

RESOLUTION NO. 22-06(A)

**A RESOLUTION DENYING A VARIANCE A VARIANCE FROM IMPERVIOUS
SURFACE COVERAGE AND MAXIMUM LOT COVERAGE BY STRUCTURES
LIMITATIONS TO PERMIT CONSTRUCTION OF A SWIMMING POOL AT
518 ROSEDALE ROAD NE**

WHEREAS, Kelsey and Ryan Hollihan (“Applicant”) have made an application for a variance from Section 16.20.090 of the Zoning Code, limiting impervious surface coverage to 50% of a lot in the R-1 zoning district, and Appendix E of the Zoning Code limiting the maximum lot coverage of all structures on a lot in the R-1 zoning district to 35%; and

WHEREAS, the Applicant desires to construct a 16-foot by 32-foot in-ground swimming pool in the rear yard; and

WHEREAS, the property, 518 Rosedale Road NE, is legally described as follows:

Lot 4 Block 1 Clearview Heights Addition, subject to easement of record; and

WHEREAS, mailed and published notice of a public hearing to consider the proposed variance was given; and

WHEREAS, a public hearing to consider the proposed variance was held on January 24, 2022; and

WHEREAS, requests were made for a variance from Section 16.20.090 of the Zoning Code to permit impervious surface coverage of 58% on the lot and for a variance from Appendix E of the Zoning Code to increase the total square footage of all structures on the property to 37.6% of the total lot size; and

WHEREAS, the Planning Commission has considered the application against the practical difficulties test as outlined in Section 16.60.040 of the Spring Lake Park Zoning Code; and

WHEREAS, the Planning Commission, on a 3-2 vote, recommended approval of the application; and

WHEREAS, the Spring Lake Park City Council has reviewed the application and disagrees with the findings and recommendations of the Spring Lake Park Planning Commission, making the following findings of fact:

1. The proposed increase in impervious surface generated from the construction of the proposed swimming pool would exceed the performance standard for overall impervious surface on a lot located in the R-1 zoning district by 16%. The proposed increase in structure coverage as a result of the proposed swimming pool would exceed the performance standard by 7%. Deviations of this size are not in harmony with the general purposes and intent of the City’s Zoning Code.

2. The property owner can continue to utilize the property as a single-family home without the approval of the variance.
3. The proposed front porch addition will substantially alter the essential character of the neighborhood as all of the properties on this block of Rosedale Road fall beneath the 35% maximum lot coverage limitation and the 50% impervious surface limitation; and
4. Exceeding the impervious surface standard increases the amount of rainwater that can run off the property, thereby negatively impacting the City's already overtaxed stormwater system and neighboring properties.

WHEREAS, the City Council determines that, based on the findings of fact listed above, the practical difficulties test outlined in Section 16.60.040 of the Zoning Code has not been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council does hereby deny the request of Kelsey and Ryan Hollihan, 518 Rosedale Road NE, for a variance from Section 16.20.090 of the Zoning Code and Appendix E of the Zoning Code³

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 7th day of February 2021.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator