land or proposed building does not entirely conform to existing zoning and land use laws, you can apply for a variance. Typically, the landowner must show that she will experience a substantial financial hardship if she does not receive a variance.

Non-Conforming Use - Generally, new zoning laws cannot force an existing structure or use to change. Thus, a building or use that exists before a zoning ordinance is passed cannot be illegal and does not need to be changed. The zoning department considers this a non-conforming use.

Should I Consult a Real Estate Lawyer for my Land Use or

LOOK ↑

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 Trailer

Storage of Parts
 AND Motorcycles



Board of Adjustment and Appeals - Regular Session

2.

Meeting Date: 04/07/2016

Subject: 2015 Annual Report of the Board of Adjustment and Appeals

From: Cheryl Bennett, Housing and Zoning Coordinator

INFORMATION:

The 2014 Board of Adjustment and Appeals Annual Report is attached for your review and comment.

ACTION REQUESTED:

Staff recommends that the Board of Adjustment and Appeals accept the report.

Attachments

2015 Annual Report



2015 BOARD OF ADJUSTMENT AND APPEALS ANNUAL REPORT

COMMISSIONERS

Aaron Vande Linde, Chair

Ronald Bradley

Teri Spano-Madden

Patricia Thorup

Tracy Wigen

CITY STAFF

Cheryl Bennett, Housing and Zoning Coordinator

Melissa Westervelt, Assistant City Attorney

SECRETARY

Amanda Staple, Time Saver Off Site Secretarial, Inc.

2015 BOARD OF ADJUSTMENT AND APPEALS MEETING ATTENDANCE

Meeting/Commissioner	Vande Linde, Chair	Bradley	Spano-Madden	Thorup	Wigen
January	NO MEETING				
February	NO MEETING				
March	o	o	o	o	o
March Work Session	o	o	o	o	o
April	NO MEETING				
May	NO MEETING				
June	NO MEETING				
July	NO MEETING				
August	o	o	o	o	o
August Work Session	o	o	o	o	o
September	NO MEETING				
October	o	o	o	o	o
November	o	o	o	o	o
December	NO MEETING				

o = present x = absent

**2015 Board of Adjustment and Appeals
Case Log**

Case No.	Petitioner Location	Description	Code Section	Board		Council	
				Date	Action	Date	Action
15-01V	Roger and Leotha Womble 11901 Round Lake Blvd	Special Assessment Objection - Administrative Citation Penalty - Long Grass, Removal & Disposal	2-1104 8-502 8-503 8-109	3/5/2015	Affirm	3/17/2015	Adopt
15-02V	Regal Car Wash/Eva Sperber-Porter 1521 Coon Rapids Blvd	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-03V	Susan Fraboni 1246 107th Ave NW	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-04V	Kristy Hansen 2006 104th Ave NW	Special Assessment Objection - Administrative Citation Penalty - Rental License	2-1104 12-903(1)	3/5/2015	Affirm	3/17/2015	Adopt
15-05V	Robert Edstrom 11731 Kumquat St	Special Assessment Objection - Administrative Citation Penalty - Rental License	2-1104 12-903(1)	3/5/2015	Affirm	3/17/2015	Adopt
15-06V	Gabriel Enrique Borrera 10575 Martin St	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-07V	Jara Linville 11863 Tulip St	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-08V	Curtis Botner 12816 Verdin St	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-09V	Valerie Gustafson 11442 Osage St	Special Assessment Objection - Administrative Citation Penalty - Removal & Disposal	2-1104 8-109	3/5/2015	Modify	3/17/2015	Adopt
15-10V	Douglas and JoAnn Lawrence Verdin St & 129th Ln NW	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-11V	David Thelen 1121 109th Ave NW	Special Assessment Objection - Administrative Citation Penalty - Junk Vehicles	2-1104 11-601.5	3/5/2015	Rescind	3/17/2015	Adopt
15-12V	Jacob Sartwell 11517 Yukon St	Special Assessment Objection - Administrative Citation Penalty - Expired Tabs	2-1104 11-601.5	3/5/2015	Rescind	3/17/2015	Adopt

**2015 Board of Adjustment and Appeals
Case Log**

15-13V	Paul Thomas 490 104th Ln	Special Assessment Objection - Rental License Violation and Administrative Fine	12-917 12-903(1)	3/5/2015	Rescind	3/17/2015	Adopt
15-14V	Rachid Khallaf and Touria Fouzbi 550 121st Ave NW	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-15V	Jesse Schabert 10311 Hummingbird St	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Modify	3/17/2015	Adopt
15-16V	Bertha Ventura 2510 Northdale Blvd	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-17V	Kongmong Lo for Thor and Tsong Lo 12551 Avocet St	Special Assessment Objection - Administrative Citation Penalty - Expired Tabs	2-1104 11-601.5	3/5/2015	Rescind	3/17/2015	Adopt
15-18V	Clarence Hawkins 12131 Lily St	Special Assessment Objection - Administrative Citation Penalty - Removal & Disposal and Junk Vehicles	2-1104 8-109 11-601.5	3/5/2015	Affirm	3/17/2015	Adopt
15-19V	Shawn Larsen 10961 Foley Blvd	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Affirm	3/17/2015	Adopt
15-20V	Neil Fleahman 2137 109th Ave NW	Special Assessment Objection - Administrative Citation Penalty - Expired Tabs and Parking Off Pavement	2-1104 11-601.5 11-603.1(7)(i)	3/5/2015	Modify	3/17/2015	Adopt
15-21V	Amy Deutsch 13271 Grouse St	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	3/5/2015	Rescind	3/17/2015	Adopt
15-26V	Anoka Hennepin ISD 11 Sand Creek Elementary School 12156 Olive St	Variance - 15-foot setback variance from public street right-of-way/parking lot addition	11-304.9 11-702.2(4)(b)(i)	8/6/2015	Withdrawn	n/a	n/a
15-27V	Unassigned						
15-28V	Usman Mian 1290 105th Ave	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Affirm	10/20/2015	Adopt
15-29V	Raymond Warren, Jr. 2170 108th Ave	Special Assessment Objection - Administrative Citation Penalty - Parking Off Pavement	2-1104 11-603.1(7)(i)	10/1/2015	Affirm	10/20/2015	Adopt

**2015 Board of Adjustment and Appeals
Case Log**

15-30V	Nera Muratovic 12334 Norway St	Special Assessment Objection - Administrative Citation Penalty - Parking Off Pavement	2-1104 11-603.1(7)(i)	10/1/2015	Affirm	10/20/2015	Adopt
15-31V	Liquenda Allotey 1040 105th Ave	Special Assessment Objection - Administrative Citation Penalty - No Rental License	2-1104 12-903(1)	10/1/2015	Affirm	10/20/2015	Adopt
15-32V	Katie and Anthony Ficocello 11434 North Heights Dr	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Affirm	10/20/2015	Adopt
15-33V	Andrea Waytashek 9748 Foley Blvd	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Junk & Debris	2-1104 8-109	10/1/2015	Removed from Agenda	n/a	n/a
15-34V	Michael Grover 10740 Grouse St	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Affirm	10/20/2015	Adopt
15-35V	Charles Okusanya 1562 119th Ln	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Affirm	10/20/2015	Adopt
15-36V	Chad Morgan 11021 Olive St	Special Assessment Objection - Crime Free Housing Program	2-1104 12-915	10/1/2015	Affirm	10/20/2015	Adopt
15-37V	Nancy Skager 10324 Hollywood Blvd	Special Assessment Objection - Administrative Citation Penalty - Long Grass and Expired Tabs	2-1104 8-502 8-503 11-601.5	10/1/2015	Affirm	10/20/2015	Adopt
15-38V	Cheryl Lee Upton/Charles Dodge 10885 Osage St	Special Assessment Objection - Administrative Citation Penalty - No Rental License	2-1104 12-903(1)	10/1/2015	Rescind	10/20/2015	Adopt
15-39V	Jason & Rhonda Twaddle 10558 Martin St	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Junk & Debris	2-1104 8-109	10/1/2015	Affirm	10/20/2015	Adopt
15-40V	Andrew Gabatino 3356 115th Ln	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Affirm	10/20/2015	Adopt
15-41V	Jeremy Gordon 9938 Cottonwood St	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Location of Containers and Yard Waste, Junk & Debris, Truck and Trailer Storage, Parking and Drives	2-1104 8-109 8-206(4) 11-601.2(1) 11-603.1(7)(i)	10/1/2015	Affirm	10/20/2015	Adopt
15-42V	Jeff and Gloria Emmerich 12912 Marigold St	Special Assessment Objection - Administrative Citation Penalty - No Rental License	2-1104 12-903(1)	10/1/2015	Affirm	10/20/2015	Adopt

**2015 Board of Adjustment and Appeals
Case Log**

15-43V	Jeff and Gloria Emmerich 3749 123rd Ln	Special Assessment Objection - Administrative Citation Penalty - No Rental License	2-1104 12-903(1)	10/1/2015	Affirm	10/20/2015	Adopt
15-44V	Jeff and Gloria Emmerich 11990 Orchid St	Special Assessment Objection - Administrative Citation Penalty - No Rental License	2-1104 12-903(1)	10/1/2015	Affirm	10/20/2015	Adopt
15-45V	Nancy Pham 150 Northdale Blvd	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Junk & Debris	2-1104 8-109	10/1/2015	Modify	10/20/2015	Adopt
15-46V	Heidi Meade 10348 Xavis St	Special Assessment Objection - Administrative Citation Penalty - No Rental License	2-1104 12-903(1)	10/1/2015	Affirm	10/20/2015	Adopt
15-47V	Brianna Robinson 2263 110th Ln	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Affirm	10/20/2015	Adopt
15-48V	Citimortgage, Inc. 798 Northdale Blvd	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Junk & Debris	2-1104 8-109	10/1/2015	Affirm	10/20/2015	Adopt
15-49V	Carla Itie 10253 Mississippi Blvd	Special Assessment Objection - Administrative Citation Penalty - Junk Vehicles, and Parking and Drives	2-1104 11-601.5 11-603.1(7)(i)	10/1/2015	Affirm	10/20/2015	Adopt
15-50V	Mary Muller 10424 Xavis St	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Junk & Debris, and Junk Vehicles	2-1104 8-109 11-601.5	10/1/2015	Affirm	10/20/2015	Adopt
15-51V	Will Ziehurt 2900 109th Ln	Special Assessment Objection - Administrative Citation Penalty - Long Grass	2-1104 8-502 8-503	10/1/2015	Rescind	10/20/2015	Adopt
15-52V	Marvin Hanson 10841 Kumquat St	Special Assessment Objection - Administrative Citation Penalty - Building Materials, Junk & Debris, Major Recreational Equipment, and Junk Vehicles	2-1104 8-109 11-601.3(1)(b) 11-601.5	10/1/2015	Affirm	10/20/2015	Adopt
15-53V	John Brandstetter 10441 Goldenrod St	Variance - 3-foot setback variance from public street right-of-way/Fence	11-304.9 11-1204.3(2)	10/1/2015	Denied	10/20/2015	Granted on Appeal

**2015 Board of Adjustment and Appeals
Case Log**

15-54V	Mary Kayser 3338 116th Ave	Variance - 1.2-foot side yard setback variance for existing accessory storage shed from proposed relocation of side property line/Existing accessory structure only/Effective upon reestablishment of common boundary line	11-304.9 11-603.2(12)(a)	11/5/2015	Granted	n/a	n/a
15-55V	Charles Reichow 11671 Alder St	Variance - 3-foot setback variance from public street right-of-way/Fence	11-304.9 11-603.2(12)(a)	11/5/2015	Determination of Non-conformity - Fee Refunded	n/a	n/a



**Board of Adjustment and Appeals - Regular
Session**

Meeting Date: 04/07/2016

SUBJECT: Approval of minutes from previous meeting

Attachments

January 7, 2016, Minutes

**COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF
JANUARY 7, 2016**

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Vande Linde at 6:30 p.m. on Thursday, January 7, 2016, in the Council Chambers.

Members Present: Chairman Aaron Vande Linde, Commissioners Ronald Bradley, Teri Spano-Madden, Trish Thorup and Tracy Wigen

Members Absent: None

Staff Present: Assistant City Attorney Melissa Westervelt, Neighborhood Coordinator Kristin Degrande, Housing Inspector Leah Drabczak, Property Maintenance Inspector Heather Rodgers and Property Maintenance Inspector Trevor White

CALL TO ORDER

Chairman Vande Linde called the meeting to order at 6:31 p.m.

APPROVAL OF THE JANUARY 7, 2016, AGENDA

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO APPROVE THE JANUARY 7, 2016, AGENDA AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE NOVEMBER 5, 2015, MEETING MINUTES

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, TO APPROVE THE NOVEMBER 5, 2015, MEETING MINUTES AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

1. CASE 16-05V – JON AND AMBER YOUNG – 2035 103RD AVENUE NW – SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 5.)

Housing Inspector Leah Drabczak reviewed the background on the case. She began with the original violation that occurred in May 2015 when the property owner sent in paperwork stating that the agent for the property had changed. Notification was sent to the new owner stating that the new crime free multi housing certificate must be submitted. Ms. Drabczak related that the new agent stated that the class he tried to enroll in was full and that his registration was returned. She stated that either the agent or the property owner needed to submit proof of class registration. She stated that when the account was reviewed again, the property remained in violation and, therefore, a \$300 penalty was charged. She noted that a second citation was issued; compliance not met by the required deadline and a second penalty in the amount of \$600 was charged. She noted that this penalty is not being considered at this time. She stated that she

received a copy of the certificate on January 5, 2016, by e-mail. She stated that staff recommends that the Board recommend affirming the \$300 special assessment in its entirety.

Chairman Vande Linde opened the public hearing at 6:38 p.m.

Property owner Amber Young agreed with the order in which the violations occurred, noting that they had obtained a new property manager and were not aware of the expiration of the license. She stated that once they were made aware of the violation, they contacted the property manager who stated that the matter would be taken care of. She stated that they were under the impression that the property manager had taken care of the violation until she spoke with City staff. She stated that the property manager told her that he had been in contact with City staff regarding the overbooked class in St. Louis Park and that he was not able to attend an alternate class. She stated that the property owner told her that he was not sure of a specific deadline, as it was his interpretation that the deadline, described as "ASAP", was vague.

Commissioner Bradley asked for the typical administrative backlog for the classes.

Ms. Drabczak stated that sometimes summer classes are more difficult to register for and that is why staff is flexible in allowing for registration for the class.

Commissioner Bradley asked if it would be typical to have a delay of 90 to 120 days to attend a class.

Ms. Drabczak stated that is not typical and explained that the dates of the other classes simply did not work for the agent. She stated that the requirement is that the agent or property owner takes the class.

Commissioner Bradley asked if the agent is part of a large company.

Ms. Young replied that there are two agents in the organization but her agent is the sole property manager for their property.

Neighborhood Coordinator Kristin Degrande stated that only the \$300 citation is being charged and appealed at this time, as the second citation has not fully been charged.

Commissioner Bradley asked if the property owner or property manager would need to register and attend the class.

Ms. Drabczak stated that the intent is that the direct property manager attend the class it provides useful information but noted that Code allows either the property manager or property owner fulfills the requirement. She stated that the agent could fulfill multiple property requirements by attending a class but confirmed that the agency acting as the agent did not possess the required certificate.

As no one further wished to speak, Chairman Vande Linde closed the public hearing at 6:49 p.m.

Commissioner Bradley stated that he would think the property owner should speak to their agent about reimbursing the cost because it was their fault that the fee was charged. It was the consensus of the Board that the City followed the proper course and steps.

Chairman Vande Linde stated that he has some discomfort with the fact that a new application triggered the violation but noted that it still took over five months for compliance.

Commissioner Bradley agreed that seven months seems excessive.

Commissioner Spano-Madden stated that it appeared odd that a company that manages properties would not have that certification.

Ms. Drabczak stated that she had asked if the agent possessed a certificate from another municipality but that was never provided.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-05V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

Ms. Young asked about the second citation fee of \$600 that she had been told was on hold.

Ms. Degrande stated that staff has discussed that violation and has decided to waive the fee.

Ms. Young thanked the Board members for their time tonight.

2. CASE 16-02V – MICHAEL HAPP – 11624 FOLEY BOULEVARD NW – SPECIAL ASSESSMENT OBJECTION

Housing Inspector Leah Drabczak reviewed the background on the case. She stated there is a long history of rental license violations on the property, noting that the license that expired on April 1 is actually the third violation for the property and a penalty of \$1,200 was charged. She stated that the property was posted as unlicensed and the property owner called City staff on October 31 stating that he would come into the City offices on November 2 with the renewal application. She stated that the application was received on November 19 and therefore staff recommendation is that the Board recommend that the special assessment be affirmed.

Chairman Vande Linde opened the public hearing at 7:01 p.m.

Michael Happ stated that he and his wife lived in the house at 11624 Foley Boulevard for many years and then moved into a new house at a time when the market for housing was not good and, therefore, they rented the subject house. He noted that have taken the crime free class and were simply not aware of the licensing. He stated that City staff has been very pleasant to work with and noted that he would not have let things go if he had known of the requirement.

Commissioner Bradley stated that at the time of the citations the City had an address in Hugo for the property owner and asked if that was current.

Mr. Happ stated that is his current address and that he did speak with the post office to determine if there had been any issue with mail.

Chairman Vande Linde stated that City staff stated that this has been a recurring theme, noting that past notes had been included in the packet dating back to 2011. He stated that perhaps the property owner was not sure that the license expires but noted that this seems to be a typical occurrence.

As no one further wished to speak, Chairman Vande Linde closed the public hearing at 7:06 p.m.

Chairman Vande Linde confirmed the consensus of the Board that there were no issues with the City's procedures and notices.

Commissioner Spano-Madden noted that Ms. Happ had taken the class and that she should have known to look for notices and license renewal information.

Commissioner Wigen stated that even if mail was not received the license is needed to be renewed each year and the property owner would be aware of that.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 16-02V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,200 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

3. CASE 16-01V – BOLA OJO-AKINWALE – 1787 132ND AVENUE NW – SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 1.)

Property Maintenance Inspector Heather Rodgers reviewed the background on the case. She stated action against began with the junk and debris violation in August 2015 and noted that upon reinspection, the property was not in compliance and a second citation was issued. She stated that again upon reinspection, the property was not in compliance and the violation on the property was abated. She recommended that the Board affirm the \$540 in its entirety.

Chairman Vande Linde stated that it appears that some of the junk and debris was part of the structure.

Ms. Rodgers noted there was a separate citation for exterior home maintenance that was corrected by the homeowner and, therefore, no the penalty was charged.

Commissioner Spano-Madden referenced the date of the letter and the time it would take to mail the citation and noted that it would not actually give the property owner seven days to comply.

Neighborhood Coordinator Kristin Degrande stated that prior to October 1, 2015, all citations, with the exception of the rental citations, have a seven-day compliance period. She stated that after October 1, the period was extended to ten days to allow time for mailing. She stated that City's goal is compliance and noted that if property owners responds, time extensions may be given.

Commissioner Thorup noted that if a property owner was having health or financial troubles it would be in their benefit to contact City staff, as staff would work with the property owner.

Chairman Vande Linde stated that usually there is an invoice for the abatement with details.

Ms. Degrande noted that a \$70 administrative fee would also be included in the total assessment.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-01V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$540 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

4. CASE 16-03V – JEREMEY GORDON – 9938 COTTONWOOD STREET NW – SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 3.)

Property Maintenance Inspector Heather Rodgers reviewed the background on the case. She stated that in August 2015 administrative citations were issued for exterior storage, truck and trailer storage, and home occupation standards. She stated that upon reinspection violations for exterior storage and truck and trailer storage were in compliance but that home occupation standards remained in violation and a penalty of \$300 was charged. She stated that a second citation was issued for home occupation standards and upon reinspection the property was still in violation and, therefore, the second penalty of \$600 was charged. She stated that a third citation was issued with a penalty for \$1,200 and after that citation City staff met with the property owner on site to discuss the violation. Upon reinspection the property was in compliance but, because this was the second violation, \$600 was charged. She provided information on a citation issued for improper garbage can location and a charge for excessive consumption of services, noting that when one of more inspections are performed at the same location within a consecutive 12-month period. A similar violation occurred on January 9, 2015.

Chairman Vande Linde stated that the property owner is not present tonight but did submit written correspondence for the record.

Commissioner Bradley asked what part of the home occupation ordinance was in violation.

Ms. Rodgers stated that the ordinance would be 11-304.2, which reads that no one is allowed to be transported from the premises to a job site that does not reside on the premises. She explained that complaints were received from neighbors that they were loading and unloading trailer and lawn equipment in the street and that employees would come to the property and leave their vehicles on the property and then return to the property and unload the equipment before leaving

the property. She stated that the registration for vehicles that were left at the property were run through the police department and that none of the vehicles belonged to the property owner.

Commissioner Bradley stated that he originally believed that perhaps this was more appropriately a parking violation but noted that this does appear to be an appropriate violation after hearing the description from staff.

Assistant City Attorney Melissa Westervelt provided additional details on the ordinance language.

Commissioner Bradley stated that it would be helpful to have the specific ordinance number in regard to the violation included in the Board packet for easier review.

Ms. Rodgers stated that she did include a copy of the ordinance with the violated section highlighted when she mailed out the three violations to the property owner.

Commissioner Thorup stated that a sheet regarding Augusta Green Lawns was included that references the business and property owner.

Ms. Rodgers confirmed that business is being run out of the home and that is why she included that in the packet.

Commissioner Thorup stated that it adds a layer of credibility that this is a home occupation business being run from the home.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-03V TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,660 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

5. CASE 16-04V – STEVEN AND DAWN VANDEWALKER – 12452 SYCAMORE STREET NW– SPECIAL ASSESSMENT OBJECTION (AGENDA ITEM 4.)

Property Maintenance Inspector Heather Rodgers reviewed the background on the case. She provided information on the citation that was issued for a boulevard encroachment. She noted that upon reinspection, the violation was corrected and, therefore, only half of the fee was charged. She stated that staff recommends that the Board recommend that the special assessment be affirmed.

Chairman Vande Linde stated that this is a basketball hoop on a cul-de-sac.

Ms. Rodgers stated that the home is actually the first home on the street and, therefore, not within the bulb of the cul-de-sac. She noted that if equipment is left out in the roadway it creates a problem for street sweeping and plowing, if in the winter.

Commissioner Thorup stated that having the equipment in the road also encourages unsafe behavior of playing in the street.

Commissioner Wigen asked for the time difference between violations for the violation to be considered “new” and the fine not doubled in amount.

Neighborhood Coordinator Kristin Degrande stated that 180 days must pass in order for the fee amount to reset.

Commissioner Wigen stated that the hoop could be pulled down and put away after use.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 16-04V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED 3-1-1 (Vande Linde opposed, Bradley abstained).

6. CASE 16-06V – CHIARA DAMIANI – 12213 UNITY STREET NW – SPECIAL ASSESSMENT OBJECTION

Neighborhood Coordinator Kristin Degrande reviewed the background on the case. She stated that three citations for long grass were issued for the property and provided details on the violations and reinspections. She stated that the owner referenced the growing season and stated that while the last violation was toward the end of the season, it was within the season and valid. She referenced the dates in the report and noted that the dates referenced are dates when the fees are charged and not the dates the citations were issued.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER THORUP, IN CASE 16-06V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

7. CASE 16-07V – AARON HOWE – 10409 QUINN STREET NW – SPECIAL ASSESSMENT OBJECTION

Property Maintenance Inspector Trevor White reviewed the background on the case. He stated that the citation was issued for a junk vehicle displaying expired registration. He stated that the property owner called and left a message for staff; he noted that upon a return call from staff there was no answer by the property owner. He stated that upon reinspection, the issue had not been remedied and a second citation was issued. He stated that the property owner called staff, asked for an extension and signed an extension agreement. Mr. White stated that upon reinspection, the property was found to be in compliance and because this was the second violation, half of the fee was waived upon compliance. He recommended that the Board recommend that the special assessment be affirmed in its entirety.

Chairman Vande Linde stated that the written appeal from the property owner states that when he went to purchase registration he was told to wait until October 1st to avoid paying for two years registration. Chairman Vande Linde noted that is not correct information, as you would still have to pay for both years no matter when you paid for your registration.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, IN CASE 16-07V TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

8. CASE 16-08V – DON SMITH – 2030 115TH AVENUE NW– SPECIAL ASSESSMENT OBJECTION

Property Maintenance Inspector Trevor White reviewed the background on the case. He provided details on the citations that were issued for junk and debris and junk vehicle. He stated that upon reinspection the violations still existed and those penalties were affirmed at the hearing by the Board in October 2015. He stated that a round of second of citations were issued and upon reinspection, the violations remained. The property remained in violation and abatement occurred. He stated that staff recommends that the Board recommend that the special assessment be affirmed in its entirety.

Chairman Vande Linde asked what was abated, as he did not think that the City removes vehicles.

Mr. White provided details on the materials that were abated and advised that the vehicle was towed as well.

Neighborhood Coordinator Kristin Degrande stated that the last page of the packet provides photographs of the vehicle and materials that were abated.

Chairman Vande Linde referenced the trailer in the photograph and asked if that was abated.

Mr. White clarified that the trailer in the photograph belonged to the contractor that completed the abatement and not to the property owner.

Commissioner Bradley stated that he did not see documentation of the abatement itself in the packet showing the cost of the abatement.

Ms. Degrande stated that typically the abatement invoice is included in the packet but noted that staff did not include those invoices in the packet for this meeting. She apologized for the omission. She noted that the citations sent to the property owner are specific as to the materials that are cited in violation, such as lumber or scrap metal.

Commissioner Bradley stated that he was looking for details on the specific items and was concerned that the Board would be adopting a cost that would be assessed to the property owner without the specific details.

Mr. White left the meeting to retrieve a copy of the invoice from his office.

Chairman Vande Linde briefly recessed the meeting at 7:59 p.m.

Chairman Vande Linde reconvened the meeting at 8:03 p.m.

Chairman Vande Linde noted that the requested invoice had been provided by staff.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 16-08V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$1,687 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

9. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO ADJOURN THE MEETING AT 8:06 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Amanda Staple
Board of Adjustment and Appeals Secretary