

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: September 17, 2021
Subject: Variance Request – 8317 Fillmore St NE

Background

Bill Hendrickson, 8317 Fillmore St NE, has applied for a variance from the side yard setback standard for an addition to his accessory building and to allow a zero-lot line setback for his driveway.



The applicant is seeking a variance from the five foot side yard setback requirement as set forth in Appendix E of the Spring Lake Park City Code (for the accessory building) and Section 16.40.030 of the Spring Lake Park City Code (for the driveway).

The site is located on the 8300 block of Fillmore Street, between 83rd Avenue and Manor Drive. 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 1967.

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
Driveway	5 feet

The existing garage is four feet off the property line. The property owner would like to construct a 24' by 22' addition to the existing garage. The property owner also plans to remove the existing, original driveway, replace with concrete and widen the driveway to 22 feet at the street.

Section 16.20.070 regulates accessory building and uses. The Code states that no single detached accessory building can occupy more than 30% of any rear yard and the sum of all land occupied by all accessory building shall not exceed 40% of the area of the required rear yard or 1,200 square feet, whichever is less. The applicant's accessory building with the proposed addition will equal 1,100 square feet. The rear yard area is approximately 8,000 square feet. The accessory building after the proposed addition would cover 13.75% of the rear yard, well under the standard.

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 14,175 square feet, which would accommodate a maximum structure lot coverage of 4,961 square feet. With the addition, the total square footage of all structures on the property is 2,815 or 19.8% of the total lot size.

Section 12.52.060 sets the maximum driveway width in the public right-of-way at 29 feet. The applicant is proposing the driveway width be 22 feet.

The applicant is proposing to utilize the addition to accommodate additional storage in his accessory building.

Previous applications: Zoning permit for a fence.

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 include, 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 addition will not alter the character of the neighborhood as the proposed addition is residential in nature. Staff believes the proposed addition will not change the aesthetic of the home and will increase the value and usability of the property. Granting the variance will allow a flat wall on the north side of the building, rather than a one foot offset mid-building.

There are also a number of zero lot line driveways in the area, so a zero lot line driveway will not impact the character of the neighborhood.

If the Planning Commission wishes to recommend approval of the variances, it would be with the following conditions:

1. Addition must be architecturally compatible with the existing garage (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City’s zoning code.
2. Driveway modifications must be constructed pursuant to the standards set forth by the City of Spring Lake Park. Applicant must secure a zoning permit from the Code Enforcement Department for the expanded driveway.
3. Drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property.
4. Applicant must apply for all building permits as required.

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