

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: October 19, 2021
Subject: Variance Request – 790 Manor Drive NE

Background

John Clark, 790 Manor Drive NE, submitted an application for a variance from the front yard setback standard for a small home addition to accommodate an uncovered stairway into his home.



The applicant is seeking a variance from the 35 foot front yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

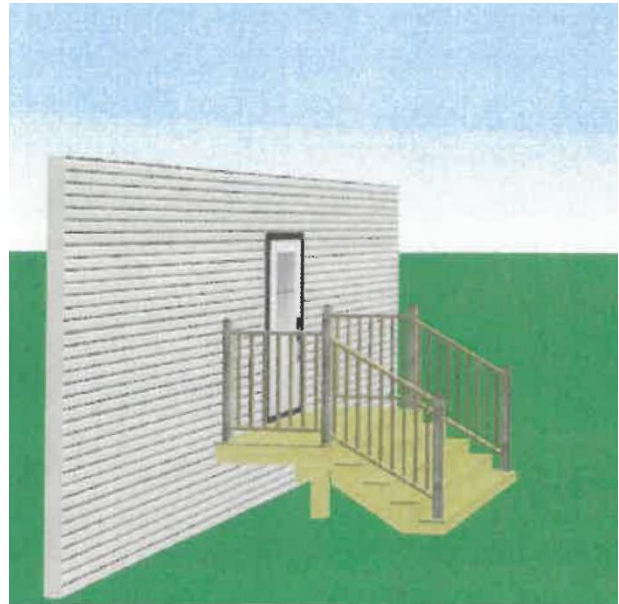
The site is located on the 700 block of Manor Drive NE, between Able

Street and Monroe Street. The property is guided for low density residential in the 2040 Comprehensive Plan. The property is zoned R-1, Single Family Residential – allowed uses include single-family homes. Property records show that the house on the property was constructed in 2021.

The City's current yard setback standards for the R-1 zoning district is as follows:

Dwelling, single family – front yard	35 feet
Dwelling, single family – rear yard	40 feet
Dwelling, single family – side yard	10 feet
Accessory uses, rear yard	5 feet
Accessory uses, side yard	5 feet

Section 16.20.080(H)(1) permits a covered porch to extend into the front yard setback a distance not exceeding 6 feet if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The Code restricts the covered area to 60 square feet and requires it to be architecturally compatible with the principal structure. The applicant already has a 48 square foot covered area encroaching 6 feet into the front yard setback (encroachment serves as the front door on the west side of the front of house). The applicant is seeking an additional encroachment to allow a small landing and entrance stairs at the front door. The dimensions of the encroachment are 8 feet 5 inches wide by 7 feet 8 inches long.



Appendix D sets the maximum percentage of lot coverage of all structures in the R-1 district at 35%. The applicant's property is approximately 13,200 square feet, which would accommodate a maximum structure lot coverage of 4,620 square feet. With the addition, the total square footage of all structures on the property is 2,850 or 21.5% of the total lot size.

The applicant is proposing to utilize the addition to accommodate an uncovered stair and land place exceeding the permitted encroachment granted under Section 16.20.080(H)(1).

Previous applications: Building permit for new home on site in 2020/2021.

Variance

Section §16.60.040 of the City of Spring Lake Park's zoning code outlines the criteria for considering variances:

"The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. "Practical difficulties" as used in connection with granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical

difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.”

Recommendation

Staff recommends approval of the variance. Staff’s analysis of the application shows that the proposed addition will not alter the character of the neighborhood as the proposed addition is residential in nature. Staff believes the proposed addition will improve the aesthetic of the home, thereby increasing the value of their property and the surrounding neighborhood.

If the Planning Commission wishes to recommend approval of the variances, it would be with the following conditions:

1. Applicant must apply for all building permits as required.

If the Planning Commission wishes to recommend denial of the variance, it would be with the following findings of fact.

1. The proposed addition greatly exceeds the standards for permitted encroachments in the front yard setback, thereby impacting the character of the neighborhood.
2. All of the homes along the south side of Manor Drive in this area are at the required front yard setback, thereby the proposed addition would negatively impact the character of the neighborhood.

If you have any questions regarding this application, please don’t hesitate to contact me at 763-784-6491.



City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432
763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

For Office Use Only

Case Number:
Fee Paid: 450.00
Received by: Wander
Date Filed:
Date Complete:
Base Fee: 150 Escrow: 300.00

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Site Plan/Building Plan Review | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Conceptual Plan Review | <input type="checkbox"/> Lot Combination |
| <input type="checkbox"/> Ordinance Amendment (Text) | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Variance | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Street or Easement Vacation | <input type="checkbox"/> Other _____ |

PROPERTY INFORMATION

Street Address: 790 MAJOR DR.
Property Identification Number (PIN#): _____ Current Zoning: _____
Legal Description (Attach if necessary): _____

APPLICANT INFORMATION

Name: <u>John Clark</u>	Business Name:	
Address: <u>790 MAJOR DR.</u>		
City: <u>SPRING LAKE PARK</u>	State: <u>MN.</u>	Zip Code: <u>55432</u>
Telephone: <u>763-780-5813</u>	Fax:	E-mail:
Contact:	Title:	

OWNER INFORMATION (if different from applicant)

Name:	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	

DESCRIPTION OF REQUEST (attach additional information if needed)

Existing Use of Property: _____
Nature of Proposed Use: _____
Reason(s) to Approve Request: _____

PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE

Project Name:	Date of Application:
Nature of Request:	

NOTE: Applications only accepted with ALL required support documents.
See City Code

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

☐ E-mail _____ ☐ Fax _____ ☐ USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: _____ Date: _____

Owner: John W Clark Date: 10-4-21

NOTE: Applications only accepted with ALL required support documents.
See City Code

**City of Spring Lake Park
Variance Supplemental Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: John Clark
Address: 790 Manor Dr.
City/State/Zip: Spring Lake Park MN
55432

Telephone: _____
Cell Phone: 763-780-5813
E-mail: _____

2. Property Owner Information (if different from above):

Name: _____
Address: _____
City/State/Zip: _____

Telephone: _____
Cell Phone: _____
E-mail: _____

3. Project Location (Address and Legal Description): _____

4. Present Use of Property: Family home

5. Description of Project: Front Entry steps

6. Specify Section of the Ordinance from which variance is sought: Front door

7. Explain how you wish to vary from the applicable provisions of this Ordinance: distance
from property 38.10' - 6.2' = 31.9'

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. **Practical Difficulties Test:** Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?

☒ Yes ☐ No Why or why not?

Front steps to enter house

b. In your opinion, is the variance consistent with the Comprehensive Plan?

☒ Yes ☐ No Why or why not?

A BETTER look to the front of house

c. In your opinion, does the proposal put property to use in a reasonable manner?

☒ Yes ☐ No Why or why not?

A NECESSARY needed step

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?

☐ Yes ☒ No Why or why not?

It's sand

e. In your opinion, will the variance maintain the essential character of the locality?

☒ Yes ☐ No Why or why not?

It will fit the look of the house

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant Signature:

John W Clark

Date:

10-4-21

Fee Owner's (Property Owner) Signature:

John W Clark

Date:

10-4-21

16.60.040 Variances

- A. *Purpose.* The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.
- B. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- C. *Application.* An application for a variance shall be filed with the Zoning Administrator and shall state the unique circumstances claimed as a basis for the variance. The application shall contain at least the following information:
1. The signature of each owner of affected property or his agent.
 2. The legal description of the property and the common address.
 3. A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.
 4. The present use.
 5. Any maps, drawings and plans that the Zoning Administrator considers to be of value in considering the application.
- D. *Referral to Planning Commission.* The application shall be referred to the Planning Commission for study concerning the effect of the proposed variance upon the Comprehensive Plan, and upon the character and development of the surrounding neighborhood. The Planning Commission shall make a recommendation to the City Council to grant or deny the variance, and may recommend imposing conditions in the granting of the variance. The conditions may include considerations such as location, character and other features of the proposed building.
- E. *Approval; denial.* Variances require the approval of a majority vote of the City Council. Variances may be denied by motion of the City Council and such motion shall constitute a determination that the findings required for approval do not exist. No application for a variance which has been denied in whole or in part shall be resubmitted within six months of the date of the order of denial, except upon grounds of new evidence or upon proof of change of conditions. The City Council may impose conditions upon the granting of a variance. The conditions may include considerations such as location, aesthetics and other features of the proposed buildings. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- F. *Decision period.* All applications shall be reviewed consistent with M.S. § 15.99.
- G. *Revocation.* A violation of any condition attached to the approval of a variance shall constitute a violation of this title and shall constitute sufficient cause for the termination of the variance by the

City Council.

- H. *Expiration.* If the development does not proceed within one year of the date on which the variance was granted, such variance shall become void, except that, on application, the City Council may extend the variance for such additional period as it deems appropriate.

House

32"
off
ground

12' O.C.
8' 8"

Decking

2x8's

Handrail

4x8"

12" footing
42" down

Steps
5 risers

12" tread

Handrail

6' ft wide

Sidewalk

YARD

drive way

Design ID: 318851147116
Estimate ID: 4272

MENARDS
Design & Buy DECK

Additional Options

Deck Flashing: No Rolled Joist Flashing

Lattice/Skirting: None

Underdecking: No Underdecking

Design ID: 318851147116
Estimate ID: 4272

L1

Height off the ground: 2' 8"
Width: 8' 5"
Length: 4' 0"

S1

Height off the ground: 2' 8"
Width: 8' 5"
Length: 3' 8"

Decking

Deck Board Material Type: AC2 Green Treated
Deck Board: 5/4x6 Thick Deck
Deck Board Fastener: 6-Lobe Drive Tan Premium Exterior Deck Screw

Framing

Framing Material Type: AC2 Green Treated
Joist: 2x8
Joist Spacing: 16" On Center
Beam: 2x8
Framing Post: 6x6 Framing Post
Framing Fastener Type: Galvanized Framing Fastener
Footing: 12" Poured Footing
Footing Depth: 48" Footing Depth
Joist Hanger Type: Galvanized Joist Hanger
Joist Hanger Fastener Type: Joist Hanger Fastener Nail

Railing

Railing Material Type: AC2 Railing
Railing Style: Traditional Railing
Spindle: 2x2x36 Square
Handrail: 2 x 4 Handrail
Graspable Handrail: No Graspable Handrail
Railing Post: 4 x 4 x 54 AC2 Treated Chamfered Deck Post
Base Ring: No Ring
Mounting Style: Joist Mount

L1 - Railing Posts

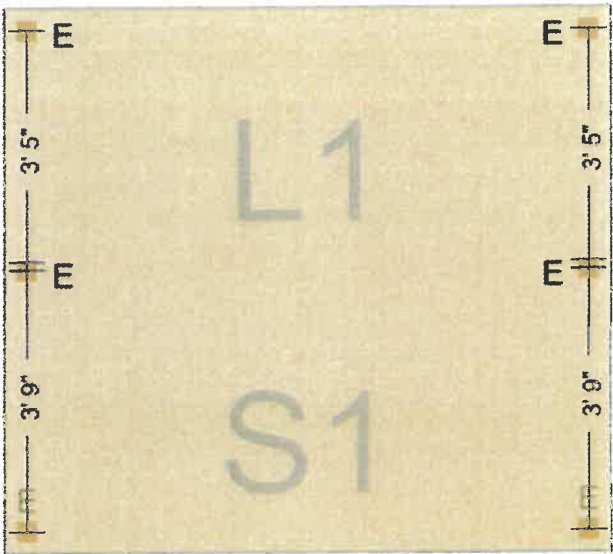


Illustration does not represent all available railing post placement options.
Railing post dimensions are on center.

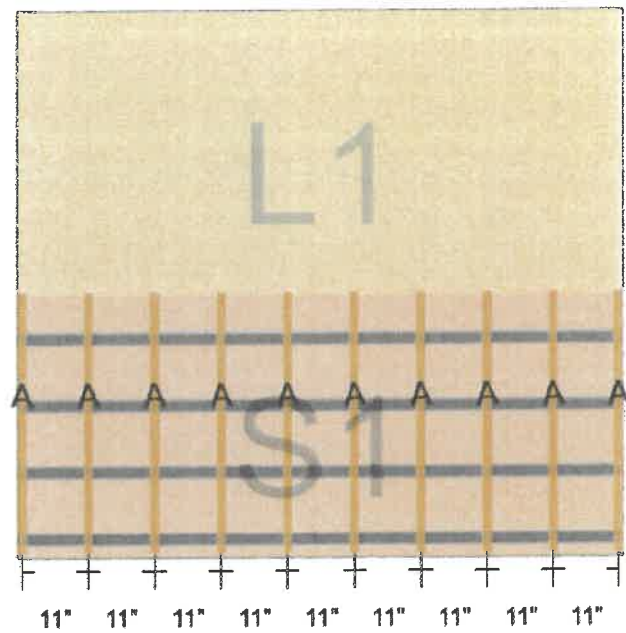
L1

Label	Count
E - End Post	2
E - End Post	2

S1

Label	Count
E - End Post	2

L1 - Stair Framing



S1 - Stringer

Label	Length	Count
A	3' 7"	10

How to purchase at the store

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into the Deck Estimator Search Saved Designs page.
3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

How to recall and purchase a saved design at home

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4. Log into your account.
5. Select the saved design to load back into the estimator.
6. Add your deck to the cart and purchase.

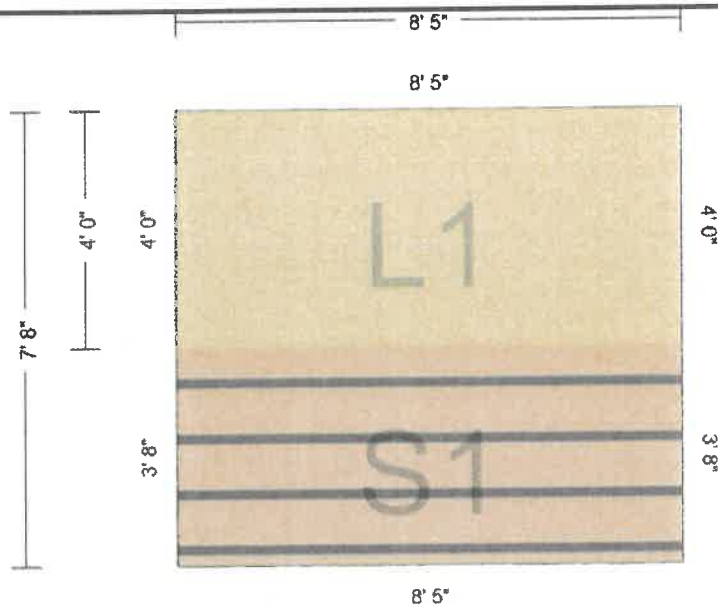


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

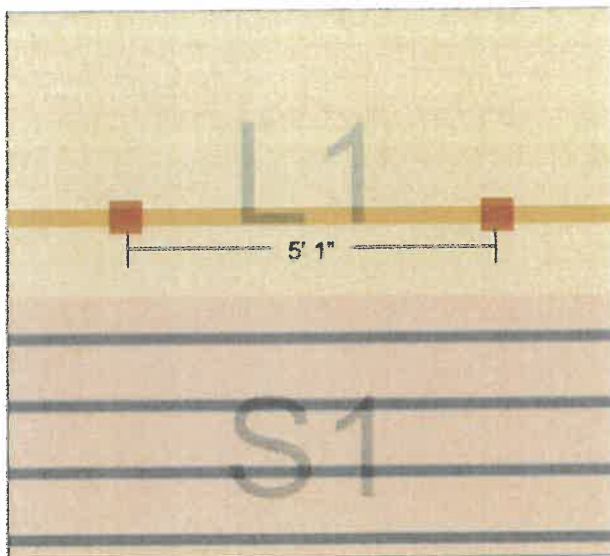
Estimated Price: \$1,201.73

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

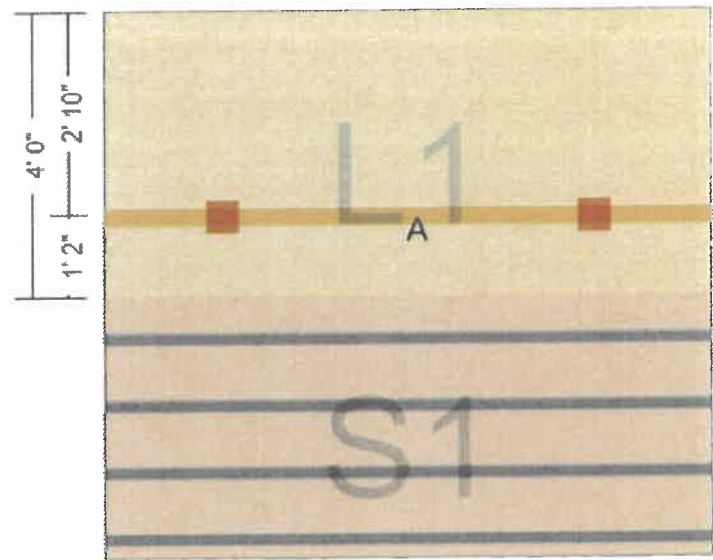
Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest. Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

L1 - Posts and Footings



Dimensions displayed are from center of post to center of post.

L1 - Beams

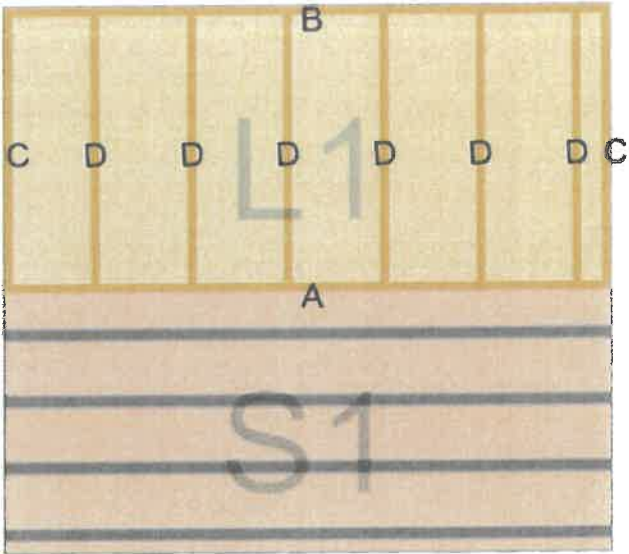


2 boards nailed together is 2 ply

L1 - Lumber: 2 ply - 2 x 8 AC2

Label	Length	Count
A	8' 5"	1

L1 - Joists



Lumber: 2 x 8 AC2

Joist Spacing: 16" on center

Label	Length	Count	Usage
A	8' 5"	1	Rim Joist
B	8' 5"	1	Ledger Joist
C	3' 9"	2	Rim Joist
D	3' 9"	6	Internal Joist

How to purchase at the store

1. Take this packet to any Menards store.
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3. Apply the design to System V to create the material list.
4. Take the purchase documents to the register and pay.

How to recall and purchase a saved design at home

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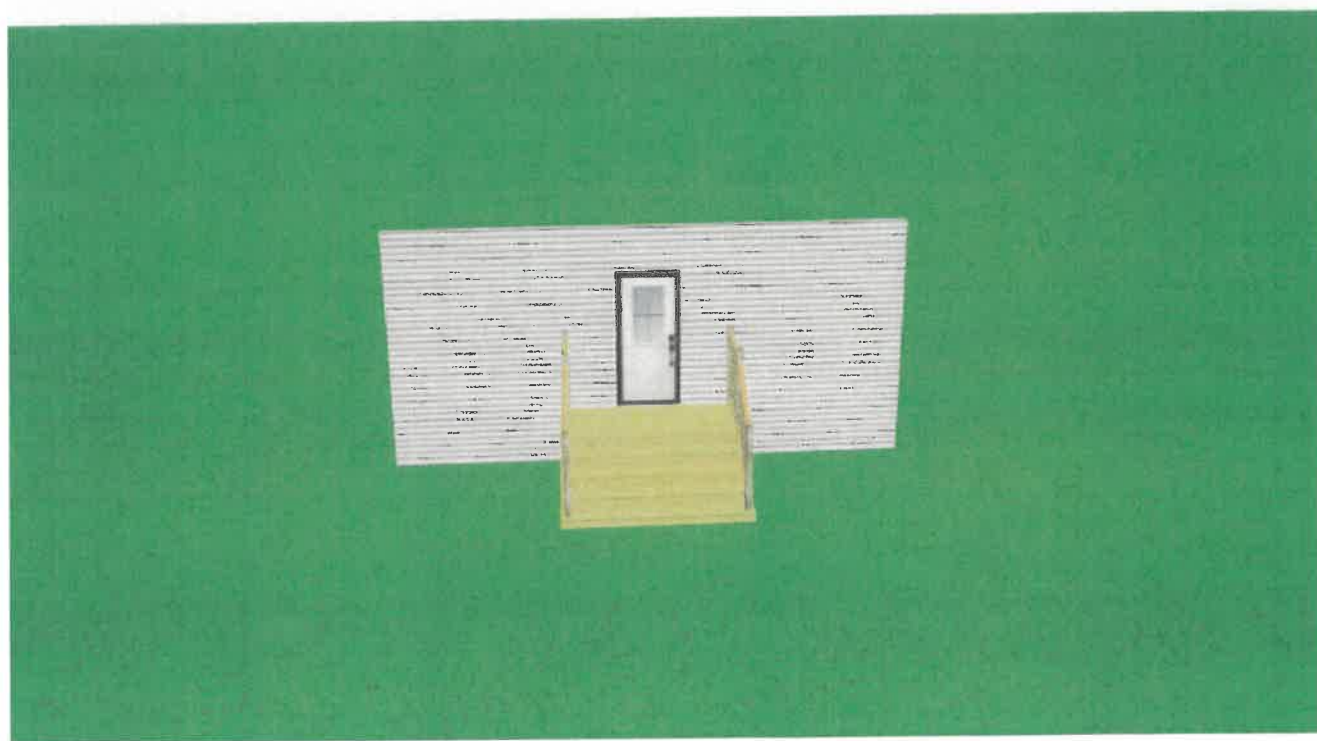


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Estimated Price: \$1,201.73

****Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.***

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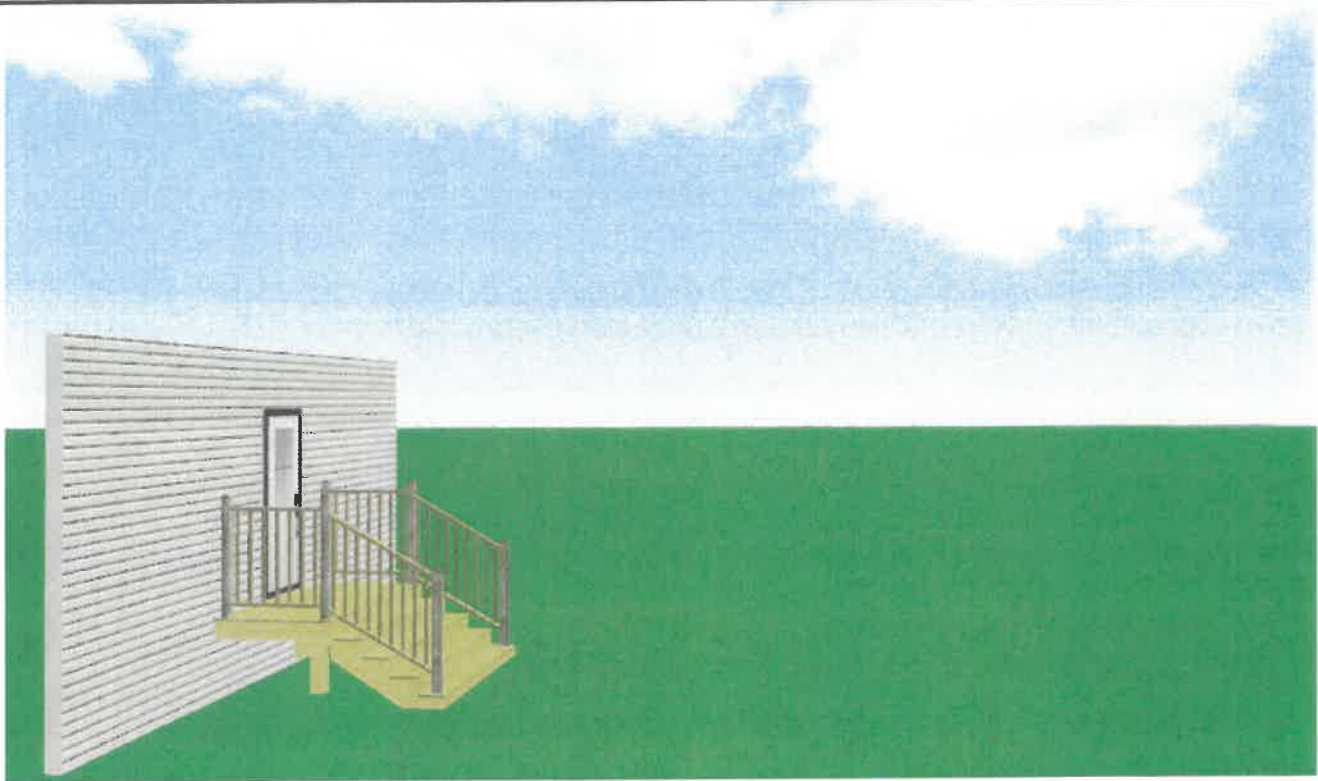


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