



Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: March 10, 2021
Subject: Variance – 7768 Lakeview Lane NE

Background

Home Pro America, on behalf of Tim and Jill Ellenbecker, 7768 Lakeview Lane NE, has submitted a building permit application to construct a new 24x16 deck. Upon review of the building permit application, Building Official Baker found that the site plan shows only 30 feet to the rear lot line. The City code states a 40-foot rear yard setback is required.

The applicant is seeking a 10-foot variance from the 40 rear yard setback requirement for accessory uses, as set forth in Appendix E of the Spring Lake Park City Code.

The site is located just off Highway 65 NE and Lakeview Lane NE. 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 and duplexes.

Property records show that the house on the property was constructed in 1977.

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 §16.20.070 of the City of Spring Lake Park's zoning code governs accessory buildings and Uses:

Attached accessory building. In case an accessory building is attached to the main building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this title applicable to the principal building.

(E). Rear yard requirement for accessory buildings.

1. No single detached accessory building exceeding either one story or 12 feet in height shall occupy more than 30% of the area of any rear yard. Further, no detached accessory building shall be located within five feet of any rear lot line in an R-1 classification or within 15 feet of any rear lot line in an R-2 or R-3 classification.
2. The sum total of land occupied by all accessory building shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,200 square feet.

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.”

Recommendations

Staff recommends that the Planning Commission approve the deck rear yard variance at 7768 Lakeview Lane NE with these findings:

1. Requiring the deck to comply with the established setback will cause practical difficulties for this property owner.
2. The Code establishes setbacks to provide light and air to all properties, to be applied equally across the various properties in this zoning district. The location of the deck will not hinder the general purposes and intent of the code.
3. The property and accessory buildings are similar to many others in the neighborhood and in the city.

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

For Office Use Only	
Case Number:	
Fee Paid:	\$450
Received by:	J.B.
Date Filed:	3-4-21
Date Complete:	
Base Fee:	\$150
Escrow:	\$300
Recep. # 131921	

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: 7768 Lakeview LN NE		
Property Identification Number (PIN#): 01-30-24-43-0014		Current Zoning: R1
Legal Description Lot 2 Block one Murphy's Lakeview (Attach if necessary):		
APPLICANT INFORMATION		
Name: Joseph Bigler	Business Name: Home pro America	
Address: 8333 Jody LN		
City: Cottage Grove	State: MN	Zip Code: 55016
Telephone: 612-210-4459	Fax:	E-mail: jbigler@homeproam.com
Contact:		Title:
OWNER INFORMATION (if different from applicant)		
Name: Tim & Jill Ellenbecker		Business Name:
Address: 7768 Lakeview LN NE		
City: Spring Lake Park	State: MN	Zip Code: 55432
Telephone: 763-486-3249	Fax:	E-mail:
Contact:		Title:
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: Residential		
Nature of Proposed Use: Residential		
Reason(s) to Approve: The 2 surrounding neighbors Decks encroach as much or further than we are requesting. The deck was planned when siding was installed.		
Request: The larger deck will allow for furniture to accommodate family.		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:		Date of Application:
Nature of Request:		
NOTE: Applications only accepted with ALL required support documents. See City Code		

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires 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.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

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 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 jbiegler@homepro.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, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: Joseph Biegler Date: 3/2/21

Owner: Timothy D. Ellenbecker Date: 3/1/21

**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: Joseph Bigler III Telephone: 612-210-4459
Address: 8333 Jody Ln N Cell Phone: None
City/State/Zip: Cottage Grove MN 55016 E-mail: jbigler@homeproam.com

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

Name: Tim & Jill Ellenbecker Telephone: 763-486-3249
Address: 7768 Lakeview Ln NE Cell Phone: None
City/State/Zip: Spring Lake Park MN 55432 E-mail: Wyrmling@gmail.com

3. Project Location (Address and Legal Description): 7768 Lakeview Ln NE
Spring Lake Park MN 55432 (LOT 2, BLOCK ONE, DUMPHY'S LAKEVIEW)

4. Present Use of Property: Residential

5. Description of Project: Building a 24'w x 16'd deck

6. Specify Section of the Ordinance from which variance is sought: 16.04.050 Appendix E #5 side & Rear

7. Explain how you wish to vary from the applicable provisions of this Ordinance: We would like to encroach in to the setback 6 feet

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?

This still leaves 34' of distance between the New deck & property line

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

Yes No Why or why not?

Our plan is for a 24' x 16' deep deck so we only need an additional 6'

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

Yes No Why or why not?

This allows for a nice sized structure to be used by them and their family when gatherings are allowed

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?

This is a very standard back yard leading to other back yards.

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

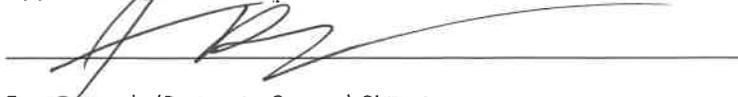
Yes No Why or why not?

The deck is being built by a very reputable licenced general contractor and will look very nice when completed.

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:



Date:

3/3/21

Fee Owner's (Property Owner) Signature:



Date:

3/1/21

CERTIFICATE OF SURVEY

JAMES L. KURTH
LAND SURVEYOR

4201 N.E. 5TH STREET
COLUMBIA HEIGHTS 55421

7769
788-5404

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

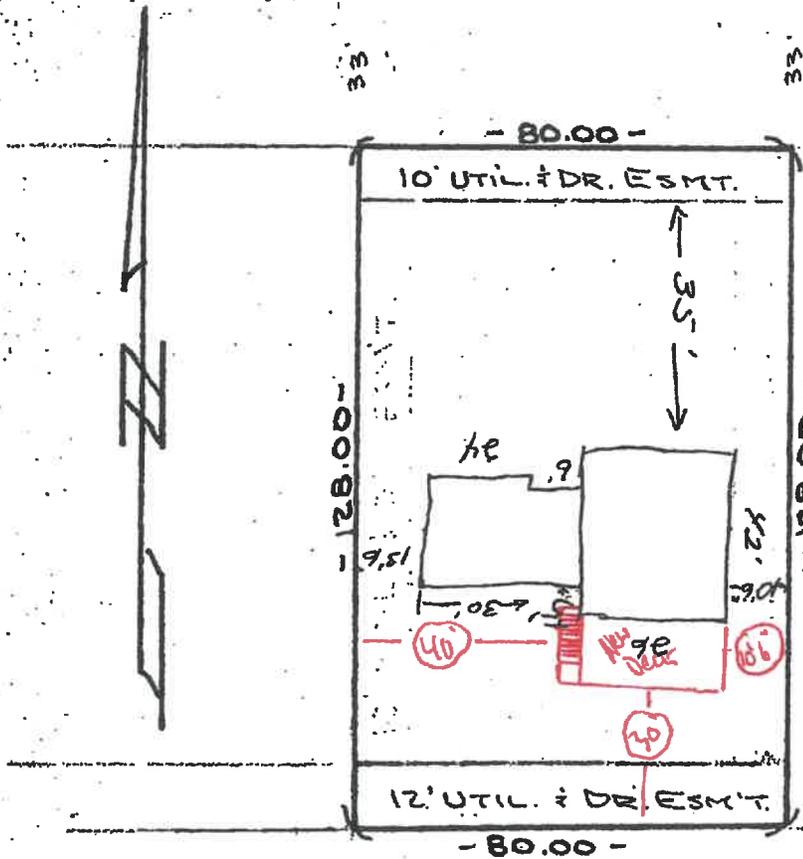
DATE 8-15-77

SCALE 1" = 30'

○ = IRON MONUMENT

James L. Kurth
MINNESOTA REGISTRATION NO. 5332

LAKEVIEW LANE



APPROVED

OCT 6 1977

SPRING LAKE P. BK
BUILDING PERMIT
MAY ORDINANCE REQUIREMENTS
MUST BE COMPLETED

LOT 2, BLOCK ONE, DUMPHY'S LAKEVIEW
ANOKA CO. MN

7768 Lakeview Lane N.E.

L-397

CITY OF SPRING LAKE PARK

Cashier asystadmin
At Front Counter

3/5/21 10:05am 131921

From: TIMOTHY ELLENBECKER
7768 LAKEVIEW LANE NE
SPRING LAKE PARK
MN, 55432

CR Variance 150.00
TIMOTHY
ELLENBECKER

CR ESCROW (MISC) 300.00
TIMOTHY
ELLENBECKER

Receipt total 450.00

CK CK#7995 (JG) 450.00

Change Due 0.00

Thank you!



City of Spring Lake Park - Code Enforcement

1301 81st Avenue NE • Spring Lake Park MN 55432 • Phone: 763-784-6491 • Fax: 763-792-7257 • www.slpmn.org



BUILDING PERMIT APPLICATION

Job Address 7768 Lakeview Lane NE.

Property Owner Name Tim and Jill Ellenbecker

Address 7768 Lakeview Lane NE Phone [REDACTED]

Contractor Name Home Pro America

Address 10523 165th Street W. Phone (612) 470-6677

Email production@homeproam.com

State License # E [REDACTED] Exp. Date 03/22/31 Lead Cert. Date 07/02/23
dd/mm/yr dd/mm/yr

Applicant Same as Property Owner Contractor
Name _____

Address _____ Phone _____

Email _____

Type of Property

- Commercial Property
- Industrial Property
- Mobile Home Property
- Multi-Family Property
- Public Property
- Single Family Property

Type of Work

- Addition _____
- Alteration _____
- Accessory <200 Sq.Ft.
- Basement Finish
- Concrete Work
- Deck
- Demolition
- Door Replacement
- Dumpster Enclosure
- Egress Window
- Gypsum Board
- Insulation
- Masonry Work
- Mobile Home
- New build new
- Pool
- Remodel
- Repair
- Replace
- Roofing
- Shed < 200 Sq. Ft.
- Siding
- Structural Work
- Window Replacemer
- Other _____

Describe Work Build new 24x16 deck using Timbertech decking

Value of Work Including Labor \$24,587.23 Start Date 01/03/21 Estimated Completion Date 05/01/21
dd/mm/yr dd/mm/yr

Commercial/Industrial Submit two plan sets and specifications for commercial or industrial work.
Describe Building Use and/or Changes in Use _____

Notice

Separate permits are required for electrical, plumbing, heating, ventilating, and air conditioning. This permit becomes null and void if work or construction authorized is not commenced within 180 days or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or local law regulating construction or the performance of construction. Initial here mh

➡ Contractor Signature [Signature] Date of Application 12/02/21
dd/mm/yr

➡ Homeowner Doing Work in Homestead Signature _____ Date of Application _____
dd/mm/yr

If application is not fully completed, it will be denied at time of processing. Please verify that all necessary information is legible and plans are included with job cost estimates. Contact Permit Technician to verify all necessary information is provided before submitting.

Payment: We accept cash, checks payable to City of Spring Lake Park, or credit cards (with additional processing fees), at the front counter only.

