



BOARD OF ADJUSTMENT AND APPEALS AGENDA

Thursday, June 2, 2016

6:30 p.m.

Coon Rapids City Center

Council Chambers

Call to Order

Roll Call

Adopt Agenda

Approval of minutes from previous meeting

Old Business

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

Other Business

Adjourn



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

Meeting Date: 06/02/2016

SUBJECT: Approval of minutes from previous meeting

Attachments

April 7, 2016, Minutes

**COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF
APRIL 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, April 7, 2016, in the Council Chambers.

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

Members Absent: Tracy Wigen

Staff Present: Assistant City Attorney Melissa Westervelt

CALL TO ORDER

Chairman Vande Linde called the meeting to order at 6:34 p.m.

APPROVAL OF THE APRIL 7, 2016, AGENDA

Chairman Vande Linde stated that the agenda should be modified to remove the appeal decision from Case #16-09V and instead consider a continuation of Case #16-09V.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, TO APPROVE THE APRIL 7, 2016, AGENDA AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

1. CASE 16-09V – CONTINUATION IN THE MATTER OF AN APPEAL OF A DECISION OF HEARING EXAMINER

Assistant City Attorney Westervelt stated that the applicant spoke with staff today and is requesting a 60-day extension because he would like to retain an attorney. She stated staff believes that it would be appropriate to provide him with that additional time and noted that the matter would be considered at the June 2, 2016, meeting.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 16-09V, TO CONTINUE THE CASE TO THE JUNE 2, 2016, MEETING.

THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE JANUARY 7, 2016, MEETING MINUTES

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, TO APPROVE THE JANUARY 7, 2016, MEETING MINUTES AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

2. 2015 ANNUAL REPORT OF THE BOARD OF ADJUSTMENT AND APPEALS

Assistant City Attorney Westervelt stated that the report identifies the action taken on each case and indicates Board Member attendance at the meetings. She noted that the report should be accepted by the Board should they find that action appropriate.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER BRADLEY, TO ACCEPT THE 2015 ANNUAL REPORT OF THE BOARD OF ADJUSTMENT AND APPEALS.

THE MOTION PASSED UNANIMOUSLY.

3. ADJOURNMENT

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, TO ADJOURN THE MEETING AT 6:40 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Amanda Staple
Board of Adjustment and Appeals Secretary



Board of Adjustment and Appeals - Regular Session

1.

Meeting Date: 06/02/2016

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:

- May 24, 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
- Request for Continuation of Hearing
- Respondent's Agreement to Continuation of Hearing
- 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

May 24, 2016, Letter to John Becker

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

Respondent's Notice of Witness Qualifications

Request for Continuation of Hearing

Respondent's Agreement to Continuation of Hearing

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. A hearing was set for April 7, 2016, to hear the appeal and was continued to June 2, 2016 at Mr. Becker's request.

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



May 24, 2016

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

Re: June 2, 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 June 2, 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
Matt Brown- Economic Development Coordinator	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 can be reached at 763-767-6495.

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.

Please be prepared to either admit the violations or be prepared for a contested hearing on **Thursday June 2nd 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 June 2, 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	Matt Brown Trevor White	Exhibit 1- Anoka County aerial photo of property.
2. Matt Brown is the city Economic Development Coordinator and familiar with how the City is Zoned and how Mr. Becker's property has been zoned and treated.	Matt Brown	
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,	Matt Brown Leya Drabczak Trevor White	
4. The property is subject to the requirements of City Code 11-600, and 12-300.	Matt Brown Leya Drabczak Trevor White	

5. At all relevant times, the owner and occupant of the subject property was Mr. John Becker.	Trevor White Matt Brown Leya Drabczak	
6. The property is and at all relevant times has been listed as a classification 1-A Residential Homestead.	Matt Brown Trevor White	Exhibit 2- Anoka County Property Account Summary
7. One property cannot have two principal uses on one property.	Matt Brown	
8. Mr. Becker's principal use is residential.	Matt Brown 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.	Matt Brown 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 July 11, 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

Matt Brown

Current Position: Economic Development Coordinator- City of Coon Rapids

Field: Planning

Years in Field: 14

Education/Degrees: MA in Urban and Regional Planning- University of Iowa, BA in History-
Luther College

Membership: American Institute of Certified Planners

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

Ryan

From: CenturyLink Customerjohn becker <nitroman@q.com>
Sent: Monday, April 04, 2016 10:35 AM
To: 'Ryan'; CONTACT@LAWMOSS.COM
Subject: 6 copies ryan thanks ATTENTION AARON DEAN

THE CITY OF COON RAPIDS HAS ONLY GIVEN ME A WEEK TO PREPARE WITNESSES AND ATTORNEYS TO ATTEND THEIR TRIAL FOR ME CONCERNING THEIR ABATEMENT PROCESS AND TAKING OF MY BELONGINGS. NAMELY ONE SEMILOAD OF PARTS AND PERSONALS ETC WORTH THOUSANDS OF DOLLARS ALREADY GONE WITHOUT A JUDGE AND JURY TRIAL.. SINCE MY WITNESSES ARE OUT OF TOWN I AM APPLYING FOR AT LEAST TWO MONTHS 60 DAYS FOR PREPARATION TIME TO ALLOW ATTORNEYS AND WITNESSES TO PREPARE FOR THIS CHAIR TO MAKE JUDGEMENT ON. THANK YOU. JOHN BECKER SPECIALTY MACHINES. 9526 FOLEY BLVD, COON RAPIDS MN 55433

City of CR

CAN you please extend The hearing's
Date From April 7th To June 7th

Thanks


SPECIALTY MACHINE
9526 Foley Blvd.
Coon Rapids, MN 55433
(612) 780-0828

P.S. as I was flying
over this area in a Piper Cherokee
Last week, I noticed the Trailer Park By
The Railroad Tracks on Egret Blvd
would make an excellent Train Station
Coming Down From Duluth To TC = Light Fast Rail

* Copy *

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



COON
RAPIDS
Minnesota

April 4, 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:

Per your request, the city has agreed to continue this matter to the regularly schedule Board of Adjustment Meeting in June. The date of the new meeting to hear your appeal will be **Thursday June 2nd, 2016 at 6:30pm.**

Please be prepared to proceed on your matter on that date and time.

Thank you for your attention to this matter.

Very truly yours,

Melissa A. Westervelt

Melissa A. Westervelt
Assistant City Attorney

Enclosures

cc: Board of Adjustment and Appeals



EXHIBIT

tabbler

1

16-09V

<Title>



Scale 1:600



Aerial Photo: Flown Spring of 2014





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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

EXHIBIT
3
14-09V

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
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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
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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

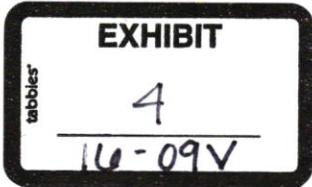
Projected Start	Task Name	Assigned To	Finish Date	COMMENTS
	POLICE CONTACT	DRABCZAK, LEYA	10/5/14	CRPD report # 14217820 dated 10/05/2014 states people are living in accessory structures at above property one in a fish house and one in a camper. Report states property is littered with tires, portable 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

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1U-09V



11/19/2015 10:11



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5b
16-09V



11/19/2015 10:11



11/19/2015 10:11



CERTIFICATION BY CLERK

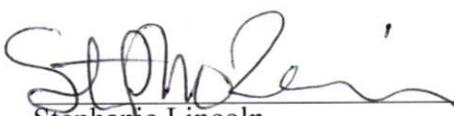
STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

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.

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

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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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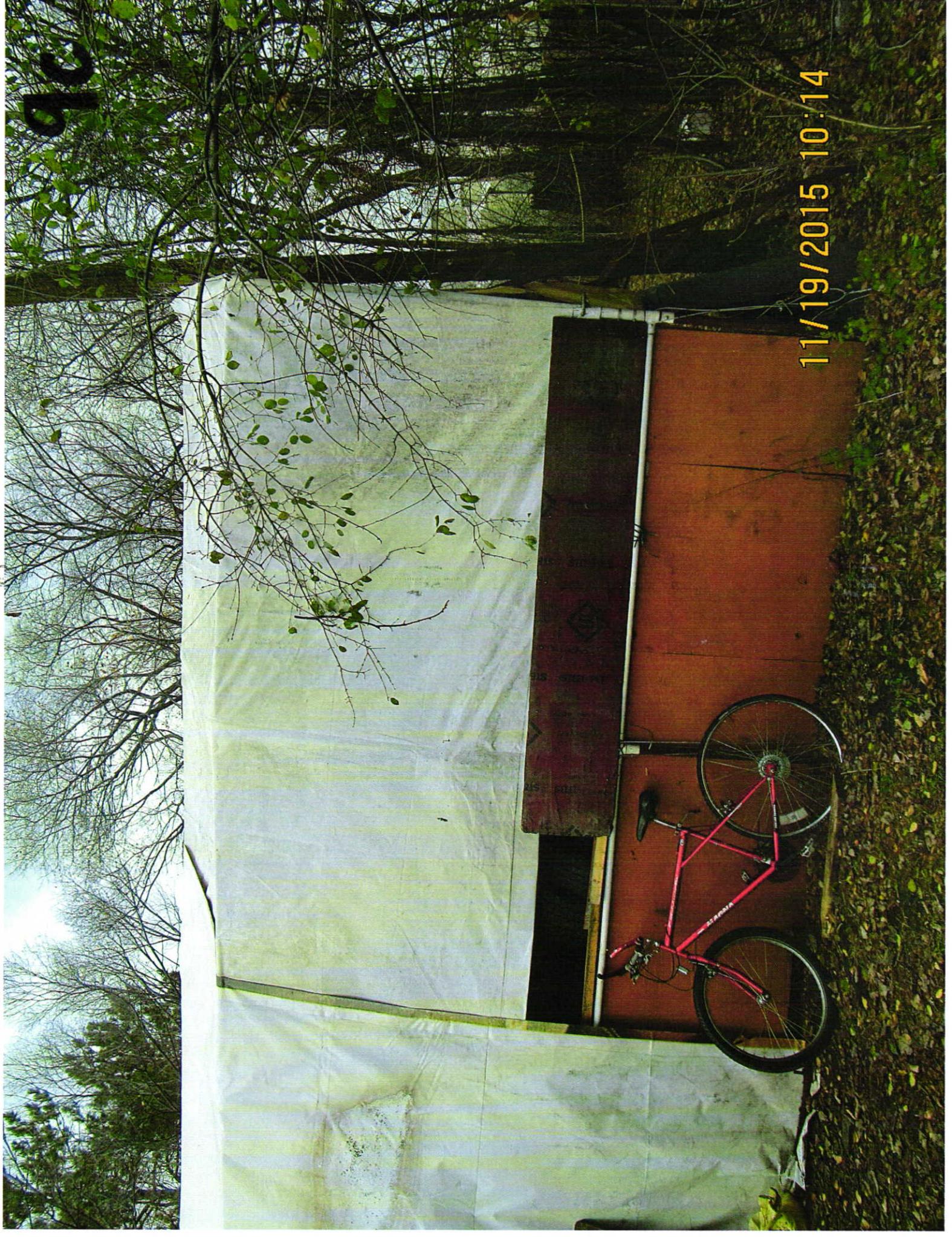
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CERTIFICATION BY CLERK

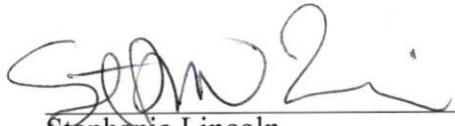
STATE OF MINNESOTA)
COUNTY OF ANOKA)ss.
CITY OF COON RAPIDS)

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]

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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.

(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:

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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. NEED TIME TO Sell every-
THING OUTSIDE, I HAVE SALE
ITEMS ON INTERNET NOW
2. 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.
Coon Rapids, MN 55433
(612) 780-0828

For ADCAP Staff only:

Notice rec'd date: _____ Initials _____

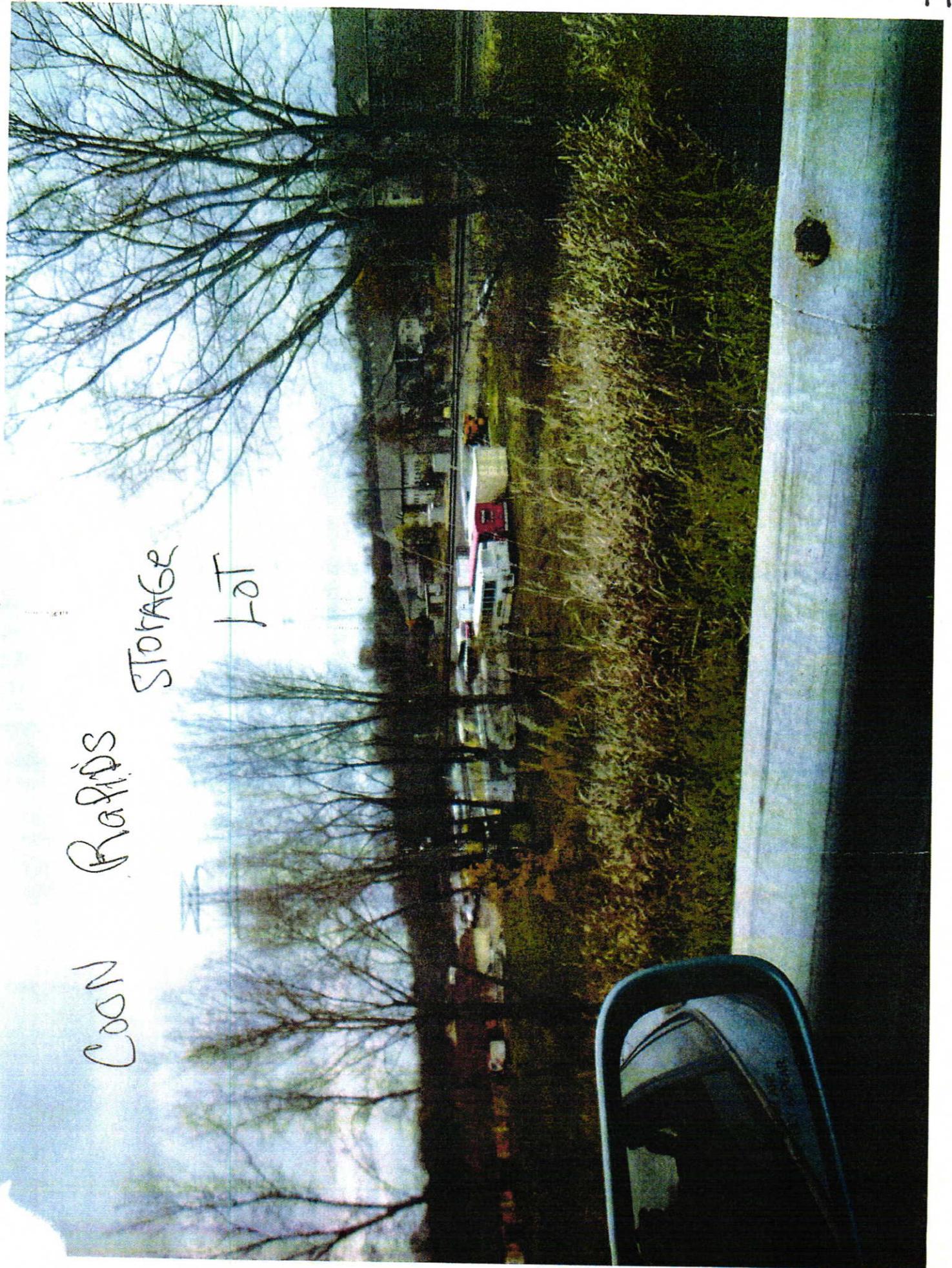
1 HAVE BEEN here 30 YRS

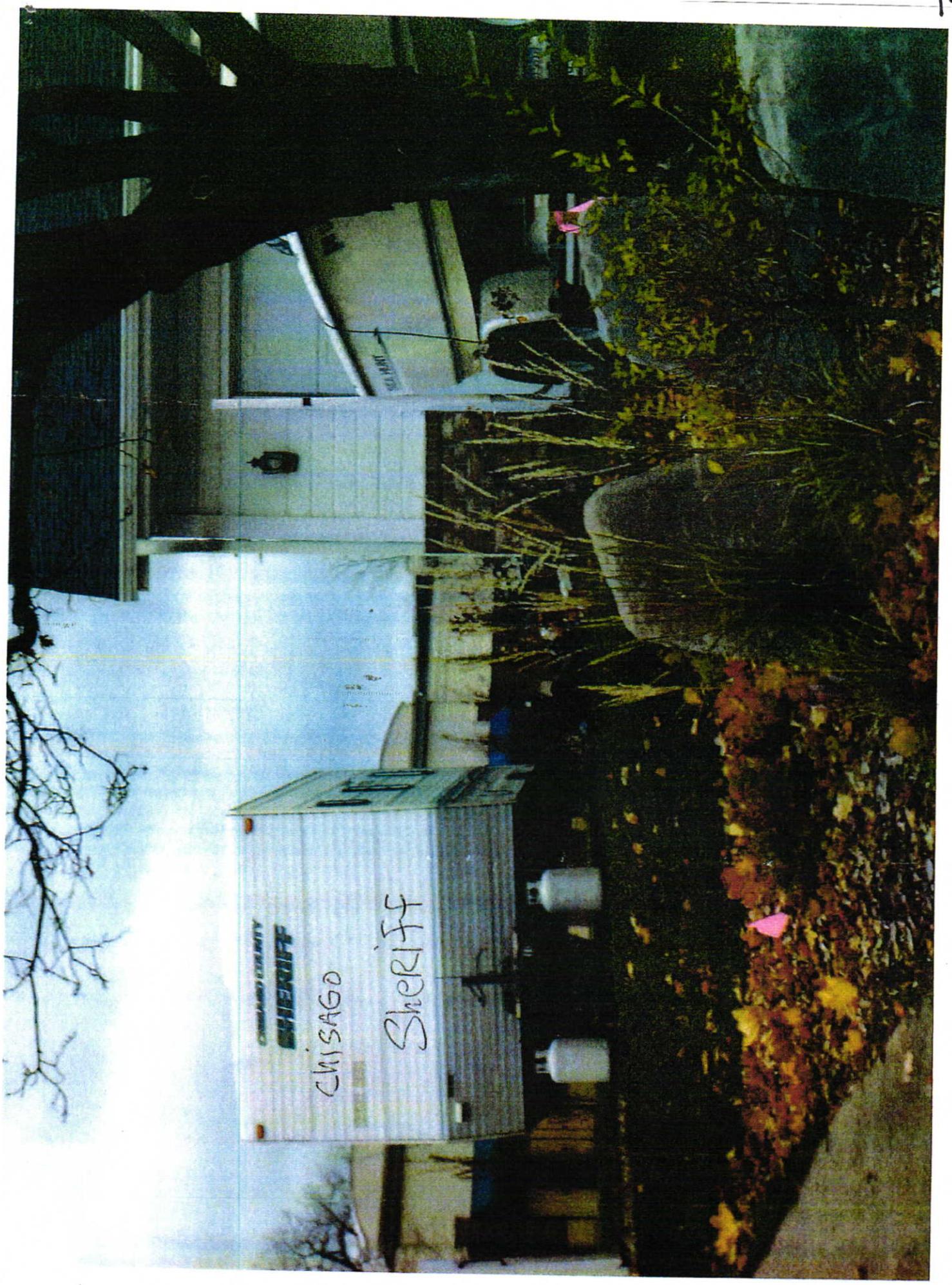
EST. 1960 55 YRS

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

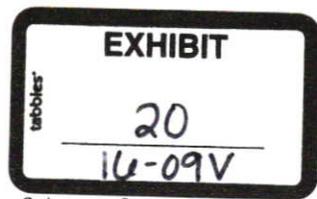
I thank you again for your correspondence.

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).

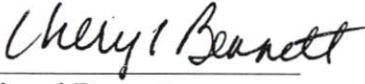
John Becker
December 16, 2015
Page 2

- 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.



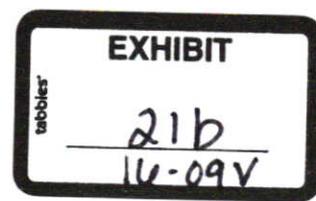
Cheryl Bennett
Hearing Examiner

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.

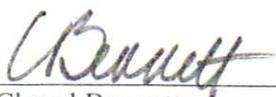
Determination: Based on the evidence provided, the undersigned issues the following Notice of Determination: *Administrative Citation Number 59184-26062 is affirmed in its entirety.*

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

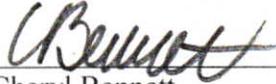
Coon Rapids City Code Section 11-601.5 prohibits junk vehicles on residential property. City Code Section 11-201 defines a junk vehicle to include any motor vehicle or trailer that does not display current registration. Photographs taken on November 19, 2015 by Property Maintenance Inspector Trevor White, 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.

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

EXHIBIT
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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 Hiway
 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*

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

NO RECEIPTS! GIVEN
THEFT IS A FINE

7. 8' TRAILER AXEL w WHEELS & TIRES & SPRINGS
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 FROM FORD
^{3' x 3' x 4'}

2 2 Large 2' x 2' BLOWERS FROM DYNOMAC
RANGER

3 DRILLS (ELECT)

4 BARRELS STEEL

5 " POLY FOR USED MC OIL

SPECIALTY MACHINE
9526 Foley Blvd.
Coon Rapids, MN 55433
(612) 780-0828

WATERBRAKE

Modern Real Estate Practice

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

Tenth Edition

*anka/Ramsey
Teacher*

*Sidney
Wiseberg*

ON ADOPTING ACTS



*1 GRADUATED From This College.
JB*

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

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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

ng,

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.

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.

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.

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.

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 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.

NO NOW CURRENT

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.

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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?

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

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MINNESOTA TRAILER PERMANENT REG.
ABPN 399
3000 07M



Storage of Parts.





Storage of Parts
AND Motorcycles

Minnesota.com
8575CTB F
FEB 2017
Trailer

QUALITY FIREPLACE PRODUCTS
1-800-888-HEAT