

**RESOLUTION NO. 2024-62**

**A RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS FOR A DRIVEWAY EXPANSION AT 673 81<sup>ST</sup> AVENUE NE**

**WHEREAS**, Hany Omar, YSMN Investment, LLC, (“Applicant”) have made application for a variance from SLPC 16.40.030, which requires a minimum side yard setback of 5 feet for a driveway; and

**WHEREAS**, the property, 673 81<sup>st</sup> Avenue NE, is legally described as follows:

Lot 30 Block 11, Beaufeaux Addition Plat 2, 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 October 28, 2024; and

**WHEREAS**, the request was made for a variance allowing the applicant to widen his driveway by 5 feet, resulting in a setback of 0 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 based on the following findings of fact:

1. The proposed driveway expansion will not alter the character of the neighborhood as there are other driveways within the vicinity of this property that are located within the required side yard setback.
2. The proposed driveway expansion is not done for purely economic reasons.
3. The SLPC code language anticipates periodically approving variances for driveways.

**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 approves the request of Hany Omar, YSMN Investment, LLC, 673 81<sup>st</sup> Avenue NE, for a variance from the minimum side yard setback for a driveway from 5 feet to 0 feet, subject to the following conditions:

1. Driveway modifications must be constructed pursuant to the standards set forth by the City of Spring Lake Park. Applicant must secure a zoning permit from the Code Enforcement Department prior to construction of the expanded driveway.
2. Drainage must be handled in such a way not to deposit storm water or snow onto the neighboring property.

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 4th day of November 2024.

APPROVED BY:

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Robert Nelson, Mayor

ATTEST:

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Daniel R. Buchholtz, City Administrator