

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: September 17, 2024
Subject: Variance and Conditional Use Permit Requests – 8031 Hayes Street NE

Background

1st Choice Builders, LLC, on behalf of property owner, Julie Caffari, 8031 Hayes Street NE, has submitted an application for a conditional use permit to allow a two family dwelling in the R-1 zoning district and variances from the minimum lot size required for a two family dwelling and a variance from the side yard setback for an in-law suite for an elderly family member.

The site is located on the 8000 block of Hayes Street NE. 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 and duplexes. Property records show that the house on the property was constructed in 1986.



The schedule of permitted uses by district (SLPC 16.64.040, A) states the following:

<u>Use</u>	<u>Details</u>	<u>R1</u>
Dwellings	Single-family detached dwellings	P
Dwellings	Two-family dwellings	C

The City's current lot area requirements for the R-1 zoning district is as follows:

Dwelling, single family	10,000 square feet per unit
Dwelling, two family	7,500 square feet per unit

The square footage of the lot is 11,249.50 square feet, or 3,750.50 square feet below the performance standard as set forth by City Code.

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
Accessory uses, rear yard	5 feet
Accessory uses, side yard	5 feet

The applicant is seeking a variance from the 10-foot side yard setback requirement on the south side of the house, behind the garage. The addition itself is within the required 10 foot side yard setback. However, the relocation of the deck stairs to the south side will encroach upon this setback, necessitating the variance. The applicant asserts that the variance is necessary to keep the deck stairs out of the way of the lower-level egress windows.

Previous applications: None.

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.”

Conditional Use Permit

Conditional use permits are considered permitted uses with reasonable conditions. Section § 16.56.030, F of the zoning code outlines the findings required prior to issuance of a conditional use permit:

1. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
2. The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;
3. The proposed use will comply with the regulations specified in this title for the district in which the proposed use is to be located;
4. The use is one of the conditional uses specifically listed for the district in which it is to be located;
5. The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;
6. The use will not lower property values or impact scenic views in the surrounding area;
7. Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;
8. Sufficient off-street parking and loading space will be provided to serve the proposed use;
9. The use includes adequate protection for the natural drainage system and natural topography;
10. The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and
11. The proposed use will not stimulate growth incompatible with prevailing density standards.

If the Planning Commission recommends denial of the variance, the CUP application would also need to be denied as the proposed use does not comply with the regulations specified in the chapter (Finding #4).

Analysis and Recommendations

Variance

Staff believes that the variance requests for 8031 Hayes St NE meet the practical difficulties test as outlined in Minnesota State Law and SLPC §16.60.040. First, the request is reasonable because it involves modifying a single-family home to create an in-law suite for an elderly family member. This use is consistent with the residential nature of the property and aligns with the character of the R-1 zoning district. It supports multi-generational living, a common and increasingly supported residential arrangement, while the relocation of the deck stairs improves safety and accessibility without significantly altering the property's footprint. Such a residential arrangement is supported under the City's 2040 Comprehensive Plan.

Second, the property has unique circumstances that justify the variance. Its current lot size does not meet the minimum requirements for a two-family dwelling under the current zoning regulations, making it impossible to accommodate the in-law suite without a variance. Additionally, the existing placement of the house on the lot and the required side setback limit the possibility of expanding the structure. These constraints are specific to this property and were not

created by the landowner, making the variance a necessary consideration for meeting the family's needs.

Third, granting the variance will not alter the essential character of the locality. The proposed addition is designed to match or complement the existing structure, ensuring it blends seamlessly with the neighborhood's architectural style. With the implementation of conditions such as landscaping and architectural consistency, the impact on neighboring properties will be minimal, preserving the aesthetic and property values of the area. Overall, this variance allows the homeowner to enhance the property in a manner that aligns with the neighborhood's character and the intent of the zoning regulations. Therefore, the variance request meets the practical difficulties test and is justified for approval.

Conditional Use Permit

If the variance is granted, staff believes that the use will qualify for a conditional use permit. The proposed addition at 8031 Hayes St NE aligns with the Conditional Use Permit standards outlined in the City Code. This project is necessary for the homeowner to provide a safe and suitable living arrangement for an elderly family member, contributing to the general welfare by supporting multi-generational living within the community. It is designed to be compatible with the surrounding neighborhood, ensuring that the changes will not be detrimental to the health, safety, or general welfare of residents in the vicinity. Although a variance is required for the side setback and the minimum lot size for a two-family dwelling in the R-1 zoning district, the proposed addition complies with all other zoning regulations and will adhere to building codes and ordinances.

The addition is designed to blend seamlessly with the existing structure, utilizing architectural consistency and landscaping to minimize any potential impact on neighboring properties. While enhancing the property's utility, it also preserves the neighborhood's character, and its integration is expected to maintain or potentially increase property values without obstructing scenic views. The existing streets and utilities are adequate to accommodate the proposed use, and no additional parking or loading spaces are necessary. Environmental protection measures, including proper grading and storm water management, will be implemented to preserve the natural drainage system and topography. The residential nature of the addition means it will not create nuisances such as odor, noise, or vibration, and compliance with City lighting regulations will prevent light spillover onto neighboring properties. Overall, the project maintains the residential density standards of the area, allowing for the in-law suite while keeping the essential character of the neighborhood intact.

Staff recommends approval of the variances and conditional use permit with the following conditions:

1. The in-law suite shall not be licensed or utilized as a rental property for non-family members. This suite is intended solely for the accommodation of family members and shall not be leased or rented to individuals outside of the property owner's immediate family. This condition is to preserve the residential character of the neighborhood and uphold the intent of the variance and conditional use permit.

2. Exterior materials, design and color of the addition and deck must match or complement the existing structure to ensure architectural consistency. This includes using similar siding, roofing materials, trim and window styles to maintain the visual coherence of the property.
3. Any existing landscaping that is disturbed or removed during construction must be replaced or restored to its original condition or better.
4. The applicant must ensure that the addition does not negatively impact the natural drainage system. Proper grading and drainage must be maintained to direct water away from the foundation and adjacent properties. Any changes to the property's topography or drainage patterns must be reviewed and approved by the City Engineer.
5. Any new exterior lighting installed as part of the addition should be downward-facing and shielded to minimize light spillover onto adjacent properties. The lighting should comply with the City's exterior lighting regulations to ensure it does not create a nuisance for neighboring residents.
6. The addition and deck must comply with all applicable building, safety, and fire codes. This includes ensuring that the addition is constructed according to the approved plans and meets egress, fire separation, and other safety requirements.
7. Any existing mature trees or significant vegetation near the construction site should be preserved where possible. If removal is necessary, the applicant must replace the vegetation with appropriate species to maintain the property's aesthetic and environmental quality.

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