



Memorandum

To: Chair Hansen and Members of the Planning Commission

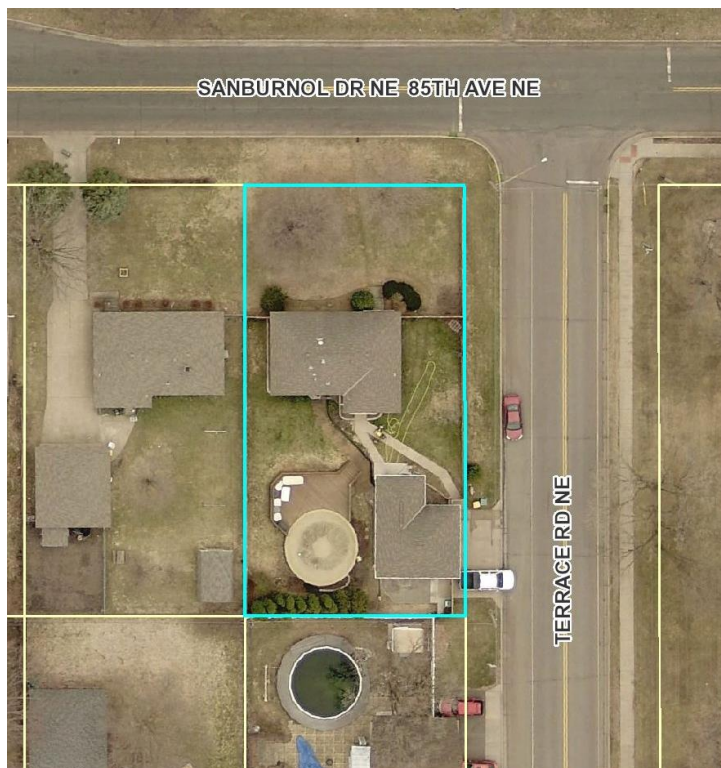
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: September 22, 2022

Subject: Variance Request – 482 Sanburnol Drive

Background

Stewart Tingelstad has submitted a variance request to permit a driveway expansion within the five foot side yard setback. The property owner is also seeking ability to install a shade sail within the side yard setback.



The applicant is seeking a variance from the 5 foot front yard setback requirement for driveways, as set forth in Spring Lake Park Code (“SLPC”) 16.40.030.

The property is a corner lot located on the 400 block of Rosedale Road NE, at the southeast corner of Sanburnol Drive and Terrace Road. 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 1958. While the house faces Sanburnol Drive, the garage faces Terrace Road NE.

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

SLPC 16.40.030 reads as follows:

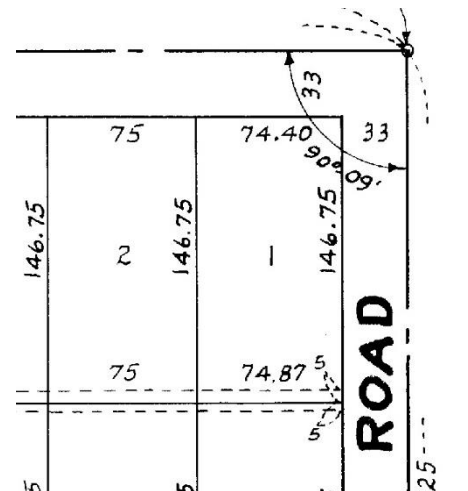
“Off-street parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use district in which the parking is located, with the following exceptions:

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.* [Emphasis added]

There is currently a slab on the south side of the garage. The applicant is seeking to expand that into the side yard setback.

There is a 5 foot drainage and utility easement on the south side of the property. The easement is currently utilized for overhead utilities. A concrete slab could be permitted within the easement so long as it does not interfere with the current or future use of the easement. Any improvements within an easement of this nature are made at the risk of the property owner.

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 10,875 square feet, which would accommodate a maximum structure lot coverage of 3,806 square feet. With the addition, the total square footage of all structures on the property is 2,954.7 or 27.1% of the total lot size.



The proposed shade sail would not be allowed in the easement as it would interfere with the ability for Xcel Energy to access the above ground utilities.

Previous applications:

- Variance to permit construction of garage (8/18/1969)
- Variance to permit wider driveway (5/3/2010)

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

Staff recommends approval of the variance. Staff's analysis of the application shows that the proposed parking encroachment will not alter the character of the neighborhood as there are other residential driveway encroachments in the vicinity.

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

1. No additional driveway width will be permitted in the City's right of way.
2. No improvements may be made that interferes with the ability of the owner of the utility to access overhead power lines. Property owner understands that any damage to the portion of the concrete slab located within the utility easement due to the legal use or maintenance of the easement is the property owner's responsibility.
3. Applicant must apply for a zoning permit as required.

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