Memorandum

Spring Lake Park
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To: **Mayor Nelson and Members of the City Council**
From: **Daniel R. Buchholtz, ICMA-CM, Administrator, Clerk/Treasurer**
Date: **October 29, 2026**
Subject: **Application for Variance – 8035 Jackson St NE**



Rachal Anderson, 8035 Jackson St NE, has submitted an application for a variance from the side yard setback requirement for an extension of the existing driveway on her property.

The applicant is seeking a variance from the five-foot side yard setback requirement, as set forth in SLPC 16.40.030 of the Spring Lake Park City Code.

The property is located on the 8000 block of Jackson Street NE and is zoned R-1, Single Family Residential. The property contains an existing single-family dwelling, detached garage and driveway.

The applicant proposes to replace an existing rock-covered parking area with concrete to accommodate parking for vehicles and a trailer. According to the application, the existing parking area is approximately three feet from the side property line. The proposed driveway extension would be located approximately two feet from the property line.

The applicant indicates that expanding the driveway in the opposite direction would require the removal of an existing tree approximately eight inches in diameter. The applicant wishes to preserve the tree while improving the existing parking area with a paved surface.

SLPC 16.40.030 governs parking and loading spaces.

> **§ 16.40.030 – Yards; Setbacks**
> Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, with the following exceptions.
>
> In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages, and carports in conjunction with any

> single- or two-family residence shall be exempted from this requirement; however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with SLPC 16.20.120 Paragraph B,2 are also exempted from the above yard setback regulations.

The applicant is seeking a three-foot variance from the side yard setback (two feet from the property line instead of five feet). The ordinance specifically authorizes driveway setback variances down to zero feet.

In addition to the setback requirement, SLPC 16.20.090 limits impervious surface coverage in the R-1 District to 50% of the total lot area. The property will remain below this threshold following construction of the proposed driveway extension. SLPC 16.20.100 also encourages the preservation of existing trees where practicable.

Variance

SLPC 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.
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> "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.

Staff has reviewed the application in relation to the variance criteria and offers the following proposed findings for consideration by the Planning Commission:

1. **Harmony with the Zoning Ordinance.** The proposed variance is consistent with the general purposes and intent of the zoning ordinance. SLPC 16.40.030 expressly allows

driveway setback variances down to zero feet, recognizing that unique circumstances may warrant flexibility in locating residential driveways. The proposed improvement would provide a defined, durable parking surface consistent with the City's off-street parking objectives.

2. **Consistency with the Comprehensive Plan.** The requested variance would maintain the existing single-family residential use of the property and would not change its residential character or intensity of development. The proposed improvement is consistent with the general objectives of preserving and maintaining established residential neighborhoods.
3. **Reasonable Use of the Property.** The applicant proposes to use the property in a reasonable manner by improving an existing rock-covered parking area with concrete to accommodate vehicles and a trailer. Off-street parking is a customary accessory use of residential property, and the proposed driveway extension would not introduce a new or incompatible use.
4. **Circumstances Unique to the Property.** The existing configuration of the dwelling, detached garage, and driveway, together with the location of an established tree, limits the available area for expanding the driveway while maintaining the required five-foot setback. The applicant indicates that expansion in the opposite direction would require removal of an approximately eight-inch-diameter tree. Preserving the tree is consistent with SLPC 16.20.100, which encourages preservation of existing trees where practicable. These existing physical characteristics, if confirmed by the Planning Commission, provide a basis for finding practical difficulties associated with the property rather than merely the applicant's desire for additional parking.
5. **Essential Character of the Neighborhood.** The proposed driveway extension would generally follow an existing parking area and replace a rock-covered surface with concrete. The improvement would maintain the property's residential use, would not involve additional buildings, and would preserve a minimum two-foot separation from the adjoining property. The proposed improvement is not anticipated to alter the essential character of the surrounding residential neighborhood.

Based on these findings, staff believes the requested variance can satisfy the practical difficulties test established in SLPC 16.60.040, provided the Planning Commission determines that the existing site configuration and physical restraints sufficiently establish the circumstances unique to the property.

Planning Commission Review

The Planning Commission held a public hearing on October 26, 2026, to consider the variance application. Following the public hearing, the Planning Commission unanimously recommended approval of the requested three-foot variance.

Recommendations

Staff recommends approval of the requested three-foot variance, allowing the driveway extension to be located two feet from the side property line. The existing configuration of the property, the location of the established tree, and the applicant's proposal to improve an existing parking area provide a reasonable basis for granting the variance, subject to the Planning Commission's findings regarding practical difficulties.

If the Planning Commission wishes to recommend approval of the variance, it would be with the following conditions:

1. Driveway modifications must be constructed pursuant to the standards established by the City of Spring Lake Park. The applicant must secure all required permits from the City prior to construction.
2. The driveway extension shall be constructed substantially in accordance with the site plan submitted with the variance application and included in the Planning Commission packet. The driveway shall maintain a minimum two-foot setback from the side property line.
3. Drainage must be handled in such a way as not to deposit stormwater or snow onto neighboring properties.
4. The parking of vehicles and trailers must comply with all applicable requirements of SLPC 16.20.120.

If you have any questions, please do not hesitate to contact me at 763-784-6491.