

RESOLUTION NO. 22-06

**A RESOLUTION APPROVING A VARIANCE FROM IMPERVIOUS SURFACE
COVERAGE AND MAXIMUM LOT COVERAGE BY STRUCTURES LIMITATION
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 has recommended approval subject to reasonable conditions, based on the following findings of fact:

1. The proposed swimming pool is modest in size and will be screened on all sides from neighboring properties, thereby not altering the essential character of the neighborhood.
2. The Applicant is proposing to use the pool for aquatic therapy purposes to address a chronic condition; therefore, the proposed swimming pool is a reasonable use of the property.
3. The Applicant’s plight is due to circumstances unique to the property not created by the landowner.

WHEREAS, the Spring Lake Park City Council has reviewed the application and hereby accepts the findings and recommendations of the Spring Lake Park Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council hereby approves the request of Kelsey and Ryan Hollihan, 518 Rosedale Road NE, for a variance from Section 16.20.090 and Appendix E of the Zoning Code; subject to the following conditions:

1. Applicant shall comply with all swimming pool performance standards specified in Section 16.28.020 of the Zoning Code;
2. Applicant must apply for all building permits prior to construction of the pool;
3. Applicant shall ensure that no runoff from the additional impervious surface shall impact property owners to the west and south of the Applicant's property;
4. Applicant shall construct a rain garden to treat stormwater runoff generated by the additional impervious surface created by the swimming pool; and
5. Applicant shall remove the concrete walkway on the west side of the existing accessory building and replace it with pervious pavers or other pervious surface approved by the City Engineer to reduce the amount of impervious surface on the property.

The foregoing Resolution was moved for adoption by.

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 2022.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator