

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: October 19, 2021
Subject: Variance Request – 790 Manor Drive NE

Background

John Clark, 790 Manor Drive NE, submitted an application for a variance from the front yard setback standard for a small home addition to accommodate an uncovered stairway into his home.



The applicant is seeking a variance from the 35 foot front yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

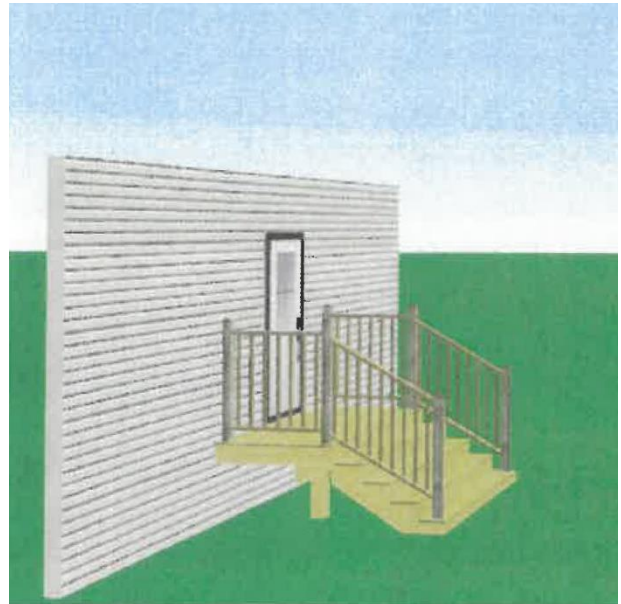
The site is located on the 700 block of Manor Drive NE, between Able

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 2021.

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

Section 16.20.080(H)(1) permits a covered porch to extend into the front yard setback a distance not exceeding 6 feet if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The Code restricts the covered area to 60 square feet and requires it to be architecturally compatible with the principal structure. The applicant already has a 48 square foot covered area encroaching 6 feet into the front yard setback (encroachment serves as the front door on the west side of the front of house). The applicant is seeking an additional encroachment to allow a small landing and entrance stairs at the front door. The dimensions of the encroachment are 8 feet 5 inches wide by 7 feet 8 inches long.



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 13,200 square feet, which would accommodate a maximum structure lot coverage of 4,620 square feet. With the addition, the total square footage of all structures on the property is 2,850 or 21.5% of the total lot size.

The applicant is proposing to utilize the addition to accommodate an uncovered stair and land place exceeding the permitted encroachment granted under Section 16.20.080(H)(1).

Previous applications: Building permit for new home on site in 2020/2021.

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 is residential in nature. Staff believes the proposed addition will improve the aesthetic of the home, thereby increasing the value of their property and the surrounding neighborhood.

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

1. Applicant must apply for all building permits as required.

If the Planning Commission wishes to recommend denial of the variance, it would be with the following findings of fact.

1. The proposed addition greatly exceeds the standards for permitted encroachments in the front yard setback, thereby impacting the character of the neighborhood.
2. All of the homes along the south side of Manor Drive in this area are at the required front yard setback, thereby the proposed addition would negatively impact the character of the neighborhood.

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