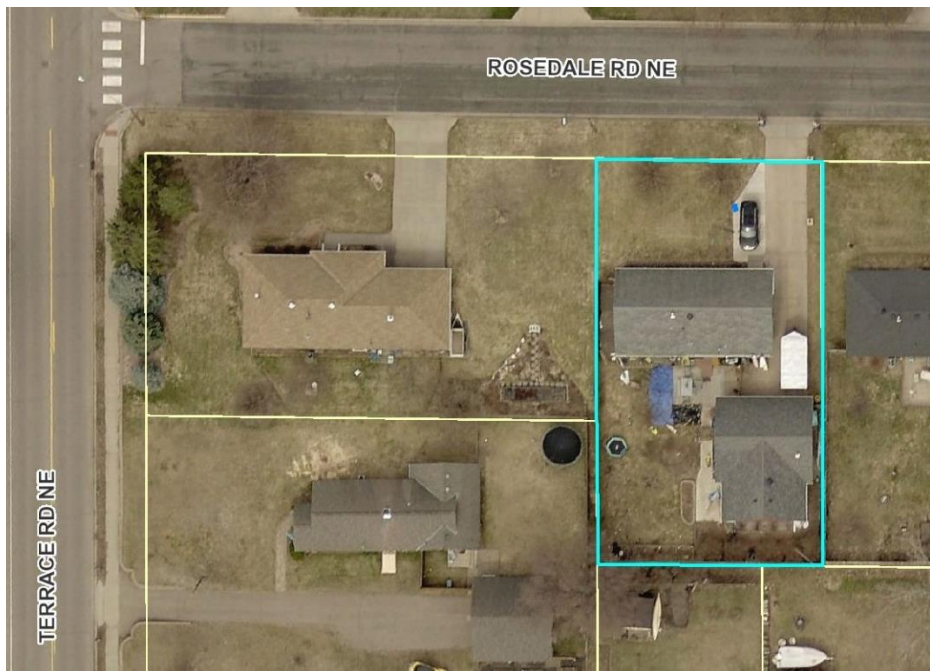


Memorandum

To: Mayor Nelson and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: July 1, 2021
Subject: Variance Request – 518 Rosedale Rd NE

Background

Ryan and Kelsey Hollihan, 518 Rosedale Road NE, submitted an application for a variance from the front yard setback standard for a home addition to accommodate a covered front porch and storage below.



The applicant is seeking a variance from the 35 foot front yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

The site is located on the 500 block of Rosedale Road NE, between Terrace Road and Monroe Street. The property is guided for low density residential in the 2040 Comprehensive Plan.

The property is zoned R-1, Single Family Residential – allowed uses include single-family homes. Property records show that the house on the property was constructed in 1965.

The City's current yard setback standards for the R-1 zoning district is as follows:

Dwelling, single family – front yard	35 feet
Dwelling, single family – rear yard	40 feet
Dwelling, single family – side yard	10 feet
Accessory uses, rear yard	5 feet
Accessory uses, side yard	5 feet

Section 16.20.080(H)(1) permits a covered porch to extend into the front yard setback a distance not exceeding 6 feet if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The Code restricts the covered area to 60 square feet and requires it to be architecturally compatible with the principal structure. However, the applicant is requesting a covered porch to extend 12 feet into the front yard setback at a square footage of 528 square feet. The applicant has stated that the covered porch will not be enclosed with windows, screens or the like.

Appendix D sets the maximum percentage of lot coverage of all structures in the R-1 district at 35%. The applicant's property is approximately 10,050 square feet, which would accommodate a maximum structure lot coverage of 3,517 square feet. With the addition, the total square footage of all structures on the property is 3,270 or 32.5% of the total lot size.

The applicant is proposing to utilize the addition to accommodate a covered porch and a vault underneath the porch for their federal firearms licensed business. The applicant believes that the proposed addition will improve the aesthetics of their home, as well as make the home more functional for their home-based businesses.

Section 16.36.010(F) establishes the following performance standards for home-based businesses:

- F. Home occupations.
 - 1. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
 - 2. Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood
 - 3. The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.
 - 4. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.
 - 5. No outdoor display of goods or outside storage of equipment or materials shall be permitted.
 - 6. Home occupations shall not include employment of persons not residing on the premises.

7. The area used for the home occupation may not exceed 25% of the total floor area of the dwelling.
8. Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

The applicant stated that they operate two home-based businesses from their property: Realm Electric LLC and Realm Firearms. The applicant has stated they currently use a small, 60 square foot room, in their home to manage both businesses. The new vault below the patio would not exceed the 25% of total area square footage threshold as outlined in the ordinance.

Previous applications: Zoning permit for fence.

Variance

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.”

Recommendation

The Planning Commission held a public hearing on the proposed variance at its June 28, 2021 meeting. The draft minutes from the Planning Commission meeting are in the packet. A replay of the entire Planning Commission meeting is available online at <https://northmetrotv.com/spring-lake-park-stream/>.

The Planning Commission, on a 3-2 vote, recommended approval of the variance. A majority of the Planning Commission believes that the proposed addition will not alter the character of the neighborhood as the proposed addition is residential in nature. The Commission believes the proposed addition will improve the aesthetic of the home, thereby increasing the value of their property and the surrounding neighborhood. The City has not received complaints from the surrounding neighborhood about traffic or parking concerns as a result of these home-based businesses. The minority of the Commission stated their belief that the proposed addition would

negatively impact the character of the neighborhood with a significant encroachment into the front yard setback.

Staff has presented two resolutions for the City Council to consider. Resolution 21-26 would adopt the variance with the following conditions:

1. Addition must be architecturally compatible with the existing home (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City's zoning code, including the remaining provisions of Section 16.20.080(H)(1).
2. Applicant must apply for all building permits as required.

A second resolution, numbered 21-26A, if adopted, would deny the proposed variance and lays out findings of fact supporting that decision.

Staff does not have any objections to the proposed variance so long as the covered porch is not enclosed.

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