



# Memorandum

**To:** Mayor Nelson and Members of the City Council  
**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer  
**Date:** September 27, 2022  
**Subject:** Variance Request – 482 Sanburnol Drive

## Background

Stewart Tingelstad has submitted a variance request to permit a driveway expansion within the five foot side yard setback. The property owner is also seeking ability to install a shade sail within the side yard setback.



The applicant is seeking a variance from the 5 foot front yard setback requirement for driveways, as set forth in Spring Lake Park Code (“SLPC”) 16.40.030.

The property is a corner lot located on the 400 block of Sanburnol Drive, at the southeast corner of Sanburnol Drive and Terrace Road. 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 1958. While the house faces Sanburnol Drive, the garage faces Terrace Road NE.

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 |
| Dwelling, single family – side yard corner lot | 25 feet |
| Accessory uses, rear yard                      | 5 feet  |
| Accessory uses, side yard                      | 5 feet  |

SLPC 16.40.030 reads as follows:

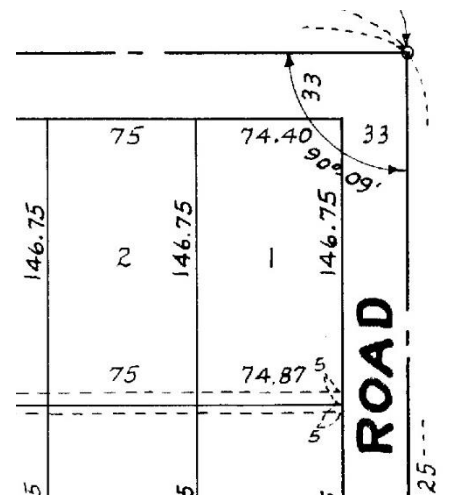
“Off-street parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use district in which the parking is located, with the following exceptions:

In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages, and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; *however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with SLPC 16.20.120 Paragraph B,2 are also exempted from the above yard setback regulations.* [Emphasis added]

There is currently a slab on the south side of the garage. The applicant is seeking to expand that into the side yard setback.

There is a 5 foot drainage and utility easement on the south side of the property. The easement is currently utilized for overhead utilities. Any improvements within an easement of this nature are made at the risk of the property owner. Staff and the Planning Commission made this point very clear to the property owner.

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 10,875 square feet, which would accommodate a maximum structure lot coverage of 3,806 square feet. With the addition, the total square footage of all structures on the property is 2,954.7 or 27.1% of the total lot size.



Staff had originally expressed concern about the shade sail interfering with maintenance of the above ground utilities. After the applicant had shared the ease in which the shade sail can be

taken down and that the posts for the shade sail would be in line with the existing fence, staff withdrew its concern.

*Previous applications:*

- Variance to permit construction of garage (8/18/1969)
- Variance to permit wider driveway (5/3/2010)

## 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 parking encroachment will not alter the character of the neighborhood as there are other residential driveway encroachments in the vicinity. In addition, there are inherent challenges to a corner lot that make this variance reasonable.

The Planning Commission recommended approval of the variance with the following conditions:

1. No additional driveway width will be permitted in the City's right of way.
2. Property owner understands that any damage to improvements located within a utility easement due to the legal use or maintenance of the easement is the property owner's responsibility.
3. Applicant shall direct any drainage from the new slab west towards the rear of the property. No drainage shall be directed onto neighboring properties.
4. Applicant must apply for a zoning permit as required.

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