

RESOLUTION NO. 21-39

A RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF A CONCRETE SLAB AND SHADE SAIL AT 482 SANBURNOL DRIVE NE

WHEREAS, Steward Tingelstad (“Applicant”) has made application for a variance from the side yard setback standard to accommodate a concrete slab and shade sail on the south side of his existing detached garage; and

WHEREAS, the property, 482 Sanburnol Drive NE, is legally described as follows:

Lot 1 Block 1 Cooper-Dalberg 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 September 26, 2022; and

WHEREAS, the request was made for a variance to permit a zero-foot side yard setback; instead of the 5-foot standard; 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 4-1 vote, has recommended approval subject to reasonable conditions, based on the following findings of fact:

1. The proposed setback encroachment will not alter the character of the neighborhood as there are other residential driveway encroachments in the vicinity of the property.
2. There are inherent challenges to developing a corner lot that are outside of the property owner’s control.

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 Stewart Tingelstad, 482 Sanburnol Drive NE, for a variance to permit a zero foot side yard setback for a driveway and associated shade sail, subject to the following conditions:

1. No additional driveway width will be permitted within the City’s right of way.
2. Property owner understands that any damage to improvements located within the utility easement due to the legal use and/or maintenance of the easement is the sole responsibility of the property owner.

3. Applicant shall direct any drainage from the concrete slab and shade sail west towards the rear of the property. No drainage shall be directed onto the neighboring property.
4. Applicant shall apply for any zoning/building permits required.

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 3rd day of October, 2022.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator