

Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: November 22, 2022
Subject: Variance Request – 511 Ballantyne Lane

Background

Charles Davis has submitted a variance request to permit a shed to be placed closer than 8 feet to the garage. The shed is already constructed. The applicant is seeking an after-the-fact variance.



The applicant is seeking a variance from the 8 foot setback requirement for detached buildings to the principal building, as set forth in Spring Lake Park Code (“SLPC”) 16.20.070.

The property is a lot located on the 500 block of Ballantyne Lane NE, east of 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 1954.

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

SLPC 16.20.070(D) reads as follows:

“A detached accessory building shall not be located in any required front or side yard setback. A detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this title.”

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 10,349 square feet, which would accommodate a maximum structure lot coverage of 3,622 square feet. With the shed addition, the total square footage of all structures on the property is 2,764.20 or 26.7% of the total lot size.

The 2020 State Building Code requires additional construction requirements if a building is constructed less than five feet from another building. The Building Code requires both the interior and exterior sides of the wall be rated as a 1-hour fire wall.

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.”

Recommendation

The Planning Commission recommends approval of the variance. The Commission's analysis of the application shows that the proposed shed placement will have no impact on the essential character of the neighborhood and the property is being put to use in a reasonable manner.

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

1. Applicant must apply for a building permit for the shed to ensure that construction complies with Section 705.5 of the Building Code. as required.

The City Council could recommend denial of the variance, finding that there are alternative locations for the placement of the shed and there are no unique features to the property that would require the variance.

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