

Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: September 28, 2021
Subject: Variance Request – 8317 Fillmore St NE

Background

Bill Hendrickson, 8317 Fillmore St NE, has applied for a variance from the side yard setback standard for an addition to his accessory building and to allow a variance from the side yard driveway setback for his driveway.



The applicant is seeking a variance from the five foot side yard setback requirement as set forth in Appendix E of the Spring Lake Park City Code (for the accessory building) and Section 16.40.030 of the Spring Lake Park City Code (for the driveway).

The site is located on the 8300 block of Fillmore Street, between 83rd Avenue and Manor Drive. 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 1967.

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
Driveway	5 feet

The existing garage is four feet off the property line. The property owner would like to construct a 24' by 22' addition to the existing garage. The property owner also plans to remove the existing, original driveway, replace with concrete and widen the driveway to 22 feet at the street. The driveway will remain four feet from the property line.

Section 16.20.070 regulates accessory building and uses. The Code states that no single detached accessory building can occupy more than 30% of any rear yard and the sum of all land occupied by all accessory building shall not exceed 40% of the area of the required rear yard or 1,200 square feet, whichever is less. The applicant's accessory building with the proposed addition will equal 1,100 square feet. The rear yard area is approximately 8,000 square feet. The accessory building after the proposed addition would cover 13.75% of the rear yard, well under the standard.

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 14,175 square feet, which would accommodate a maximum structure lot coverage of 4,961 square feet. With the addition, the total square footage of all structures on the property is 2,815 or 19.8% of the total lot size.

Section 12.52.060 sets the maximum driveway width in the public right-of-way at 29 feet. The applicant is proposing the driveway width be 22 feet.

The applicant is proposing to utilize the addition to accommodate additional storage in his accessory building.

Previous applications: Zoning permit for a 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 include, 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

Staff recommends approval of the variance. Staff’s analysis of the application shows that the proposed addition will not alter the character of the neighborhood as the proposed addition is residential in nature. Staff believes the proposed addition will not change the aesthetic of the home and will increase the value and usability of the property. Granting the variance will allow a flat wall on the north side of the building, rather than a one foot offset mid-building.

There are also a number of zero lot line driveways in the area, so a zero lot line driveway will not impact the character of the neighborhood.

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

1. Addition must be architecturally compatible with the existing garage (siding, roof pitch, roof material and the like) and must comply with all other requirements as set forth in the City’s zoning code.
2. 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 for the expanded driveway.
3. Drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property.
4. Applicant must apply for all building permits as required.

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



City of Spring Lake Park
 1301 81st Avenue NE
 Spring Lake Park, MN 55432
 763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

RECEIVED

AUG 18 2021

For Office Use Only	
Case Number:	
Fee Paid: 450.00	
Received by: KP	
Date Filed: 8/18/21	
Date Complete:	
Base Fee: 150	Escrow: 300

CK# 12667
#136054

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 8317 Fillmore ST NE		
Property Identification Number (PIN#):		Current Zoning: Residential
Legal Description (Attach if necessary): LOT 7 Block 7 park manor Unit 2		
APPLICANT INFORMATION		
Name: Bill Hennrickson	Business Name:	
Address: 8317 Fillmore ST NE		
City: Spring Lake Park	State: mn	Zip Code: 55432
Telephone: 651-272-9904	Fax:	E-mail:
Contact: Bill Hennrickson	Bill.Hennrickson@icloud.com	
OWNER INFORMATION (if different from applicant)		
Name:	Business Name:	
Address:		
City: SAME AS ABOVE	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: Single Family Residence		
Nature of Proposed Use: Single Family Residence		
Reason(s) to Approve Request: update driveway and garage AT SAME TIME Improving curb appeal		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:		Date of Application: 6/21
Nature of Request: Fenced in back yard		
NOTE: Applications only accepted with ALL required support documents. See City Code		

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park required all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. *All fees and expenses are due whether the application is approved or denied.*

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. *I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.* This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.

I wish to be notified of additional costs in the following manner (select one):

E-mail Bill.Henrickson@Icloud.com Fax _____ USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Bill Henrickson Date: 08/17/21

Owner: Bill Henrickson Date: 08/17/21

NOTE: Applications only accepted with ALL required support documents. See City Code

**City of Spring Lake Park
Variance Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: Bill Hennrickson Telephone: N/A
Address: 8317 Fillmore ST NE Cell Phone: 651-272-9904
City/State/Zip: Spring Lake Park MN 55432 E-mail: bill.hennrickson@icloud.com

2. Property Owner Information (if different from above):

Name: SAME AS ABOVE Telephone: _____
Address: _____ Cell Phone: _____
City/State/Zip: _____ E-mail: _____

3. Project Location (Address and Legal Description): 8317 Fillmore ST NE
Lot 7 Block 7 Park Manor Unit #2

4. Present Use of Property: Single Family Residence

5. Description of Project: Widen Driveway by 12', extend garage by 24'

6. Specify Section of the Ordinance from which variance is sought: _____
Appendix E of Chapter 16 of the City Code

7. Explain how you wish to vary from the applicable provisions of this Ordinance: _____
building and Driveway line consistent with original building and Driveway

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. Practical Difficulties Test: Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?

Yes No Why or why not?

I'm not changing building or garage line, original line is only 4' off property line, I have plenty of room for snow removal on south side of Driveway

b. In your opinion, is the variance consistent with the Comprehensive Plan?

Yes No Why or why not?

Garage and driveway are TYPICAL FOR Single Family Residence

c. In your opinion, does the proposal put property to use in a reasonable manner?

Yes No Why or why not?.

Single Family Residence

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property – i.e. sloping topography or other natural features like wetlands or trees)?

Yes No Why or why not?

TYPICAL RESIDENTIAL LOT

e. In your opinion, will the variance maintain the essential character of the locality?

Yes No Why or why not?

it will maintain the character, AS WELL AS IMPROVING THE CURB APPEAL

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant Signature:

Bill Henderson

Date:

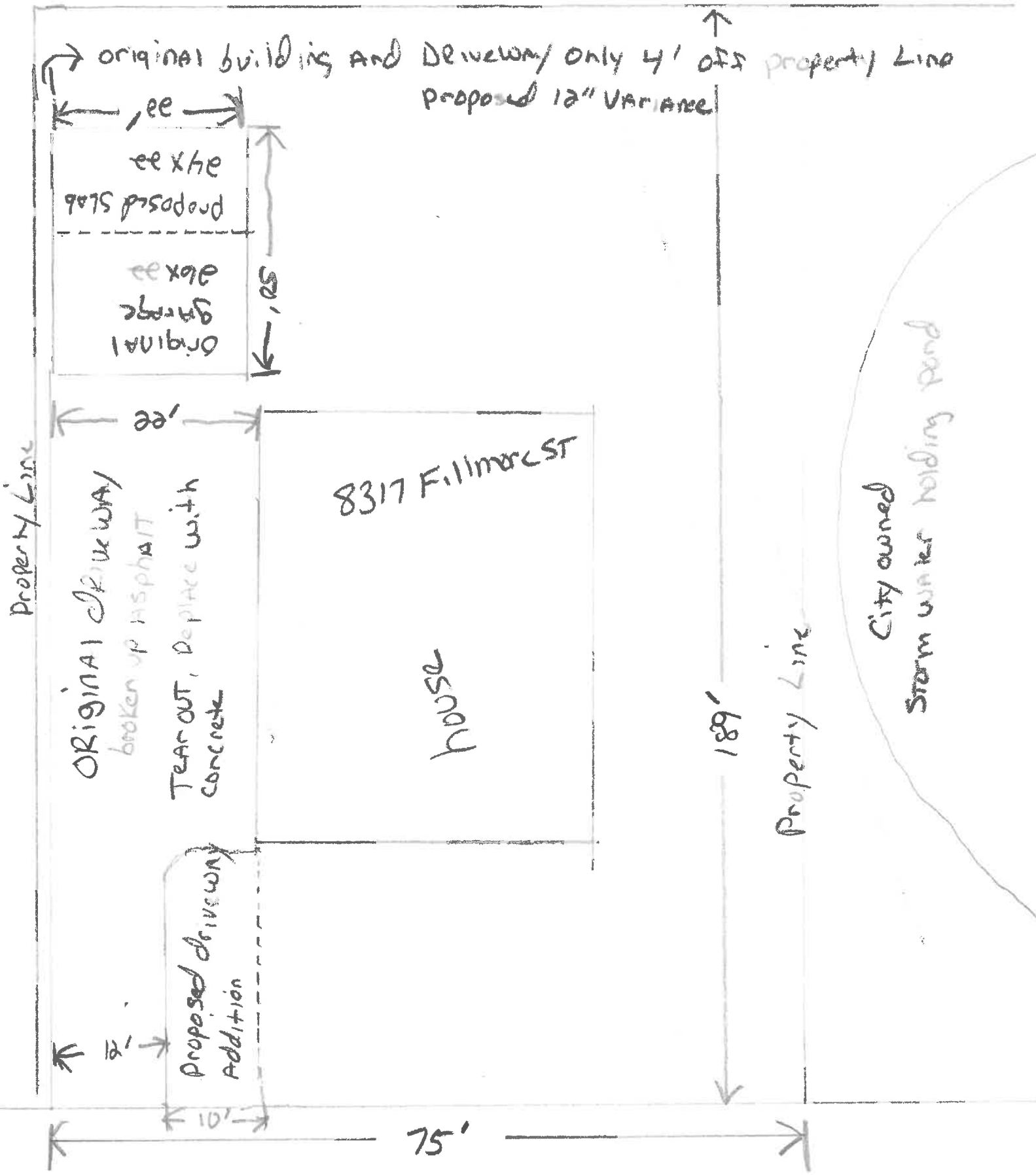
8/17/21

Fee Owner's (Property Owner) Signature:

Bill Henderson

Date:

8/17/21



Property Line

Property Line

City owned
Storm water holding pond

Fillmore St

original building and Driveway only 4' off property line
Proposed 12" Variance

24 x 44
Proposed Slab

24 x 25
Original Garage

Original Driveway
broken up asphalt

Tear out, Replace with
concrete

8317 Fillmore St

House

2'

Proposed Driveway
Addition

10'

75'

189'