

RESOLUTION NO. 2024-45

A RESOLUTION APPROVING VARIANCES FROM FENCING PERFORMANCE STANDARDS AT 697 79TH AVENUE NE

WHEREAS, Hamza Refeya (“Applicant”) has made application for a variance from SLPC 16.28.030(C), which establishes performance standards for fencing in residential districts; and

WHEREAS, the property, 697 79th Ave NE, is legally described as follows:

Lot 19 Block 1 Clearview Heights Addition, subject to easement of record; and

WHEREAS, mailed and published notice of a public hearing to consider the proposed variance was given; and

WHEREAS, a public hearing to consider the proposed variance was held on June 25, 2024; and

WHEREAS, the request was made for a variance allowing the applicant to construct a 6 foot tall fence in the front yard as defined by the Code; and

WHEREAS, SLPC 16.20.080 states that “except for driveways, the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot;” and

WHEREAS, the Planning Commission has considered the application against the practical difficulties test as outlined in Section 16.60.040 of the Spring Lake Park Zoning Code; and

WHEREAS, the Planning Commission has recommended denial based on the following findings of fact:

1. 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.
2. The proposed fence would disrupt the consistent and open visual appeal of the neighborhood, thereby impacting the essential character of the neighborhood.
3. 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.
4. 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.

WHEREAS, the Spring Lake Park City Council has reviewed the application and hereby accepts the findings and recommendations of the Spring Lake Park Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council hereby denies the request of Hamza Refeya, 697 79th Ave NE, for a variance from the residential fence performance standards as outlined in SLPC 16.28.030(F).

The foregoing Resolution was moved for adoption by Councilmember .

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 1st day of July 2024.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator