

CITY OF SPRING LAKE PARK

RESOLUTION NO. 2026-41

A RESOLUTION APPROVING A VARIANCE FROM THE REAR YARD SETBACK REQUIREMENT AT 8035 BENJAMIN STREET NE

WHEREAS, Johanna Richards (the “Applicant”), owner of the property located at 8035 Benjamin Street NE, legally described as Lot 3, Block 8, Spring Lake Park Villas, Anoka County, Minnesota (the “Property”), has applied for a variance from the rear yard setback requirement to allow a roofed patio/accessory structure; and

WHEREAS, the Property is zoned R-3 Multiple Family Residential and is located within the Spring Lake Park Villas Planned Unit Development, which was approved by the City in 1994 as an integrated townhouse development with relatively small lots and limited rear yard areas; and

WHEREAS, Section 16.64.050(A)(5) of the Spring Lake Park Zoning Code establishes a minimum rear yard setback of thirty (30) feet in the R-3 District, and the approved Planned Unit Development established setbacks tied to the original townhouse building footprints; and

WHEREAS, in 2025, a roofed patio structure was constructed without the required building permit or zoning approval, and a prior variance application was withdrawn after City staff determined that a portion of the structure extended beyond the Property; the structure has since been reduced and the current application depicts the structure entirely within the Property boundaries; and

WHEREAS, Section 16.60.040 of the Zoning Code authorizes the City Council to grant a variance when practical difficulties exist because of circumstances unique to the property, the proposed use is reasonable, the variance will not alter the essential character of the locality, and the variance is in harmony with the general purposes and intent of the Zoning Code and consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota, as follows:

1. **Approval.** The City Council hereby approves a variance from the rear yard setback requirement applicable to the Property to allow the roofed patio/accessory structure in the location and configuration shown on the plans and survey submitted with the variance application, subject to the conditions stated below.
2. **Findings of Fact.** The City Council makes the following findings in support of the variance:
 - a. The Property is located at 8035 Benjamin Street NE, is zoned R-3 Multiple Family Residential, and is part of the Spring Lake Park Villas Planned Unit Development approved by the City in 1994.
 - b. The R-3 District establishes a thirty (30) foot minimum rear yard setback. The Spring Lake Park Villas Planned Unit Development was developed with relatively

small townhouse lots and setbacks tied closely to the original building footprints, resulting in limited rear yard areas on the Property and similarly situated lots within the development.

- c. The proposed roofed patio/accessory structure is a customary residential improvement intended to provide outdoor living space for the occupants of the townhouse. The proposed use of the Property is reasonable.
 - d. The practical difficulty supporting the variance arises from the size, configuration, and development pattern of the Property within the established townhouse Planned Unit Development. Those physical circumstances are unique to the Property and were established through the original development and platting of Spring Lake Park Villas.
 - e. Although the Applicant previously constructed the structure without the required approvals, the City Council does not rely on that action as a basis for the variance. The practical difficulty is based on the physical characteristics and development pattern of the Property, rather than circumstances created by the Applicant.
 - f. The revised structure is located entirely within the boundaries of the Property and substantially reduces the concerns associated with the prior application.
 - g. The structure is residential in nature and is compatible with the surrounding townhouse development. Granting the variance will not alter the essential character of the locality.
 - h. The variance allows a customary residential use while maintaining the residential character of the Property and neighborhood and is in harmony with the general purposes and intent of the Zoning Code and consistent with the Comprehensive Plan.
 - i. Economic considerations are not the basis for the variance, and the variance does not authorize a use that is otherwise prohibited in the R-3 District.
 - j. Based on the foregoing findings, the standards for practical difficulties in Section 16.60.040 of the Zoning Code are satisfied.
3. **Conditions of Approval.** The variance is subject to the following conditions:
- a. The structure shall remain entirely within the boundaries of the subject Property
 - b. The structure shall substantially conform to the plans submitted with the variance application.
 - c. The Applicant shall obtain all required building permits and inspections.
 - d. The structure shall comply with all applicable building code, drainage, and fire safety requirements.
 - e. 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.
 - f. The applicant shall pay all fees and escrows associated with this request.
4. **Effect of Approval.** This variance applies only to the roofed patio/accessory structure shown on the plans approved with this application. Any material expansion or alteration that increases the extent of the setback encroachment shall require further City review and approval as required by City Code.

The foregoing Resolution was moved for adoption by .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 8th day of September, 2026.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator