



CITY OF SPRING PARK  
PLANNING COMMISSION AGENDA  
JULY 8, 2020 – 6:00 PM  
SPRING PARK CITY HALL

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. APPROVAL OF MINUTES
  - a. Planning Commission Meeting Minutes from June 10, 2020
6. CONSIDERATION/DISCUSSION ITEMS
  - a. 4317 Channel Road Variance
    - i. Staff Presentation
    - ii. Public Hearing
    - iii. Discussion
    - iv. Recommendation
  - b. 4364/4368 West Arm Road Variance
    - i. Staff Presentation
    - ii. Public Hearing
    - iii. Discussion
    - iv. Recommendation
7. COMMUNICATIONS
8. MISCELLANEOUS
  - a. Parks Site Visit Recap
  - b. 2413 Black Lake Road Variance Extension Request
9. ADJOURNMENT



CITY OF SPRING PARK  
PLANNING COMMISSION MINUTES  
JUNE 10, 2020 – 6:00 PM  
SPRING PARK CITY HALL

1. CALL TO ORDER - The meeting was called to order by Chair Hoffman at 6:01 p.m.
2. PLEDGE OF ALLEGIANCE – Chair Hoffman led the audience in the Pledge of Allegiance
3. ROLL CALL

*Planning Commissioners Present:* Jeff Hoffman, Chair; Michael Mason; Max Avalos; Pete Kaczanowski; and Bruce Homan (via telephone)

*Staff Present:* Dan Tolsma, City Administrator; Al Brixius, City Planner; and Theresa Schyma, City Clerk

4. ADOPT AGENDA

Chair Hoffman asked for the agenda to be amended to include Item #8a – Noise Complaint at The Mist Lofts.

Commissioner Mason asked for the agenda to be amended to include Item #8b – Parks rededication update.

Commissioner Kaczanowski asked for the agenda to be amended to include Item #8c – Maintenance at City parks.

M/ Kaczanowski, S/Mason to approve the agenda as amended.

Motion carried 5-0

5. APPROVAL OF MINUTES

- a. Planning Commission Meeting Minutes from May 13, 2020

M/Mason, S/Kaczanowski to approve the minutes.

Motion carried 5-0.

6. CONSIDERATION/DISCUSSION ITEMS

- a. 2463 Black Lake Road Variance Continuation
  - i. Staff Presentation

City Planner Brixius presented the revised options for the setback variance application to expand the home and garage at 2463 Black Lake Road. He discussed zoning and engineering feedback regarding each option.

- ) Option 1 – revised two-car garage that gained one foot setback from existing garage
- ) Option 2 – oversized 12 foot single-car garage which creates a nine foot setback at the northeast corner and an 11 foot setback at the southeast corner
- ) Option 3 – oversized 14 foot single-car garage which creates a seven foot setback on the northeast corner and a nine foot setback on the southeast corner

i. Public Hearing Continuation

Chair Hoffman re-opened the public hearing.

Gregg and Carol Steiger, owners of 2463 Black Lake Road, were available for questions.

Commissioner Kaczanowski asked about the future road improvement projects on Black Lake Road, including widening the road, and how this variance would be impacted by Option 3.

City Planner Brixius responded that Option 3 would actually provide more room for the road improvement project. He stated that the homeowners have the option of rebuilding the garage as-is since it is a legal non-conforming site with grandfather rights. He added that this is a difficult situation on a narrow road but Option 3 is an improvement and a good compromise that staff can endorse.

Commissioner Mason asked about hardcover on the property.

City Planner Brixius responded that the hardcover is actually going to be reduced with Option 3 so that is another improvement.

Commissioner Mason asked about the Engineer's thoughts on the revised design.

City Planner Brixius stated that City Engineer Hare has been included on all correspondence regarding this application and has commented that he believes Option 3 is a good compromise for the property owner and the City since it should not impact future road improvements.

M/Hoffman, S/Kaczanowski to close the public hearing at 6:28 p.m.

Motion carried 5-0.

ii. Discussion

City Administrator Tolsma discussed the curb stop location that is listed on the property's tie card. He stated that Option 3 should work but that the curb stop location will need to be verified before the final plans would be approved for building permitting.

iii. Recommendation

M/Hoffman, S/Avalos to recommend to the City Council to approve Options 1 and 2 from revised Land Use Application No. 20-01 VAR, for a setback variance to allow a garage expansion at 2463 Black Lake Road.

Motion denied 5-0. (All voting nay)

M/Mason, S/Kaczanowski to recommend to the City Council to approve Option 3 from revised Land Use Application No. 20-01 VAR, to approve a 14 foot garage at 2463 Black Lake Road with a street side setback of 7 feet between the northeast corner of the new garage to the east lot line and a street side setback of 9 feet between the southeast corner of the new garage and the east lot line subject to the conditions of the June 5, 2020 planning report and the City Engineer's recommendation to locate the water service shut off valve prior to the building permit.

Motion approved 5-0.

7. COMMUNICATIONS – None.

8. MISCELLANEOUS

a. Noise Complaint at The Mist Lofts

Chair Hoffman asked if City Administrator Tolsma could contact the owners of The Mist Lofts in writing to see if they are willing to work with the City regarding noise mitigation efforts for their building. He also asked if the City's noise engineer contractor could give the City an opinion, not about testing, but about height.

City Administrator Tolsma responded that he will contact the building's owner. He added that the first question the building owner will probably ask is about who is going to pay for any noise mitigation that the City is requesting since all noise tests have shown the building to be in compliance with State noise standards. He stated that using public money for something that many only benefit a few properties could be a discussion for the City Council, depending on the estimated cost of mitigation.

b. Parks Rededication Update

City Administrator Tolsma stated that the plaques are ready to be made but everything is on hold regarding a rededication ceremony considering the current State limitations on large gatherings due to the COVID-19 pandemic.

Commissioner Mason thought that each of the three plaques would have their own dedication ceremony and that would help reduce the number of people at each event.

City Administrator Tolsma responded that he was of the understanding that there was going to be one ceremony where all three families of the memorial plaques would be invited and that it would be open to the public and include a food truck so that it would be a true celebration for the City.

Commissioner Avalos stated that he wanted a good turnout for the rededication event and that holding an event right now would minimize the event. He suggested reviewing event plans in a few

months since it is too soon to determine when the State's limitations on large gatherings will change.

Commissioner Kaczanowski suggested placing the plaques in their locations now but waiting to hold the official rededication event until larger gatherings are allowed.

Commissioners Mason and Kaczanowski will meet with City Administrator Tolsma in the coming weeks to visit the City's two parks and discuss possible locations for each of the plaques.

City Administrator Tolsma also discussed the idea of a smaller tribute plaque on a pedestal in the City's community garden in memory of Council Member Megan Pavot who passed away last year but was instrumental in the creation of the community garden.

The Planning Commission consensus was that they liked the idea and would like staff to explore the option of adding an additional plaque in the community garden.

c. Maintenance at City parks

Commissioner Kaczanowski discussed a few maintenance items that he noticed when he was visiting the City's two parks recently; not major items but he believes a few small touchups will help the parks look better. He also asked about getting a new picnic table at Wilkes Park.

City Clerk Schyma noted that tree trimming at the parks will be occurring in a couple of weeks when the City's contractor will be in town doing other tree trimming projects.

City Administrator Tolsma stated he would visit the parks and look at the items that Commissioner Kaczanowski noted.

9. ADJOURNMENT

M/Avalos, S/Mason to adjourn the Planning Commission Meeting at 7:02 p.m.

Motion carried 5-0.

Date Approved: July 8, 2020

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Dan Tolsma, City Administrator

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Theresa Schyma, City Clerk

**NORTHWEST ASSOCIATED CONSULTANTS, INC.**

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422  
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

**PLANNING REPORT**

TO: Dan Tolsma  
FROM: Alan Brixius / Daniel Elder  
DATE: July 1, 2020  
RE: Spring Park – Variance request – Side yard setback 4317 Channel Road  
FILE NO: 175.01 – 20.02  
PID: 1911723120033

**BACKGROUND:**

Patrick & Hannah Berry, homeowners in the City of Spring Park, are seeking a variance from the R-1 district side yard setback requirement for their property at 4317 Channel Rd. This variance is needed for the construction of a 3-car attached garage with additional living space on the second floor on the northern and western portion of their property. The property is located within an R-1, Single Family and Two-Family Residential District.

Due to the layout of the site, challenges exist in meeting the side-yard setback. In addition, the net impervious surface on the site after the addition would have some conditions for stormwater management to meet city standards.

Attached for reference:

Exhibit A: Application Material  
Exhibit B: Applicant Narrative  
Exhibit C: Site Survey  
Exhibit D: Site Plan  
Exhibit E : Building Official Email

## ISSUES AND ANALYSIS

### *Existing Site Challenges*

As illustrated in Exhibit C this property is in a neighborhood of the city that presents a number of challenges due to the physical characteristics of the lots and adjacent streets. The applicant's lot area of 9,165 sq. ft. falls below the required lot area of 10,000 sq. ft. and the 48 ft lot width does not meet the lot width requirements of the R-1 zoning district.

The existing home has a non-conforming setback on the western side yard of 3 feet but is complaint on the all the other setbacks. The current garage has a zero setback from the west lot line and is setback 10.6 ft from Channel Road as shown in Exhibit C.

The applicants have proposed removal of the garage and the construction of a 3-car garage and living area extension connecting to the home. This proposal will improve the garage setbacks that exist on the property currently.

### **Setbacks and Lot Requirements:**

The following table outlines the R-1 District standards for lot area and setbacks compared against the existing conditions on the lot in question:

	<b>R-1 District Code:</b>	<b>Existing Conditions:</b>	<b>Proposed:</b>	<b>Compliant:</b>
<b>Lot Requirements:</b>				
Lot Area	10,000 sq. ft. Single-Family*	9,165 sq. ft.	N / A	No * Existing Condition
Lot Width	50 ft.	48 ft.	N / A	No
Lot Coverage	30 percent	3,316 sq. ft. (36.18%)	3,632 sq. ft. (39.62%)	No * 40% is allowed with SMP
<b>Setback Requirements:</b>				
		House	Garage	
Right-of-Way Setback	30 ft.	73ft (approx.)	10.6ft (approx.)	41 ft. (approx.) Yes
Side Yard Setback (west)	10 ft.	3.1 ft.	1 ft (approx.)	3.1 ft. No
Side Yard Setback (east)	10 ft.	19.2 ft.	31 ft	19.2 Yes
Setback from OHWL	50 ft.	58.1 ft.	93.7 ft (approx.)	58.1 ft. Yes

The table above shows the required amount of setback that a structure must meet in R-1 districts, compared to the proposed setbacks that will be left after the construction of the addition. The new addition requires variances from the required side setback on west lot line.

## VARIANCE REVIEW CRITERIA

Section 42-165 of the Spring Park ordinance states that the purpose for establishing a variance process is to provide:

J) Variances from the literal provisions of the chapter in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration not resulting from the actions of an individual, and where it is demonstrated that such variance will be in keeping with the spirit and intent of the chapter.

(a) In considering any request for a variance and in taking subsequent action, planning commission and the city council, serving as the board of adjustment and appeals, shall make a finding of fact that the granting of such variance will not:

(1) Impair an adequate supply of light and air to adjacent property.

*Staff Comment: The expansion that is taking place will not impact the supply of light and air to adjacent properties.*

(2) Unreasonably increase the congestion in the public streets.

*Staff Comment: The proposed use continues to be a permitted single family home. The addition of an attached garage and additional living space and is not expected to increase traffic in the immediate area.*

(3) Increase the danger of fire or endanger the public safety.

*Staff Comment: The purposed use is not expected to increase the danger of fire or endanger the public safety. The location of the new garage will improve traffic safety by providing better sight lines, access and egress to the property.*

*Buildings within 5' or less of a lot line are required to meet the special building and fire code requirements per the building officials' comments outlined in Exhibit E*

- (4) Unreasonably diminish or impair established property values within the neighborhood, or in any other way be contrary to the intent of this chapter.

*Staff Comment: The addition of an attached garage and living space will be very similar in nature to neighboring properties and will add value to the home and property. In addition, the applicant notes that the current garage is in a dilapidated state the new garage and living area would increase the property value. In addition, the garage setbacks from the right-of-way and side yards shall increase. Approval of the variance request is not expected to diminish or impair property values.*

- (5) Violate the intent and purpose of the city comprehensive plan.

*Staff Comment: The Spring Park 2040 Comprehensive Plan states in Strategy 2 that it will promote the renovation and reinvestment in existing homes is a priority for the city. The teardown of the garage and expansion of the home will allow for the renovation and reinvestment in the community. In addition, the proposed plan will bring the property into compliance with the street side setback going from 10.6 ft to 41 ft.*

- (b) A variance from the requirements of this chapter shall be permitted only when:

- ) The requested variance is in harmony with the general purposes and intent of the zoning ordinance

*Finding: A garage and home addition is an allowed use in an R-1 district within the City of Spring Park as stated in section 42-277 of the city code. And while the addition will not meet side yard setback requirements for the zoning district it does improve on the existing setback condition of the current garage. The proposed garage would bring the property into compliance with the street side setback going from less than 1 ft to 41 ft. The west side yard setback while not in full compliance it will increase the garage setback from 0.8 ft to 3 ft. The finds this to a reasonable use of property.*

- (c) No variance shall be granted that would allow any use that is not permitted in the zoning district in which the subject property is located.

*Finding: A house/garage are allowed uses in an R-1 district within the City of Spring Park as stated in section 42-277 of the city code.*

(d) A variance may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance without a variance.

*Finding:* As discussed, the size and shape of the parcel create numerous challenges in the construction of a home addition without requiring a variance for the lot setbacks. The proposed project will reduce the degree of non-conformity for the garage. The increased street side setback improves traffic conditions along Channel Road.

Practical difficulties with this variance request are not solely related to economic considerations, and given that garages are an allowed accessory use in the zoning district, would not change the essential character of the neighborhood.

### **Lot Coverage:**

The building addition expands hardcover on the applicant's property to 39.62% impervious surface. However, in Sec. 42-279 of the City Code, Lot Requirements and Setbacks, conditions are outlined in which new construction can be allowed to have up to a 40% impervious surface by meeting the following conditions.

1. The lot shall provide for the collection and treatment of stormwater in compliance with the city stormwater management plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the city engineer. The property owner shall be responsible for installing one or more of the measures recommended by the city engineer to mitigate the impact of additional impervious surface. Plans must also be reviewed by the Minnehaha Creek watershed district when projects meet criteria requiring watershed district review and approval.
2. Measures to be taken for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water. The measures may include, but not be limited to the following:
  - ) Installation of rain gardens, infiltration basins, or bio filtration basins should be considered for treatment of stormwater runoff from hard surfaces. Filtration basins should be considered if soil conditions are not favorable for infiltration.
  - ) Installation of erosion control devices, including silt fence, bio-rolls, erosion control blanket, and storm sewer inlet protection should be used.
  - ) Installation of oil-skimming devices and sump catch basins should be used to improve water quality.

- ) Stormwater runoff from hard surfaces should be directed into pervious areas (grassed lawns or landscape beds) through site grading and use of gutters and downspouts.
- ) Hard surfaces should be constructed using pervious pavement or pavers, or raised materials such as decking which has natural earth or other pervious material beneath or between the planking.
- ) Grading and construction techniques should be implemented that encourage infiltration of stormwater runoff.
- ) Installation of berms or basins should be considered to temporarily detain water before dispersing it into pervious area.

*Comment: The applicant will need to provide a Stormwater Management Plan in order to meet the City's code for construction that exceeds 30% impervious surface. The current proposal has 39.62% impervious surface. The applicant has noted they will be adding a storm management rain garden or swale.*

*The building plans will also need to address gutter and drainage from the site. Staff is concerned that roof drainage may impact the property to the west. As a condition of variance approval the property owner shall install gutters and downspouts that will collect roof drainage and divert it away from the property to the west. The stormwater management plan shall show drainage patterns and location and design of the rain garden and or swale per approval of City Engineer.*

#### **RECOMMENDATION:**

In reviewing this application, staff has evaluated the variance request against the Spring Park's Code of Ordinances, as well as Minnesota State Statute 462.357 regarding Land Use Variances. Both documents outline the necessity of it being a reasonable use of the property and an existing practical difficulties in the normal development of a property, in order for a variance from those ordinances to be granted. Based on the findings outlined in the report; staff finds that the proposed variance offers reasonable use of the property and there are practical difficulties unique to the property that warrant variance considerations.

Based on the variance findings of this report staff recommends approval of the applicants request for a variance from the side setback requirements for the property at 4317 Channel Road with the following conditions.

1. Construction will not deviate from the site plan submitted to the city on 6/2/2020 as part of the variance application. Any change to the dimensions of the addition would be subject to a separate review.

2. The applicant will have to demonstrate building plans that meet the building inspectors and state requirements for buildings within five feet of a lot line. These requirements are outlined in Exhibit E.
3. Given that the amount of impervious surface at the site will exceed 30%, the applicant will need to meet the conditions outlined in Sec. 42-279 (4) b. in order to mitigate the stormwater impacts of the addition.
  - ) The applicant will submit a separate site grading and drainage plan to ensure proper stormwater management practices. This plan will be subject to review and approval by the city engineer.
  - ) The applicant shall install a gutters and down spouts to direct runoff away from the adjacent properties and into one of the storm water management options listed in sec. 42-279.
4. Additional recommendations by City staff

CC: Theresa Schyma  
Scott Qualle  
Brian Hare  
Patrick Berry  
Hannah Berry

**Attachment to Berry Variance Application**  
**4317 Channel Road**  
**June 2, 2020**

**DESCRIPTION OF REQUEST**

**Existing Use of Property:**

We purchased this home as our primary residence in March of 2020. It includes a detached, 1 car garage which is set back from the street by only 11 feet and less than 1 foot from the neighbor's property to the west. The garage is non-functional and in terrible condition. It is possibly dangerous structurally and frankly, is an eyesore for the neighborhood. We are required to park our cars and store some personal items outside. Although we love the charm of the current house, it does not include a master bedroom suite.

**Nature of Proposed Use:**

We propose the removal of the existing garage and replacing it with an attached 3 gar garage with a master bedroom suite above it.

**Reason(s) to Approve the Request:**

We will be significantly improving the street setback to approximately 41 feet (exceeding current requirements) and increasing the setback from our neighbor's property from less than 1 foot to approximately 3 feet (which is the setback of the existing house). We will be adding a storm management rain garden or swale as per current requirements. In addition to the technical improvements, this addition to our home will be a beautiful structure which will replace a dilapidated street-side structure.



County, Minnesota.

### IMPERVIOUS SURFACE COVERAGE

EXISTING HOUSE: 1,147 s.f.  
 GARAGE: 365 s.f.  
 BLACKTOP: 1,118 s.f.  
 CONCRETE SIDEWALK: 285 s.f.  
 NEIGHBORS CONC. PAVER SIDEWALK: 76 s.f.  
 DECK: 71 s.f.  
 254 s.f.

TOTAL IMPERVIOUS: 3,316 s.f.

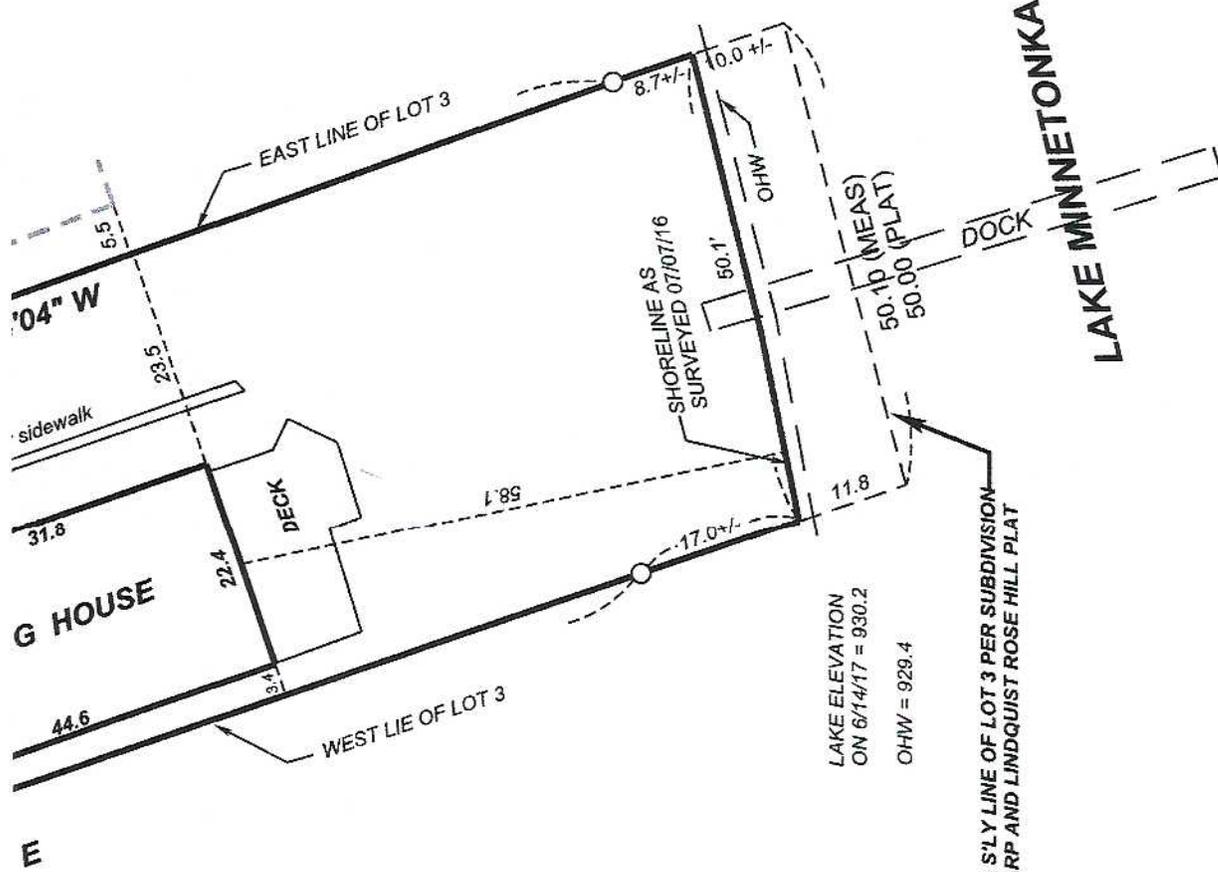
LOT AREA (TO OHW) 9,165 s.f.

IMPERVIOUS COVERAGE: 36.18 %

LEGEND	
●	Found Iron Monument
○	Set 1/2" X 14" Iron Pipe

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

*Steven V. Ische*  
 Steven V. Ische License No. 22703 Date 07/12/16



LAKE ELEVATION  
 ON 6/14/17 = 930.2  
 OHW = 929.4

SHORELINE & S'LY LINE OF LOT 3 PER SUBDIVISION  
 OF LOT 1 SKARP AND LINDQUIST ROSE HILL PLAT

REVISED 06/21/17 - IMPERVIOUS COVERAGE  
 REVISED 07/22/16 - BOUNDARY

**PREMIER**  
 LAND SURVEYING, LLC

PROJ. NO.: 1407-00  
 BOOK 8, PAGE 42

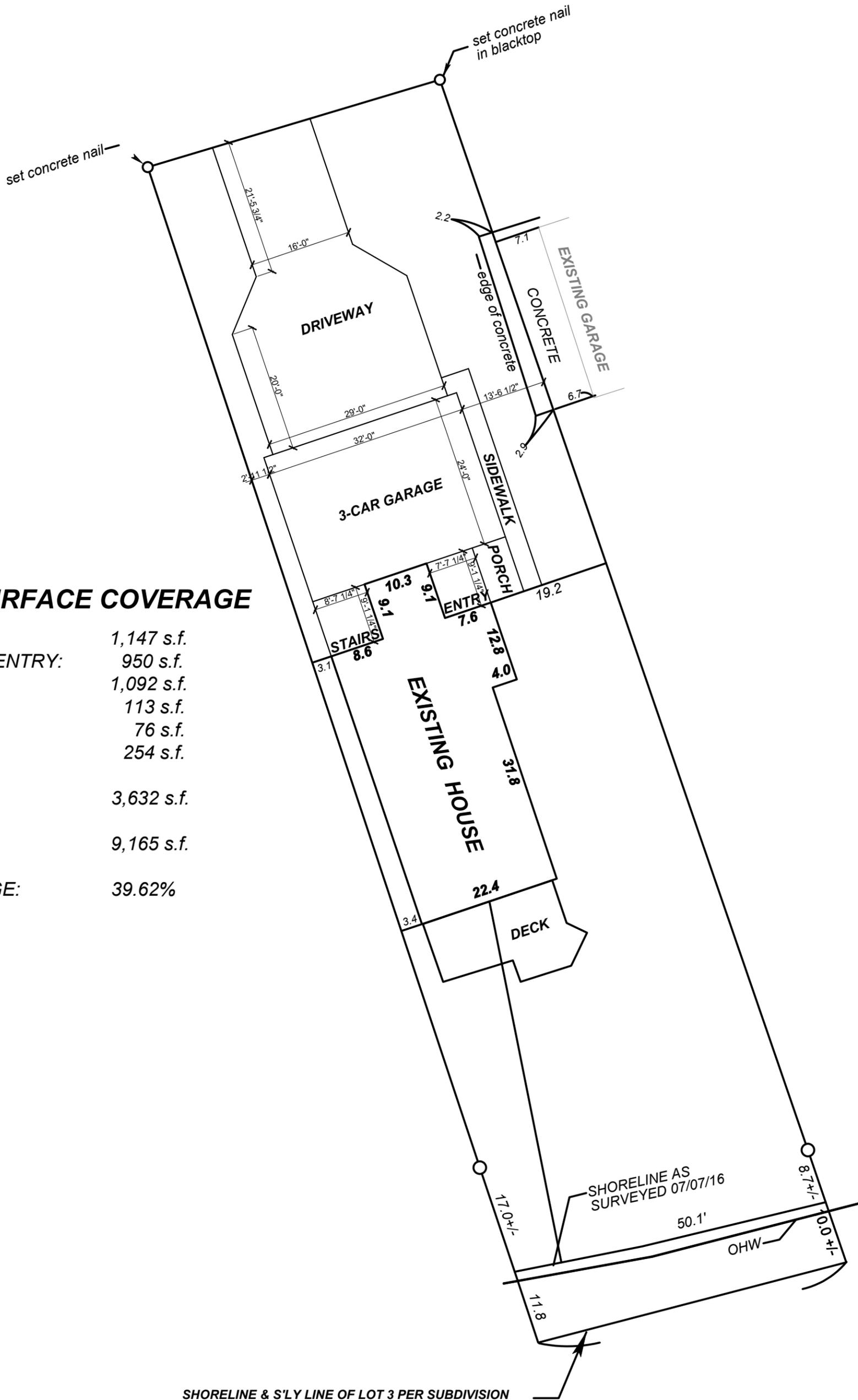
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320-224-7844



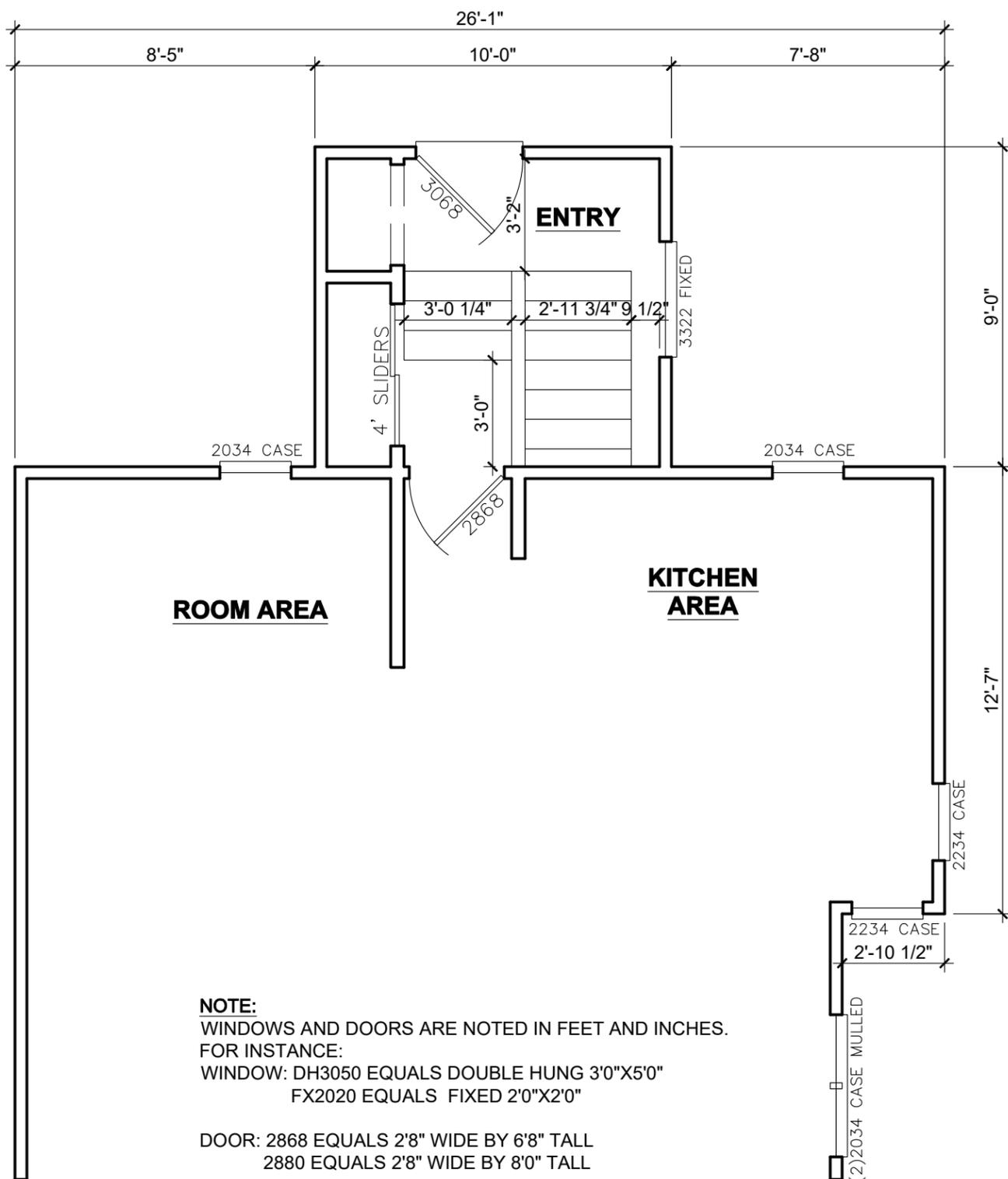
**IMPERVIOUS SURFACE COVERAGE**

EXISTING HOUSE:	1,147 s.f.
NEW GARAGE/STAIRS/ENTRY:	950 s.f.
NEW BLACKTOP:	1,092 s.f.
NEW SIDEWALK:	113 s.f.
NEIGHBORS CONC.	76 s.f.
DECK:	254 s.f.
<b>TOTAL IMPERVIOUS:</b>	<b>3,632 s.f.</b>
<b>LOT AREA (TO OHW)</b>	<b>9,165 s.f.</b>
<b>IMPERVIOUS COVERAGE:</b>	<b>39.62%</b>

SHORELINE & S'LY LINE OF LOT 3 PER SUBDIVISION OF LOT 1 SKARP AND LINDQUIST ROSE HILL PLAT



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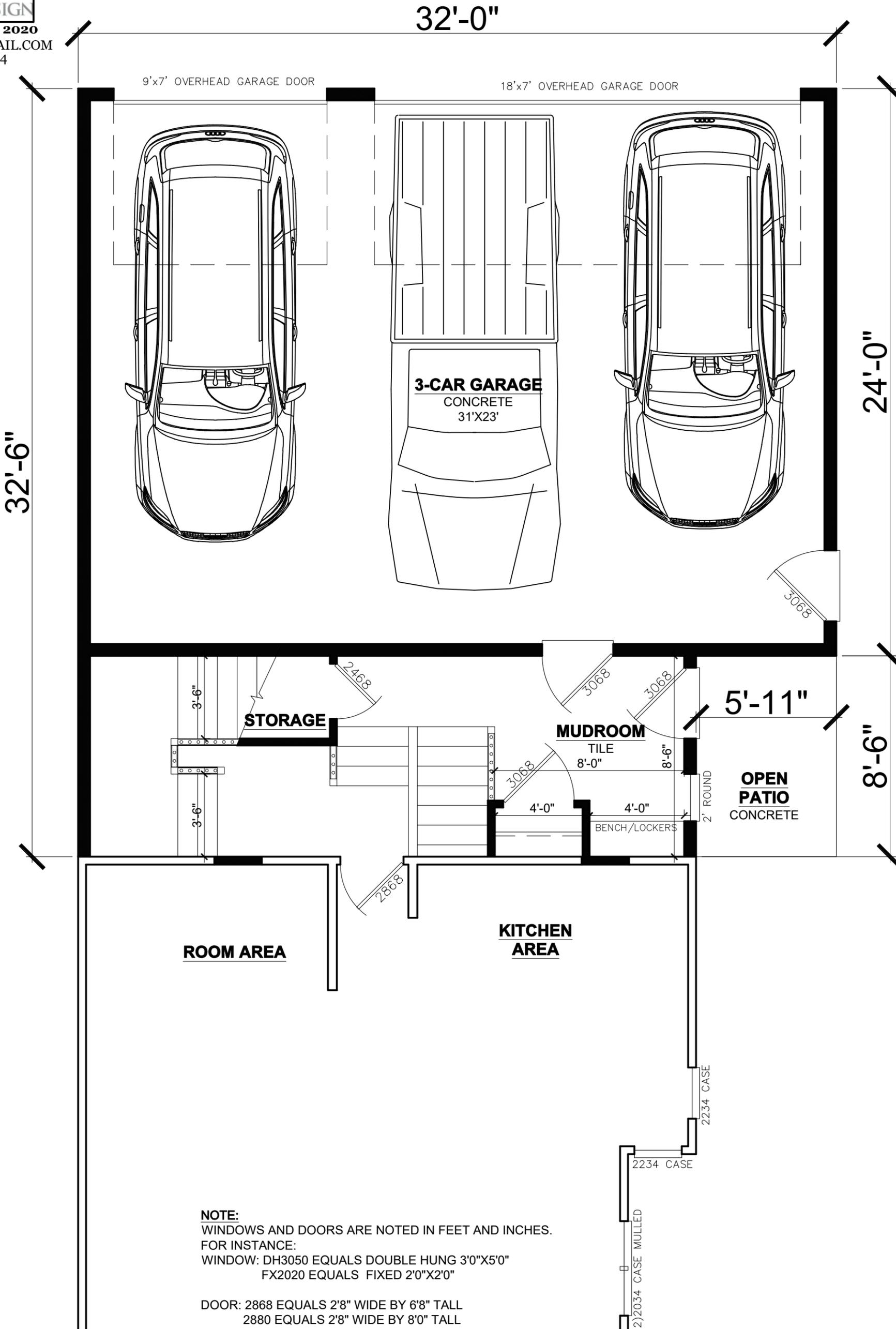


**1** EXISTING FIRST FLOOR

SCALE: 1/4" = 1'-0"



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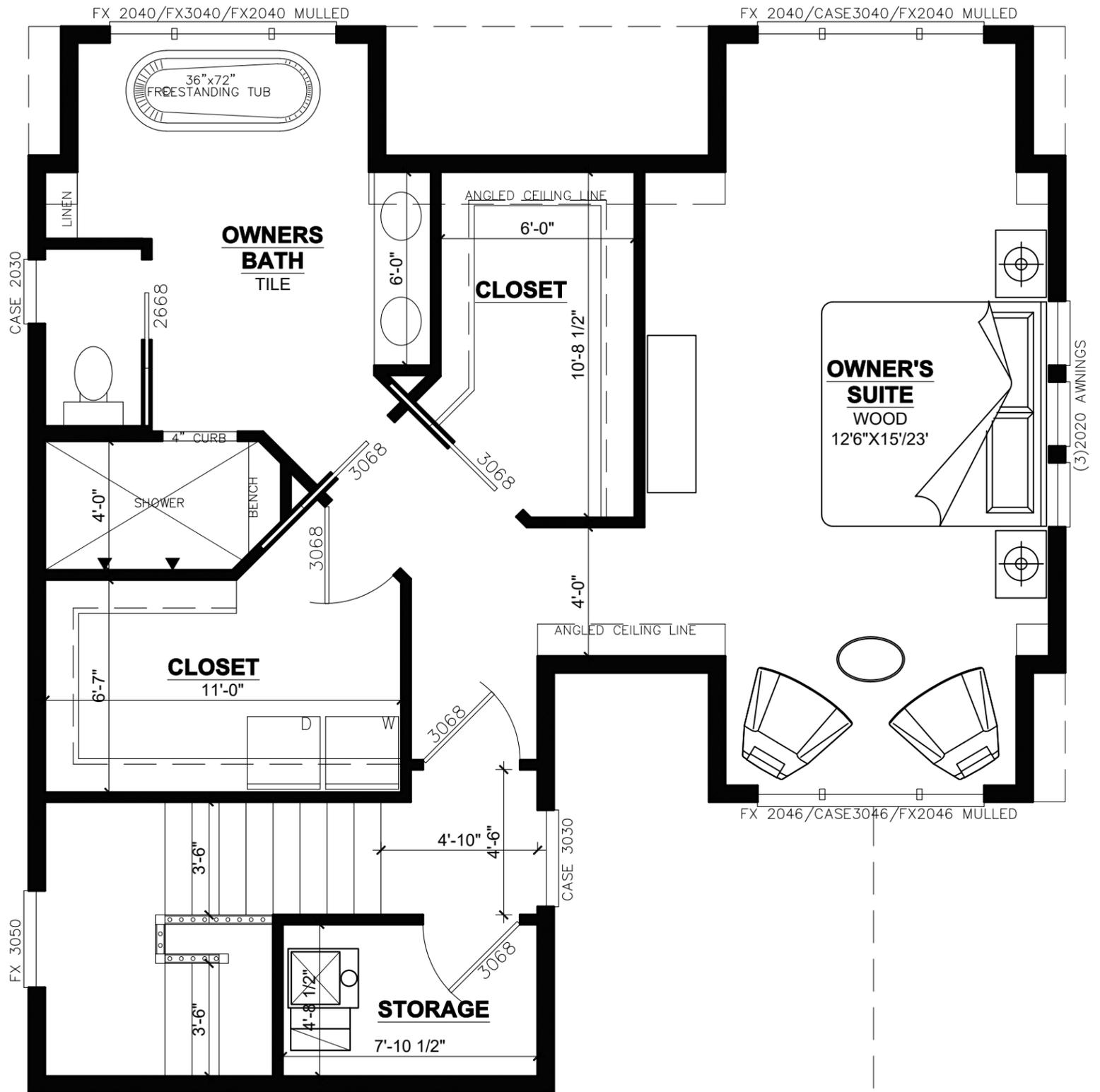


**NOTE:**  
WINDOWS AND DOORS ARE NOTED IN FEET AND INCHES.  
FOR INSTANCE:  
WINDOW: DH3050 EQUALS DOUBLE HUNG 3'0"X5'0"  
FX2020 EQUALS FIXED 2'0"X2'0"  
  
DOOR: 2868 EQUALS 2'8" WIDE BY 6'8" TALL  
2880 EQUALS 2'8" WIDE BY 8'0" TALL

**2 PROPOSED FIRST FLOOR**  
SCALE: 1/4" = 1'-0"    ADDS 950 SQUARE FEET OF IMPERVIOUS SURFACE



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**NOTE:**  
WINDOWS AND DOORS ARE NOTED IN FEET AND INCHES.  
FOR INSTANCE:  
WINDOW: DH3050 EQUALS DOUBLE HUNG 3'0"X5'0"  
FX2020 EQUALS FIXED 2'0"X2'0"  
  
DOOR: 2868 EQUALS 2'8" WIDE BY 6'8" TALL  
2880 EQUALS 2'8" WIDE BY 8'0" TALL

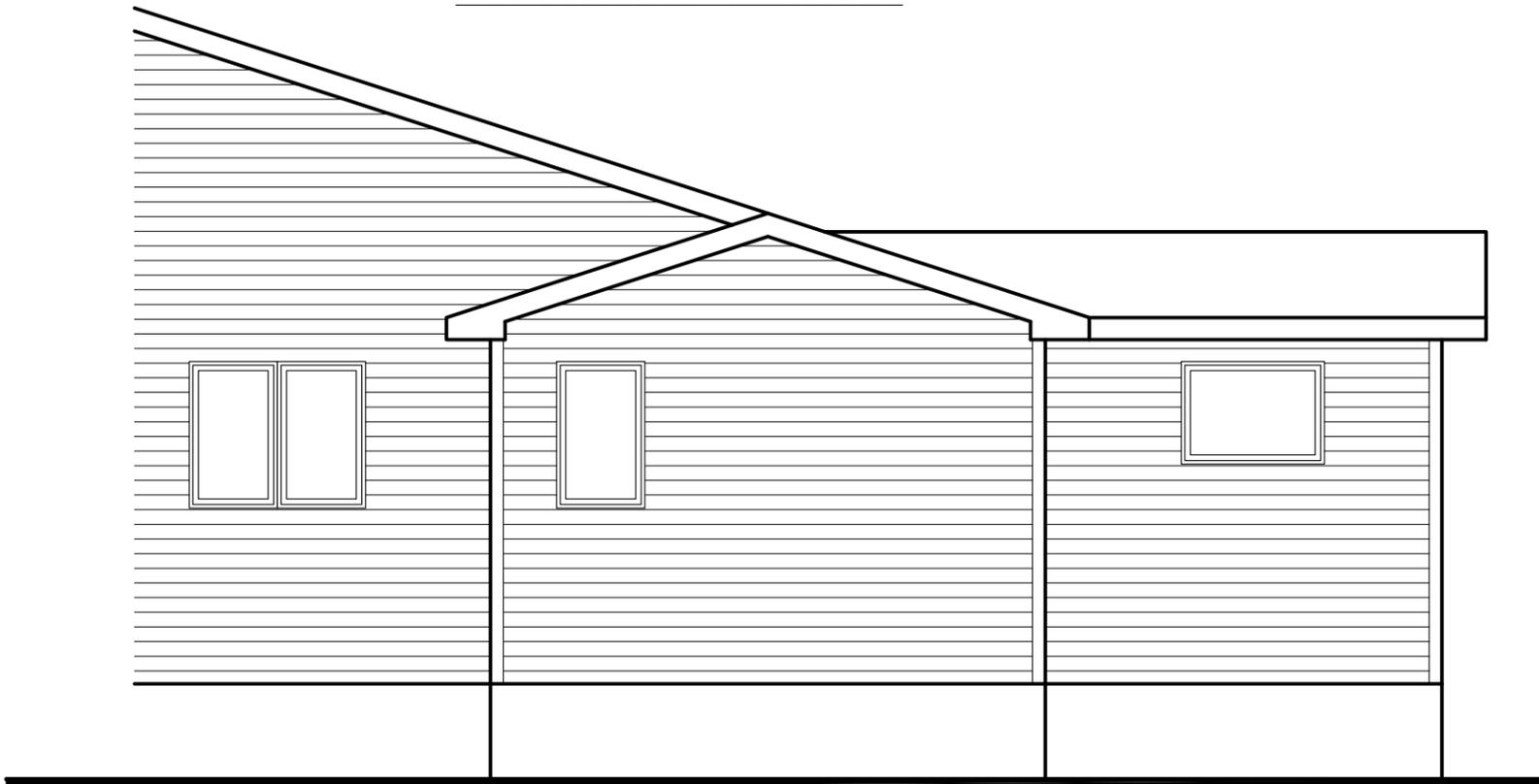
**3** PROPOSED SECOND FLOOR  
SCALE: 1/4" = 1'-0" 842 SQUARE FEET



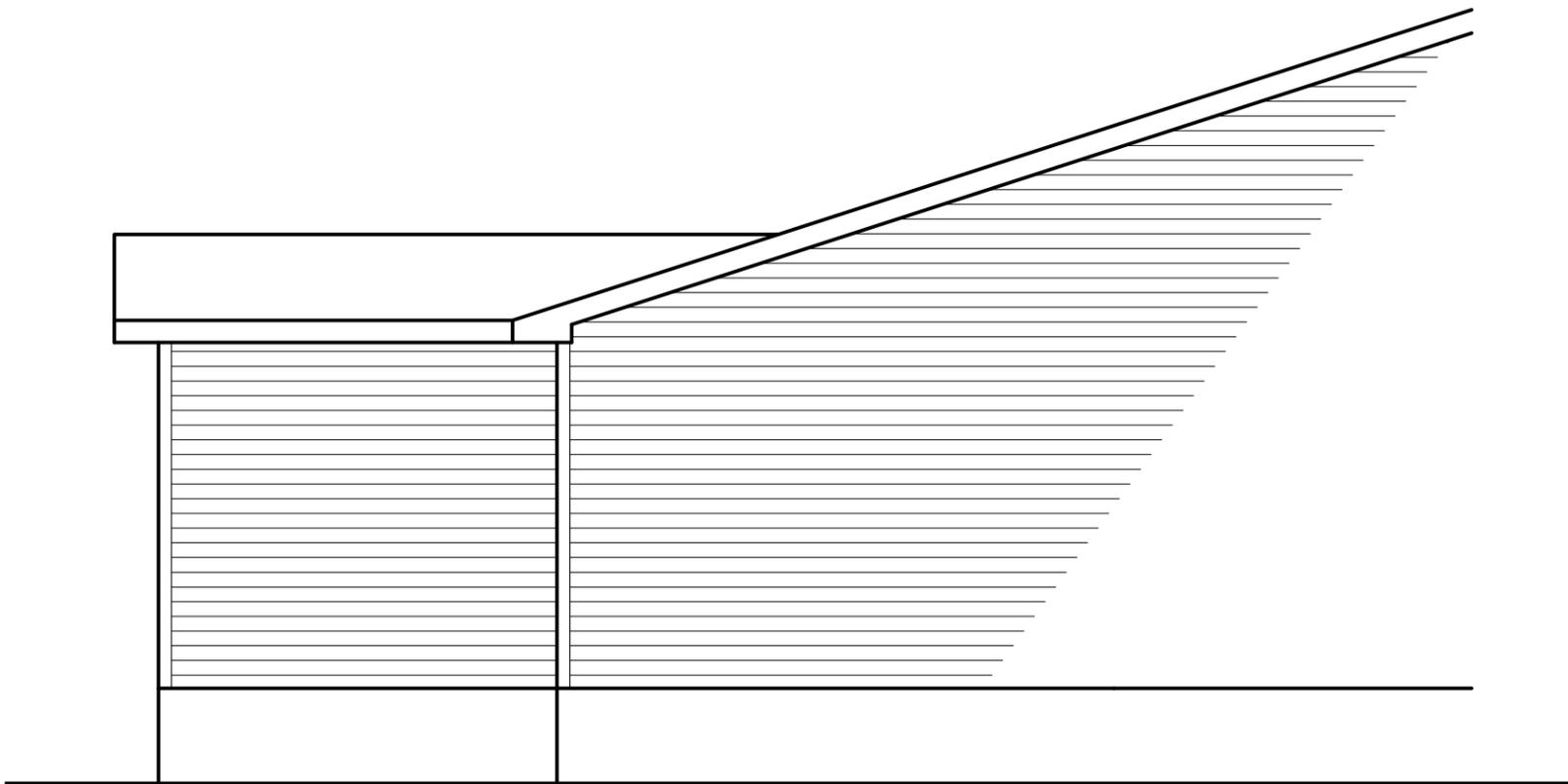
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**EXISTING NORTH ELEVATION**



**EXISTING EAST ELEVATION**



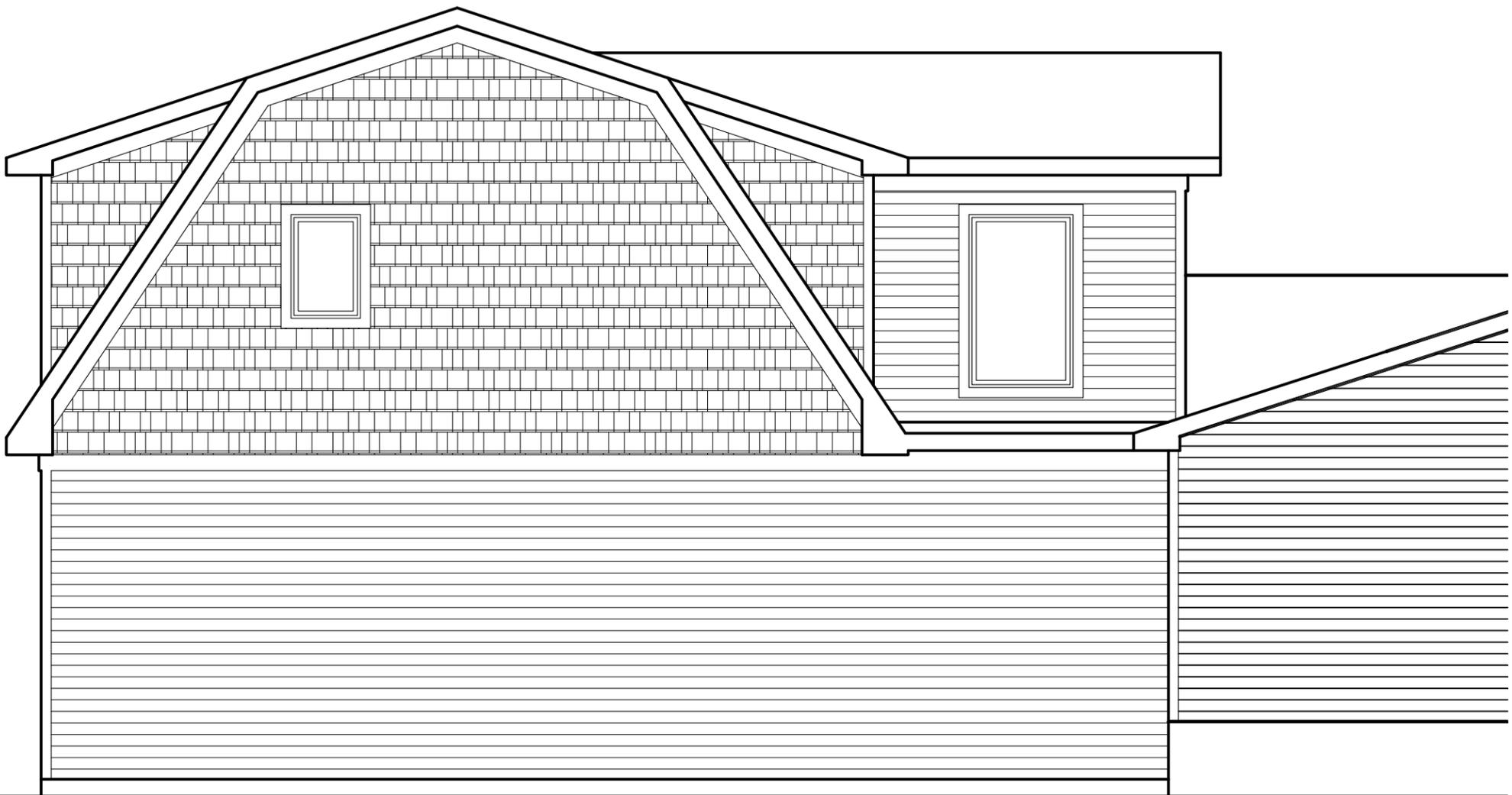
**EXISTING WEST ELEVATION**



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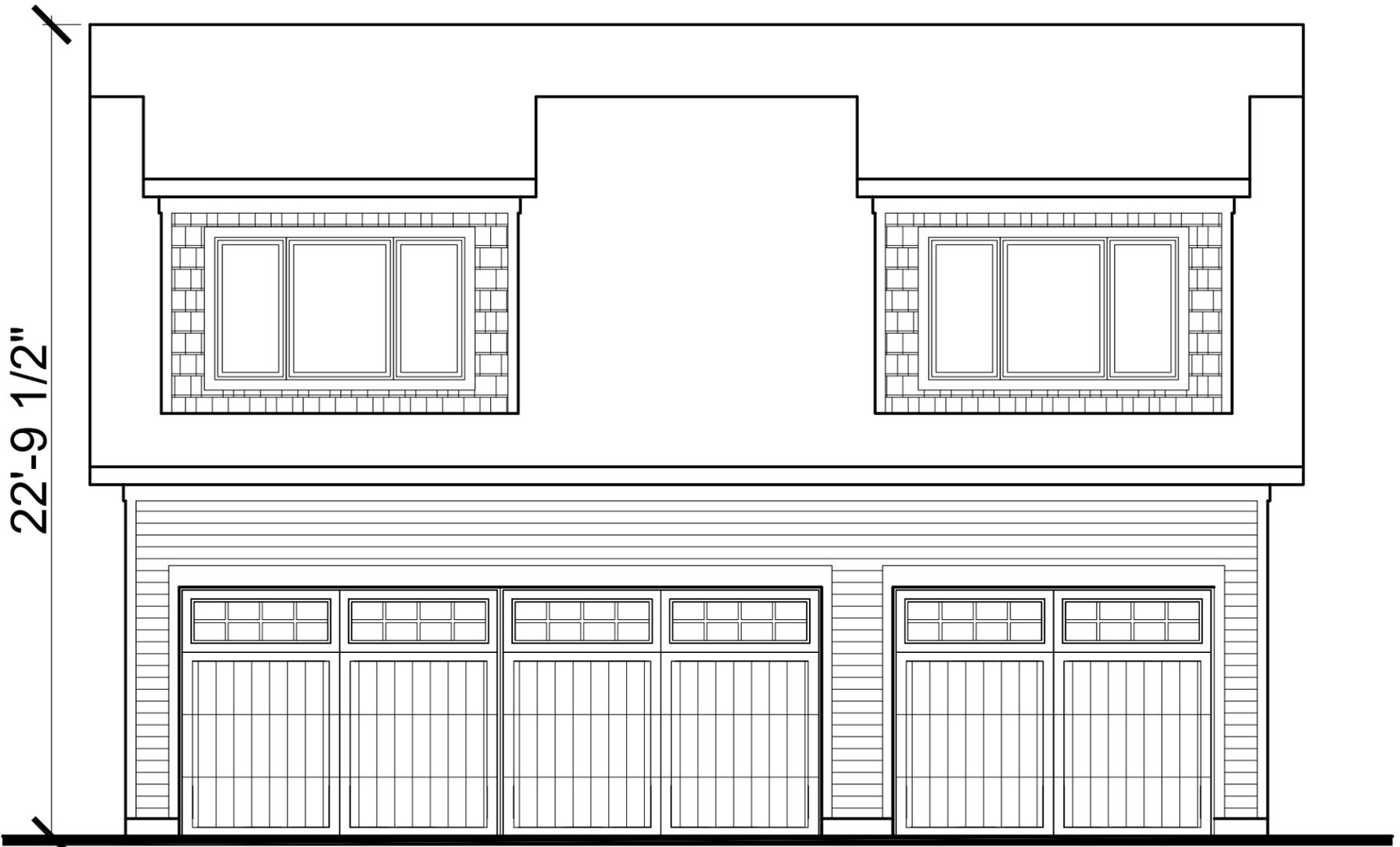
**FRONT ELEVATION**



**PROPOSED WEST ELEVATION**



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**PROPOSED NORTH ELEVATION**



**SOLID HATCH AREA  
INDICATES NEW  
STAIRS/ENTRY AREA CUT  
THROUGH FOR VIEW**

**PROPOSED SOUTH ELEVATION**

6/24/2020

**From:** Scott Qualle [mailto:SQualle@mnspect.com]

**Sent:** Thursday, June 18, 2020 11:39 AM

**To:** Alan Brixius

**Subject:** Property with 5' of lot line

Hi Al,

Exterior walls are regulated under MN Rule 1309.R302.

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There are four construction elements that must be considered when constructing a home within five feet of a lot line (fire separation distance).

Wall construction, Projections (overhangs), Openings (windows and doors), and Penetrations (pipes and other wall penetrations).

The concern with all these elements are that a fire in an adjacent structure jeopardizes the structure being constructed or vice versa. As a result, any new construction must meet the requirements of the code:

Assuming that the building in question is NOT sprinklered, the following requirements under MN Rule 1309 table R302.1(1).apply:

**Walls:** If the wall location (measured at a right angle from the building wall) from the lot line is less than five feet, the wall construction must be a 1 hour rated fire -resistance rated wall assembly.

**Projections:** Projections may not extend closer than two feet from the lot line. At two feet (up to, but not including five feet) the projection must be fire protected on the underside with not less than 1 layer of 5/8" type x gypsum board. There may not be any openings for ventilation or penetrations through that protected portion. At or over five feet, no protection is required, including the portion  $\geq$  five feet where other portions of the projection are required to be protected.

**Openings:** If the fire separation distance is less than three feet, no openings are allowed. At three feet, up to, but not including five feet, openings are limited to 25% of the wall area. At five feet, openings are unlimited.

**Penetrations:** Any penetration that penetrates a wall assembly that is required to be rated (under walls above), then all penetrations must be appropriately fire protected under 1309.R302.4.

Thanks for your inquiry.

Scott Qualle

President

MNSPECT, LLC.

*Helping You Comply with the Code*

235 First Street West

Waconia, MN 55387

Direct 952-800-8701

952-442-7520 x1101

Fax 952-442-7521

Cell 763-458-6926

[scott@mnspect.com](mailto:scott@mnspect.com)

[www.mnspect.com](http://www.mnspect.com)

**NORTHWEST ASSOCIATED CONSULTANTS, INC.**

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422  
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

**PLANNING REPORT**

TO: Dan Tolsma  
FROM: Alan Brixius / Daniel Elder  
DATE: July 1, 2020  
RE: Spring Park – Variance request – Street Side Setback 4364 & 4368 West Arm Road  
FILE NO: 175.01 – 20.03  
PID: 181-172-343-0057 & 181-172-343-0058

**BACKGROUND:**

Duane Myers of Myers Construction Management is applying on behalf of Barbara & Andrew Ward and is requesting a street side setback variance for the expansion of a two-family dwelling unit located at 4364 & 4368 West Arm Road. The variance is needed for the improvement and expansion of the two family dwelling to allow a 20' street side setback on the south side of the property.

Attached for reference:

Exhibit A: Application Materials  
Exhibit B: Applicant Narrative  
Exhibit C: Site Survey  
Exhibit D: Site Plan  
Exhibit E: Property Aerial Photo  
Exhibit F: Easement Document

**ISSUES AND ANALYSIS*****Existing Site Challenges***

The property is located within an R-1, Single Family and Two-Family Residential District. The twinhomes are a permitted use in the R-1 zoning district. The physical practical difficulty unique to the twinhome properties along West Arm Road is a 15' street easement (see Exhibit F). This easement only applies to the twinhome lots and no other lots along West Arm Road. The twinhomes are located 60' from West Arm Road surface pavement and are currently located 45' from the easement (see Exhibit

F). Other homes along West Arm Road have lessor setbacks with garages closer to the street than applicant's property.

The net impervious surface on the site after the addition will exceed 30% of the total lot area in hardcover. Hard cover between 30% and 40% is allowed provide a storm water management plan designed for the site.

**Setbacks and Lot Requirements:**

The following table outlines the R-1 District standards for lot area and setbacks compared against the existing conditions on the lot in question:

	<b>R-1 District Code:</b>	<b>Existing Conditions:</b>	<b>Proposed:</b>	<b>Compliant:</b>
<b>Lot Requirements:</b>				
Lot Area	12,000 sq. ft. Two-Family Dwelling*	14,348 sq. ft. * both lots	N / A	Yes
Lot Width	50 ft.	68 ft. * both lots	N / A	Yes
Lot Coverage	30 percent	3,368 sq. ft. (23.4%) * both lots	4,568 sq. ft. (31.8.%) *both lots	Yes * With Conditions
<b>Setback Requirements:</b>				
	Required	Existing	Proposed	
Right-of-Way Setback	30 ft.	45ft (approx. off easement) *60ft off West Arm Road	20 ft. (approx.) off of easement 35ft. from West Arm Road Pavement	No
Side Yard Setback (west)	10 ft.	10.35 ft.	10.35 ft.	Yes
Side Yard Setback (east)	10 ft.	6.45 ft.	6.45	No * Existing Condition
Setback from OHWL	50 ft.	106 ft.	106 ft.	Yes

The new garage is not be complaint due to the 15' easement on the property and would be located 20' from the easement. It would however be 35' from West Arm Road paved street surface.

## VARIANCE REVIEW CRITERIA

The applicants have applied for a variance to allow a street side setback encroachment for the construction of an addition to the twinhomes. The City of Spring Park zoning ordinance outlines the following criteria when considering a variance:

Variations from the literal provisions of the chapter in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration not resulting from the actions of an individual, and where it is demonstrated that such variance will be in keeping with reasonable use and the spirit and intent of the chapter.

- (a) In considering any request for a variance and in taking subsequent action, planning commission and the city council, serving as the board of adjustment and appeals, shall make a finding of fact that the granting of such variance will not:

- (1) Impair an adequate supply of light and air to adjacent property.

*Staff Comment: The expansion is taking place on an area of the property that will not impact the supply of light and air to adjacent properties.*

- (2) Unreasonably increase the congestion in the public streets.

*Staff Comment: The proposed use is an expansion to the existing twinhomes and is not expected to increase traffic in the immediate area over existing conditions.*

- (3) Increase the danger of fire or endanger the public safety.

*Staff Comment: The building is not expected to increase the danger of fire or endanger the public safety.*

- (4) Unreasonably diminish or impair established property values within the neighborhood, or in any other way be contrary to the intent of this chapter.

*Staff Comment: The expansion to the twinhomes will be very similar in nature to neighboring properties and should not diminish or impair property values. The variances will create conditions similar to other non-conforming setbacks in the neighborhood. As shown is Exhibit E the new setback from the right-of-way will still exceed garage setbacks of existing homes along West Arm Road. Approval of the variance request is not expected to diminish or impair property values.*

(5) Violate the intent and purpose of the city comprehensive plan.

*Staff Comment: The Spring Park Comprehensive Plan states in Strategy 2 that it will promote the renovation and reinvestment in existing homes is a priority for the city. The expansion of the twinhomes will allow for the renovation and reinvestment in the community*

(b) A variance from the requirements of this chapter shall be permitted only when:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district:

a. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel record, narrowness, shallowness or shape of the property.

*Staff Comment: The subject lot is subject to a 15' street easement as shown in Exhibit F that is exclusive to the twinhome lots and is not on other properties along West Arm Road. The building addition will maintain a 20 foot setback from the easement and a 35 foot setback from the paved road surface which is similar or greater to other properties along West Arm Road.*

b. Special conditions and circumstances may not be primarily economic in nature.

*Staff Comment: The subject site is requesting a variance due to the 15' easement. Economic conditions are not considered to be the primary reason for the variance requests.*

(2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this chapter.

*Staff Comment: The applicants request is very similar to the pattern of adjoining homes in the neighborhood. The properties to the east of the subject site include homes that are very similar to the proposed addition. These homes are not subject to the 15' street easement and contain similar or lesser setbacks than the applicant's proposal for the garages.*

- (3) The special conditions and circumstances do not result from the actions of the applicant.

*Staff Comment: The 15' easement is a special condition is not a result of the property owner's actions.*

- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

*Staff Comment: The proposal is an attached garage and additional living space, are permitted uses in the R-1 zoning district in the City. The aerial photo shows that the applicant is requesting a similar pattern to that of adjoining homes.*

- (b) Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building, and that the variance requested is the minimum variance from the provisions of this chapter.

*Staff Comment: The easement is unique to the four twinhome properties on West Arm Road. Absent this easement the twinhomes will have a setback of 35' from West Arm Road surface pavement.*

- (c) A variance may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance without a variance.

*Finding:* As discussed, the easement created challenges in the construction of the addition without requiring a variance to the street setback. The easement is unique to the four twinhome parcels on West Arm Road. Neighboring properties not encumbered by the street easement, have garages closer to West Arm Road than the applicants requested variance. The applicant request will maintain a 20 foot setback from the easement and will be 35 feet from West Arm Road paved surface. Absent the easement the townhome would meet the required street side setback.

Practical difficulties with this variance request are not solely related to economic considerations, and given that garages are an allowed accessory use in the zoning district, would not change the essential character of the neighborhood.

### **Drainage and Impervious Surface:**

Sec 42-279 *Lot coverage.* Impervious surface coverage of lots within the R-1 districts shall not exceed 30 percent of the lot area, except as provided below:

- b. New construction, alterations, expansions and remodeling of structures on all lots may expand lot coverage up to 40 percent of actual lot area

through the plan review process established in article IV, division 1, provided the following stipulations are met:

- i. All structures, additions, or expansions shall meet setback and other requirements of this chapter.
- ii. The lot shall be served by municipal sewer and water.
- iii. The lot shall provide for the collection and treatment of stormwater in compliance with the city stormwater management plan if determined that the site improvements will result in increased runoff directly entering a public water. All development plans shall require review and approval by the city engineer and the Minnehaha Creek Watershed District.
- iv. Measures to be taken for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water. The measures may include, but not be limited to the following:
  - (A) Appurtenances as sedimentation basins, debris basins, desilting basins or silt traps.
  - (B) Installation of debris guards and microsilt basins on storm sewer inlets.
  - (C) Use where practical, oil skimming devices or sump catch basins.
  - (D) Direct drainage away from the lake and into previous, grassed, yards through site grading, use of gutters and downspouts.
  - (E) Construct sidewalks and driveways of partially pervious raised materials such as decking which has natural earth or other pervious material beneath or between the planking.
  - (F) Use grading and construction techniques which encourage rapid infiltration, e.g. sand and gravel under impervious materials with adjacent infiltration swales graded to lead into them.

(G) Install berms, water bars, or terraces which temporarily detain water before dispersing it into previous area.

*Staff Comment: As a condition of the variance request the applicant will need to provide a Stormwater Management Plan in order to meet the City's code for construction that exceeds 30% impervious surface. The current proposal has an estimated 31.8% impervious surface. The storm water management plan must identify the proposed drainage patterns and storm water treatment features per the city code. Said plan shall be subject to City Engineer review and approval.*

**RECOMMENDATION:** Based on the findings of this report there is justification for the requested street side variance. Based on the findings of this report staff recommends that the variance requests be approved based upon the following recommendations.

1. Construction will not deviate from the site plan submitted to the city on 6/9/2020 as part of the variance application. Any change to the dimensions of the addition would be subject to a separate review. All new exterior finishes shall match in color and material type to the existing home.
2. Given that the amount of impervious surface at the site will exceed 30%, the applicant will need to meet the conditions outlined in Sec. 42-279 b. in order to mitigate the stormwater impacts of the addition. If the applicant can show that the impervious surface is less than 30% they can forgo this stipulation. The applicant will submit a separate site grading and drainage plan to ensure proper stormwater management practices. This plan will be subject to review and approval by the city engineer.

CC: Theresa Schyma  
Scott Qualle  
Brian Hare  
Duane Myers  
Barbara Ward  
Andrew Ward



**REASONS TO APPROVE THE REQUESTED VARIANCE TO SHORTEN THE REAR YARD SETBACK REQUIREMENT FOR THE PROPERTIES IN QUESTION:**

1. The remodeling of these two properties is permitted under existing code statutes.
2. The two parcels with twin homes are unique to this neighborhood (SEE ATTACHED HENNEPIN COUNTY MAP) and both have an existing easement requiring an additional 15' in setback from the paved road. No other property in the neighborhood is encumbered in this fashion.
3. The planned extension on the existing garage areas (25'), will allow for additional living space on the main level as well as new living space above the garages. It will also allow the homeowners to park inside the garage with newer vehicles which are longer and higher than the existing garages will allow. It will also create parking areas in front of the newly extended garages which would be approximately 20' from the existing easement and approximately 35' from the paved road.
4. This proposed setback will not encumber the existing easement, and will still be greater in comparison to many of the setbacks of other properties along West Arm Road.
5. This variance (if granted) will not alter the character of the neighborhood, will not cause hardship to any of the other properties along the road, and will also increase the value of both properties being remodeled.

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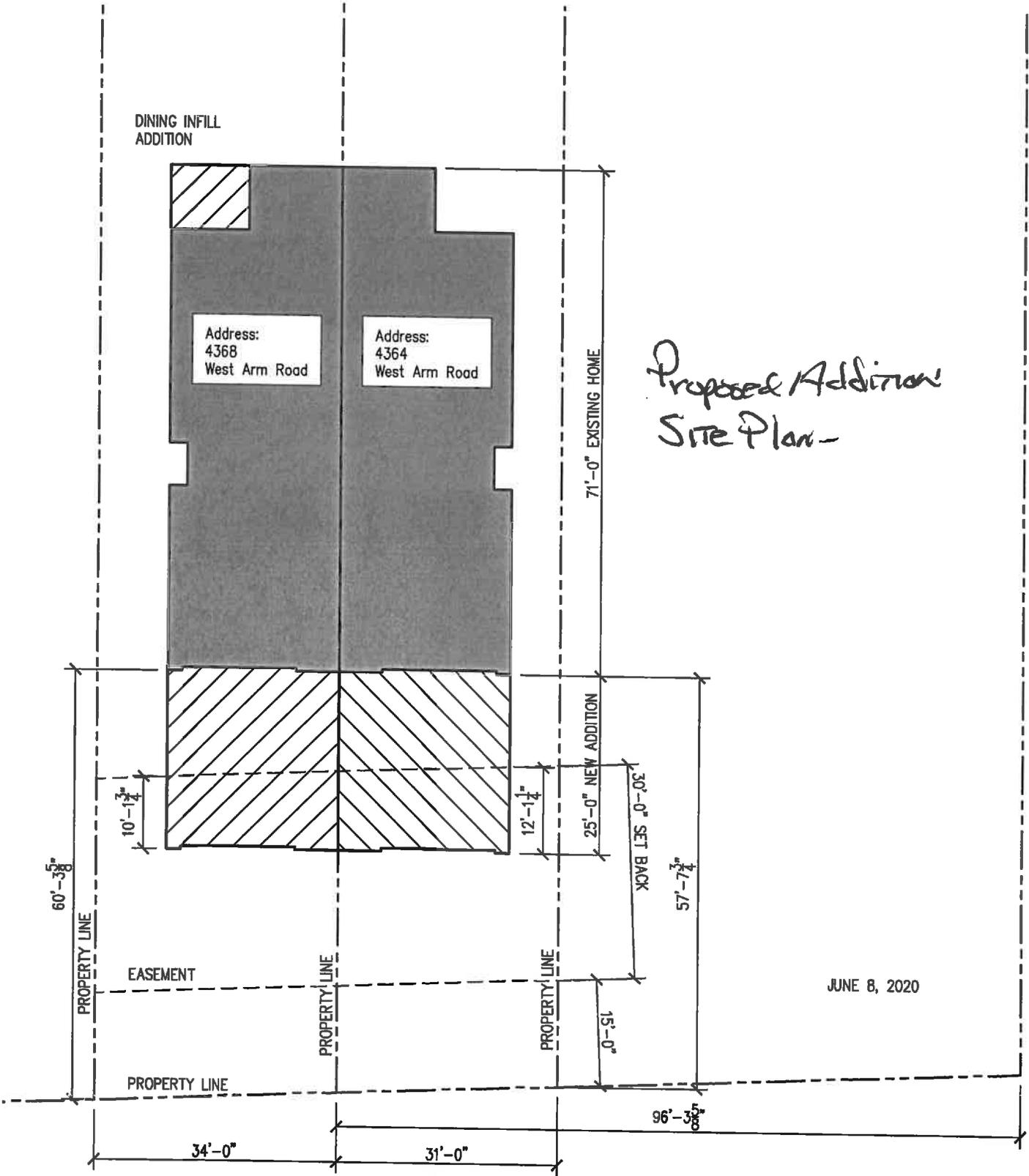
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duane@myersconst.net • www.myersconst.net

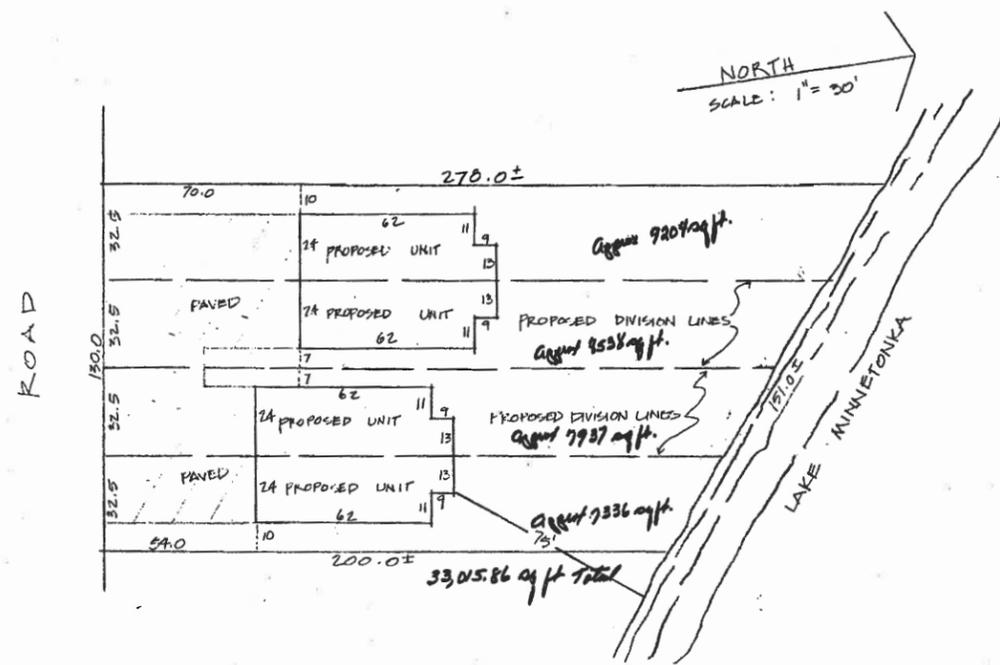
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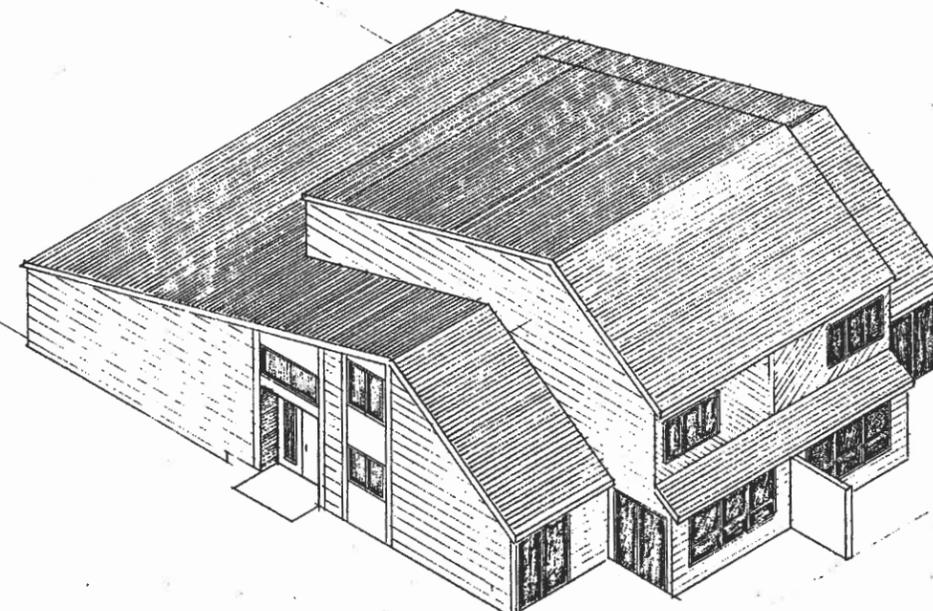
*Proposed Addition  
Site Plan -*

JUNE 8, 2020

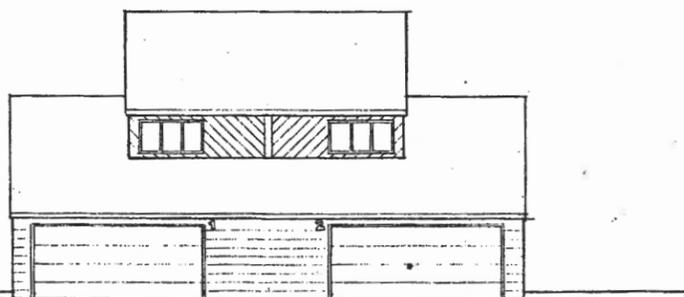


LEGAL DESCRIPTION

LOT 19, BLOCK 12, TOWNSHIP OF LANGDON PARK  
 EXCEPT THE WESTERLY 40.0 FEET THEREOF



EAST ELEVATION



SOUTH ELEVATION

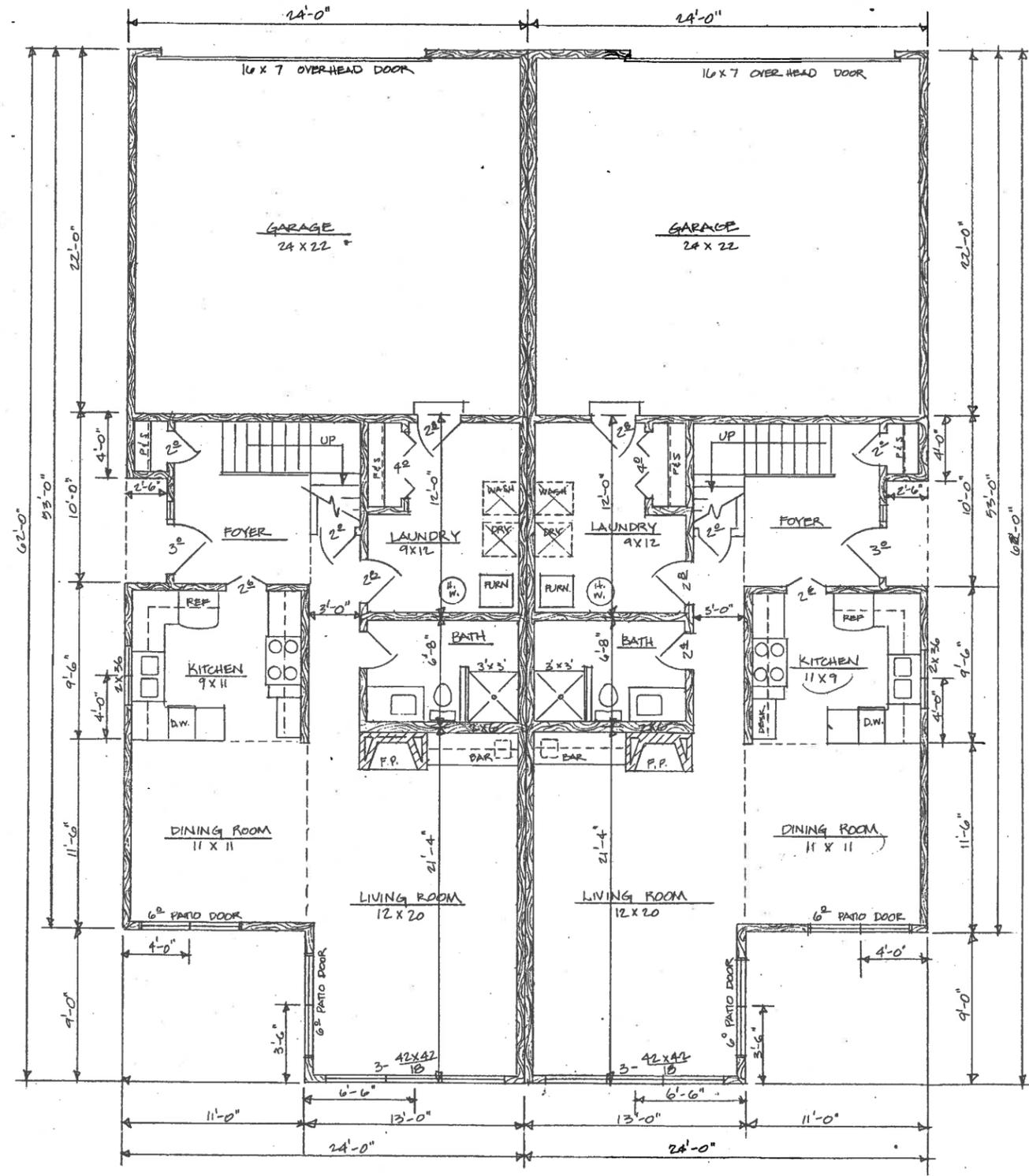
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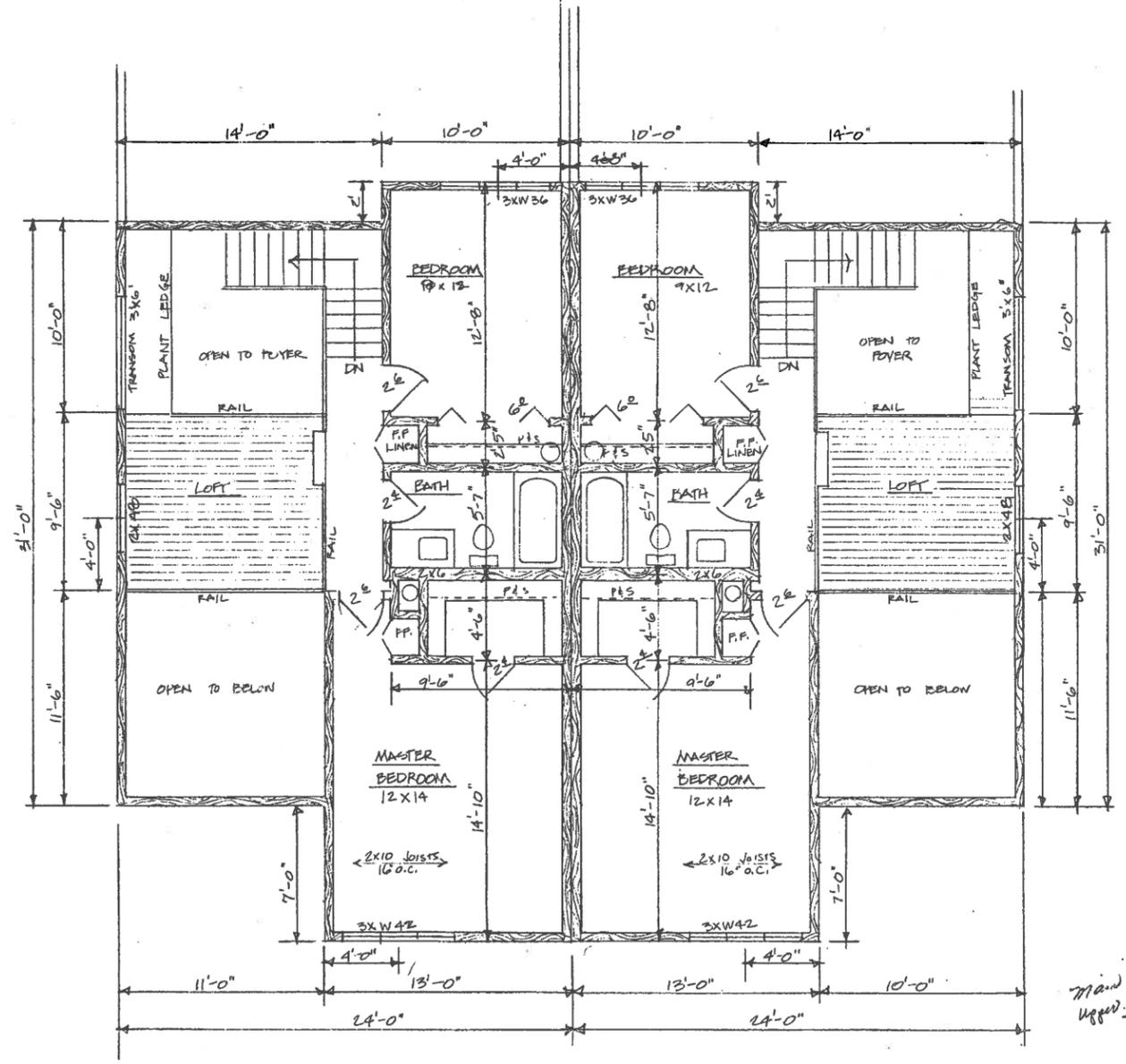
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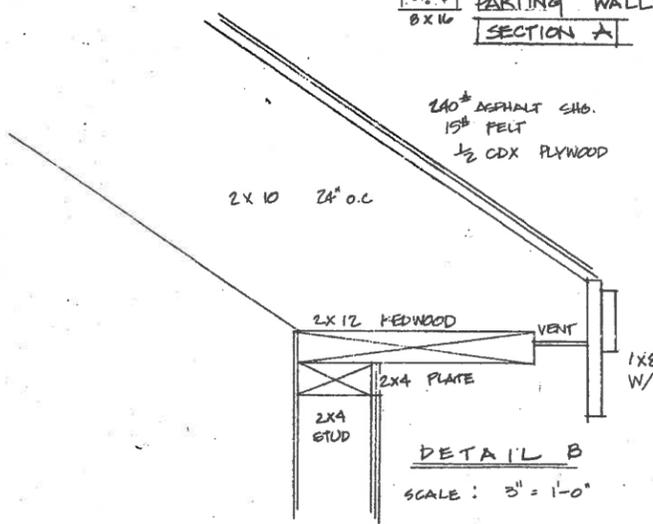
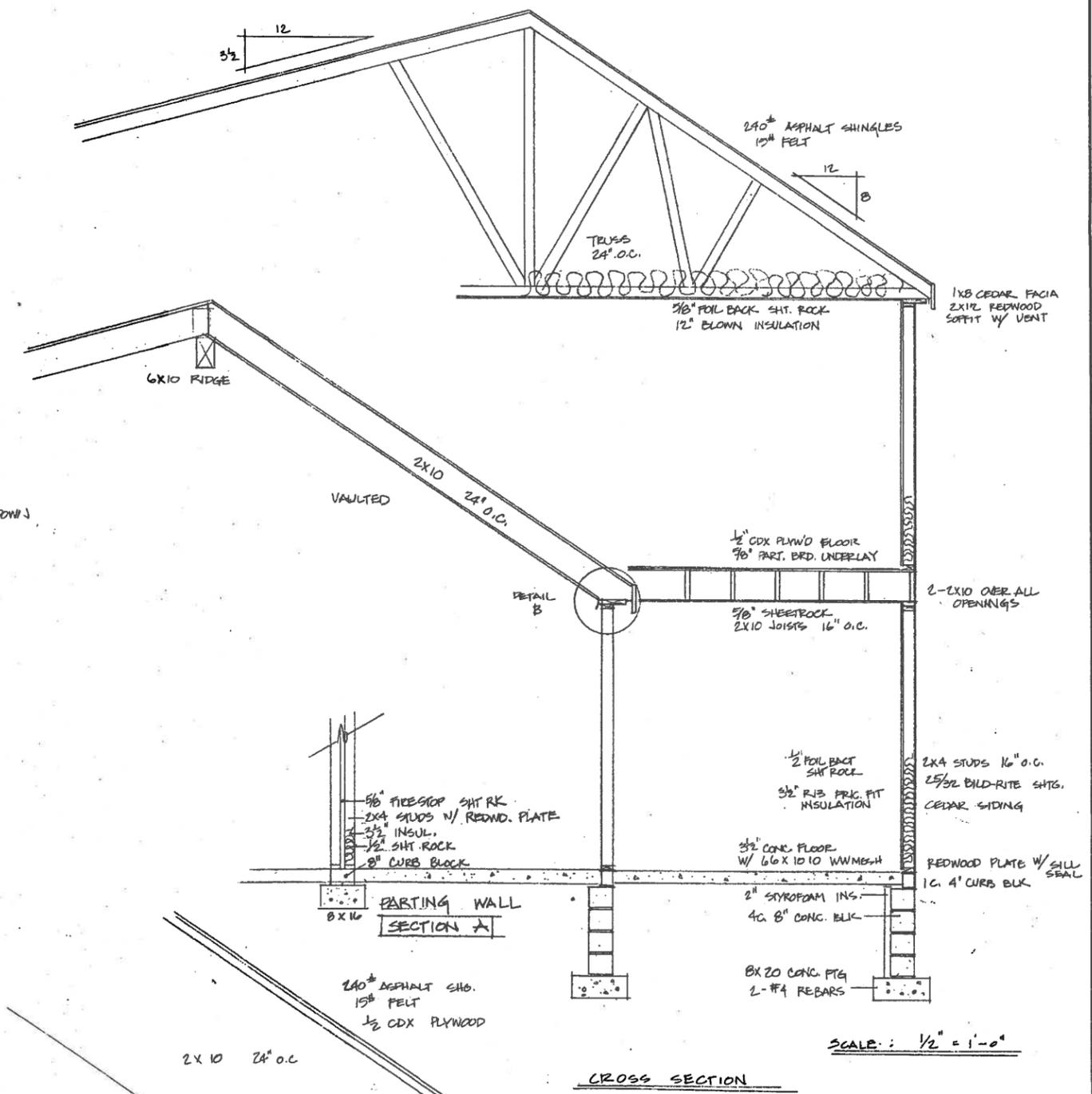
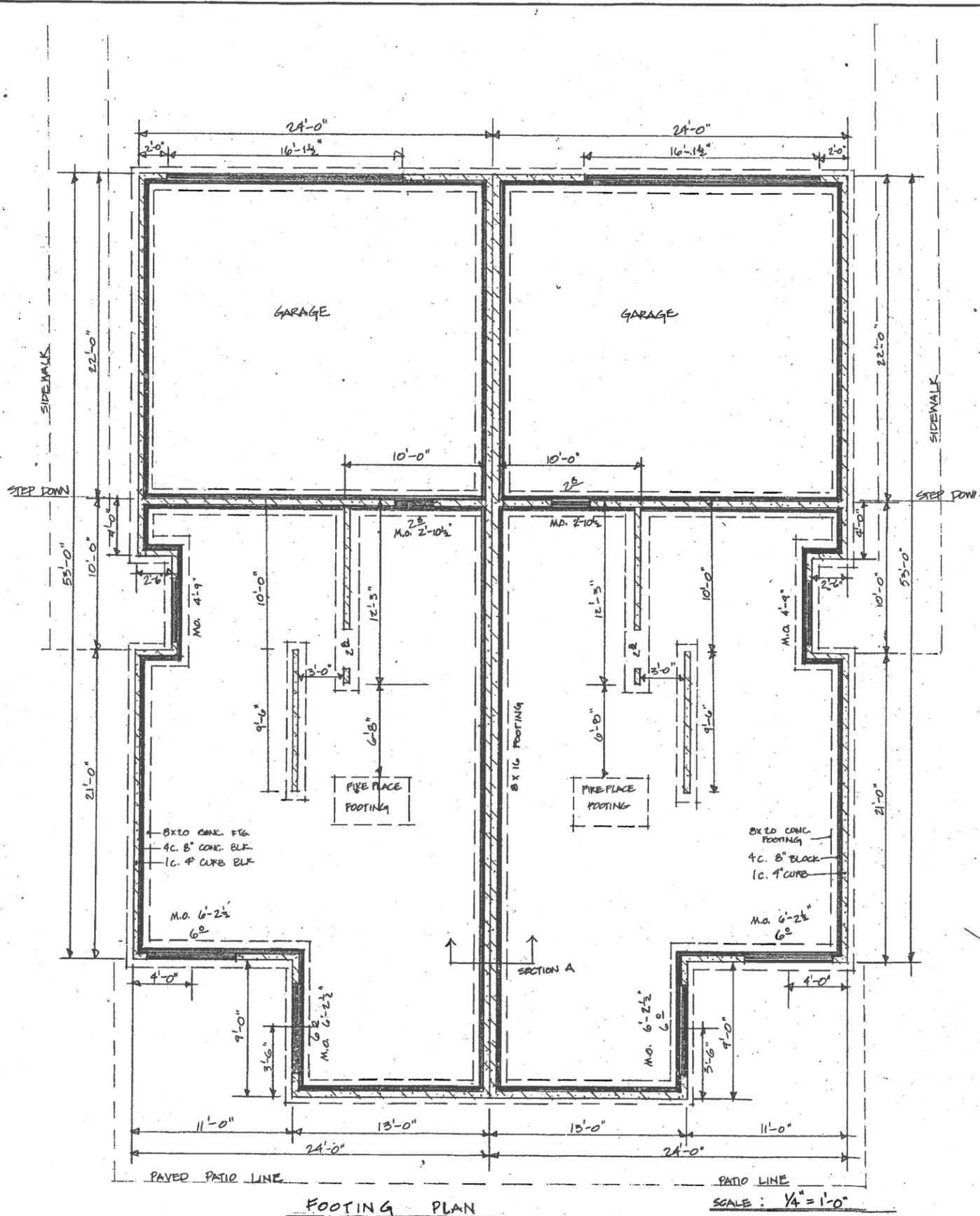
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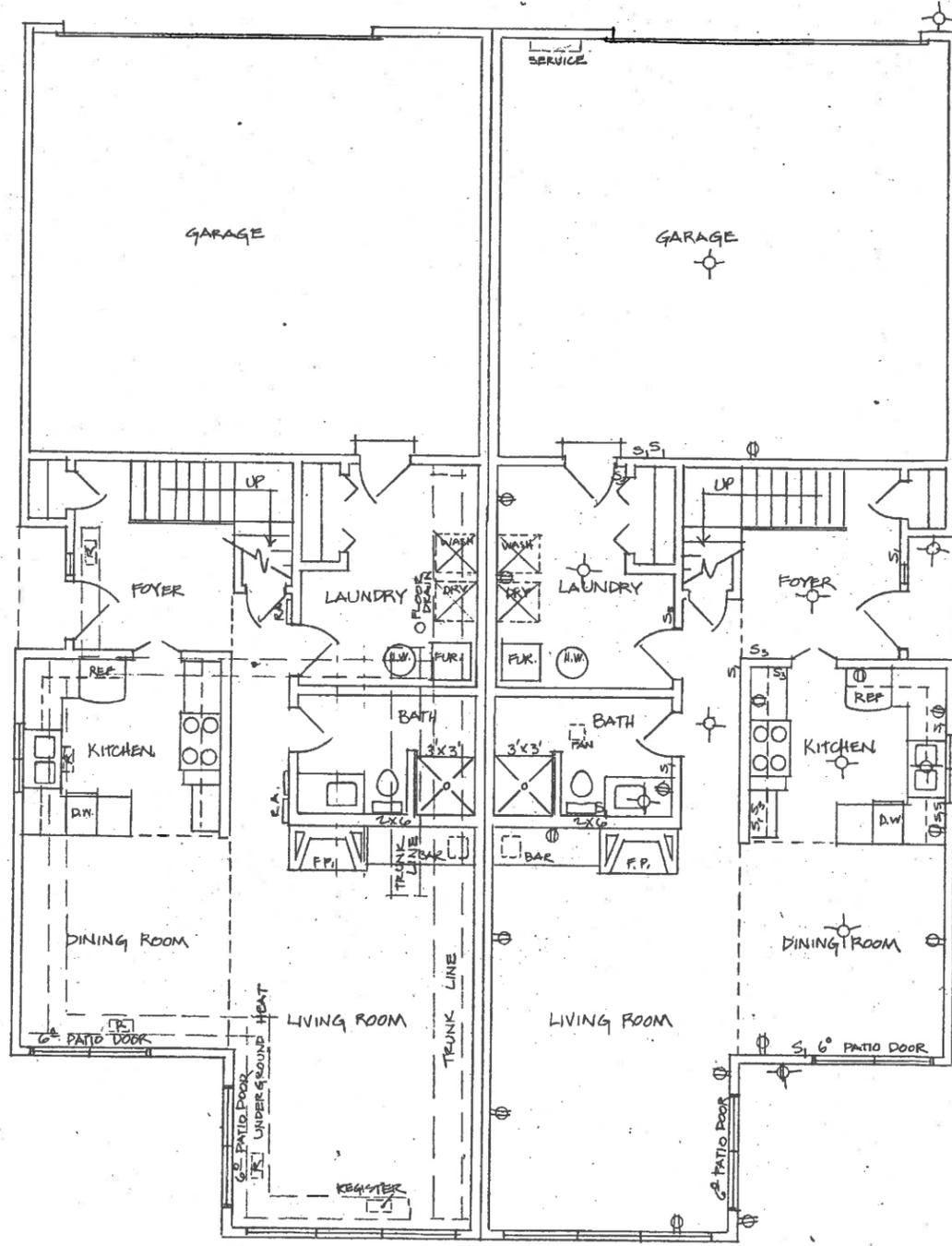
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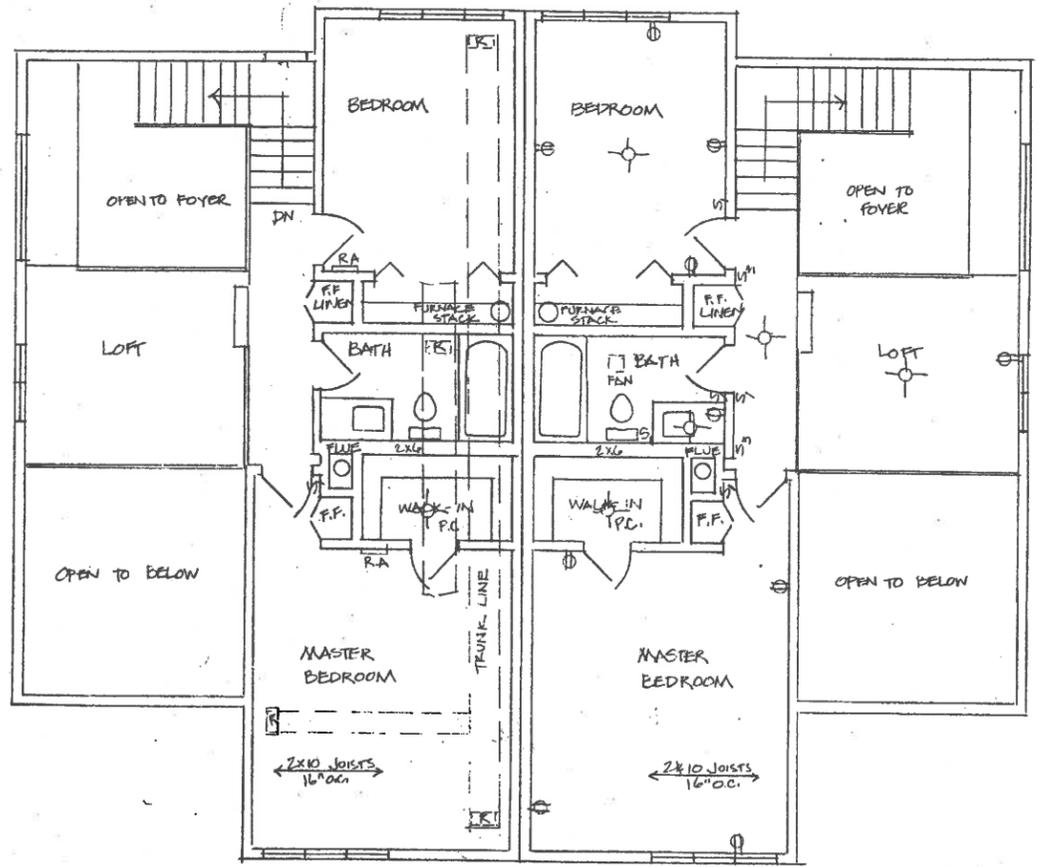


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HEATING PLAN      ELECTRICAL PLAN

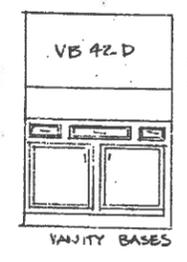
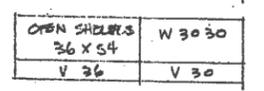
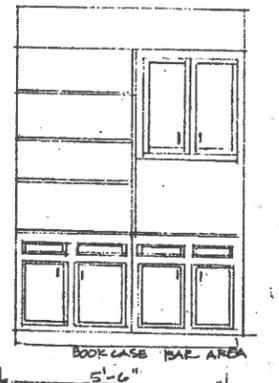
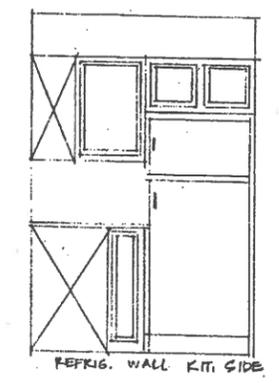
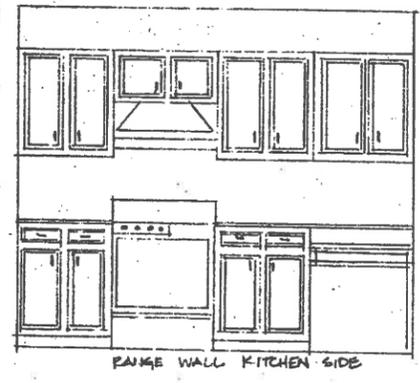
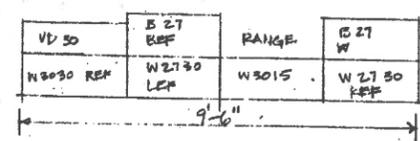
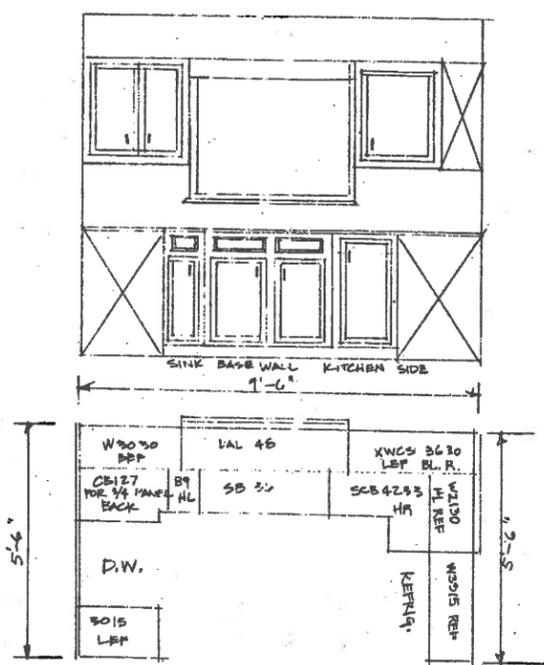
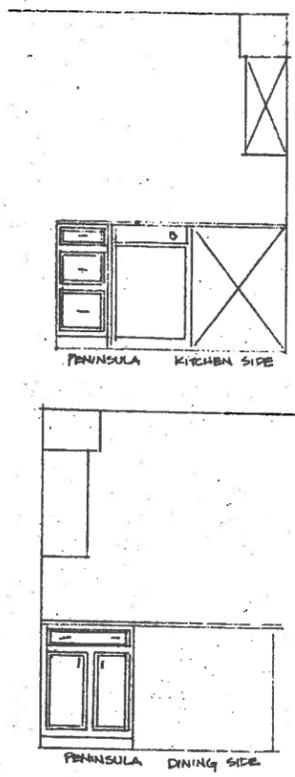
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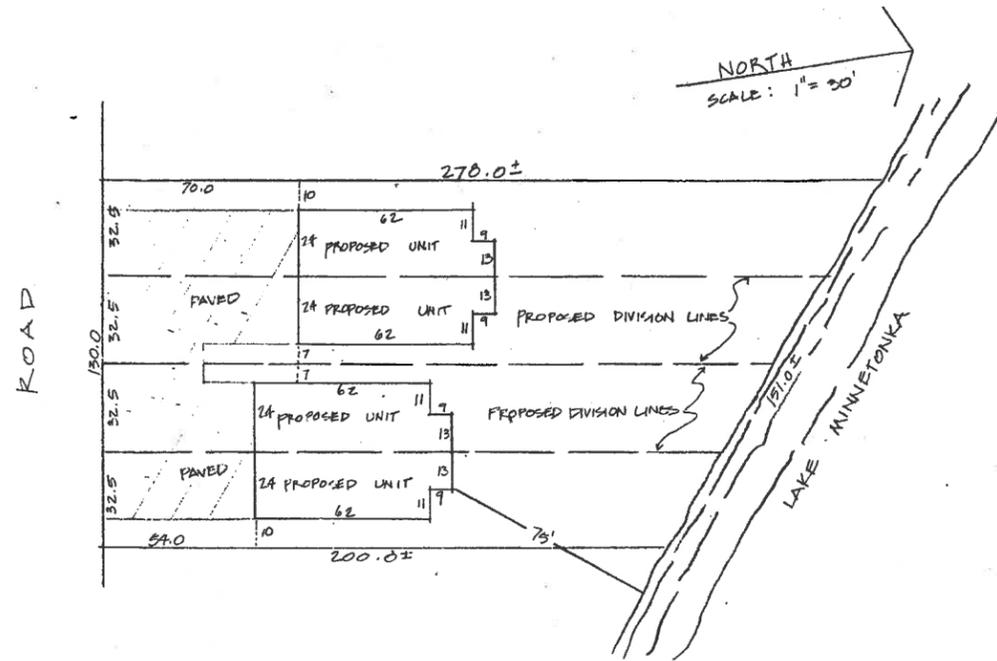
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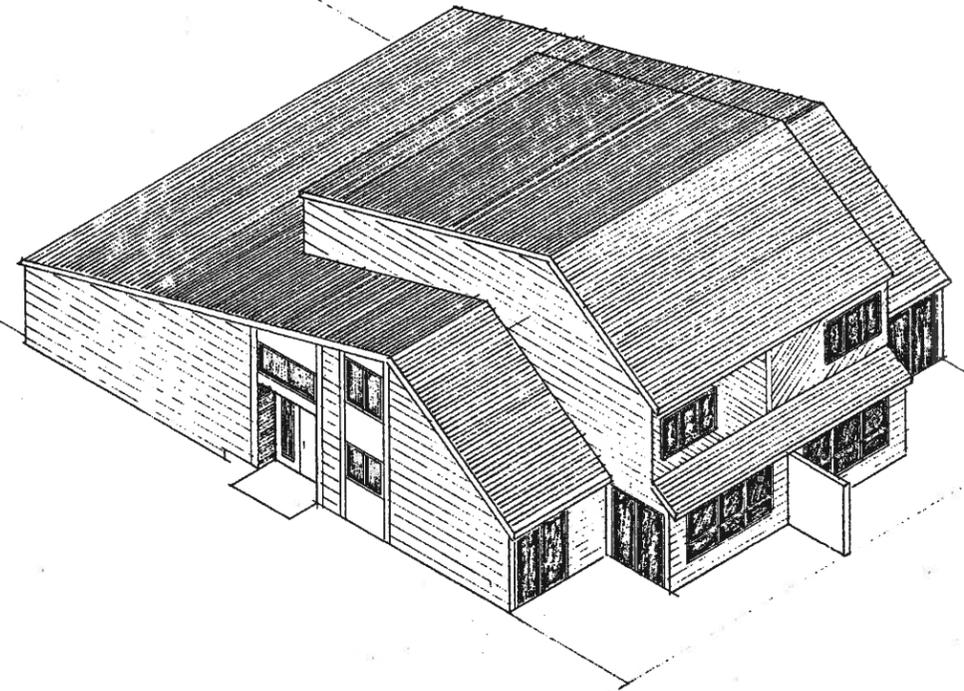


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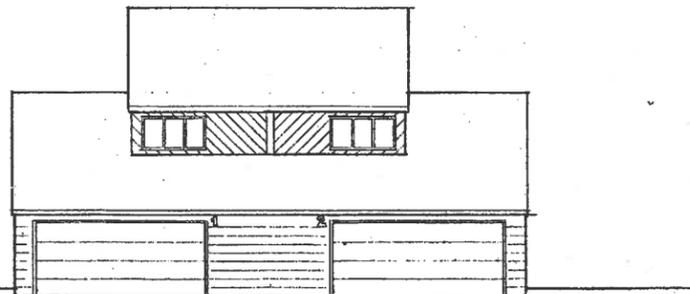
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LEGAL DESCRIPTION  
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 EXCEPT THE WESTERLY 40.0 FEET THEREOF

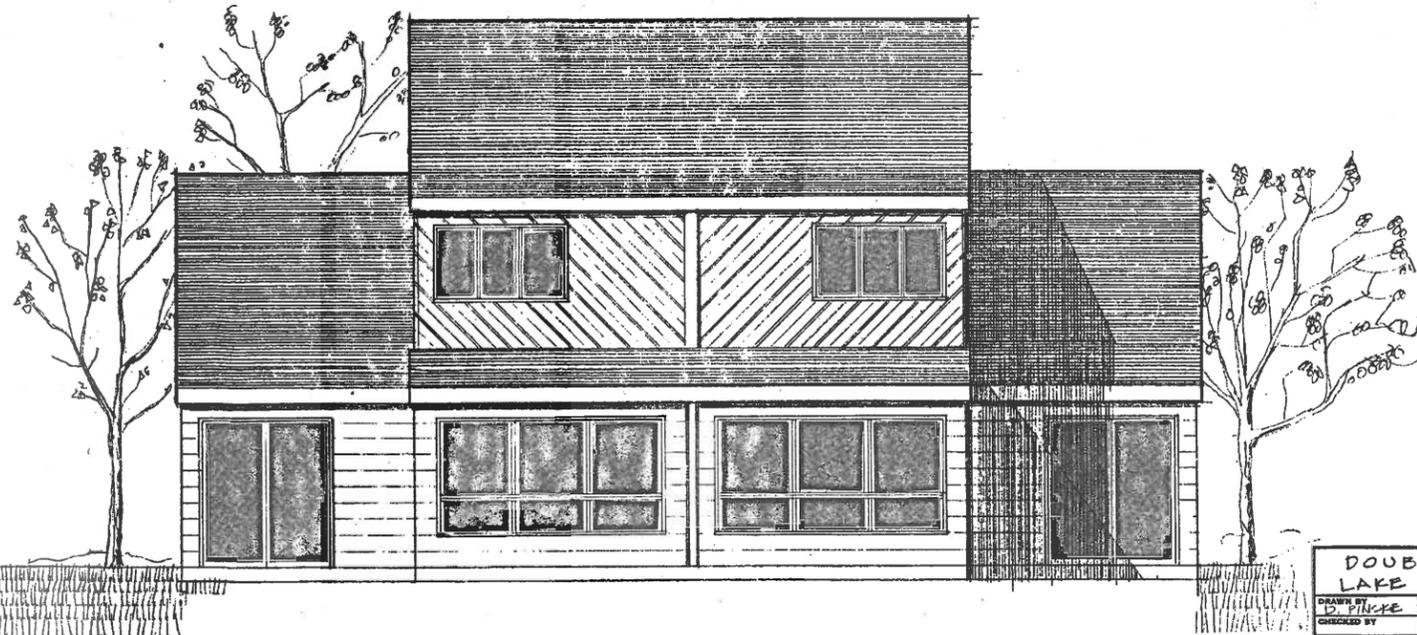


EAST ELEVATION



SOUTH ELEVATION

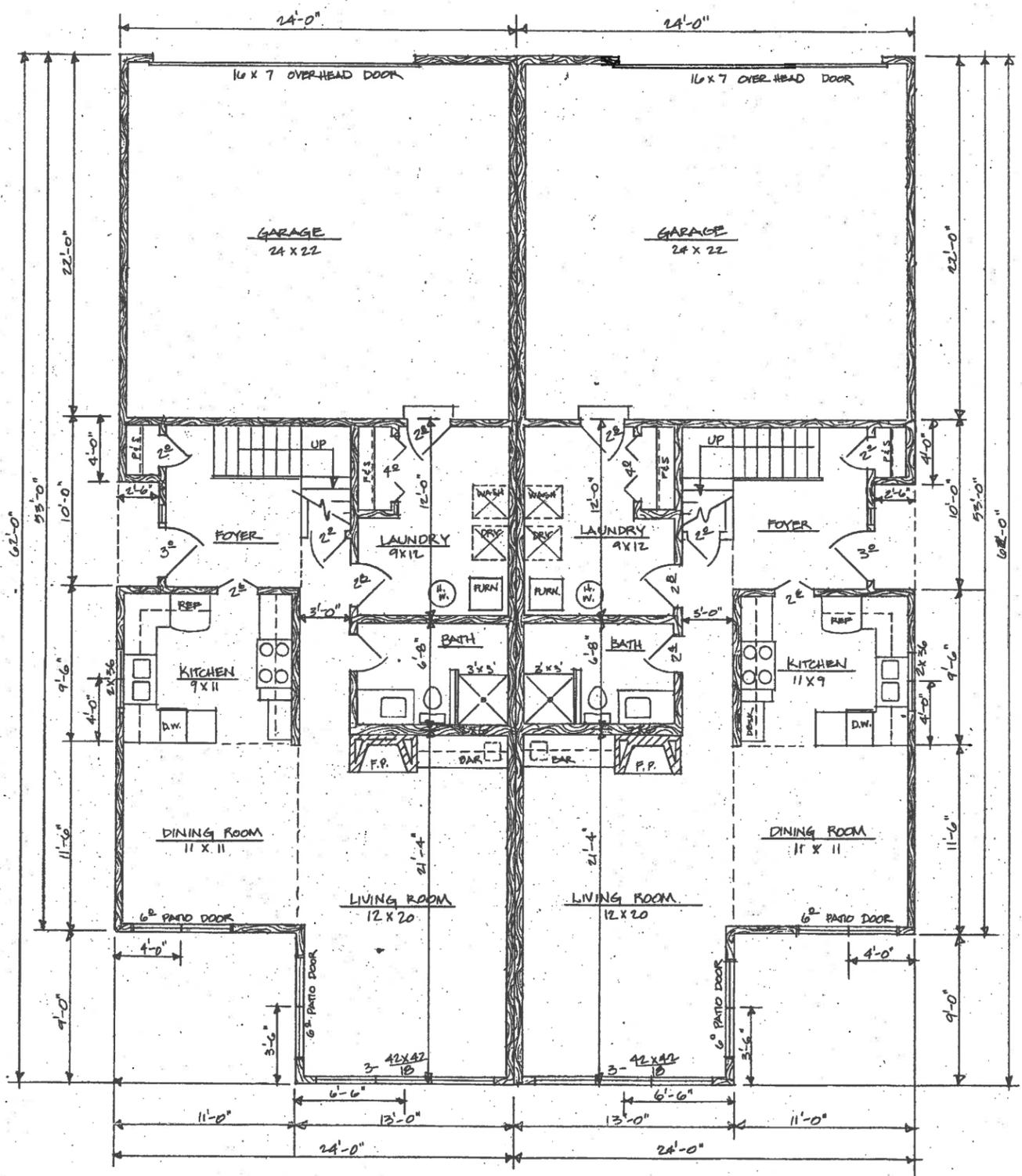
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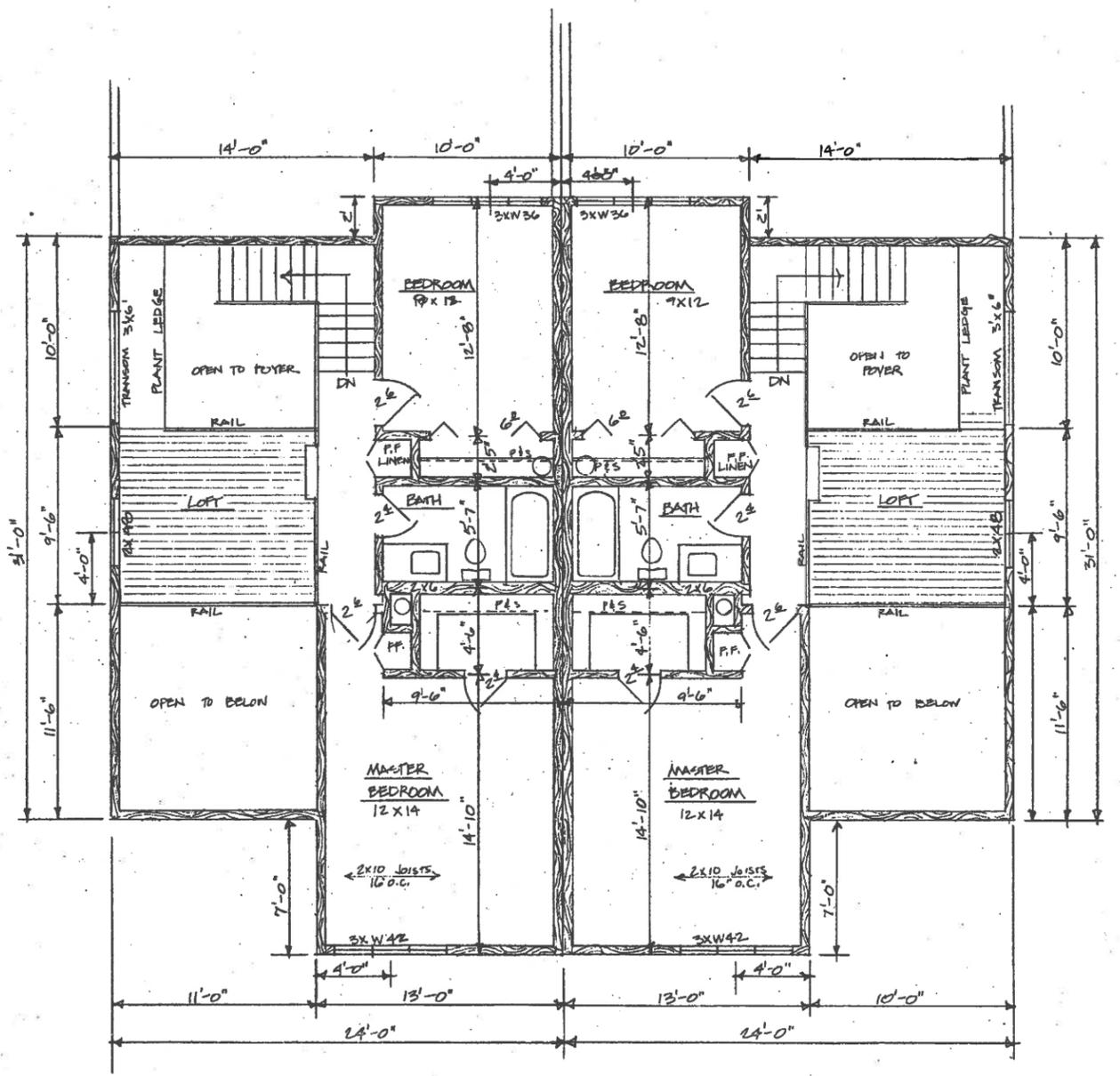
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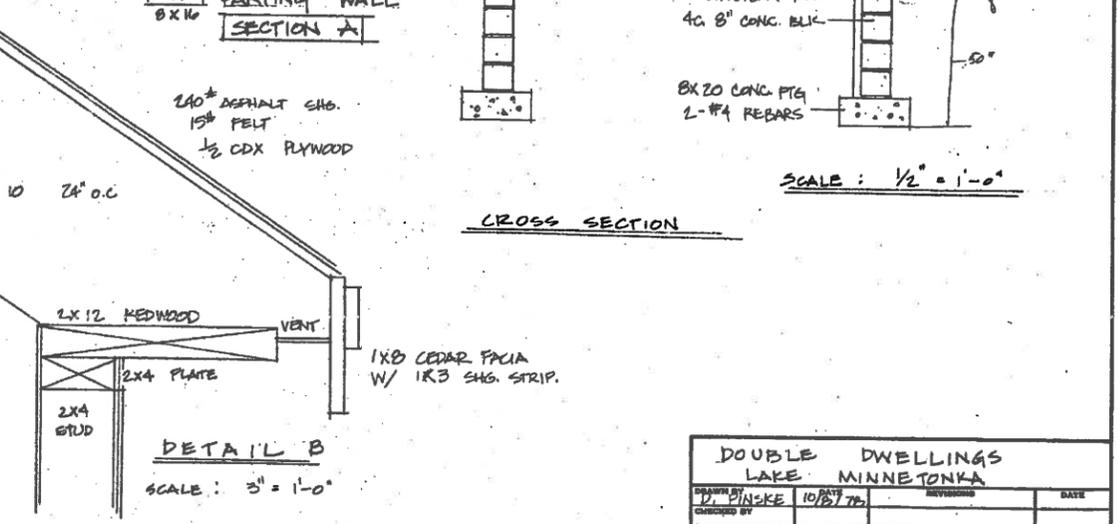
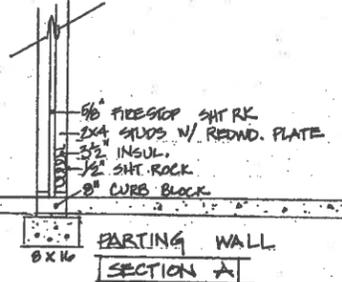
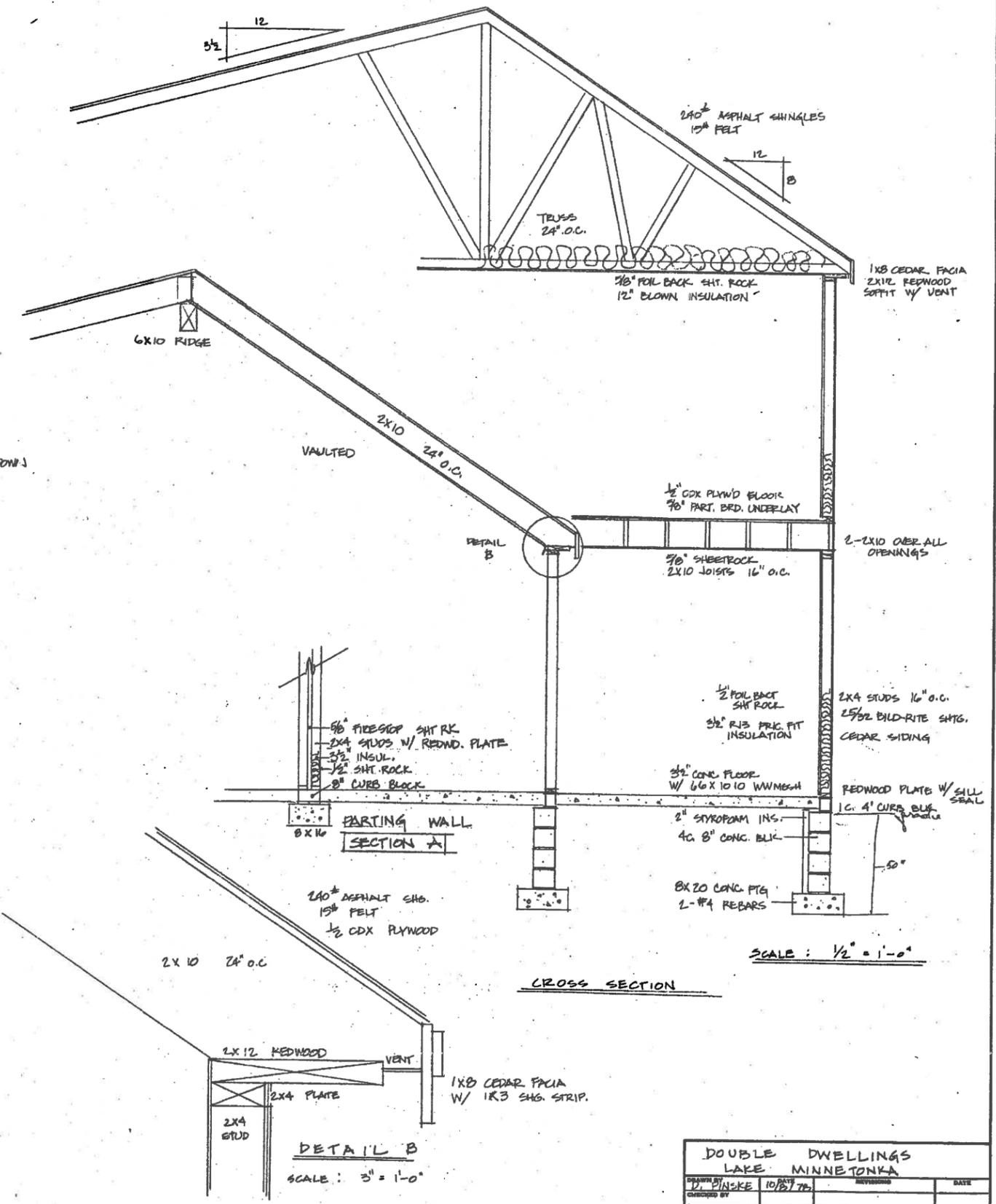
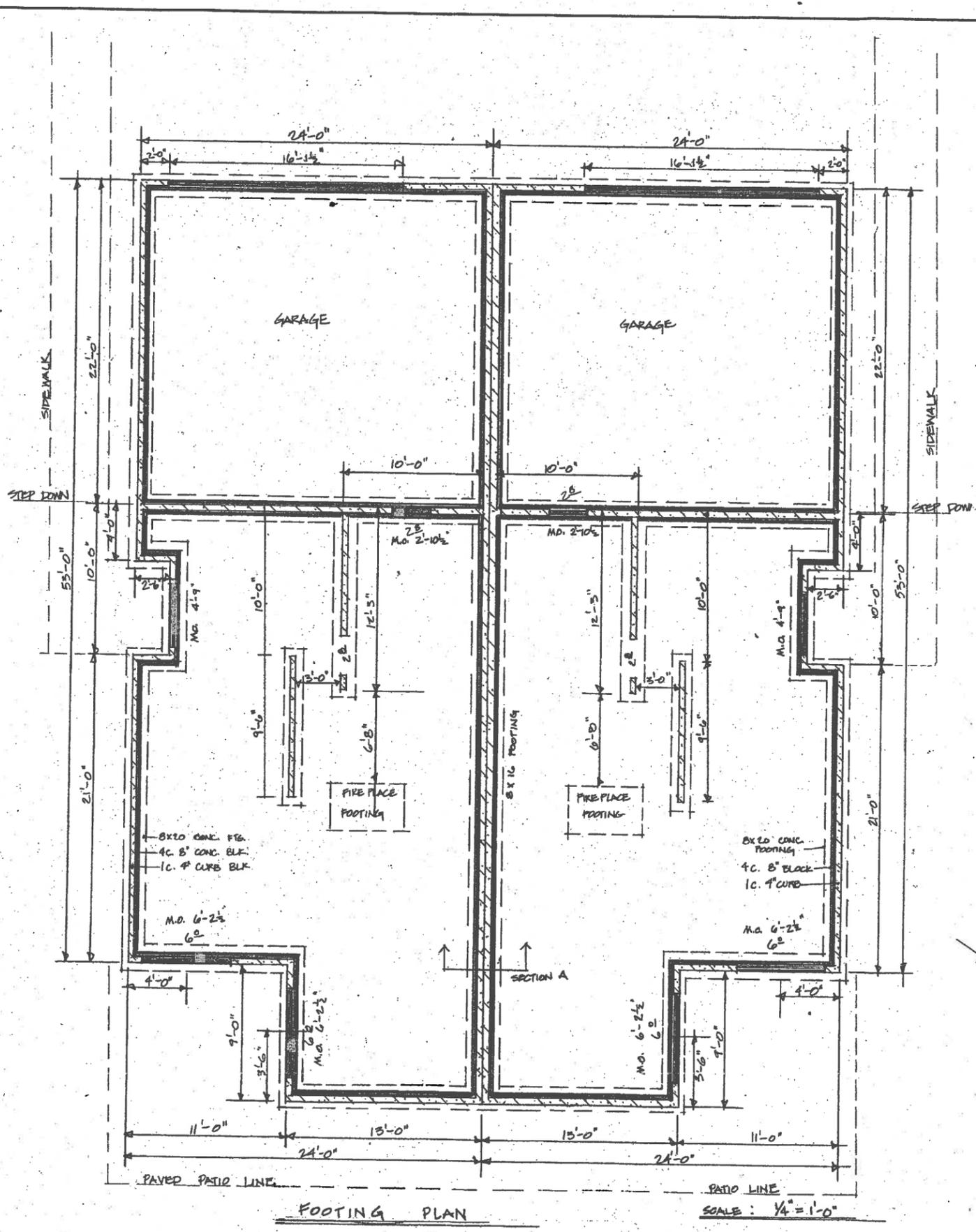


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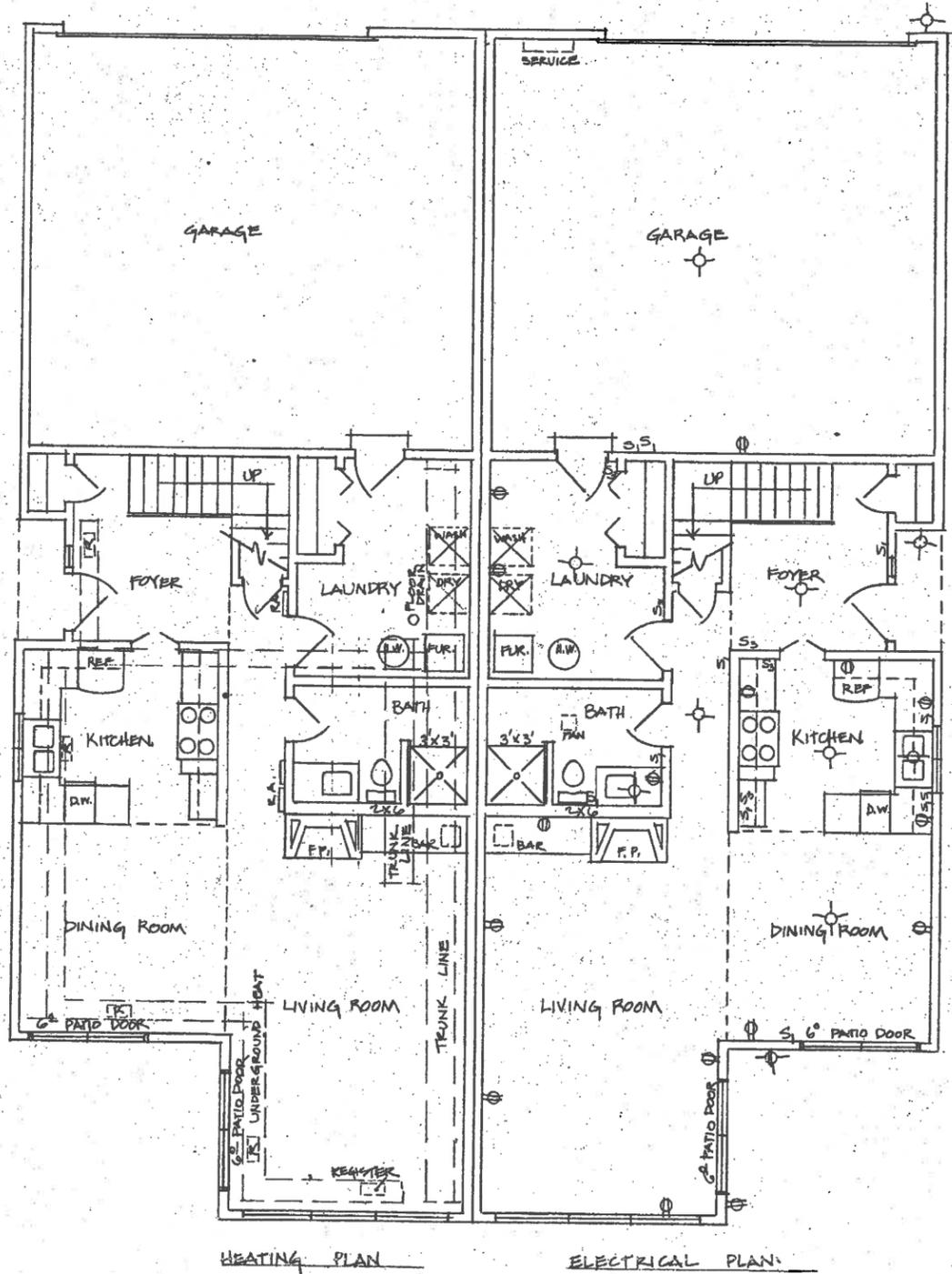


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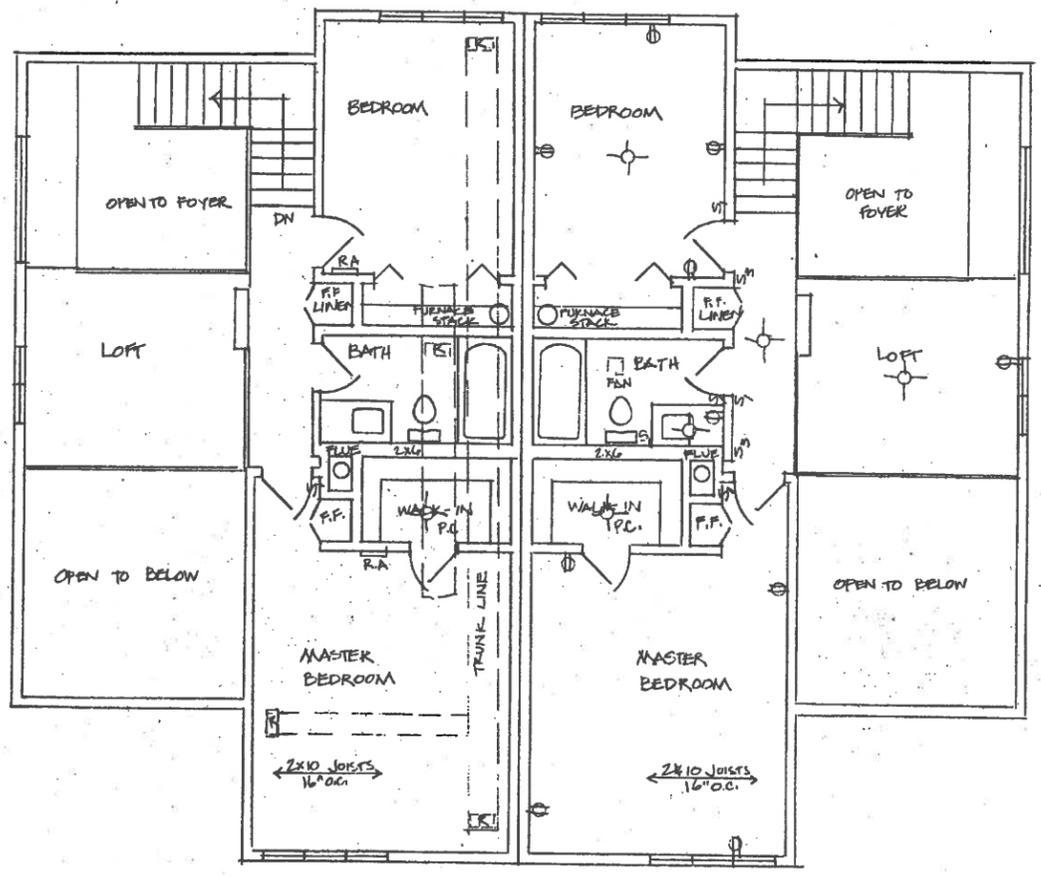


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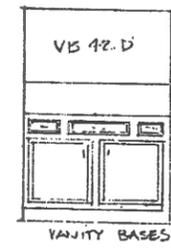
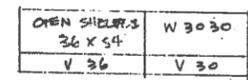
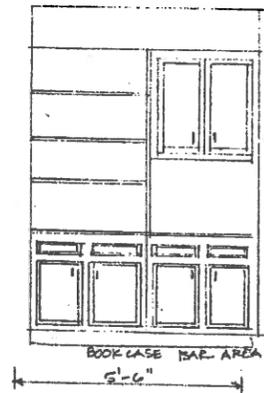
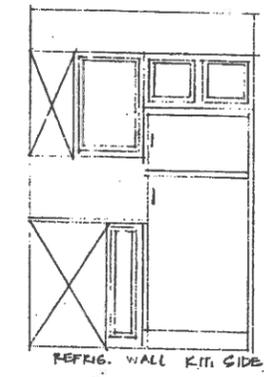
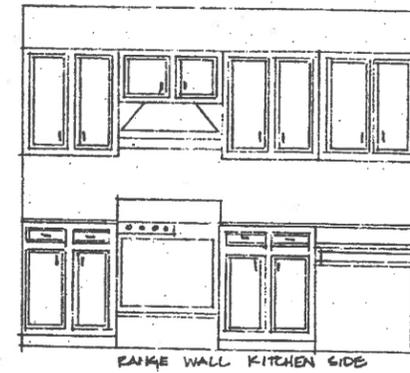
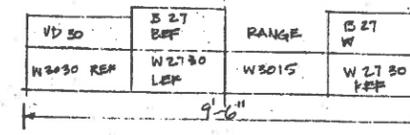
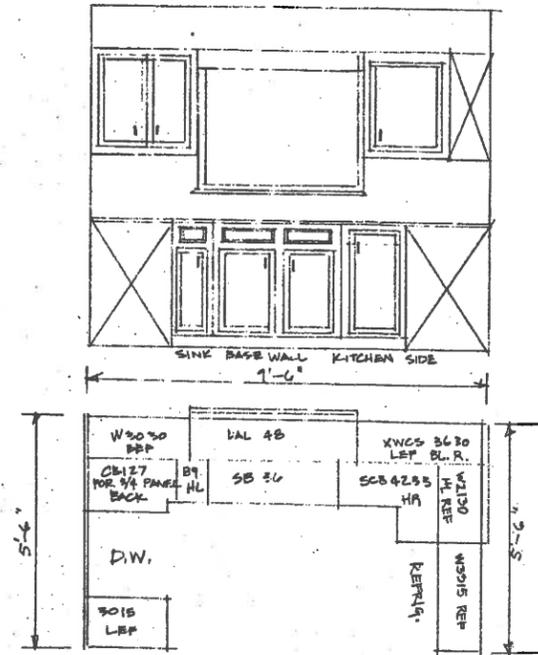
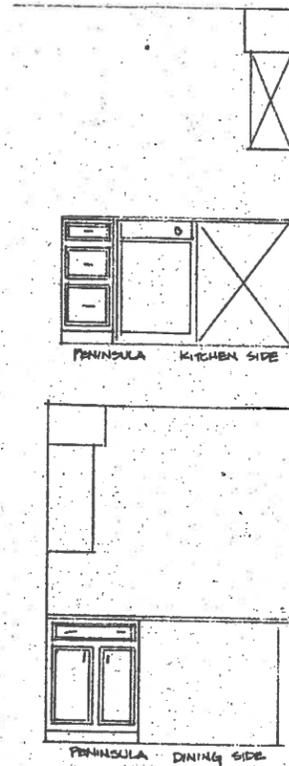
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MECHANICAL



UPPER FLOOR

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CABINET DETAIL

DOUBLE DWELLINGS LAKE MINNETONKA			
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# Hennepin County Property Map

Date: 5/20/2020



PARCEL ID: 1811723430057

OWNER NAME: Barbara K Ward

PARCEL ADDRESS: 4364 West Arm Rd, Spring Park MN 55384

PARCEL AREA: 0.15 acres, 6,342 sq ft

A-T-B: Torrens

SALE PRICE: \$190,000

SALE DATA: 01/1998

SALE CODE: Warranty Deed

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Residential-Zero Lot Line

HOMESTEAD: Homestead

MARKET VALUE: \$523,000

TAX TOTAL: \$7,006.36

ASSESSED 2020, PAYABLE 2021

PROPERTY TYPE: Residential-zero Lot Line

HOMESTEAD: Homestead

MARKET VALUE: \$658,000

### Comments:

*Handwritten notes:*  
4364  
4364  
Basement Street

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

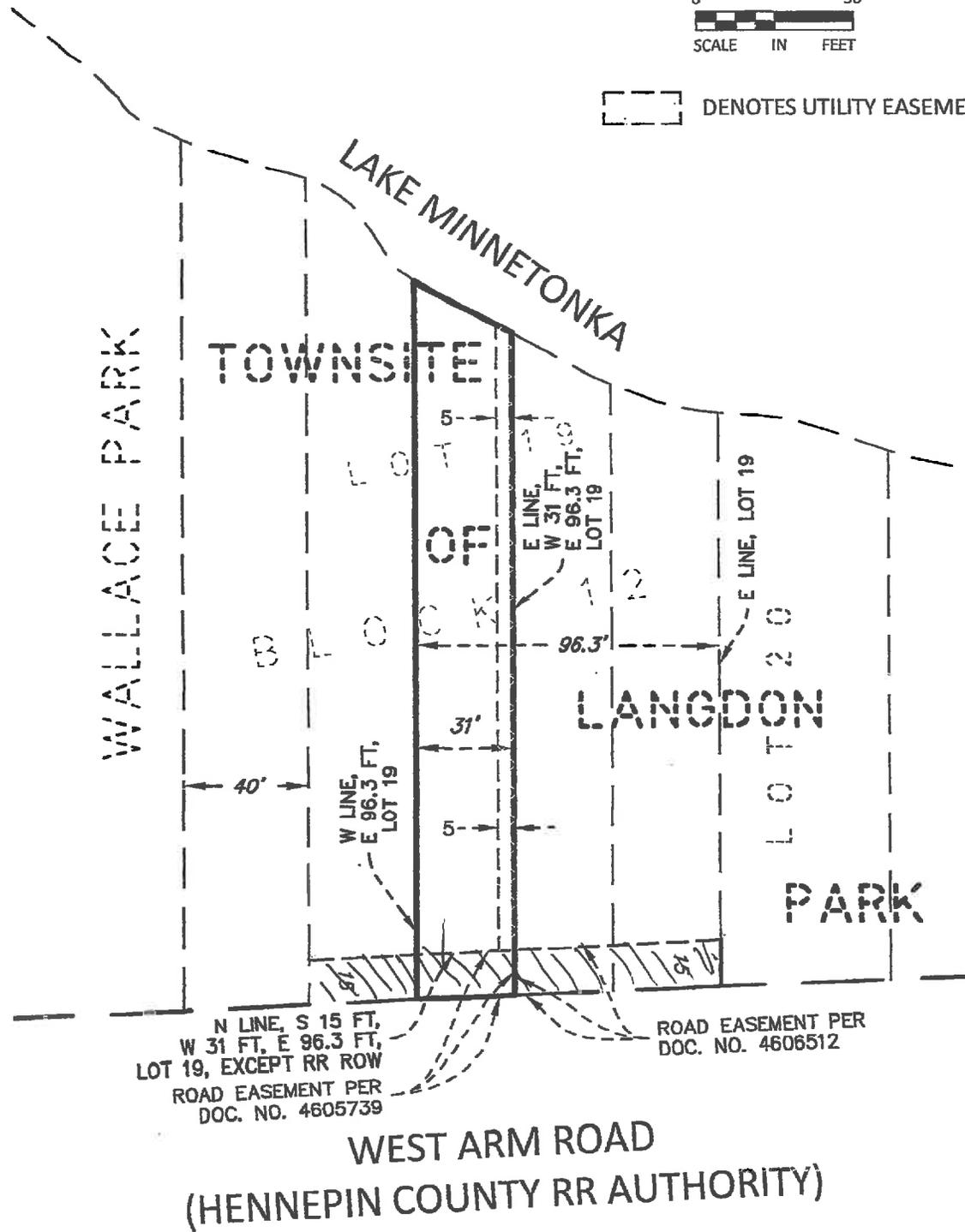
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0 NORTH 50  
SCALE IN FEET

--- DENOTES UTILITY EASEMENT



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CITY OF SPRING PARK  
STORM SEWER  
WEST ARM ROAD  
EASEMENT EXHIBIT

Designed:	
Drawn: PL	
Approved: RMB	
Issued: 10/27/2015	
Rev.:	
Date:	

Exhibit Number

Project No. SPR20097.01

Exhibit E

**CITY OF SPRING PARK  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**RESOLUTION NO. 18-15**

**RESOLUTION APPROVING A VARIANCE FOR THE ADDITION OF A  
SINGLE-CAR GARAGE AT 2413 BLACK LAKE ROAD WITHIN THE CITY OF  
SPRING PARK**

**WHEREAS**, Maxyryl Avalos has requested a variance for his property at 2413 Black Lake Road to build a garage that would encroach into the required R-1 front, side, and rear setbacks; and

**WHEREAS**, City Staff have reviewed submitted plans and prepared a planning report dated July 19<sup>th</sup>, 2018; and

**WHEREAS**, the Spring Park Planning Commission met and held a public hearing on August 8<sup>th</sup>, 2018 to consider the variance request, the staff reports, and to take public testimony.

**WHEREAS**, upon closing the public hearing, the Planning Commission recommended that the City Council approve the variance for 2413 Black Lake Road subject to the conditions outlined in the July 19<sup>th</sup>, 2018 Planning Report as amended and based on the following variance findings-of-fact:

- A garage is a permitted accessory use in R-1 districts, and is a reasonable use of the property, especially given winter weather concerns in Minnesota regarding snow storage and parking.
- Unique circumstances stemming from the property's physical layout (lot size, atypical shape, misaligned right-of-way) are not hardships created by the landowner. In particular, despite not meeting the front setback with the right-of-way, the edge of the garage is still 25 feet back from the edge of the street.
- Given the small size of the parcel, the garage is being designed with the minimum variance needed.
- The addition would not impact the supply of light or air to adjacent properties, and the setback between homes is sufficient for fire and public safety thresholds.
- The addition would in no way impact traffic on the street as the property would remain a single-family home.
- The addition of a garage would not impact surrounding property values and would be expected to increase the individual site's value.
- Private improvement and investment are consistent with goals of Comprehensive Plan.

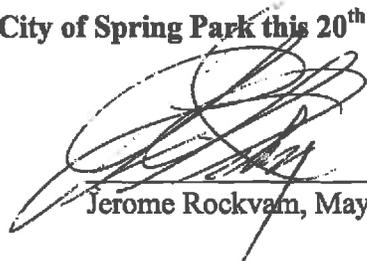
**WHEREAS**, the Spring Park City Council met on August 20<sup>th</sup>, 2018 to consider the variance application; and

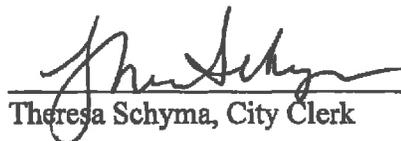
**WHEREAS**, the Spring Park City Council has received the aforementioned plans, staff review documents, and the Planning Commission recommendation, and agrees with the findings and recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Spring Park, Minnesota hereby approves the variance for 2413 Black Lake Road, subject to the following conditions:

- Construction will not deviate from the site plan submitted to the city as part of the variance application. Any change to the dimensions of the addition would be subject to a separate review.
- Given that the amount of impervious surface at the site will exceed 30%, the applicant will need to meet the conditions outlined in Sec. 42-279 (4) b. in order to mitigate the stormwater impacts of the addition.
  - The applicant will submit a separate site grading and drainage plan to ensure proper stormwater management practices. This plan will be subject to review and approval by the city engineer.
  - Staff recommends the use of a gutter system to direct runoff away from the adjacent properties and into one of the storm water management options listed in sec. 42-279.
- The Applicant secure a building permit from the city prior to initiating any site work.

**Adopted by the City Council of the City of Spring Park this 20<sup>th</sup> day of August, 2018.**

  
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Jerome Rockvam, Mayor

  
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Theresa Schyma, City Clerk