

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on June 24, 2024 at the Able Park Building, 8200 Able Street NE at 7:00 PM.

### 1. CALL TO ORDER

Chair Hansen called the meeting to order at 7:00 PM.

### 2. ROLL CALL

#### MEMBERS PRESENT

Commissioner Rick Cobbs  
Commissioner Brad Delfs  
Commissioner Sharon Weighous  
Chair Hans Hansen

#### MEMBERS ABSENT

Commissioner Kelsey Hollihan  
Commissioner Eric Julien

#### STAFF PRESENT

Building Official Jeff Baker, Administrator Daniel Buchholtz, Deputy City Clerk Brown

#### VISITORS

Hamza Refaya	697 79 <sup>th</sup> Avenue NE	Spring Lake Park MN
Vicki Wazwaz	697 79 <sup>th</sup> Avenue NE	Spring Lake Park MN

### 3. PLEDGE OF ALLEGIANCE

### 4. APPROVAL OF MINUTES

#### A. Approval of Minutes – May 28, 2024 Meeting

Motion made by Commissioner Delfs, seconded by Commissioner Cobbs, to approve the minutes from May 28, 2024 Planning Commission meeting.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Chair Hansen. Motion carried.

### 5. PUBLIC HEARING

#### A. Public Hearing – Variance Request for a Privacy Fence at 697 79<sup>th</sup> Avenue NE – Hamza Refaya

Building Official Baker gave an overview of the variance request for 697 79<sup>th</sup> Avenue NE. He stated that the applicant is requesting to install a six-foot privacy fence in the front yard. He stated that the property is zoned R-1 and was constructed in 1956.

Building Official Baker stated that the applicant is seeking a variance from SLPC 16.28.030 (F), which states that “no fence may exceed four feet in height above ground level in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this title. He stated that the term “Yard, Front” is defined under SLPC 16.04.070 as “a yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

Building Official Baker said that the on a corner lot, both sides adjacent to the street are considered the front yard, though the shortest street lot line shall be considered the front lot line. He stated that the although their front door is on 79<sup>th</sup> Avenue, the front of the applicant’s home is on Monroe Street NE because it is the short side of the property.

Building Official Baker stated that the property currently has a 6-foot-tall white vinyl privacy fence along the northern property line, running from the western property line to the start of the front yard setback. He stated that the property owner is seeking to continue that 6-foot vinyl privacy fence to the right of way line and install a 6-foot-tall privacy fence along the right-of-way line on Monroe Street, ending at a point in line with the south east corner of the house. He said that there is no fencing along Monroe Street Ne.

Building Official Baker stated that staff is recommending denial of the variance due to the following conditions:

- A six-foot fence in the front yard along the right-of-way line is not reasonable under the circumstances as it would impair visibility for drivers and pedestrians, increasing the risk of accidents, particularly for residents backing out of nearby driveways.
- The proposed fence would disrupt the consistent and open visual appeal of the neighborhood, thereby impacting the essential character of the neighborhood.
- The property can continue to be used as a residential property without granting the variance. A fence can be constructed in conformance with the City Code while still providing backyard privacy to the owner of the property.
- The variance request does not meet the criteria set forth in SLPC 16.60.040 or State Law for the practical difficulties test in that there are numerous corner lots within the City that currently comply with the City Code and insufficient unique circumstances exist on the property to support the deviation from Code standards.

Chair Hansen opened the public hearing at 7:05 PM

Vicki Wazwaz, 697 79<sup>th</sup> Avenue NE gave an overview of the request. She explained where the fence would be placed and why they needed the additional privacy fence. She stated that the variance would allow them to have a fence flushed with the house.

Commissioner Weighous asked for clarification on the placement of the existing fence, and the distance of the fence to the street. Ms. Wazwaz stated that the fence is in back of the house. Building Official Baker clarified that the right of way is 12-14 feet off of the curb.

Commissioner Hansen inquired about a 4-foot fence instead of a 6-foot fence. Ms. Wazwaz stated that a 4-foot fence would not give them the privacy they want.

Commissioner Weighous asked Ms. Wazwaz if the proposed fence line coming flush to the house would be ample room in the backyard. Ms. Wazwaz stated that there would not be enough room to accommodate them.

Commissioner Delfs clarified with Ms. Wazwaz that she was just asking for a privacy fence for the side yard, since she considers Monroe Street NE the side.

Administrator Buchholtz informed the Commission that a letter was received opposing the variance request by Harold Mattie and Mr. Matti requested that the letter be included as part of the record.

Chair Hansen closed the public hearing at 7:24 PM

Motion made by Commissioner Cobbs seconded by Commissioner Delfs to recommend denial of the variance request for a 6-foot privacy fence to Hamza Refaya, 697 79<sup>th</sup> Avenue NE, subject to the following conditions:

- A six-foot fence in the front yard along the right-of-way line is not reasonable under the circumstances as it would impair visibility for drivers and pedestrians, increasing the risk of accidents, particularly for residents backing out of nearby driveways.
- The proposed fence would disrupt the consistent and open visual appeal of the neighborhood, thereby impacting the essential character of the neighborhood.
- The property can continue to be used as a residential property without granting the variance. A fence can be constructed in conformance with the City Code while still providing backyard privacy to the owner of the property.
- The variance request does not meet the criteria set forth in SLPC 16.60.040 or State Law for the practical difficulties test in that there are numerous corner lots within the City that currently comply with the City Code and insufficient unique circumstances exist on the property to support the deviation from Code standards.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs. Voting Nay: Chair Hansen. Motion carried.

## 6. OTHER

None

**7. ADJOURN**

Motion made by Commissioner Delfs, seconded by Commissioner Cobbs to adjourn.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Chair Hansen.  
Motion carried.

Meeting adjourned at 7:28 PM.