

RESOLUTION NO. 21-25A

**A RESOLUTION DENYING A VARIANCE FROM THE FRONT YARD SETBACK AT
518 ROSEDALE ROAD NE**

WHEREAS, Kelsey and Ryan Hollihan have made application for a variance from the front yard setback standard for a home addition to accommodate a covered porch with a vault beneath; and

WHEREAS, the property, 518 Rosedale Road NE, is legally described as follows:

Lot 4 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 28, 2021; and

WHEREAS, the request was made for a twelve-foot variance from the front yard setback; resulting in a 23 foot setback from the northern property line instead of 35 feet; 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 approval subject to reasonable conditions, based on the following findings of fact:

1. Addition must be architecturally compatible with the existing home and must comply with all other requirements as set forth in the City's zoning code;
2. Applicant must apply for all building permits as required.

WHEREAS, the Spring Lake Park City Council has reviewed the application and disagrees with the findings and recommendations of the Spring Lake Park Planning Commission, making the following findings of fact:

1. The proposed front porch addition, at 528 square feet, greatly exceeds the standards for permitted encroachments in the front yard setback, as set forth by Section 16.20.080(H)(1) which limits such front porch additions to 60 square feet. A deviation of this size is not in harmony with the general purposes and intent of the City's Zoning Code.
2. While home based businesses are permitted in the R-1, Single Family Residential, zoning district, they are an accessory use. The property owner can continue to utilize the property as a single-family home without approval of the variance.

3. The proposed front porch addition will substantially alter the essential character of the neighborhood as all of the properties on this block of Rosedale Road are built to the setback line, with the exception of elements in conformance with Section 16.20.080(H) governing permitted encroachments to the front yard setback; and

WHEREAS, the City Council determines that, based on the findings of fact listed above, the practical difficulties test set forth in Section 16.60.040 of the Zoning Code has not been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council does hereby deny the request of Kelsey and Ryan Hollihan, 518 Rosedale Road NE, for a 12-foot variance from the front yard setback.

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 6th day of July, 2021.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator