

Memorandum

To: Chair Hansen and Members of the Planning Commission

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: September 14, 2020

Subject: Variance – 841 Manor Drive

Background

Patricia Beberg, 841 Manor Drive NE, submitted an application for a variance from the rear yard setback standard for a home addition to accommodate a sun room and indoor swim spa.

The applicant is seeking a variance from the 40 foot rear yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

The site is located on the 800 block of Manor Drive NE, between Able Street and Monroe Street. 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 1983.

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

In addition, Section 16.20.070 states that a detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this title. Staff's analysis of the drawings provided by Rust Architects show that the existing detached garage will be approximately 9.5 feet from the new addition.

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 13,185 square feet, which would accommodate a maximum structure lot coverage of 4,614 square feet. With the addition, the total square footage of all structures on the property is 3,304.03 or 25% of the total lot size.

The applicant is proposing to utilize the addition to accommodate an enclosed sunroom and swim spa to accommodate physical therapy needs for the applicant and her family. The applicant noted that, due to the COVID-19 pandemic, it has been difficult to have access to the water therapy she and her family needs to maintain their mobility. The applicant has assured the City that this swim spa will be for private use only. The applicant is seeking a five foot variance from the rear yard setback (35 feet from the northern property line instead of 40 feet). The applicant will remove an existing concrete patio in the rear yard to accommodate the addition.

Previous applications: No other applications are on file.

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 addition will not alter the character of the neighborhood as the proposed addition will not be visible from the street. Staff believes that the addition to house an indoor sun room and swim spa uses are reasonable uses of the property as they will provide for the applicant's therapeutic needs year-round. In addition, due to the dimensions of the swim spa, the proposed addition accommodates the swim spa in the most feasible manner.

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 home and must comply with all other requirements as set forth in the City's zoning code.
2. 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.



City of Spring Lake Park
 1301 81st Avenue NE
 Spring Lake Park, MN 55432
 763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

For Office Use Only	
Case Number:	
Fee Paid: \$450	CK #8210
Received by: JG	
Date Filed: 9-2-2020	
Date Complete:	
Base Fee: \$150	Escrow: 300

PC mtg 9/28/20

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 841 MANOR DRIVE		
Property Identification Number (PIN#):		Current Zoning: RES
Legal Description (Attach if necessary): LOT 4 BLOCK 1 DAHLMEIER ACRES		
APPLICANT INFORMATION		
Name: PATRICIA C BERBERG	Business Name:	
Address: 841 MANOR DRIVE NE		
City: SPRING LAKE PARK, MN 55432	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
OWNER INFORMATION (if different from applicant)		
Name: SAME	Business Name:	
Address:		
City:	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: RESIDENTIAL		
Nature of Proposed Use: ADDITION TO ADD SWIMSPA FOR HOME WATER PHYSICAL THERAPY		
Reason(s) to Approve Request: SPACE NEEDED TO ACCOMMODATE SWIMSPA AREA WITH WHEELCHAIR		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:	Date of Application:	
Nature of Request:		
<p>NOTE: Applications only accepted with ALL required support documents. See City Code</p>		

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

☒ E-mail pcbeberg@mithral.com ☐ Fax _____ ☐ USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Patricia C Beberg Date: Sept 2 2020

Owner: Patricia C Beberg Date: Sept 2 2020

NOTE: Applications only accepted with ALL required support documents.
See City Code

**City of Spring Lake Park
Variance Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: PATRICIA C BEBERG

Telephone: 763 784 2659

Address: 841 MANOR DRIVE NE

Cell Phone: 763 234 1538

City/State/Zip: SPRING LAKE PARK MN 55432

E-mail: pbeberg@nithral.com

2. Property Owner Information (if different from above):

Name: SAME

Telephone: _____

Address: _____

Cell Phone: _____

City/State/Zip: _____

E-mail: _____

3. Project Location (Address and Legal Description): LOT 4 BLOCK 1 DAHLMEIR ACRES

4. Present Use of Property: RESIDENTIAL

5. Description of Project: ADDITION SUN ROOM, SWIM SPA ROOM

6. Specify Section of the Ordinance from which variance is sought: _____
BACK LOT LINE 40'

7. Explain how you wish to vary from the applicable provisions of this Ordinance: _____
35' FROM BACK LOT LINE

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. **Practical Difficulties Test:** Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?

☒ Yes ☐ No Why or why not?

b. In your opinion, is the variance consistent with the Comprehensive Plan?

☒ Yes ☐ No Why or why not?

c. In your opinion, does the proposal put property to use in a reasonable manner?

☒ Yes ☐ No Why or why not?

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?

☐ Yes ☒ No Why or why not?

e. In your opinion, will the variance maintain the essential character of the locality?

☒ Yes ☐ No Why or why not?

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant Signature:

Patricia C Beberg

Date:

Sept 2nd 2020

Fee Owner's (Property Owner) Signature:

Patricia C Beberg

Date:

Sept 2nd 2020

MODEL E500 15' x 89" W x 58" D



ENDLESS POOLS® FITNESS SYSTEMS
2019 COLLECTION

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

FOR Patricia Beberg

KURTH SURVEYING, INC.

4002 JEFFERSON ST. N.E.

COLUMBIA HEIGHTS, MN 55421

PHONE (763) 788-9769 FAX (763) 788-7602

E-MAIL: ksi@kurthsurveyinginc.com.

DATE: July 9, 2020

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Randy L. Kurth, L.L.S. No. 20270
Russell J. Kurth, L.L.S. No. 16113

0 30

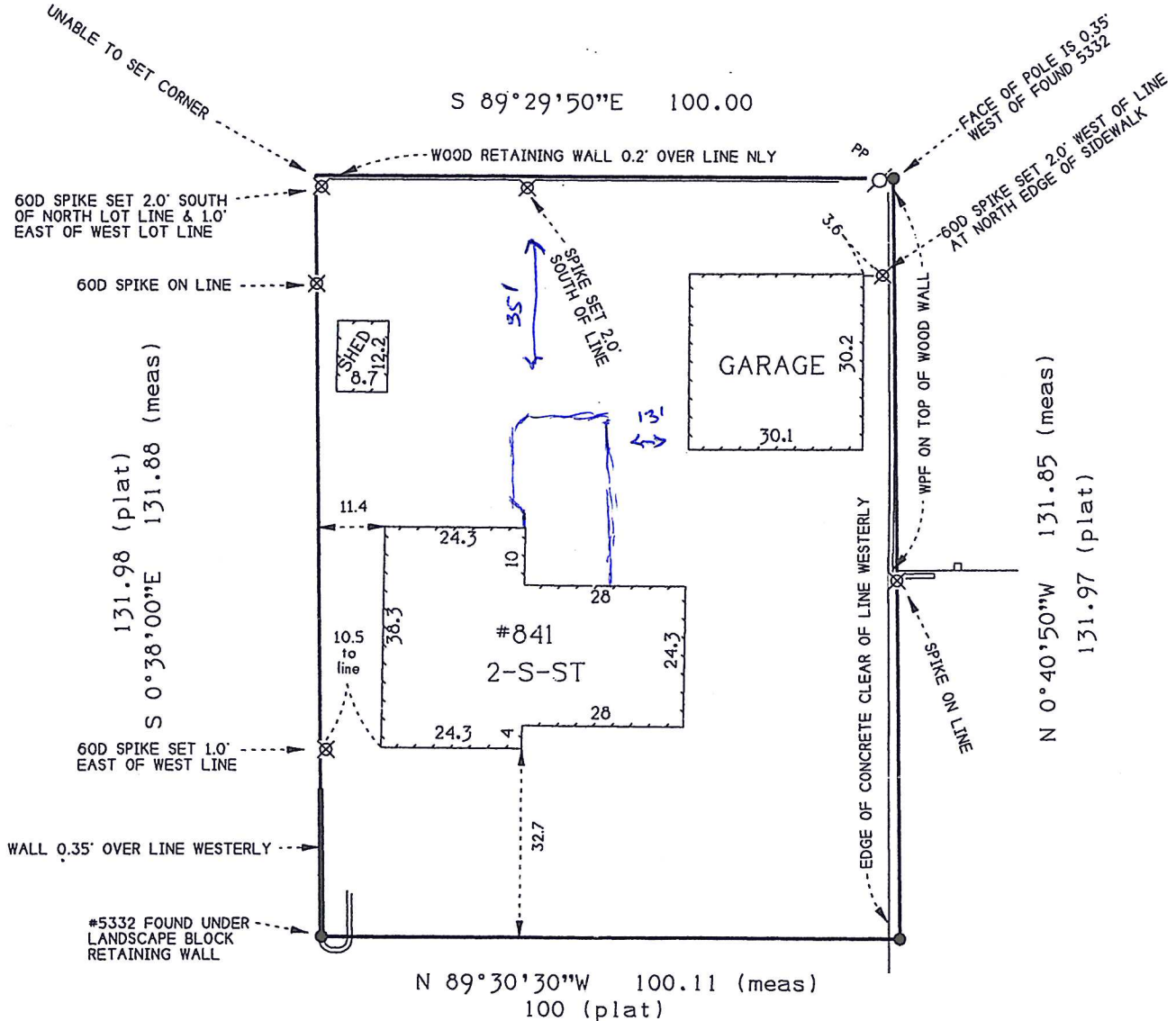
SCALE IN FEET

- = IRON PIPE MONUMENT SET
- = IRON PIPE MONUMENT FOUND
- ✕ = SPIKE SET
- ⊥ = WOOD FENCE - wpf
- *— = CHAIN LINK FENCE - clf

BEARINGS ARE ASSUMED DATUM

NOTE: THE PURPOSE OF THE SURVEY WAS TO MARK CORNERS AND LINES FOR FENCE AND WALL REPLACEMENT.

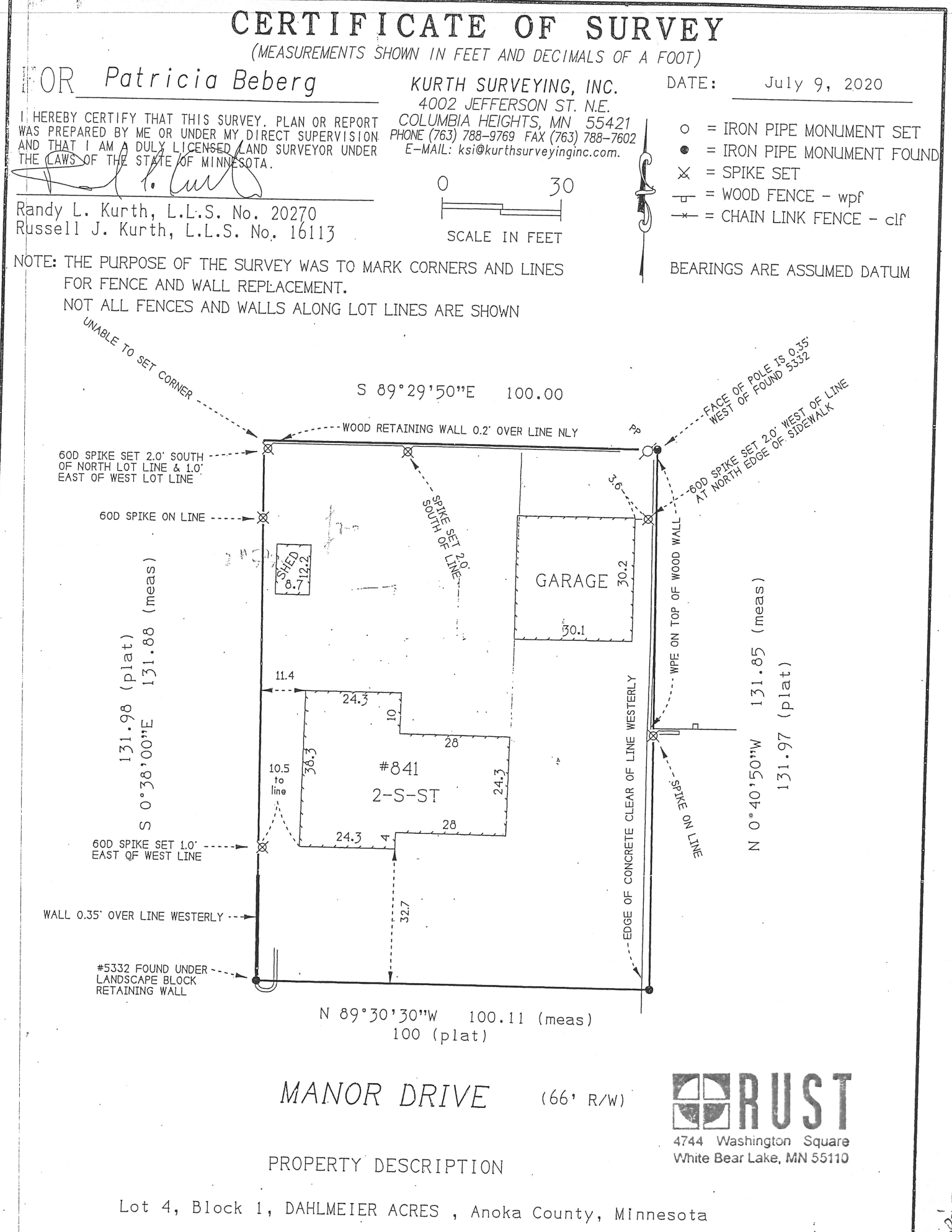
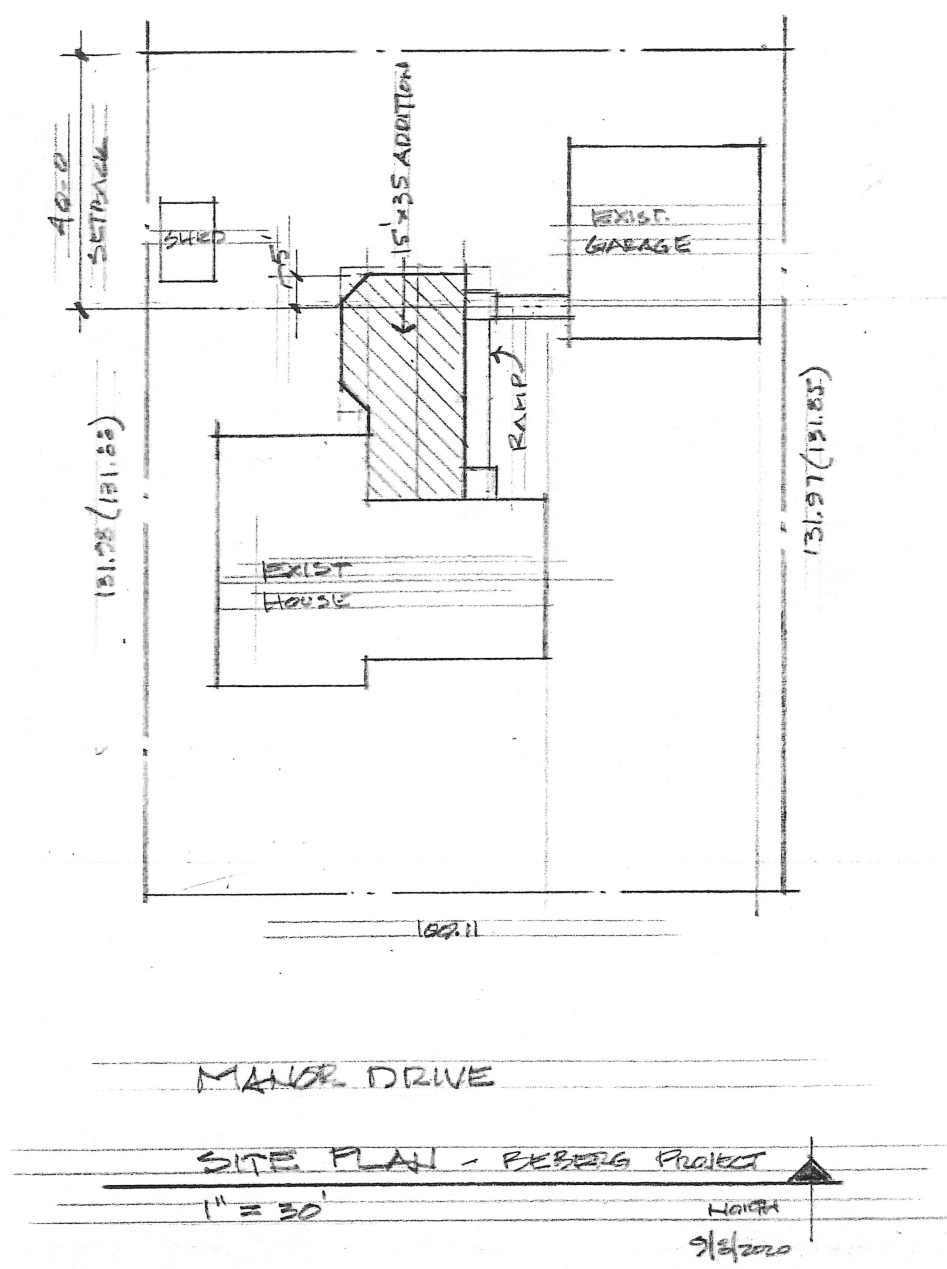
NOT ALL FENCES AND WALLS ALONG LOT LINES ARE SHOWN



841 MANOR DRIVE (66' R/W)

PROPERTY DESCRIPTION

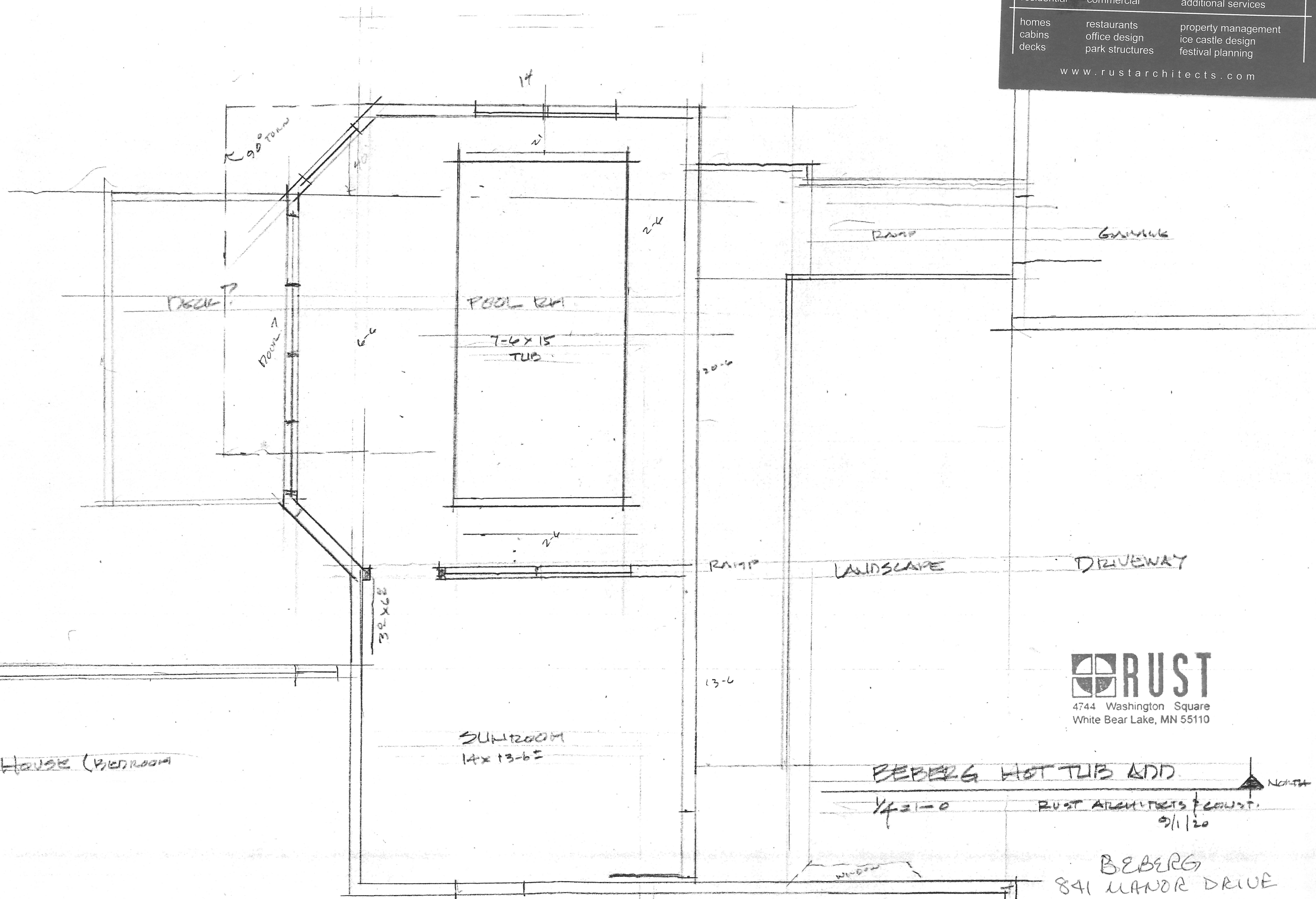
Lot 4, Block 1, DAHLMIEIER ACRES, Anoka County, Minnesota





residential	commercial	additional services
homes	restaurants	property management
cabins	office design	ice castle design
decks	park structures	festival planning

www.rustarchitects.com



4744 Washington Square
White Bear Lake, MN 55110

BEBERG HOT TUB ADD.

1/4 21-0

RUST ARCHITECTS & CONSULT.
5/11/20

BEBERG
841 MANOR DRIVE



EAST ELEVATION PEBERG HOME (ADDITION)

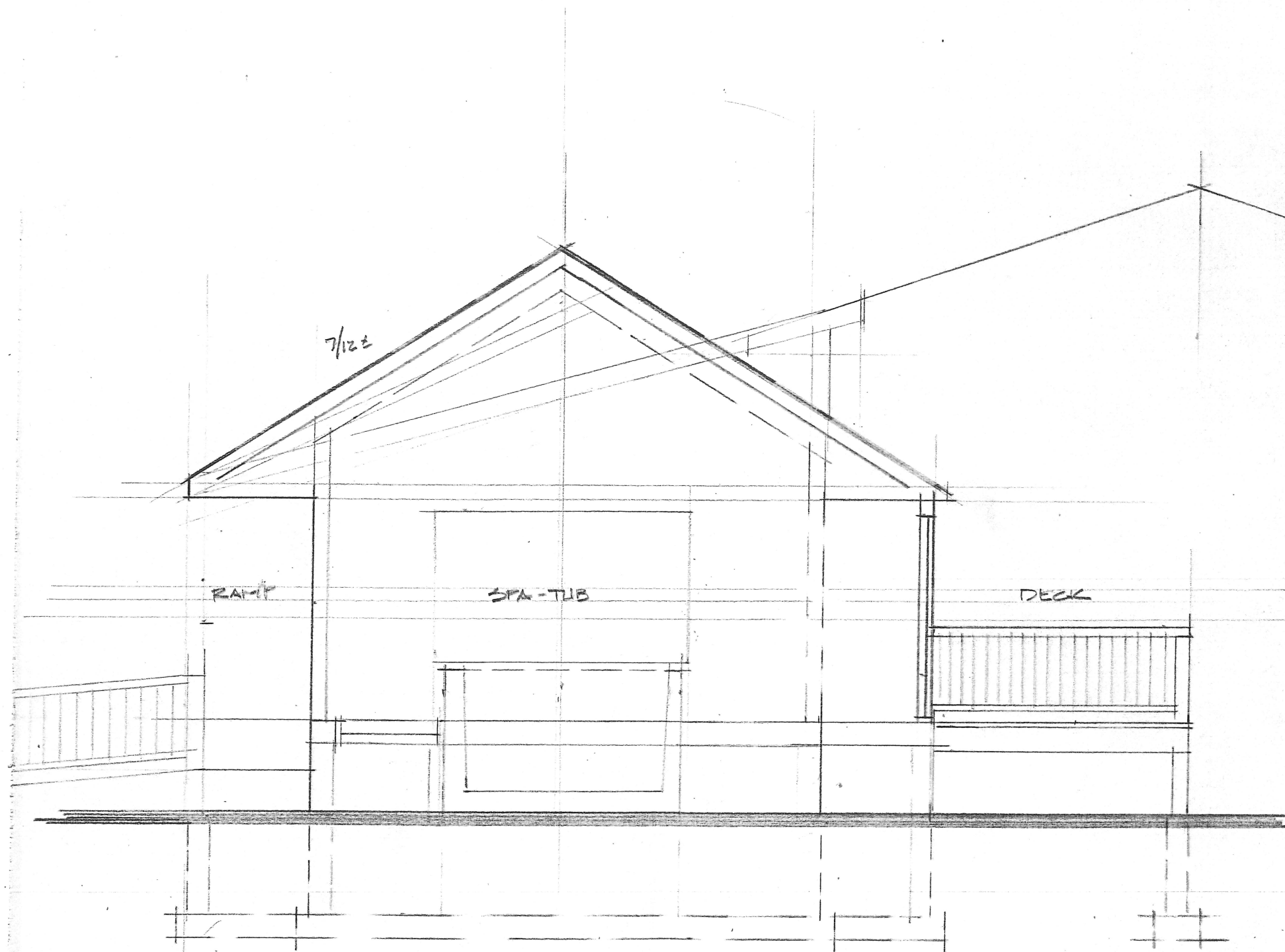
1/4" = 1'-0"

RUST ARCHITECTS P.C. 01/2020

9/9/2020



4744 Washington Square
White Bear Lake, MN 55110



BUILDING SECTION (E/W) PEBBERG HOME

1/4" = 1'-0"

RUST ARCHITECTS/PLT. 9/8/20



4744 Washington Square
White Bear Lake, MN 55110

BEBERG 2020 ENCLOSED SWIM SPA ADDITION

841 Manor Drive NE, Spring Lake Park, MN 55432

* H 763-784-2659 C 763-234-1538

I have discussed my Swim Spa enclosed addition for home Therapy use with my neighbors.
Per their signatures below, there is no opposition to the addition location on my Lot.

Patricia C. Beberg Patricia C Beberg Date Sept 1, 2020

NAMES Printed Cory Pierce Melanie Pierce

Signatures [Signature] [Signature]

Address 859 MANOR DR

Phone 763 717 1414 Date 9-1-2020

NAMES Printed DO VU

Signatures [Signature]

Address 819 MANOR DR

Phone 651-343-5164 Date 9-1-2020

NAMES Printed Jan Bergstrom

Signatures 856 Maple St NE

Address SJP

Phone 763-784-3931 Date 9-1-2020

NAMES Printed ROBERTO VILLASENOR

Signatures [Signature]

Address 842 MAPLE ST. NE

Phone (763) 639 29 62 Date 9-2-2020

NAMES Printed Veronica garcia

Signatures _____

Address 842 Maple st.

Phone 763) 4391313 Date 9-2-2020

