

To:	Spring Lake Park Planning Commission	From:	Phil Carlson, AICP, Stantec
	City of Spring Lake Park		
File:	1011 Osborne Road Applicant: Rich Penick, MYAS Owner: Minnesota Youth Athletic Services Inc.	Date:	May 28, 2024

**Re: Interim Use Permit, Side Setback and Accessory Structure Area Variances**

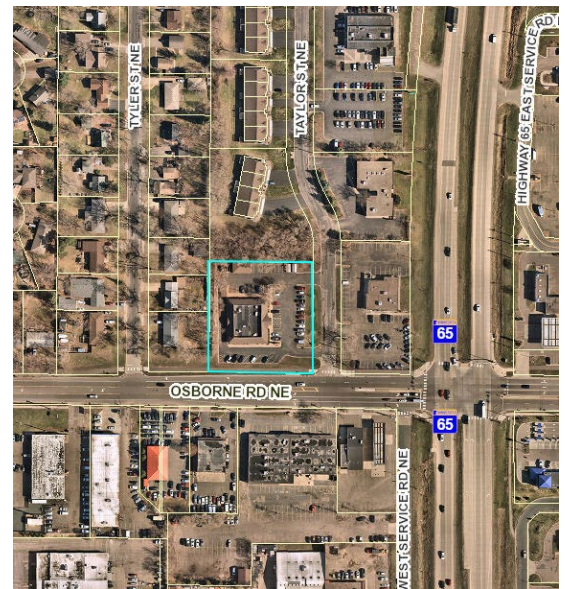
## INTRODUCTION

Minnesota Youth Athletic Services (MYAS) owns and occupies the building at 1011 Osborne Road NE. The site has a garage and two small storage sheds on site but they need more storage and are requesting to build another garage the same size as the existing one.

The Zoning Code limits the size of accessory structures on site. The current request would put the site over that limit as well as being within the required side setback. MYAS is requesting an interim use permit (IUP) that would include variances to allow the new garage.

## SITE & PROPOSED PROJECT

The site, illustrated on the next page, now has an 18' X 40', 720-sq-ft garage in the NW corner of the site and two smaller storage sheds, 8' X 16', or 128 sq ft each in the NE corner. The total square footage of these existing accessory structures is 976 sq ft. MYAS wants to construct a second 18' X 40' 720-sq-ft garage to replace the two smaller storage sheds. The total square footage of accessory buildings would be 1,440 sq ft if the second garage is approved.



## PLANNING & ZONING CONTEXT

### Setbacks

The property is guided and zoned C-2 Neighborhood & Service Center Commercial. The required side setback for a structure is 15 ft, unless adjacent to residential, in which case the setback is 40 ft. The property north of MYAS (side yard) is the Park Heights townhouse project. The existing and proposed garages would be about 5 ft from that north side lot line, but as the illustration on the next page shows, the actual townhouse units are about 95 ft to the north, on the other side of the vacant wooded area on the south side of the townhouse site. The *effective* setback is about 100 ft between the garages and the nearest townhome, but this still technically needs a variance to the side setback.

### Accessory Buildings

The Zoning Code, in section 16.20.070.E.2 stipulates that *“the sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,200 square feet.”* The total area of accessory structures would be 1,440 sq ft, so this feature also needs a variance.

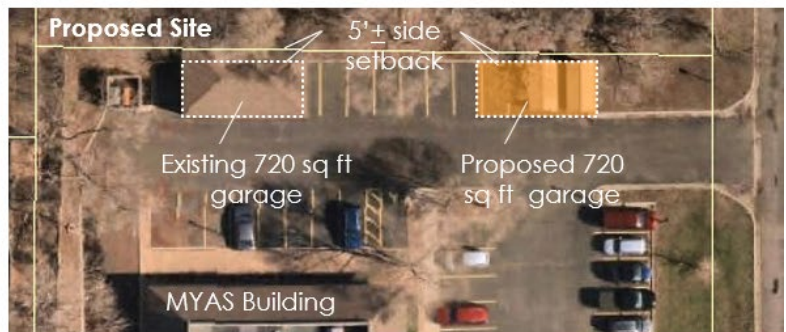
**Re: MYAS – Interim Use Permit, Side Setback and Accessory Structure Area Variances**

The City can allow certain uses on a short-term basis with an Interim Use Permit, as described in 16.58.010:

The purpose and intent of allowing interim uses is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
2. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
3. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

With this application the City could allow the second garage with an IUP, along with conditions within the IUP granting variances to exceed the 1,200-sq-ft limit and to encroach in the side setback.



**Re: MYAS – Interim Use Permit, Side Setback and Accessory Structure Area Variances**

## **VARIANCE CRITERIA**

The criteria for approving variances are in Section 16.60.040.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.

In this case, the basic use proposed is reasonable – a garage for storage, similar to the existing garage on site. The area of the accessory structures would exceed the code maximum by 20%. Adding a small amount of storage space to the existing building would be costly and impractical.

The requested garage would encroach into the required side setback. The proposed location of the second garage is reasonable; locating it at the required 40-ft setback would place it in the middle of the site and parking area, which would be inconvenient and unreasonable. The adjacent side yard of the Park Heights townhomes is a 95-ft deep vacant wooded area, making the effective setback about 100 ft between the MYAS garage and the townhomes. The proposed variance would not alter the essential character of the locality since there are already storage sheds in the location proposed for the new garage – the overall appearance of the site from the street and adjacent property would be about the same. Processing this request as an Interim Use Permit would also insure that any new use of the building in the future would remove the additional garage, bringing the site back into compliance and not perpetuating the non-conformity.

## **RECOMMENDATION**

I recommend that the Planning Commission recommend approval of an Interim Use Permit and variances to the area of accessory structures and to the side setback for a new 720-square-foot garage for Minnesota Youth Athletic Services at 1011 Osborne Road as submitted on the application materials, with the following conditions and findings of fact:

### *Conditions of Approval of Interim Use Permit and Variances*

- 1) The new garage accessory structure will be compatible in appearance with the existing garage on site. The existing storage sheds will be removed upon approval of the Interim Use Permit for the new garage.
- 2) The applicant will follow City engineering and building code requirements.
- 3) The Interim Use Permit will lapse and the site must be brought into compliance with the accessory structure area requirements once Minnesota Youth Athletic Services no longer owns or occupies the building.
- 4) The Interim Use Permit is conditioned on approval of a variance to the north side setback for a 5-foot setback instead of the required 40-foot setback and a variance to the limit of 1,200 square feet of accessory structures to allow a total 1,440 square feet of accessory structures with the second garage on site.

### *Finding of Fact for Approval of Interim Use Permit and Variances*

**Re: MYAS – Interim Use Permit, Side Setback and Accessory Structure Area Variances**

- 1) Minnesota Youth Athletic Services Inc. (MYAS) owns and occupies the property at 1010 Osborne Road, which is zoned C-2 Neighborhood and Service Commercial. The adjacent use to the north is a residential use, the Park Heights townhome project.
- 2) The MYAS property has an existing 720-square foot garage and 256 square feet of storage sheds on the site.
- 3) The Spring Lake Park Zoning Code in Section 16.20.070.E.2 stipulates that *“the sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,200 square feet.”*
- 4) MYAS proposes to construct a new 720-square-foot garage on site and remove the storage sheds, bringing the total area of accessory structures on site to 1,400 square feet, requiring a variance to the area standard cited above.
- 5) The Spring Lake Park Zoning Code in Section 16.64.050, Appendix E, requires a side setback of 40 feet between a C-2 zoning district and an adjacent residential use.
- 6) The new garage is proposed to be located approximately 5 feet from the north side lot line, requiring a variance to the required setback cited above.
- 7) The proposed use of a garage for storage is reasonable for this property and zoning district.
- 8) Adding storage space to the existing building would be costly and impractical. Adding an accessory garage structure for the desired space, as proposed, is reasonable and appropriate.
- 9) The south side yard of the Park Heights townhome project is a wooded area approximately 95 feet deep which will likely never be built on, making the effective side setback to the proposed garage on the MYAS site about 100 feet.
- 10) Constructing the new garage on the MYAS site as proposed will not alter the essential character of the locality.
- 11) The Interim Use Permit for the new garage as proposed and conditioned here meets the standards in Section 16.58.010 of the Spring Lake Park Zoning Code.
- 12) The location and size of the proposed garage on the MYAS site meets the criteria for approving variances in Section 16.60.040.A of the Spring Lake Park Zoning Code.

**OPTIONS**

- 1) Recommend approval of the IUP and variances as recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the IUP and variances, with findings for denial.
- 3) Continue the item to a future meeting to gather more information or more discussion.

**60-DAY RULE**

The Interim Use Permit and variance applications were deemed complete on May 6, 2024. The deadline for final action by the City Council per State statute 15.99 is July 6, 2024.