

Memorandum

To: Chair Hansen and Members of the Planning Commission

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

Date: June 12, 2026

Subject: Variance – 8035 Benjamin St NE

Background

Johanna Richards, 8035 Benjamin St NE, has applied for a variance from the rear yard setback requirement in the R-3 zoning district to accommodate a covered patio.

The subject property is located within the Spring Lake Park Villas development, which was approved by the City as a Planned Unit Development (PUD) in 1994. The development consists of townhouse lots that were designed and platted as part of an integrated development plan approved by the City.

In 2025, the applicant constructed a roofed patio structure without first obtaining the required building permit or zoning approvals. Following construction, the applicant submitted a variance application seeking relief from the required rear yard setback.



During review of the 2025 application, City staff determined that a portion of the structure extended beyond the applicant's property line and onto neighboring property. Because the City cannot authorize improvements located on property not owned by the applicant, staff advised the applicant that denial of the request would be recommended. The applicant subsequently withdrew the application and modified the structure.

The current application reflects a reduced structure that is located entirely on the applicant's property. The present request is limited to relief from the required rear yard setback.

Analysis

The property is zoned R-3 Multiple Family Residential. Section 16.64.050(A)(5) establishes a minimum rear yard setback of thirty (30) feet. The PUD reduced these setbacks even further to match the original building footprint that was constructed.

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."

Reasonable use. The proposed structure is a customary residential accessory structure intended to provide outdoor living space for the occupants of the townhouse. Staff finds that the proposed use is reasonable.

Unique circumstances. The subject property is located within a townhouse PUD that was designed with relatively small lots and limited rear yard areas. A review of the development pattern indicates that many of the lots within the development were created around approved townhouse structures and differ substantially from conventional residential lots elsewhere in the City.

The applicant's decision to construct the structure prior to obtaining permits and zoning approvals is a concern. However, the variance request must be evaluated based upon the physical characteristics of the property and the practical difficulties associated with complying with the setback requirement. Staff finds that the lot configuration and development pattern established through the original PUD approval constitute circumstances unique to the property.

Essential character of the locality. The structure is residential in nature and is consistent with the character of the surrounding townhouse development. The revised structure is located entirely on the applicant's property and will not alter the essential character of the neighborhood. Staff finds this criterion is met.

Staff Recommendation

Staff finds that the proposed roofed accessory structure represents a reasonable residential use, that the property contains unique circumstances associated with its location within an established townhouse PUD, and that the requested variance will not alter the essential character of the neighborhood.

Therefore, staff recommends approval of the variance subject to the following conditions:

1. The structure shall remain entirely within the boundaries of the subject property.
2. The structure shall substantially conform to the plans submitted with the variance application.
3. The applicant shall obtain all required building permits and inspections.
4. The structure shall comply with all applicable building code, drainage, and fire safety requirements.
5. The variance approval shall not become effective until all outstanding administrative penalty fees, permit fees, and other charges associated with the unauthorized construction of the structure have been paid in full.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on August 24, 2026. The Commission reviewed the staff analysis and the five recommended conditions of approval. During the hearing, a neighboring property owner stated that there was no objection to the variance provided the structure remains entirely on the applicant's property. Commissioners also discussed HOA concerns, drainage, and structural safety requirements.

Following the public hearing, the Planning Commission unanimously recommended approval of the rear yard setback variance for 8035 Benjamin Street NE.

Requested Council Action

If the City Council concurs with the Planning Commission's recommendation, a motion to approve Resolution 2026-41 would be in order.

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