



CITY OF SPRING PARK  
CITY COUNCIL AGENDA  
JULY 20, 2020 – 7:00 PM  
SPRING PARK CITY HALL

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ADOPT MEETING AGENDA
4. ADOPT CONSENT AGENDA\*
  - a. City Council Work Session Meeting Minutes from May 18, 2020
  - b. City Council Special Meeting Minutes from June 23, 2020
  - c. City Council Regular Meeting Minutes from July 6, 2020
  - d. 2413 Black Lake Road Variance Extension – 1 Year
5. PUBLIC FORUM\*\*
6. PRESENTATIONS & GUEST SPEAKERS
  - a. 2019 Audit Presentation – Jim Eichten
7. PUBLIC HEARINGS
8. PETITIONS, REQUESTS, & APPLICATIONS
  - a. Resolution 20-16: 4364/68 West Arm Rd East Variance Request
  - b. Resolution 20-17: 4317 Channel Rd Variance Request
9. ORDINANCES & RESOLUTIONS
10. REPORTS OF OFFICERS AND COMMITTEES
  - a. Mayor & Council
  - b. City Staff
  - c. Contract Staff
11. NEW BUSINESS & COMMUNICATIONS
12. CLAIMS FOR PAYMENT
  - a. July 20, 2020 Claims
13. UPCOMING MEETINGS & TRAINING
  - a. July 22 – Police Commission – 8:00 AM
  - b. July 22 – Fire Commission – 11:00 AM
  - c. July 22 – LMCD Work Session at 6:00 PM with Regular Meeting at 7:00 PM
  - d. August 3 – City Council Regular Meeting – 7:00 PM
14. MISCELLANEOUS (INFORMATION ONLY)
  - a. Mound Fire Department June Report
15. SPECIAL CITY COUNCIL CLOSED SESSION – COUNCIL CHAMBERS
  - a. Special City Council Closed Executive Session to have an attorney-client privileged discussion related to ongoing litigation to enforce nuisance abatement at 2254 Lilac Road and 2433 Interlachen Road. The Closed Session will be convened pursuant to Minn. Stat. Section 13D.05, subd. 3(b).
16. RECONVENE REGULAR CITY COUNCIL MEETING
17. ADJOURNMENT

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\*The Consent Agenda lists those items of business which are considered to be routine, recommended for approval, and/or which need no discussion. The several separate items listed on the Consent Agenda are acted upon by one motion. There will be no separate discussion of these items unless a Council Member makes a request, in which event the item will be removed from the Consent Agenda and placed elsewhere on the regular agenda for Council discussion and action.

\*\* Under Public Forum individuals may address the City Council about any item not contained on the regular agenda. Each speaker should keep their statements to three minutes to allow sufficient time for others. The Council will take no official action on items discussed at the forum, with the exception of referral to staff for future report.



CITY OF SPRING PARK  
WORK SESSION MINUTES  
MAY 18, 2020 – 6:00 PM  
SPRING PARK CITY HALL

CALL TO ORDER - The work session was called to order by Mayor Rockvam at 6:00 p.m.

Council Members Present: Jerome P. Rockvam, Mayor; Mark Chase; Jeff Hoffman; Pamela Horton; and Gary Hughes

Staff Present: Dan Tolsma, City Administrator

1. RENTAL ORDINANCE DISCUSSION

City Administrator Tolsma discussed the proposed short-term and long-term rental ordinances.

Council Member Horton stated she is against allowing short-term rental properties in the City due to the increased traffic and disruption for surrounding homeowners. Furthermore, she stated she is against a long-term rental licensing program.

Council Member Hughes stated he is also against allowing short-term rental properties in the City due to the issues created for surrounding property owners and potential impact to property values.

Council Member Chase stated he is also opposed to allowing short-term rental properties in the City. He has discussed the issue with some of his neighbors and they are also opposed to short-term rentals due to the inconvenience and disruption to their neighborhood. He stated that properties are being purchased for the sole purpose of renting them out like a hotel and he would not like to have an operation like that located next to his home.

City Administrator Tolsma stated that the public hearings brought out opinions on opposite ends of the spectrum, and there did not seem to be any middle ground, on the issue of short-term rentals.

Council Member Hoffman stated that the Planning Commission process was to review the ordinance since it is currently not an allowed use in the City. The goal of the process was to craft an ordinance that would be manageable if the City Council decided to ultimately allow short-term rentals. However, if the decision is to keep the prohibition in place then the Council needs to look at an ordinance that clarifies its position in regards to short-term rental properties in the City.

Mayor Rockvam asked what neighboring communities allow for short-term rentals.

City Administrator Tolsma responded that most surrounding communities do not allow short-term rental properties. Mound took an approach where they decided to prohibit any new short-term rentals but grandfathered in the properties that were currently renting out their homes for short-term purposes. The other aspect to look at with surrounding communities is enforcement, there are

listings for rentals online in cities where short-term rentals are prohibited so it is interesting to note how proactive these cities enforce their prohibition of short-term rentals.

Mayor Rockvam stated that he personally does not have an issue with short-term rental properties.

Council Member Hoffman stated that some of the issues that residents voiced were smaller but add up over time concerning disruption to neighbors. For example, short-term renters were unaware of which dock to use or where the property lines ended so they were unknowingly trespassing on the neighbor's property and that situation is less likely to occur with a long-term renter or owner-occupied property.

Michael Mason, 3950 Del Otero Avenue and Planning Commissioner, discussed his experience with a short-term rental property in his neighborhood. He stated that he voted against the recommendation to allow short-term rental properties in the City because he has experienced several late-night parties, disruptions, and parking issues in the neighborhood.

Council Member Chase asked about the Mound approach to grandfather in current short-term rental properties operating in the City.

Council Member Hoffman responded that currently the Code does not allow short-term rental properties so it would be difficult to grandfather in a use that isn't currently allowed. He stated that the quandary is allowing the operation of a for-profit business in a residential district versus the right of a property owner to utilize their property as they see fit.

City Administrator Tolsma stated that if the Council looks at it as a risk-benefit analysis then allowing short-term rentals benefits only a few properties in the City and potentially leads to frustrations for many. However, continuing and clarifying the prohibition of short-term rentals benefits more homeowners in the City whose neighborhoods will not be impacted by a commercial business operating in a residential district.

The City Council consensus was to have staff draft an ordinance clarifying the City's prohibition of short-term rental properties in the City.

City Administrator Tolsma asked for direction on the long-term rental licensing process.

Council Member Hughes stated he is not in favor of a licensing process for long-term rental properties. He believes the program is too much for Spring Park and believes that Hennepin County already has a process in place for tenant-landlord disputes.

City Administrator Tolsma discussed the current process when staff receive a rental complaint in the City and the Hennepin County escrow process. He added that the proposed rental licensing ordinance sets a standard for rental properties in the City and is more proactive. The escrow process with the County puts the burden on the tenant.

Mayor Rockvam stated he doesn't want to make tenant-landlord disputes an issue for City staff to step-in and resolve.

Council Member Hoffman stated that when he walks the City, the majority of dilapidated and unsafe rentals are single-family properties and not multi-family buildings. He wanted to inquire about applying the long-term rental ordinance to single-family properties only.

City Administrator Tolsma responded that the draft ordinance can be edited to only apply to single and two-family properties. He added that in order to limit the ordinance in that manner there will need to be justification and rationale so he will discuss the matter with the City Attorney.

Mayor Rockvam and Council Member Hughes are not in favor of any long-term rental licensing program.

City Administrator Tolsma stated the biggest reason behind having a long-term rental ordinance is health and safety. There are single-family rental properties in the City that are unsafe and a licensing program would identify those homes that have life or death safety issues that need to be addressed. This is especially important in structures where there are children.

Council Member Hoffman stated that health, safety, and welfare are of the utmost importance to him. If an adult renter wants to take a risk and live in unsafe conditions that is one argument. However, others can be injured at a dilapidated rental property that were unaware of the risk; for example, firefighters responding to a medical emergency, delivery drivers, cub scouts or other solicitors walking on an unsafe structure. He added that these safety issues are not being addressed right now.

The City Council consensus was to have staff discuss the matter with the City Attorney and explore revising the long-term rental ordinance to apply to single and two-family properties only.

## 2. WATER TOWER ANTENNA LEASE EXTENSIONS

City Administrator Tolsma discussed water tower antenna lease extension requests from Sprint and T-Mobile. He has contacted Kennedy & Graven for their opinion on the extension requests and to discuss the current market value of the lease versus the current contract. He asked for Council direction.

The City Council consensus was to have staff survey neighboring cities about their current antenna lease agreements and to work with Kennedy & Graven to discuss counter-proposal options based on the information that is gathered.

## 3. CONSTITUTIONAL/BUSINESS FRIENDLY RESOLUTION

Due to limited timing, this item was not discussed.

## 4. SCHEDULE SPECIAL MEETING TO DISCUSS WEST ARM RD WEST & CAPITAL PROJECTS LIST

Mayor Rockvam asked for an update on the West Arm Road West Project.

City Administrator Tolsma stated the plans for the water and sewer improvements will be available soon and then the bidding process can begin. He added that Mound Fire Chief Pederson will attend the special meeting to discuss fire truck access and safety issues on West Arm Road West.

Mayor Rockvam would like the special meeting to occur soon so that the plans can be finalized. He added that he would like the City to consider implementing a policy that puts all City roads on a schedule for improvement and updates, including curb and gutter, so that the decision isn't dependent solely on public opinion at the time of the proposed project.

City Administrator Tolsma agreed and stated these are the issues that can be discussed at the upcoming special meeting. He will contact Council to find a date that works for everybody.

5. ADJOURN – The work session was adjourned by unanimous consent at 6:59 p.m.

Date Approved: July 20, 2020

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Dan Tolsma, City Administrator

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Theresa Schyma, City Clerk



CITY OF SPRING PARK  
SPECIAL CITY COUNCIL MINUTES  
JUNE 23, 2020 – 5:00 PM  
SPRING PARK CITY HALL

1. CALL TO ORDER - The special meeting was called to order by Mayor Rockvam at 5:00 p.m.

Council Members Present: Jerome P. Rockvam, Mayor; Mark Chase; Jeff Hoffman; Pamela Horton; and Gary Hughes

Staff Present: Dan Tolsma, City Administrator; Brian Hare, City Engineer; and Greg Pederson, Mound Fire Chief

2. PLEDGE OF ALLEGIANCE – Mayor Rockvam led the audience in the Pledge of Allegiance.

3. ADOPT MEETING AGENDA

M/Hughes, S/Horton to adopt the meeting agenda.

Motion carried 5-0.

4. PRESENTATIONS & GUEST SPEAKERS

- a. West Arm Road West Utilities, Street, & Access Discussion
  - i. Project Recap
  - ii. Water & Sewer Repair Update
  - iii. Street & Stormwater
  - iv. Emergency Access & Fire Hydrants
  - v. Financial Considerations
  - vi. Resident Notification and Outreach

City Engineer Hare presented the West Arm Road West feasibility report. He discussed options available for water, sewer, street, and stormwater improvements. He further discussed:

- ) Project Area History
- ) Fire Apparatus Access Road restriction, NFPA/IFC Non-compliance and Risk
- ) Aging Sanitary/Water and Risk
- ) Aging Street and Drainage needs
- ) Proposed Improvements, Schedule, and Cost

Mound Fire Chief Pederson discussed public safety issues regarding fire truck access on West Arm Road West. He stated that the road, hydrants, and bridge are grandfathered since they were built to Code at the time they were installed but are not up to today's standards and truck sizes. He stated that the three priorities that Council should consider are 1) increasing bridge height/width to more easily accommodate a ladder truck, 2) adding fire hydrants, and 3) widening the road since it is currently only 14 feet wide.

Mayor Rockvam asked if the Hennepin County Regional Rail Authority (HCRRA) was open to leasing, selling, or donating land to widen the road.

City Engineer Hare responded that HCRRA has said they would be open to leasing or selling land. However, HCRRA noted that the land has been listed as a potential light rail expansion area. While this particular expansion is highly unlikely, HCRRA did mention this potential future project in regards to an easement.

Council Member Hughes stated that residents have voiced concerns about traffic speed increasing, especially on the sharp corner, if the center bridge pillar is removed.

City Engineer Hare responded that there are ways to stripe and sign the road to help calm traffic.

Mayor Rockvam stated he was in favor of separating the bridge project from the proposed water and sewer improvements.

City Engineer Hare responded that based on the types of contractors that would be bidding on the water and sewer project, the bridge would need to be a separate bid process anyway.

Council Member Chase was in favor of splitting the projects for bidding, moving forward with the water and sewer improvements including adding fire hydrants, looking for a solution to increase the height/width of the bridge, and receiving more data on the proposed road improvement project. He further mentioned that he believes road projects should be on a schedule and be more of a data-driven decision instead of just basing all road projects on public opinion at the time.

Council Member Hoffman agreed with Council Member Chase and asked what the cost savings is for trenching versus sliplining.

City Engineer Hare responded that they are comparable costs with an open road but West Arm Road West is not an open road so the outliers are the shoreline area and front yard issues because the project needs to be as minimally invasive as possible. He stated that trenching would potentially bring 10-20% cost savings.

The City Council consensus was to move forward with water and sewer improvements including adding fire hydrants, look into the option of leasing or buying HCRRA land to widen the road, and researching an option to increase the height/width of the bridge for fire truck access.

City Administrator Tolsma stated he wanted to discuss the financial decisions for the proposed projects including bonding options.

Council Member Hoffman asked if the City currently depreciates its assets in order to build a replacement fund for its infrastructure.

City Administrator Tolsma responded that the depreciation is accounted for in regards to the City's water and sewer infrastructure. There is currently some money in the cash reserves for water improvements. However, sewer improvements hadn't been depreciated and accounted for in many years and that was not changed with a rate increase until just a couple of years ago.

City Administrator Tolsma stated that a financial decision does not need to be made tonight but he wants to the Council to start thinking about options. He stated that while there may be enough money in cash reserves to cover the West Arm Road West water and sewer improvements, but that it would be the last major project that could potentially be paid with cash reserves until there is another bond and refunding resolution.

Mayor Rockvam asked for City Administrator Tolsma to send the City Council the current amount in the City's cash reserves so they can be more informed when making their decision.

City Administrator Tolsma stated that rates are low right now and the Council needs to decide what sort of financial position the City would like to be in. He added that if the cash reserves are used for the project it basically is being paid for by residents that have lived here for quite some time and built up that reserve fund. Whereas, if the City bonds for the project it is paid for by current and future residents since they will be seeing the benefits of the project. This is philosophical question that the Council will need to decide.

City Administrator Tolsma discussed resident notification and outreach options especially once the project gets closer. He added that the normal process of having an open house is complicated by the current COVID-19 pandemic so alternative options are being discussed.

Mayor Rockvam discussed the option of renting a larger space because he believes projects of this type need to be discussed and presented in person.

Council Member Chase brought up the idea of having a video presentation prepared for distribution before an in-person meeting. He believes this option could answer many questions ahead of time to make the in-person meeting as efficient as possible.

The City Council discussed notification options including video presentations, an online open house, renting a larger space for an in-person meeting, and distributing printed brochures.

Mayor Rockvam would like the Council to give serious thought to the Public Works contract and getting into a long-term agreement with the City of Orono once the PeopleService contract expires.

The City Council consensus was they would like to see bids to compare service options and pricing.

City Administrator Tolsma responded that starting a proposal process early is good for all parties involved. He added that he will contact Orono, Mound, and PeopleService to discuss interest, possible services that could be provided, and a timeline for proposals.

5. MISCELLANEOUS – None.

6. ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:25 p.m.

Date Approved: July 20, 2020

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Dan Tolsma, City Administrator

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Theresa Schyma, City Clerk



CITY OF SPRING PARK  
 CITY COUNCIL MINUTES  
 JULY 6, 2020 – 7:00 PM  
 SPRING PARK CITY HALL

1. CALL TO ORDER - The special meeting was called to order by Mayor Rockvam at 7:00 p.m.

Council Members Present: Jerome P. Rockvam, Mayor; Mark Chase; Jeff Hoffman; Pamela Horton; and Gary Hughes

Staff Present: Dan Tolsma, City Administrator; and Theresa Schyma, City Clerk

2. PLEDGE OF ALLEGIANCE – Mayor Rockvam led the audience in the Pledge of Allegiance.
3. ADOPT MEETING AGENDA

Council Member Hughes requested to delete Item #13C since the meeting has been cancelled.

M/Hughes, S/Horton to adopt the meeting agenda as amended.

Motion carried 5-0.

4. ADOPT CONSENT AGENDA
- City Council Work Session Meeting Minutes from June 15, 2020
  - City Council Regular Meeting Minutes from June 15, 2020
  - Resolution 20-15: Supporting Electronic Payment Options for City Hall Customers
  - Back Channel Brewery Artimer Market Special Events 20-05 (July 29), 20-06 (August 26), & 20-07 (September 30) & Temporary On-Sale Liquor Licenses

Council Member Chase asked about the fees associated with Item #4c.

City Clerk Schyma responded that all “convenience fees” for utilizing the electronic payment service would be prominently displayed online so that customers would be aware of any fees prior to using the service.

M/Horton, S/Hoffman to adopt the Consent Agenda.

Motion carried 5-0.

5. PUBLIC FORUM

Gretchen Piper, candidate for Minnesota Senate District 33, introduced herself to the Council and discussed current issues in the community.

Michael Mason, 3950 Del Otero Avenue, commented on the upcoming projects on West Arm Road West. He wanted the Council to look into the timing of increasing the height/width of the bridge in relation to the start of other improvement projects on West Arm Road West.

6. PRESENTATIONS & GUEST SPEAKERS – None.

7. PUBLIC HEARINGS – None.

8. PETITIONS, REQUESTS, & APPLICATIONS – None.

9. ORDINANCES & RESOLUTIONS – None.

10. REPORTS OF OFFICERS AND COMMITTEES

a. Mayor & Council – None.

b. City Staff – None.

c. Contract Staff – None.

11. NEW BUSINESS & COMMUNICATIONS – None.

12. CLAIMS FOR PAYMENT

a. July 6, 2020 Claims

M/Horton, S/Chase to approve all claims for payment.

Motion carried 5-0.

13. UPCOMING MEETINGS & TRAINING

a. July 8 – LMCD Work Session at 6:00 PM with Regular Meeting at 7:00 PM

b. July 8 – Planning Commission – 6:00 PM

~~c. July 14 – Administration Committee – 12:00 PM~~

d. July 20 – City Council Work Session at 6:00 PM with Regular Meeting at 7:00 PM

e. July 22 – Police Commission – 8:00 AM

f. July 22 – Fire Commission – 11:00 AM

g. July 22 – LMCD Work Session at 6:00 PM with Regular Meeting at 7:00 PM

14. MISCELLANEOUS (INFORMATION ONLY)

a. Mound Fire Department May Report

15. ADJOURNMENT

The meeting was adjourned by unanimous consent at 7:13 p.m.

Date Approved: July 20, 2020

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Dan Tolsma, City Administrator

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Theresa Schyma, City Clerk



## STAFF MEMO

2413 BLACK LAKE ROAD VARIANCE  
EXTENSION REQUEST

1. **BACKGROUND:** The Council approved a variance at their August 20, 2018 meeting to allow for the construction of a garage at 2413 Black Lake Road. Once a variance is approved it must be implemented within one year from the date of approval, however, if the applicant is unable to complete the project within the one-year window, they may request a one-year extension from the City Council. The property owner requested an extension in June 2019 and was granted a one-year extension by the City Council. Due to employment and economic reasons the property owner was not able to initiate work on the variance this past year and has submitted a formal extension request on June 22, 2020 for another one-year term that would expire on August 20, 2021.

Additionally, the City Code states that the extension request must first be reviewed by the Planning Commission before Council action is taken. The Planning Commission reviewed the extension request at their July 8, 2020 meeting and unanimously recommended approval of the extension.

2. **RECOMMENDED ACTION:** By Motion: Approve the variance for another one-year term with a new deadline of August 20, 2021.

**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 in 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.

---

*General Contractors License #BC631489*

1411 Lancaster Avenue S. • St. Louis Park, MN 55426 • Phone: 612-801-5544 • Fax: 952-545-0583

duane@myersconst.net • www.myersconst.net

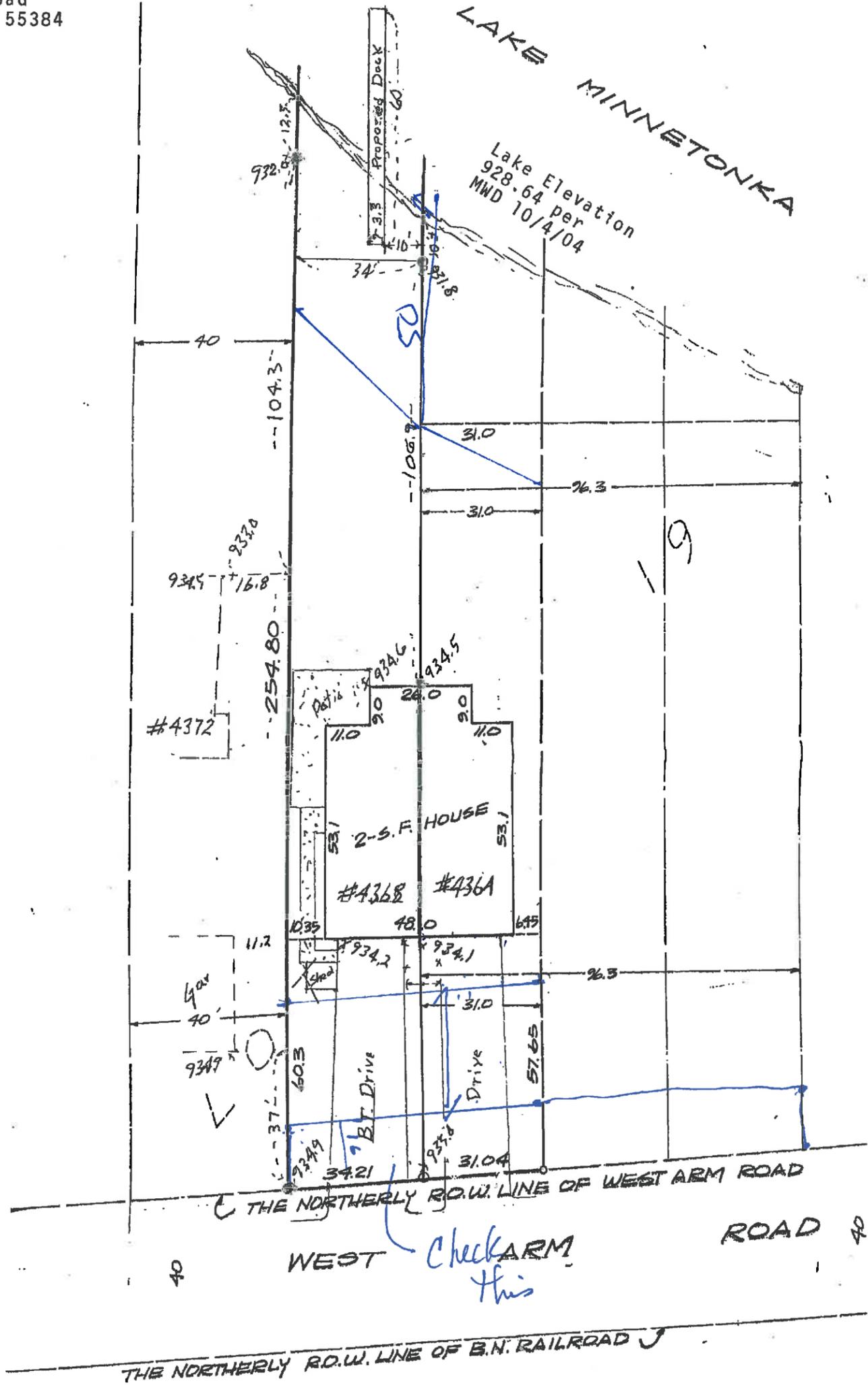
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# Certificate Of Survey

Survey For Cameron & Diane Cross Book          Page          File 5906  
 4368 West Arm Road  
 Spring Park, MN 55384



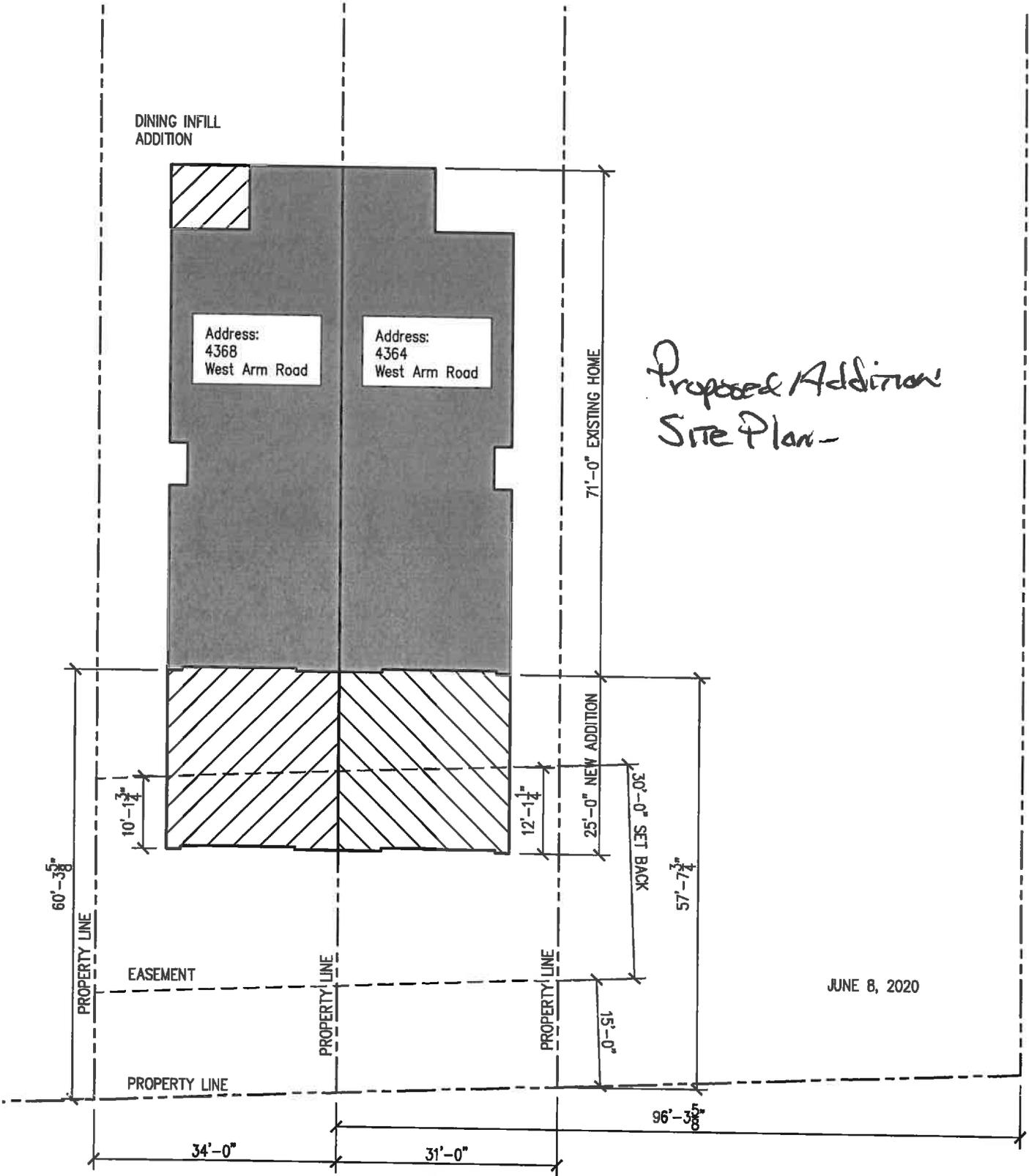
Scale: 1"=30'  
 ● Denotes Iron Mon. Found



**Description:**  
 That part of Lot 19, Block 12, Townsite of Langdon Park lying Northerly of the Northerly right-of-way line of West Arm Road, except the Westerly 40 feet thereof and except the Easterly 96.3 feet thereof, Hennepin County, Minnesota.

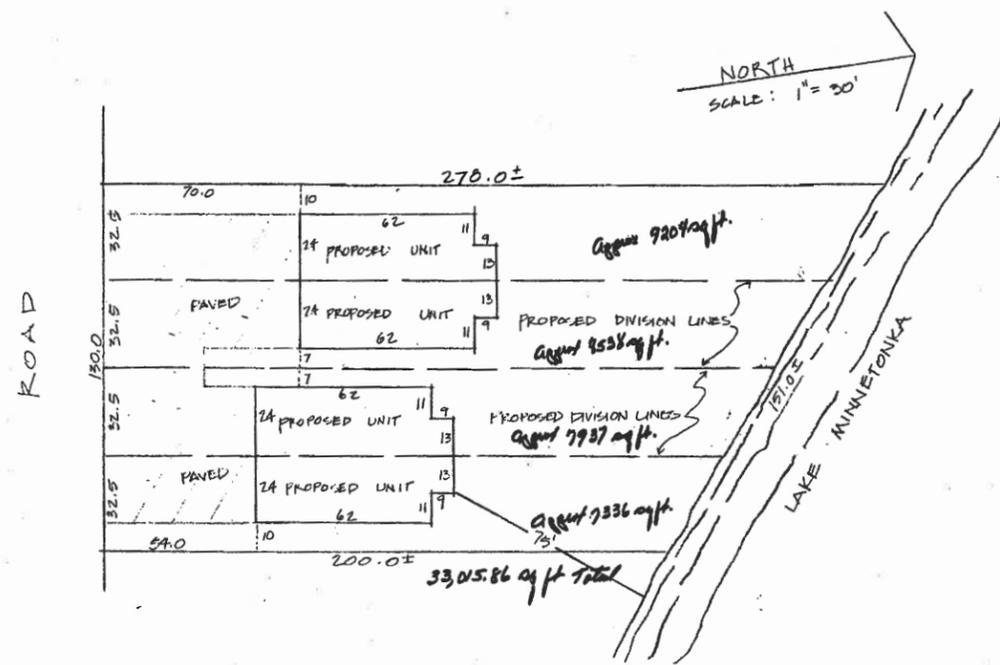
This plat, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor in the State of Minnesota. Signed this 11th day of October, 2004.

*[Signature]*  
 Frank R. Cardarelle State Reg. License No. 6508



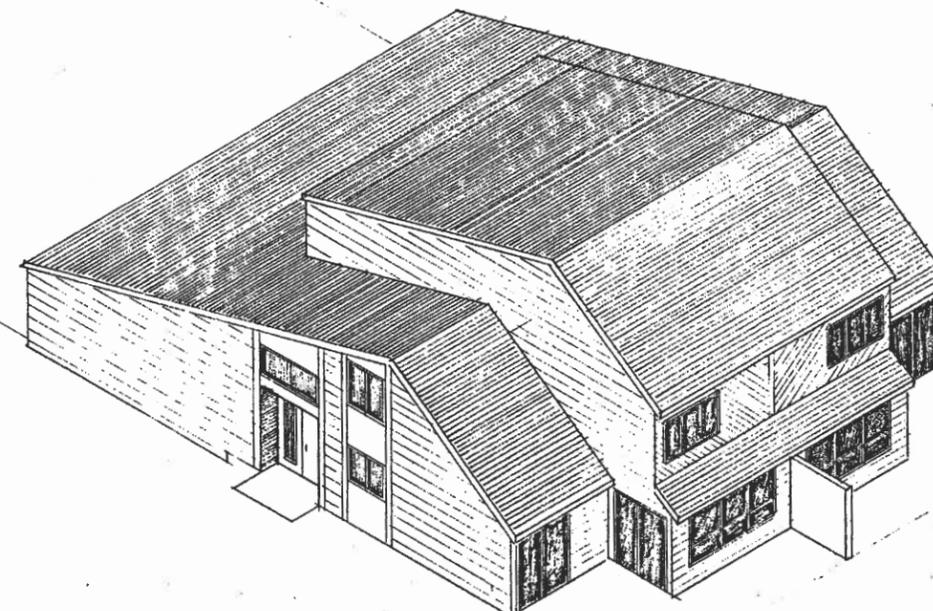
*Proposed Addition  
Site Plan -*

JUNE 8, 2020

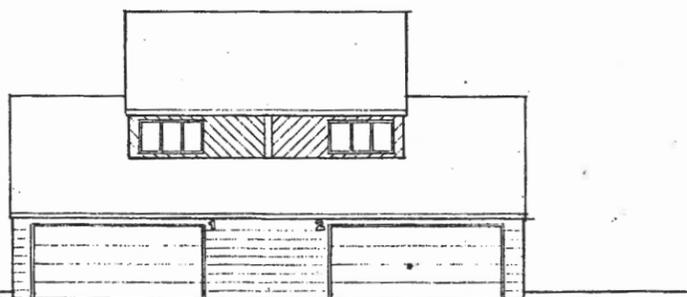


LEGAL DESCRIPTION

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



EAST ELEVATION



SOUTH ELEVATION

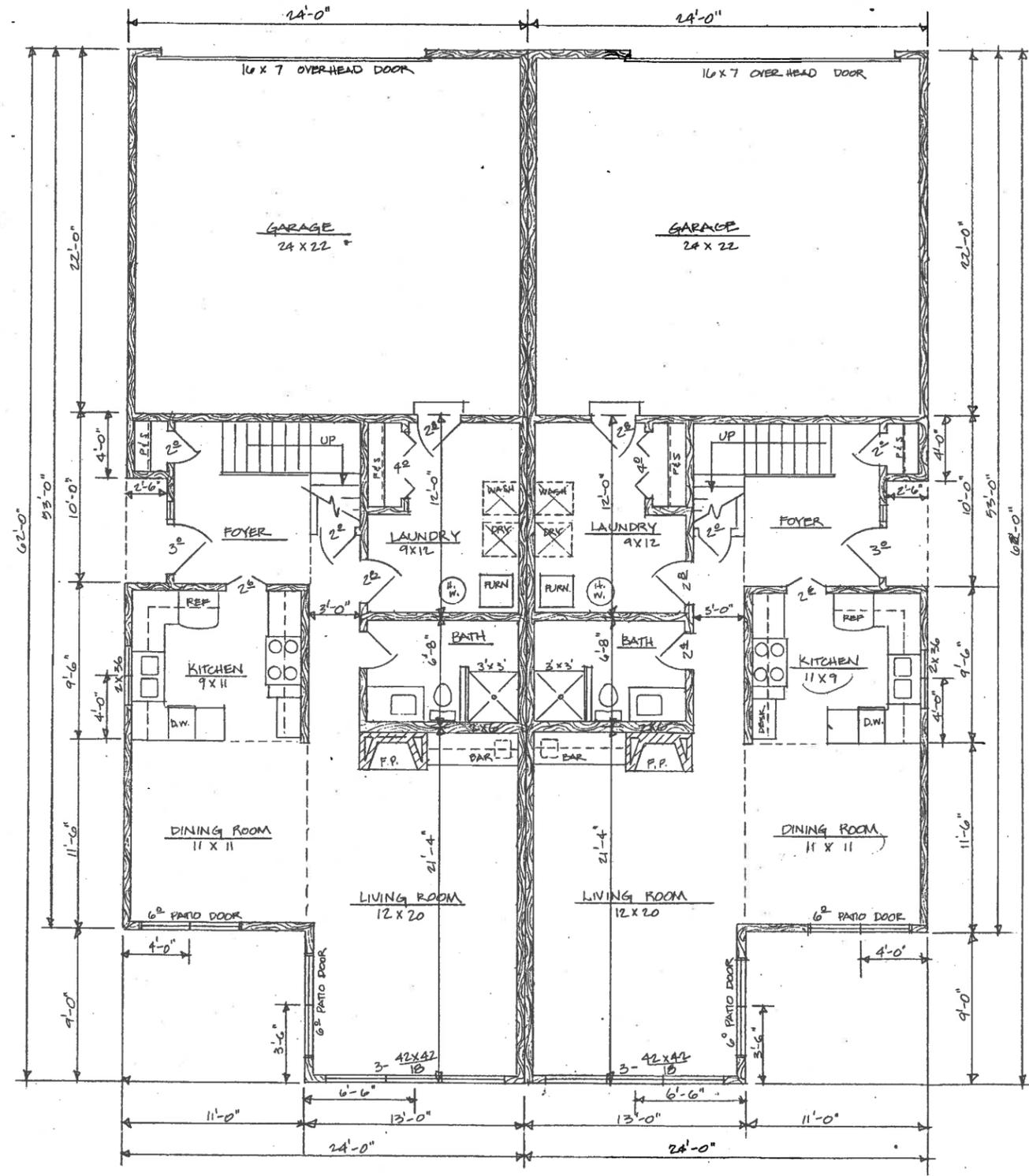
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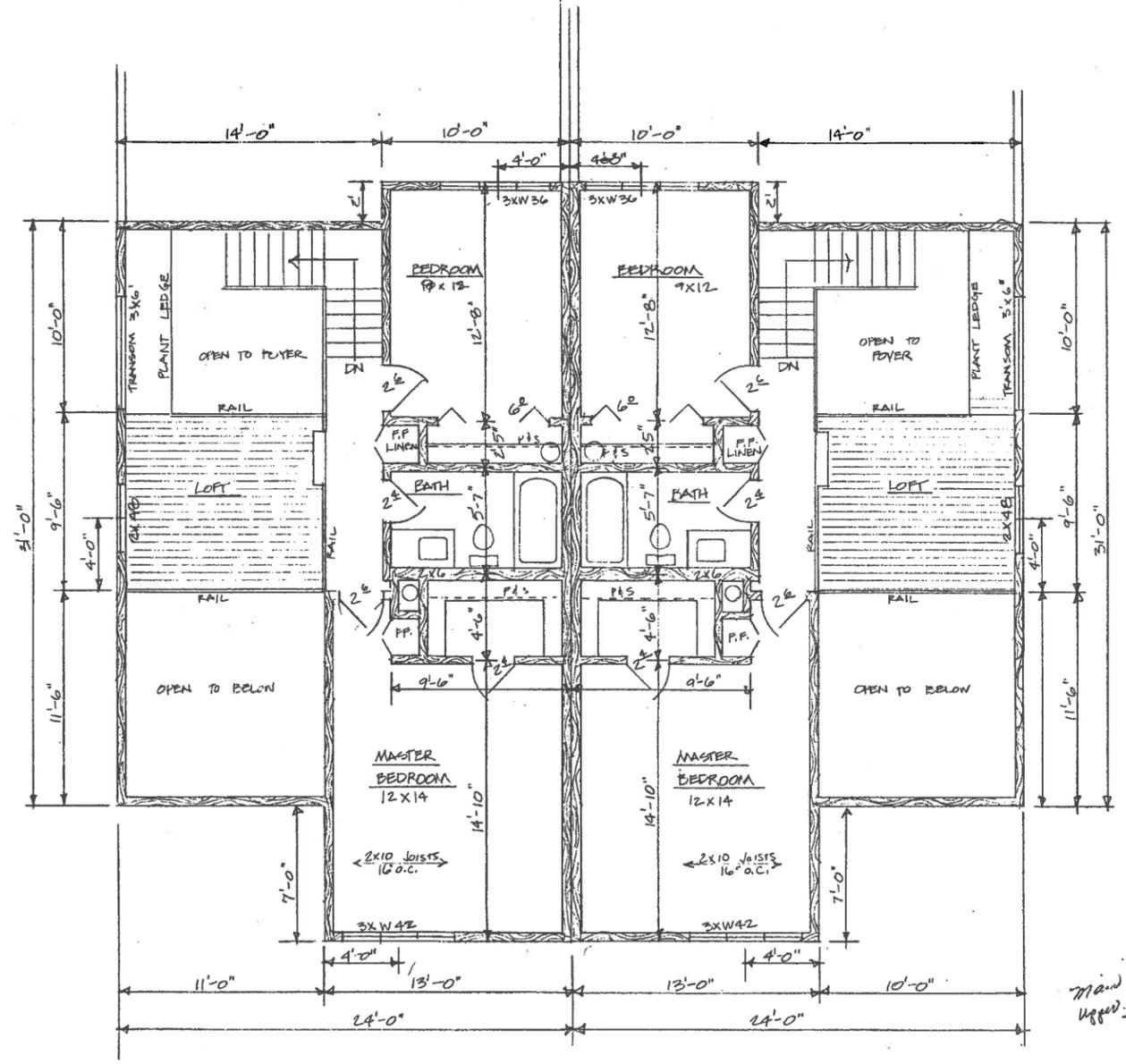
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SCALE: 1/4" = 1'-0"

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DRAWN BY D. HILFE	DATE 1/8/70	REVISIONS	DATE
CHECKED BY			
APPROVED BY			
TITLE F.C. BOYCE CONST.	DRAWING NUMBER 1 OF 4		



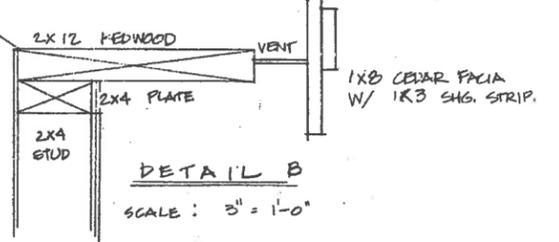
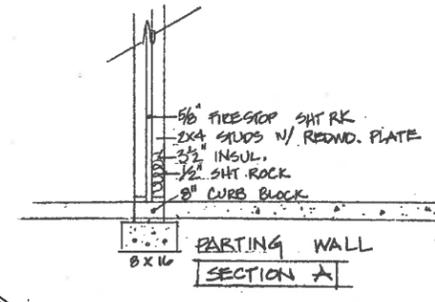
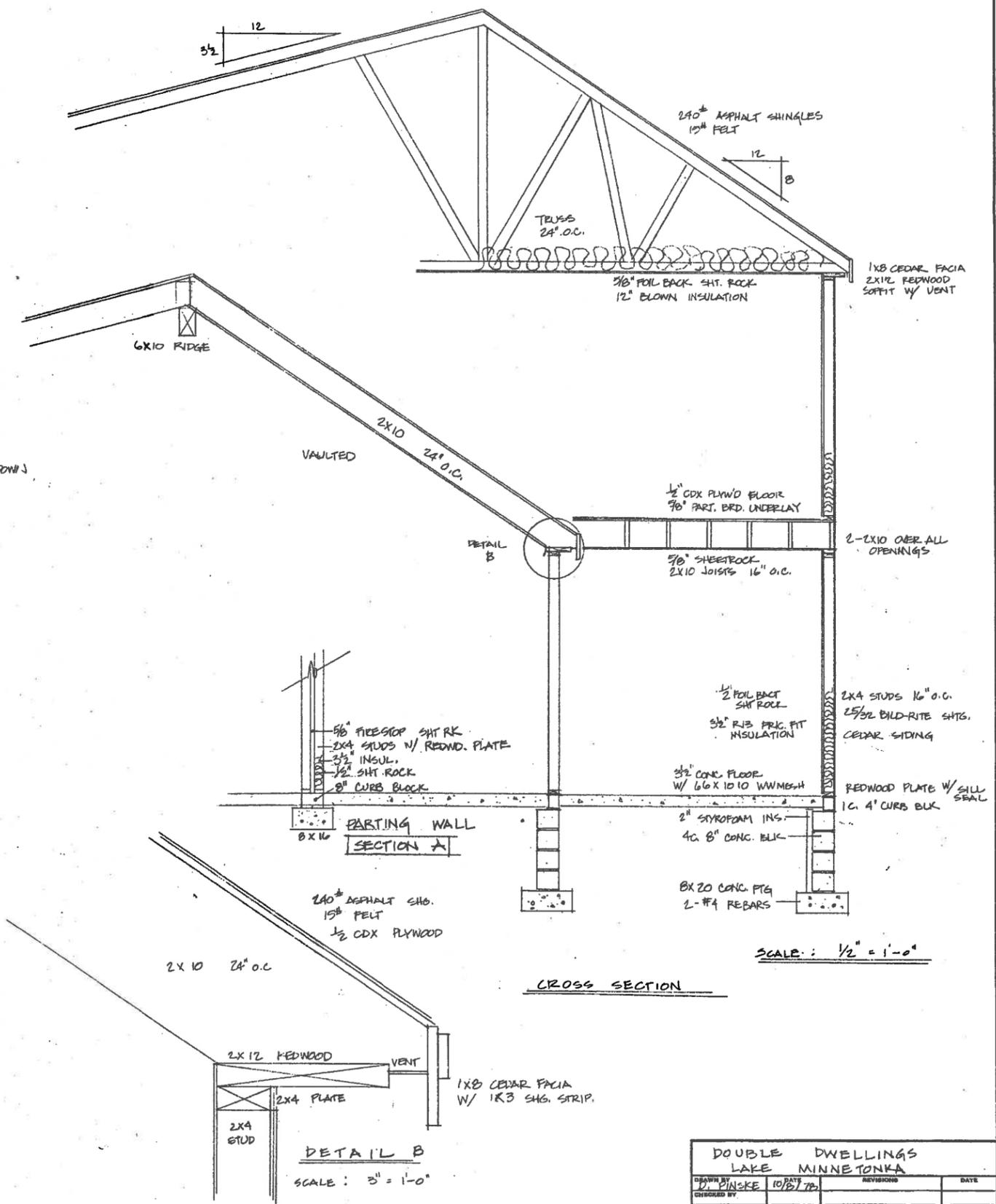
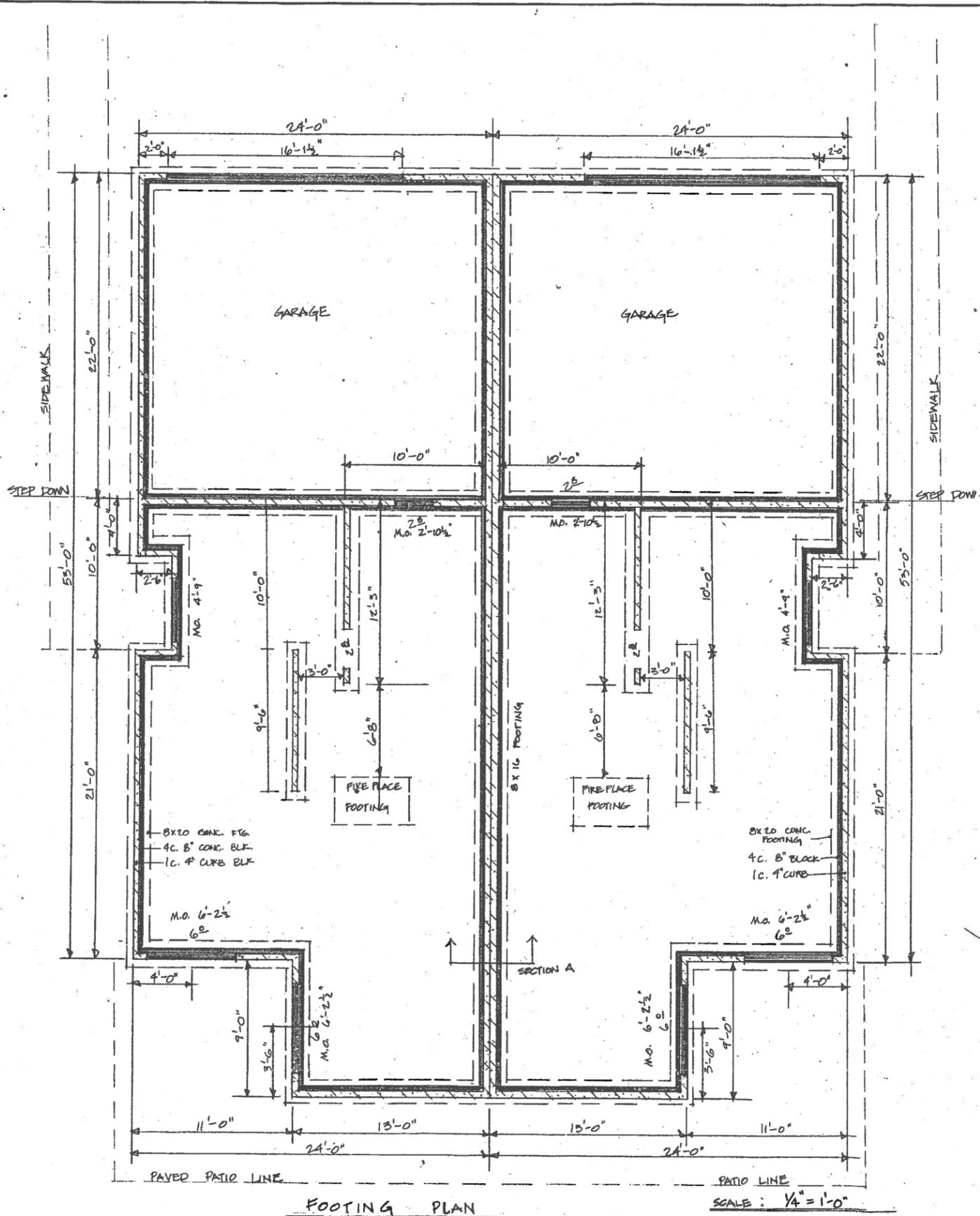
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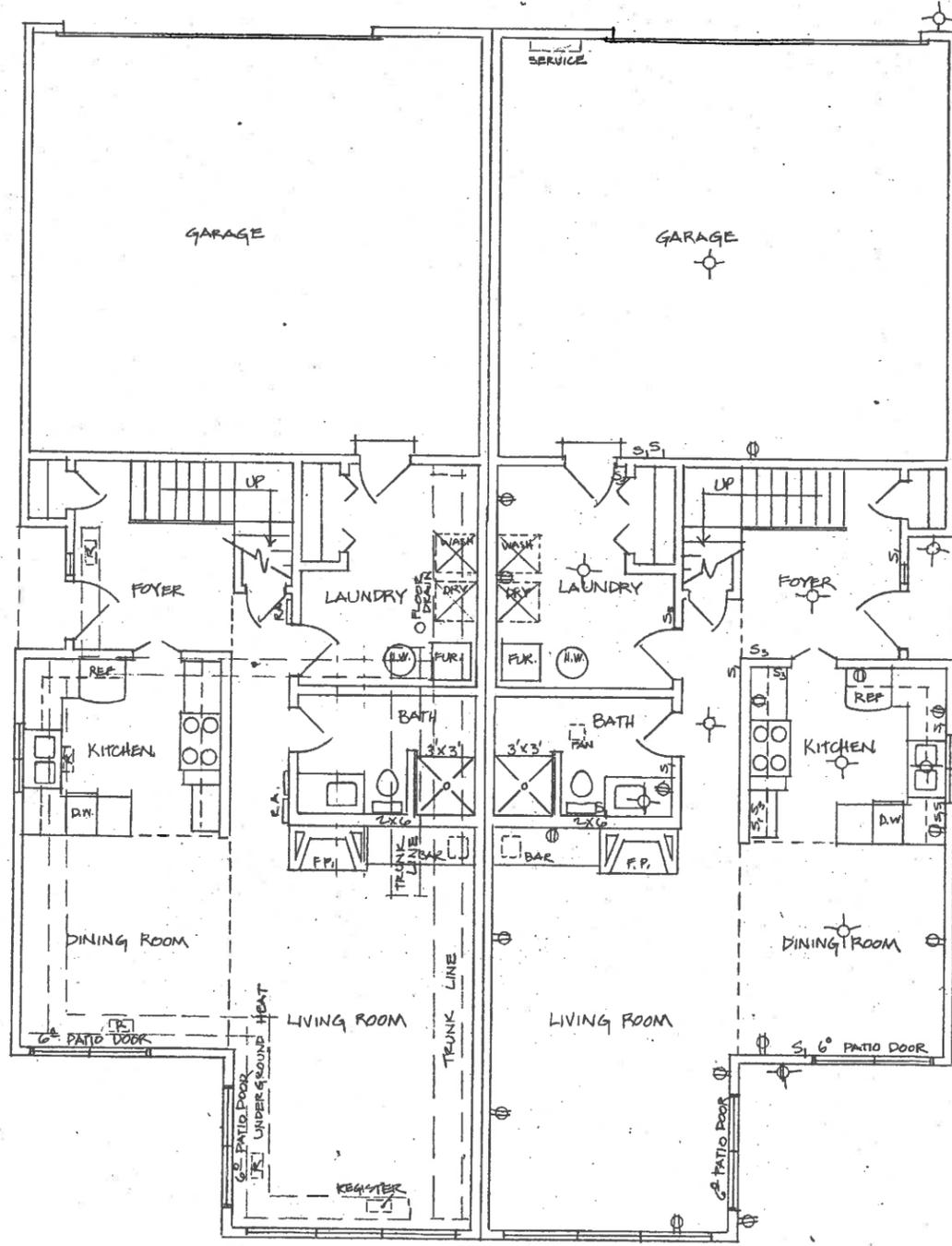
UPPER FLOOR

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CHECKED BY		
APPROVED BY		
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TITLE F.C. BOYCE CONST.	DRAWING NUMBER 2 OF 4	

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Upper 964  
1824  
11/11/76

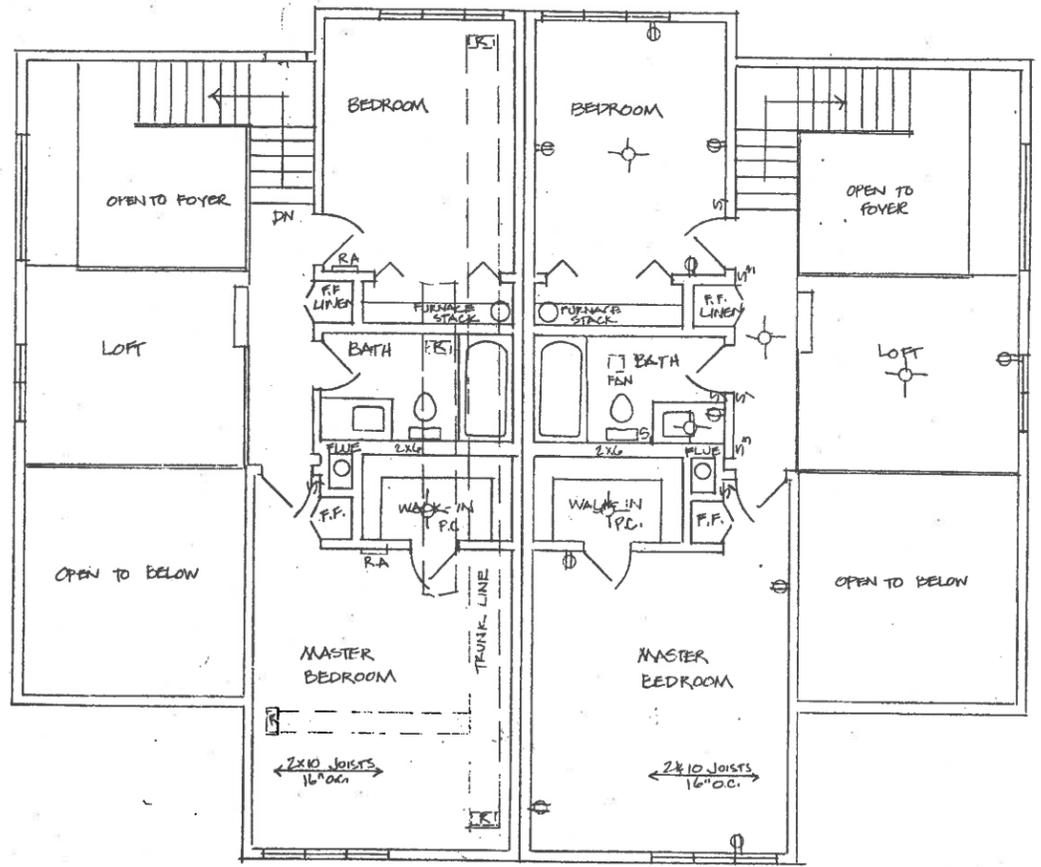


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SCALE			
TITLE F. C. BOYCE CONST.	DRAWING NUMBER 3 OF 4		



HEATING PLAN      ELECTRICAL PLAN

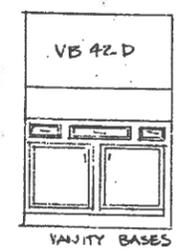
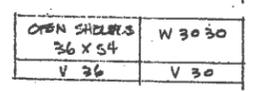
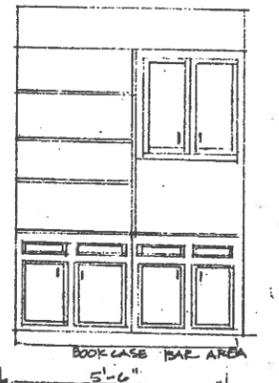
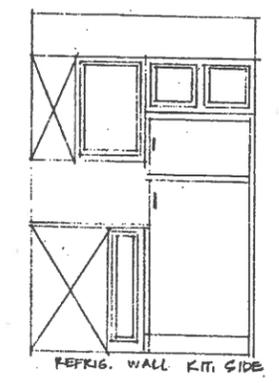
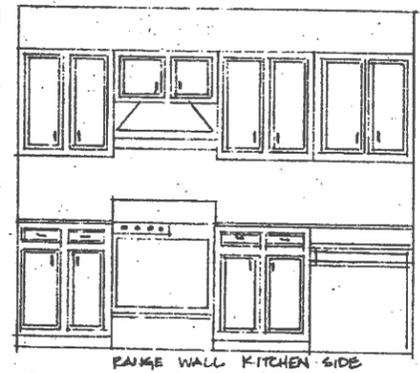
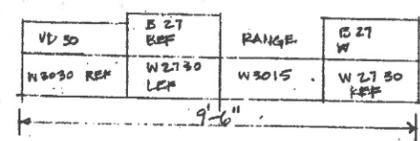
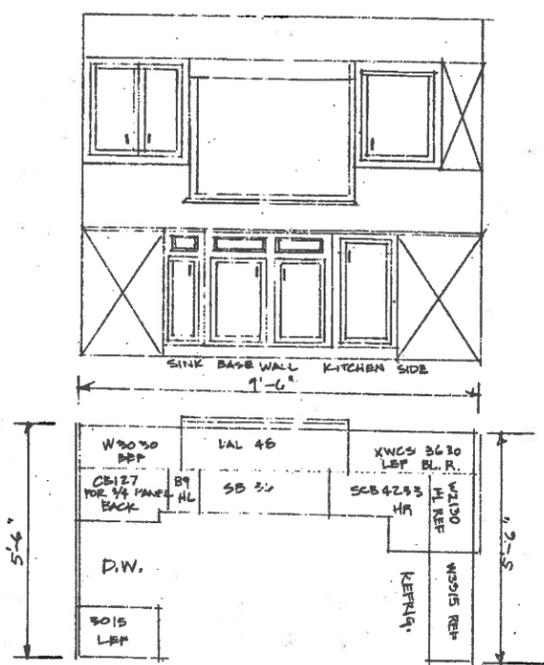
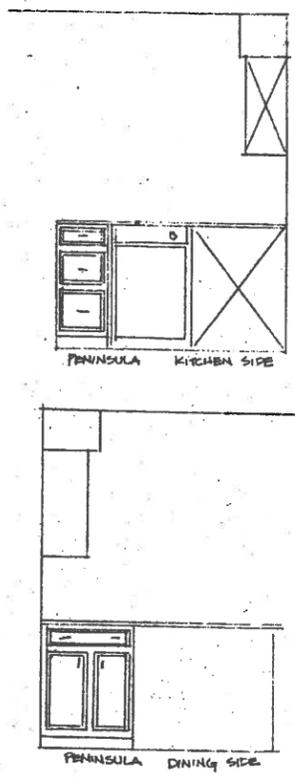
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UPPER FLOOR

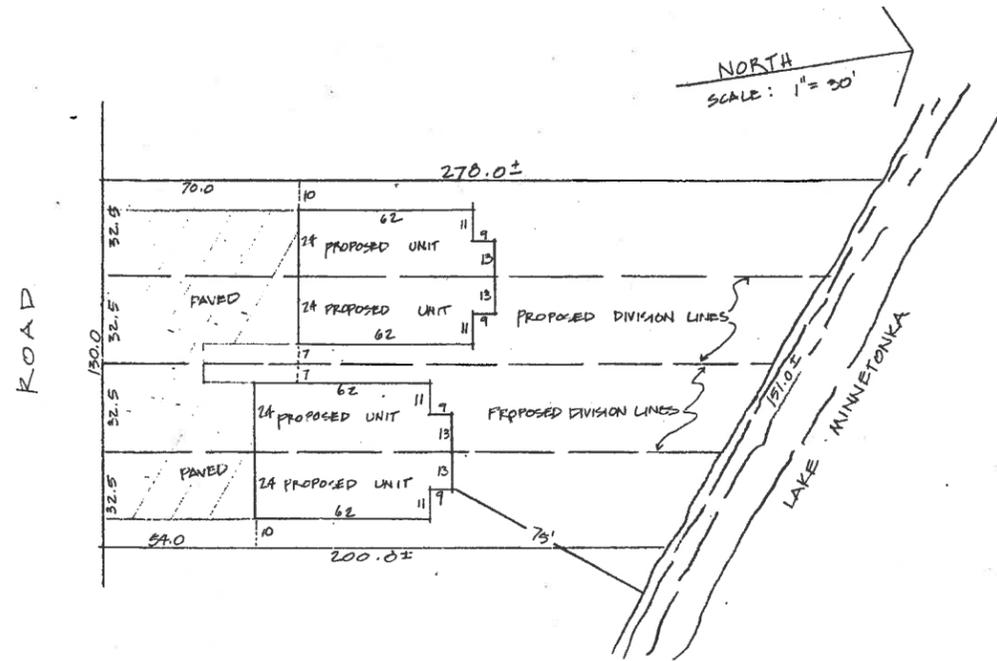
MECHANICAL

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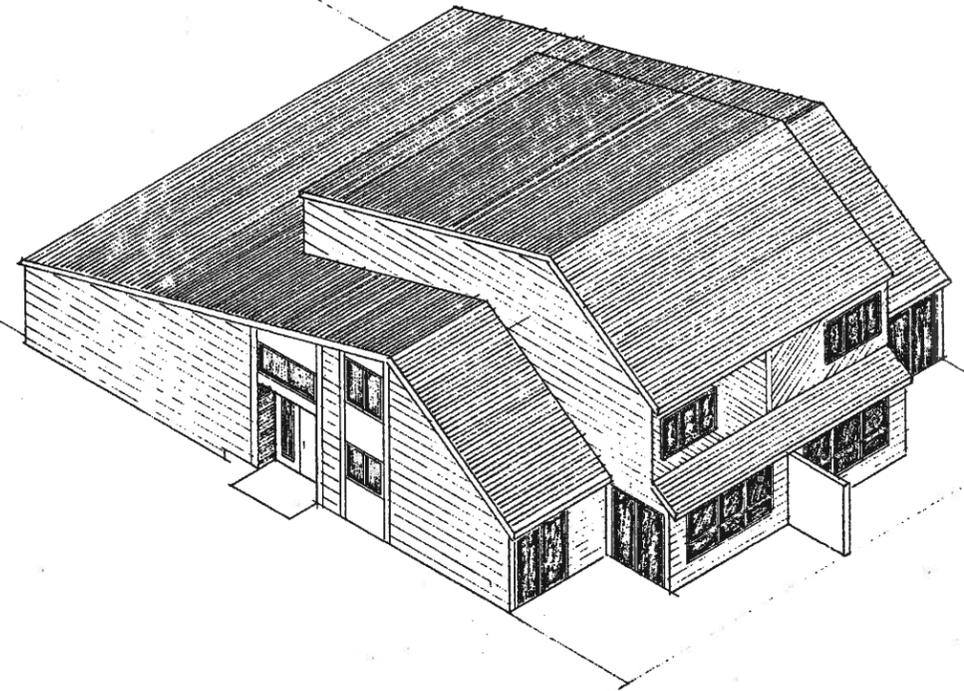


CABINET DETAIL

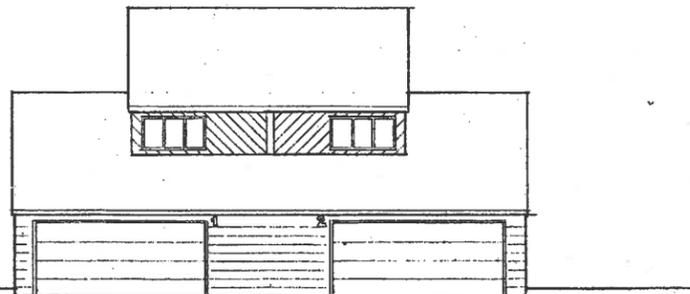
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APPROVED BY			
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TITLE F.G. REDYCE CONJ.		DRAWING NUMBER	



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



EAST ELEVATION



SOUTH ELEVATION

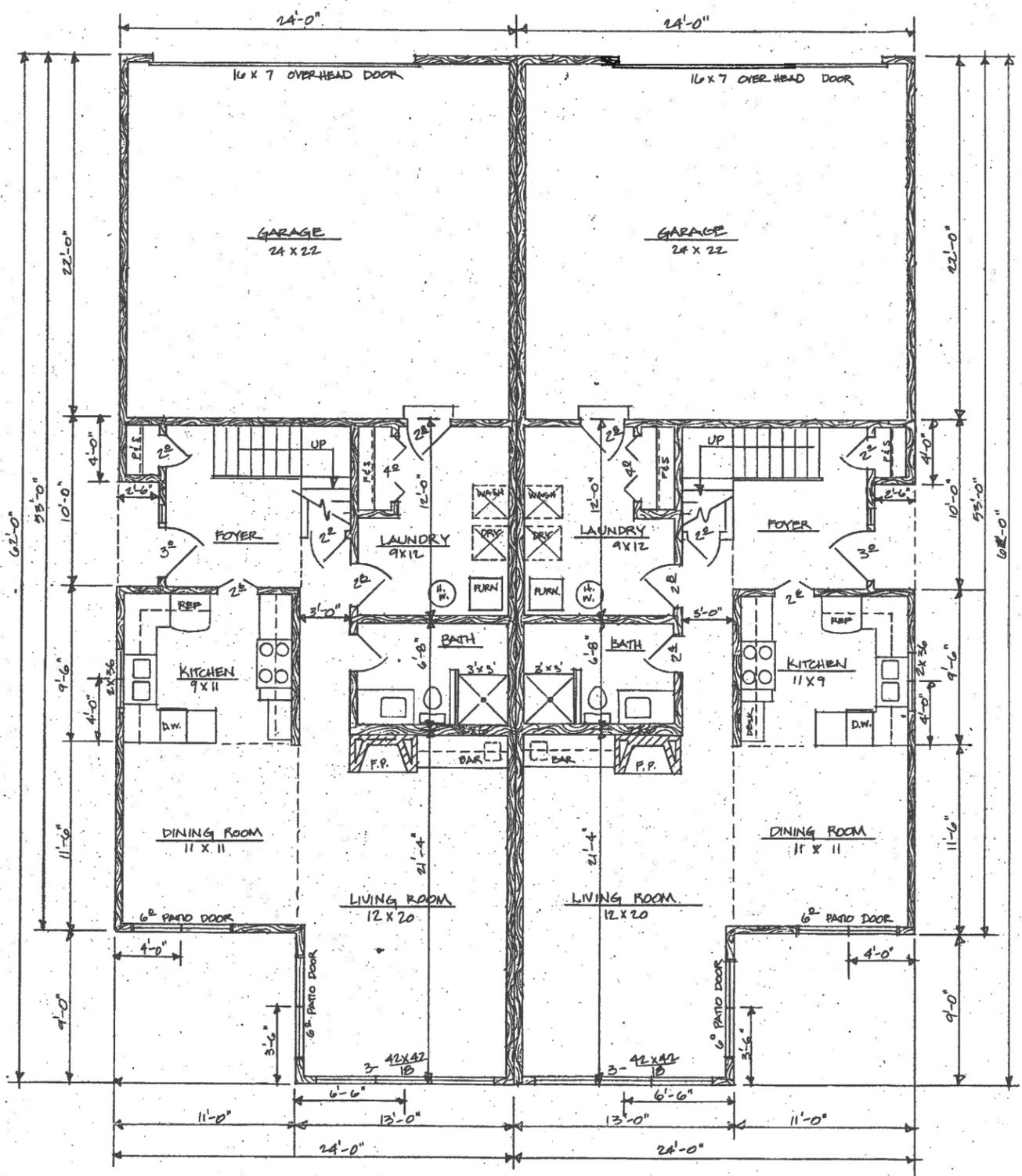
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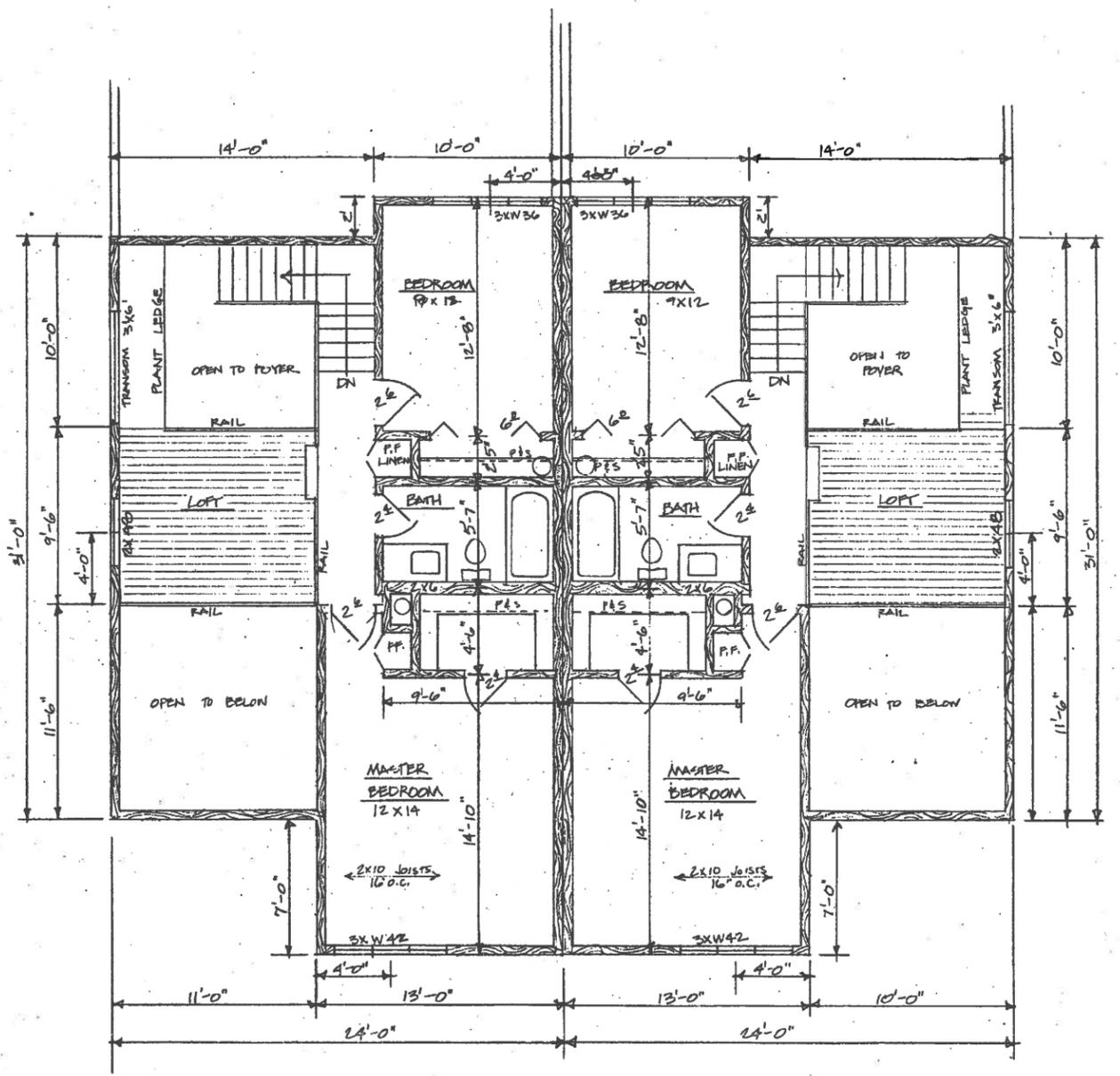
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DESIGNED BY D. FINCKE	DATE 1/8/78	REVISIONS	DATE
CHECKED BY			
APPROVED BY			
TITLE F.C. BOYCE CONST.		DRAWING NUMBER 1 OF 4	

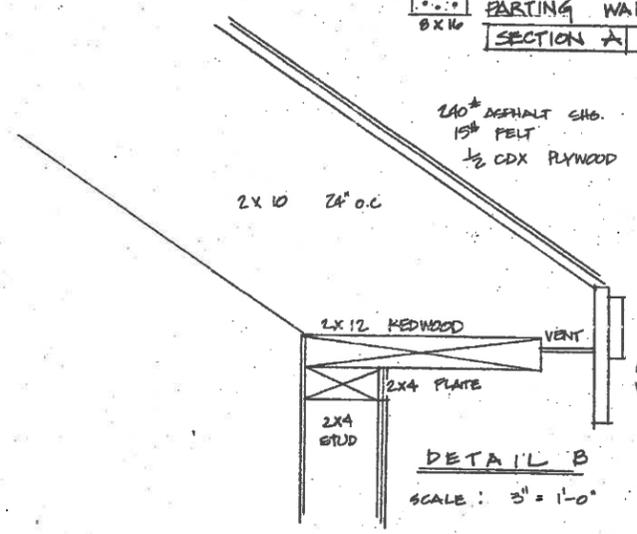
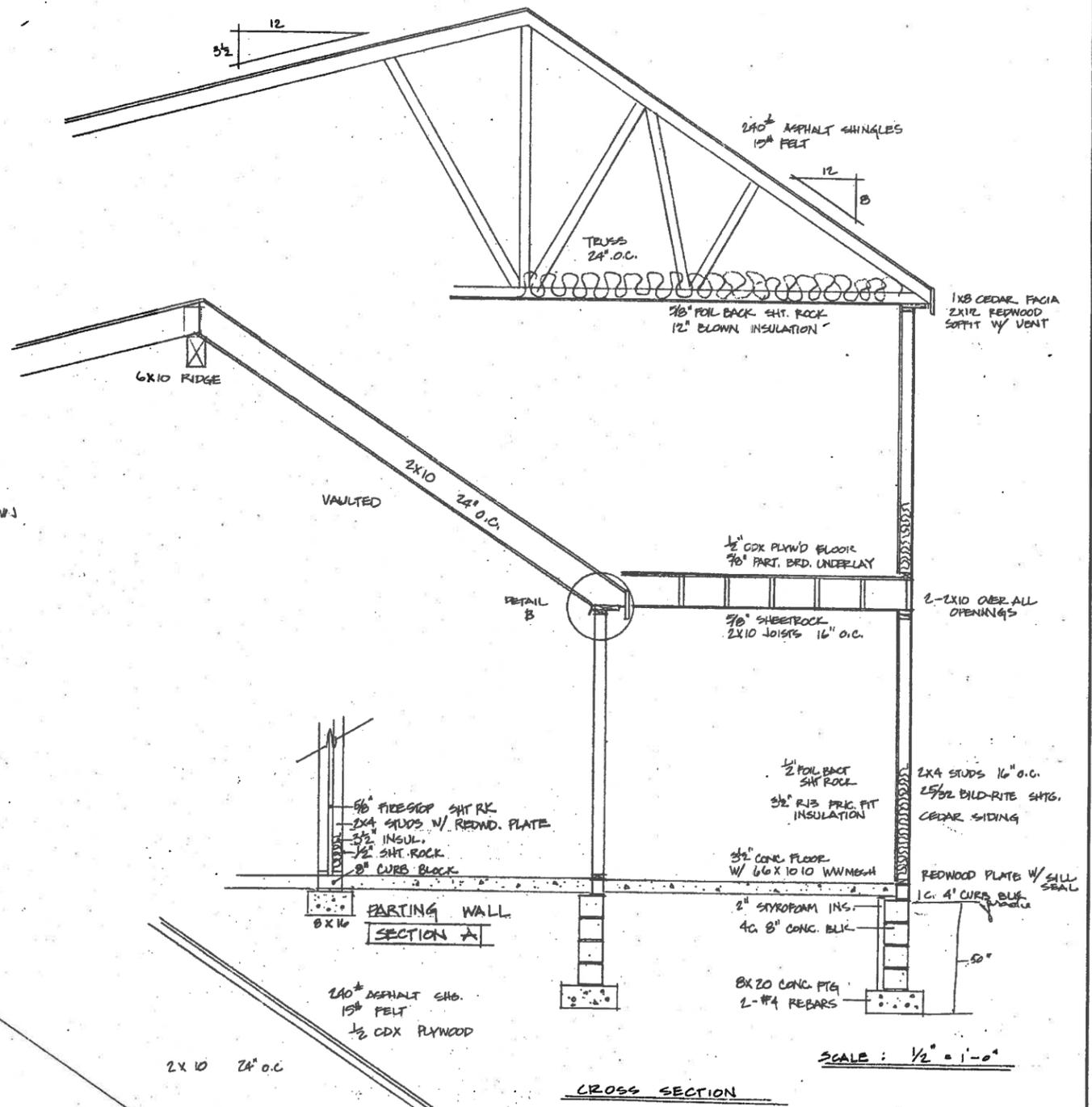
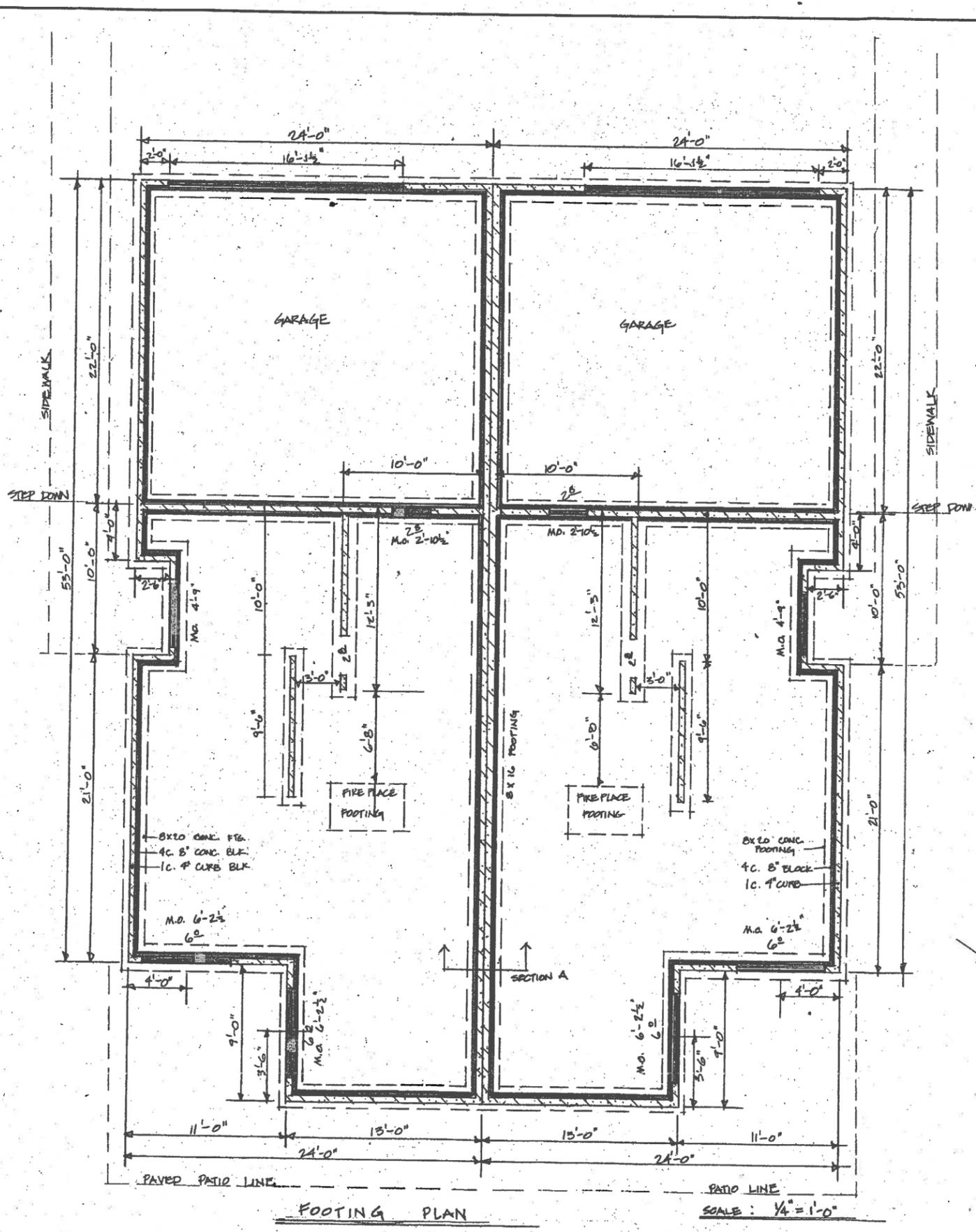


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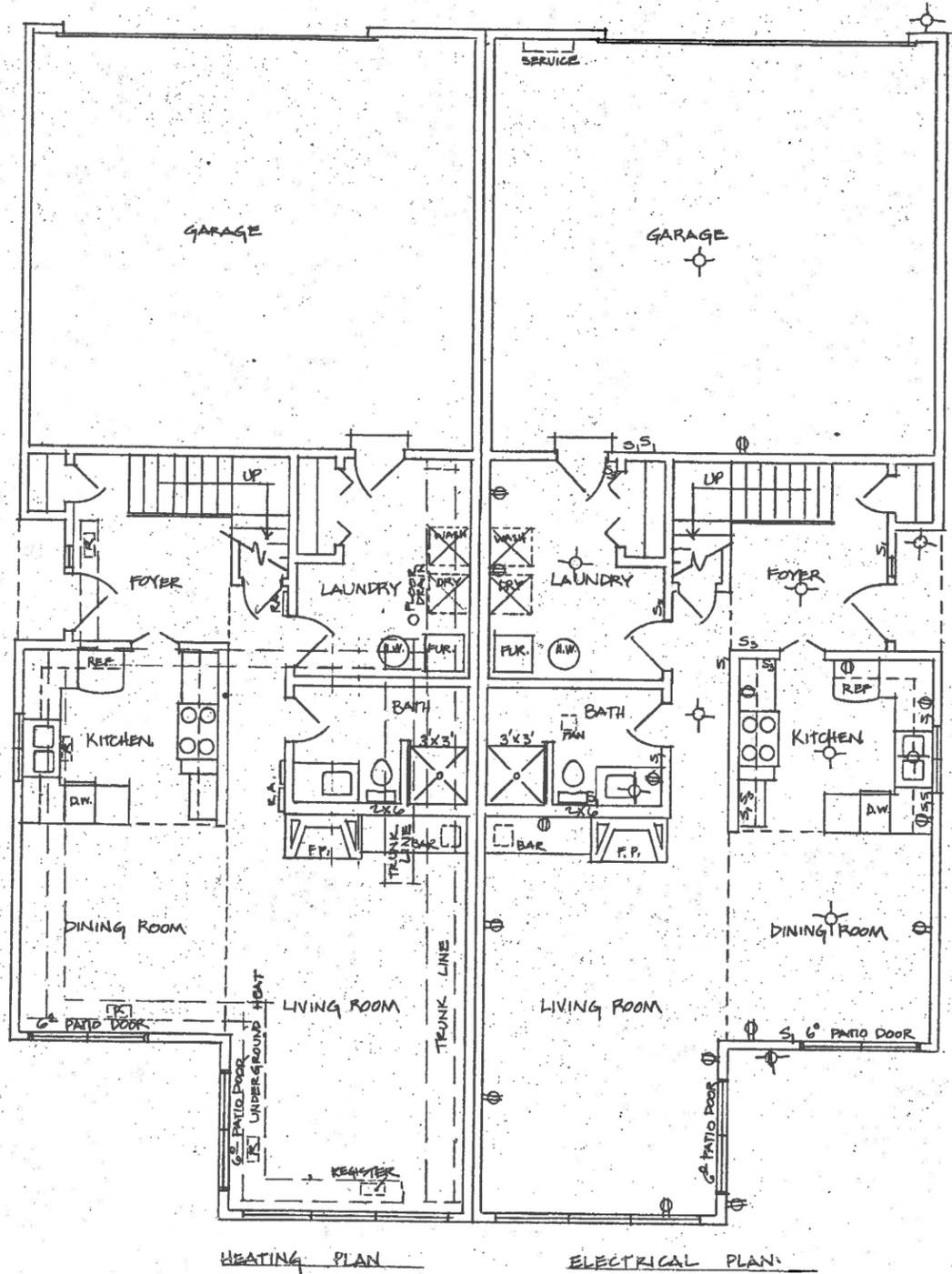


UPPER FLOOR

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APPROVED BY			
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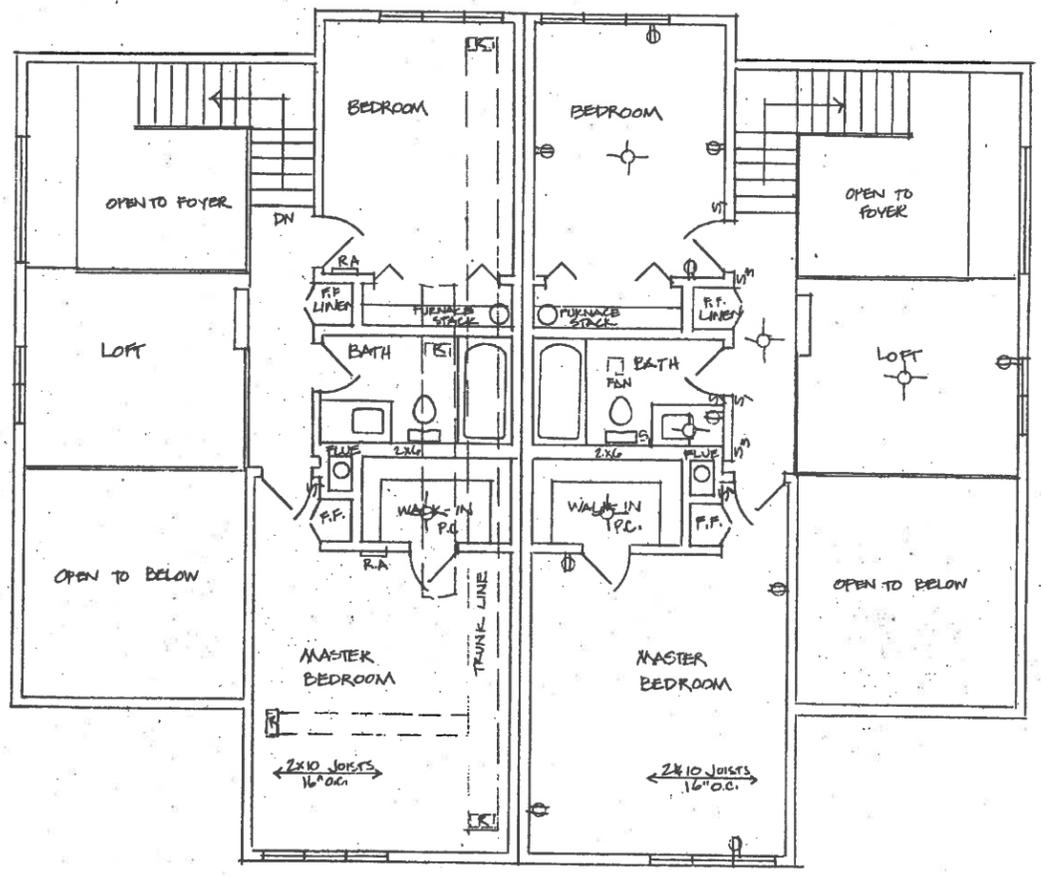


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APPROVED BY	
SCALE:	
TITLE F. C. BOYCE CONST.	DRAWING NUMBER 3 OF 4



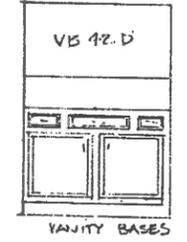
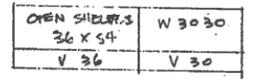
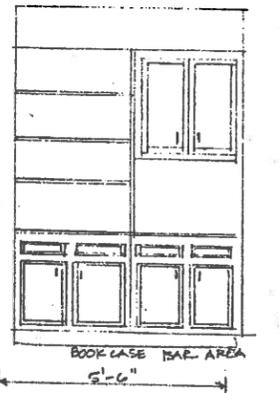
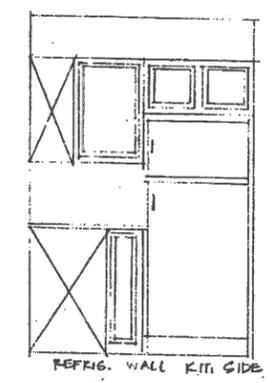
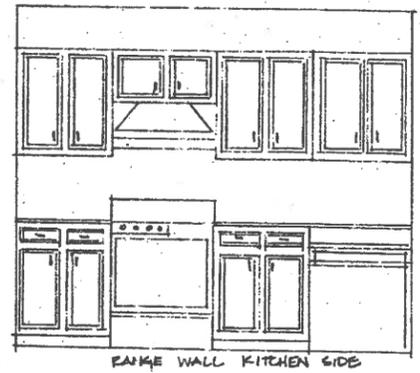
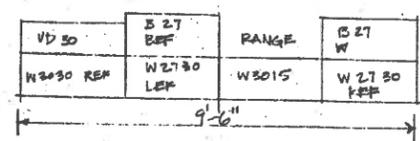
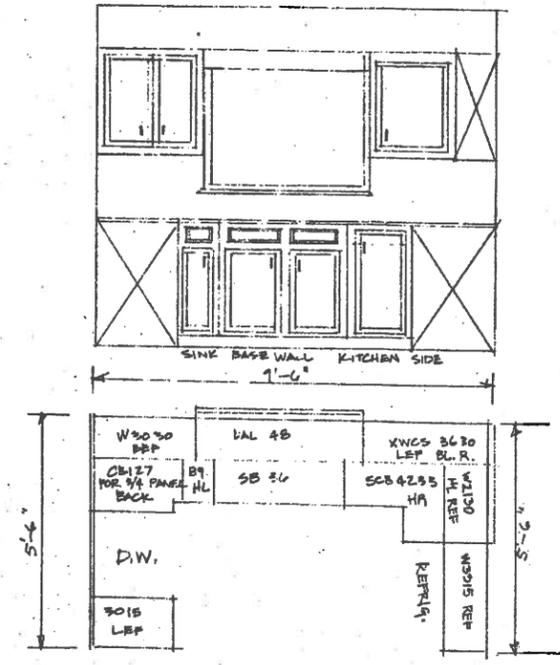
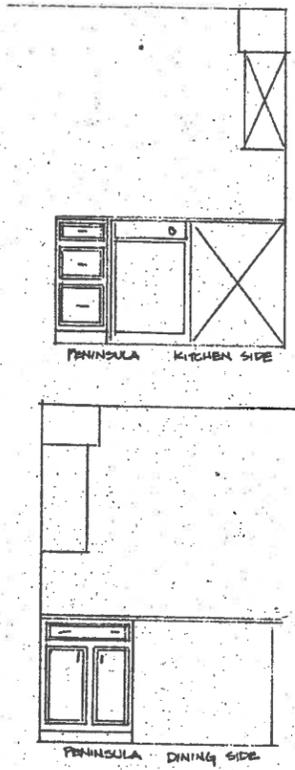
LOWER FLOOR

MECHANICAL



UPPER FLOOR

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APPROVED BY			
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TITLE F.C. BOYCE CONST.	DRAWING NUMBER 4 OF 4		



CABINET DETAIL

DOUBLE DWELLINGS LAKE MINNETONKA			
DRAWN BY D. PINKS	DATE 10/97	REVISIONS	DATE
APPROVED BY			
SCALE: 1/2" = 1'-0"			
TITLE F.C. BOYCE CONXT.		DRAWING NUMBER	



# 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 blue 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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**RESOLUTION NO. 20-16**

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

**A RESOLUTION ADDRESSING VARIANCES FOR A STREET SIDE SETBACK  
LOCATED AT 4364 AND 4368 WEST ARM ROAD  
WITHIN THE CITY OF SPRING PARK**

**WHEREAS**, Barbara and Andrew Ward (the “Applicant”) have applied for a street side setback variances for the expansion of the two-family dwelling at their property located at 4364 and 4368 West Arm Road (the “Property”) in the City of Spring Park (the “City”); and

**WHEREAS**, The Property Owners of 4364 and 4368 West Arm Road are seeking a street side variance to bring a building addition within 20 feet of the street easement of West Arm Road: and

**WHEREAS**, the City ordinance requires that lots in the R-1 district have a setback of 30 feet for street side setbacks; and

**WHEREAS**, the Planning Commission of the City of Spring Park held a public meeting on July 8, 2020 to consider the application materials, the planning report of July 1, 2020, and hear public testimony. Upon closing the public hearing, the Planning Commission recommended the City Council approve the variance for a street side setback base on the findings and recommendations outlined in the July 1, 2020 planning report as amended by the Planning Commission; and

**WHEREAS**, the Spring Park City Council has received the Applicant’s application, the July 1, 2020 planning report, and the Planning Commission recommendation, and agrees with the findings and recommendations of the Planning Commission based on the findings outlined in the July 1, 2020 planning reports.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of Spring Park, Minnesota hereby approves the requested street side setback as illustrated in the site plans dated June 9, 2020 and based on the findings outlined in the July 1, 2020 planning reports subject to the following conditions:

1. Construction will not deviate from the site plan submitted to the city on 6/8/2020 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. All runoff from the building and driveway shall be directed away to storm sewer subject to the review and approval of the City Engineer.

**ADOPTED** by the City Council of the City of Spring Park this 20th day of July 2020.

CITY OF SPRING PARK

By: \_\_\_\_\_  
Jerome Rockvam, Mayor

ATTEST:

By: \_\_\_\_\_  
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 compliant on 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.  
 DECK: 254 s.f.

TOTAL IMPERVIOUS: 3,316 s.f.

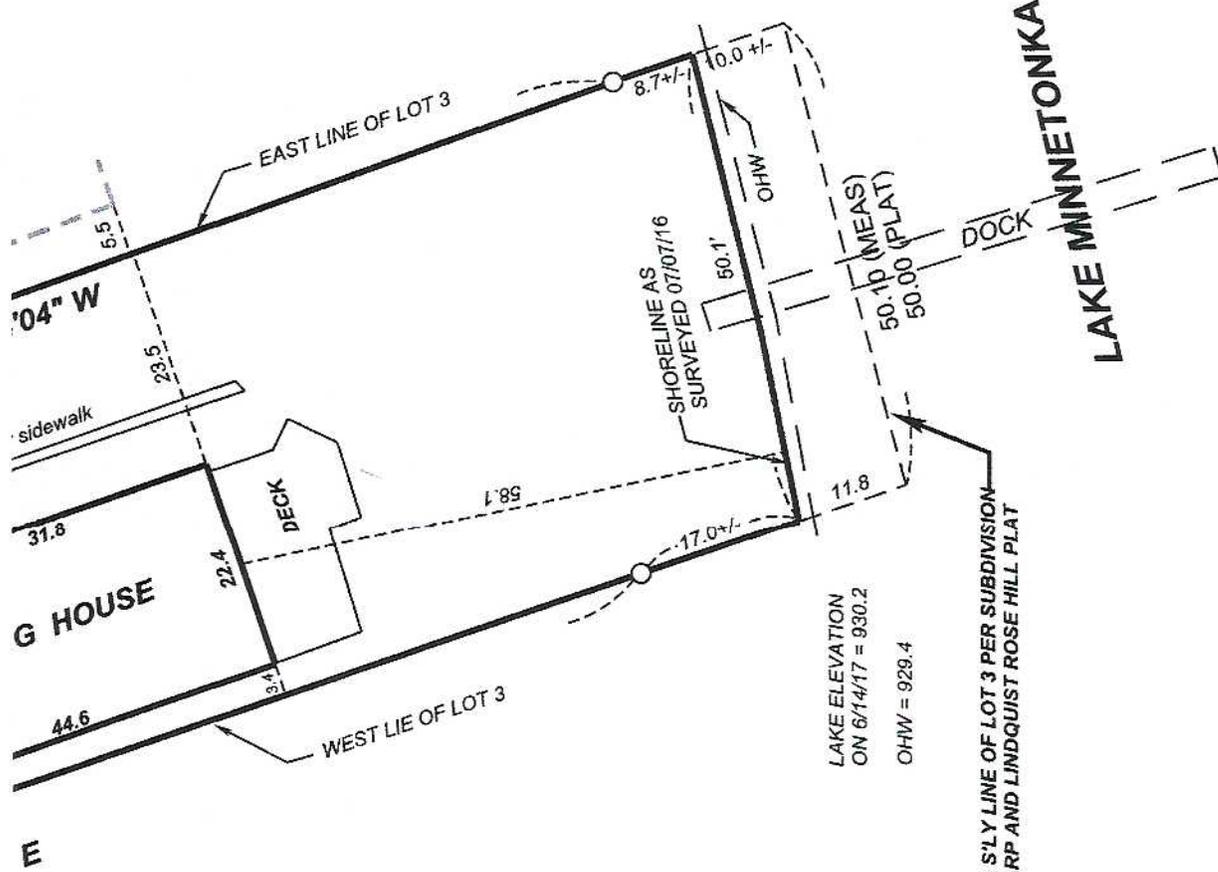
LOT AREA (TO OHW) 9,165 s.f.

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



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

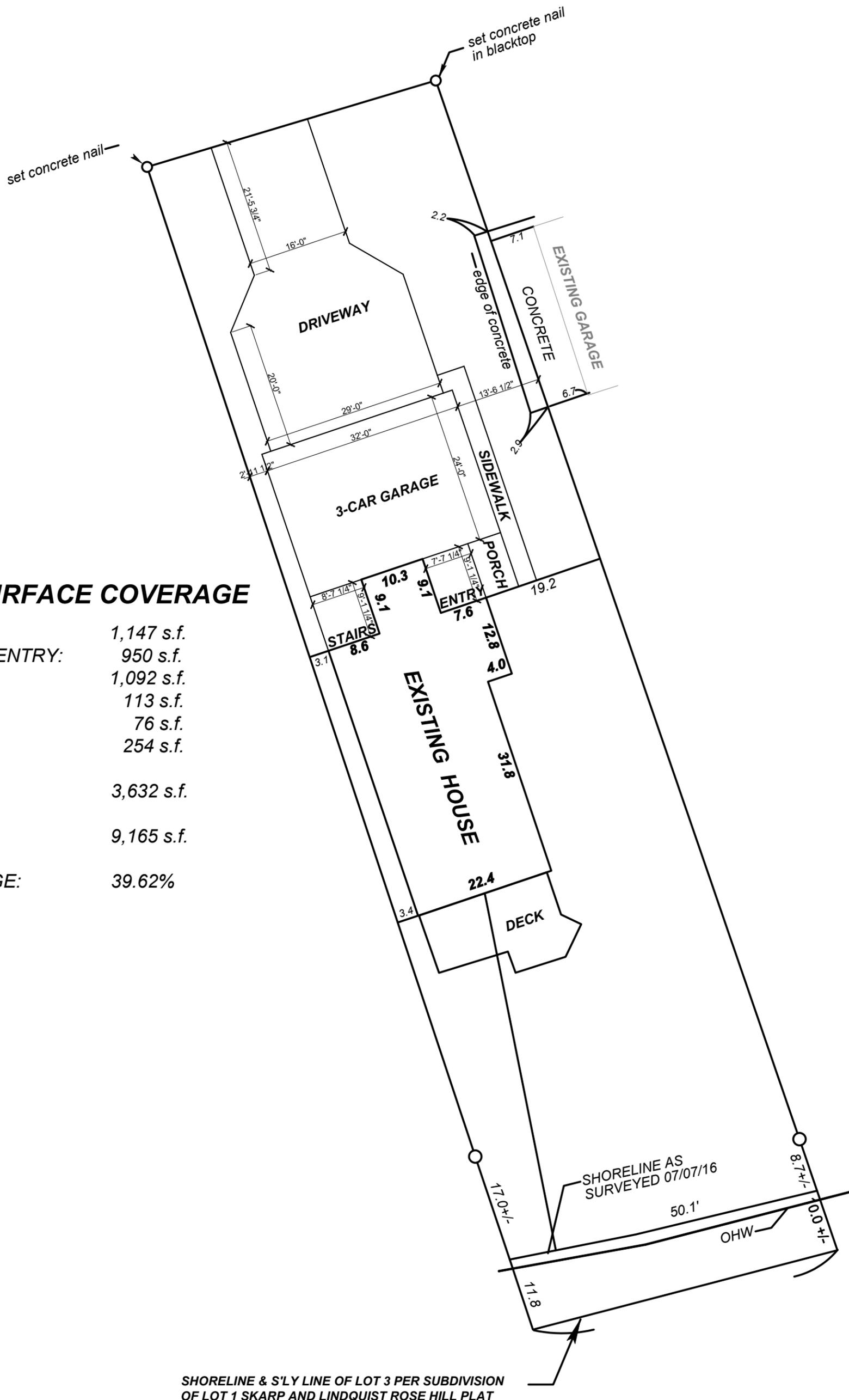
**PREMIER**  
 LAND SURVEYING, LLC

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

952-443-3010



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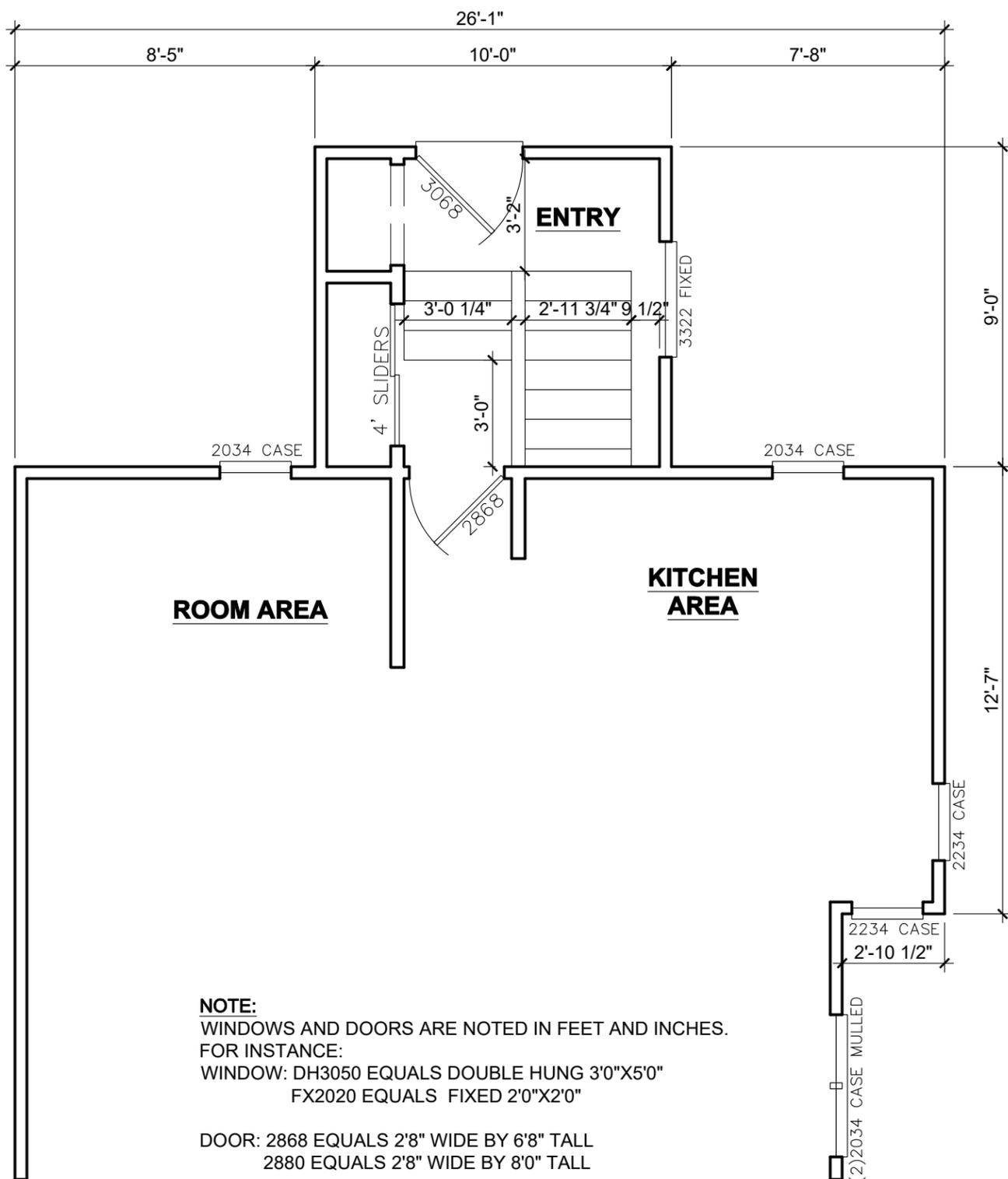


**IMPERVIOUS SURFACE COVERAGE**

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>



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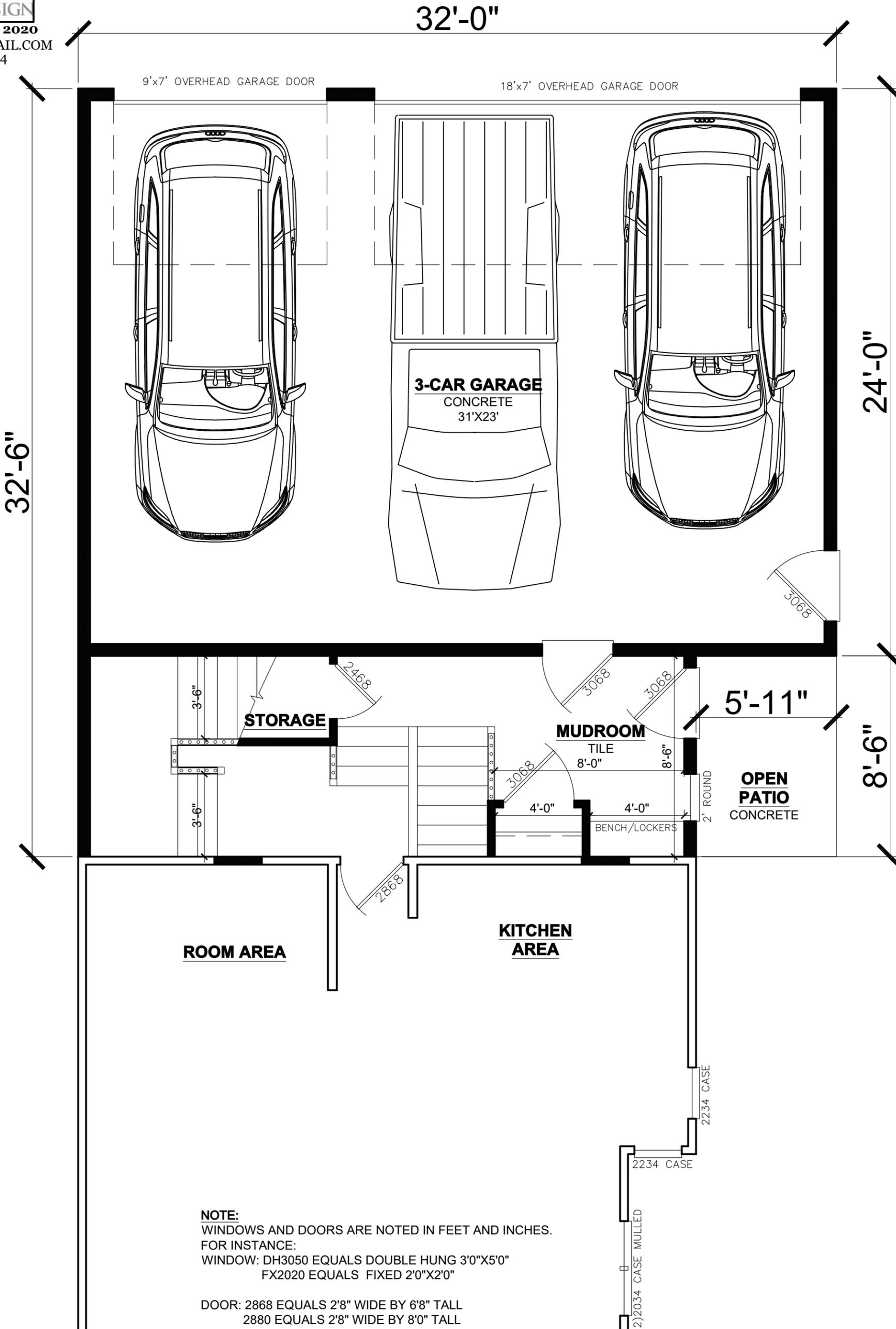


**1** EXISTING FIRST FLOOR

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



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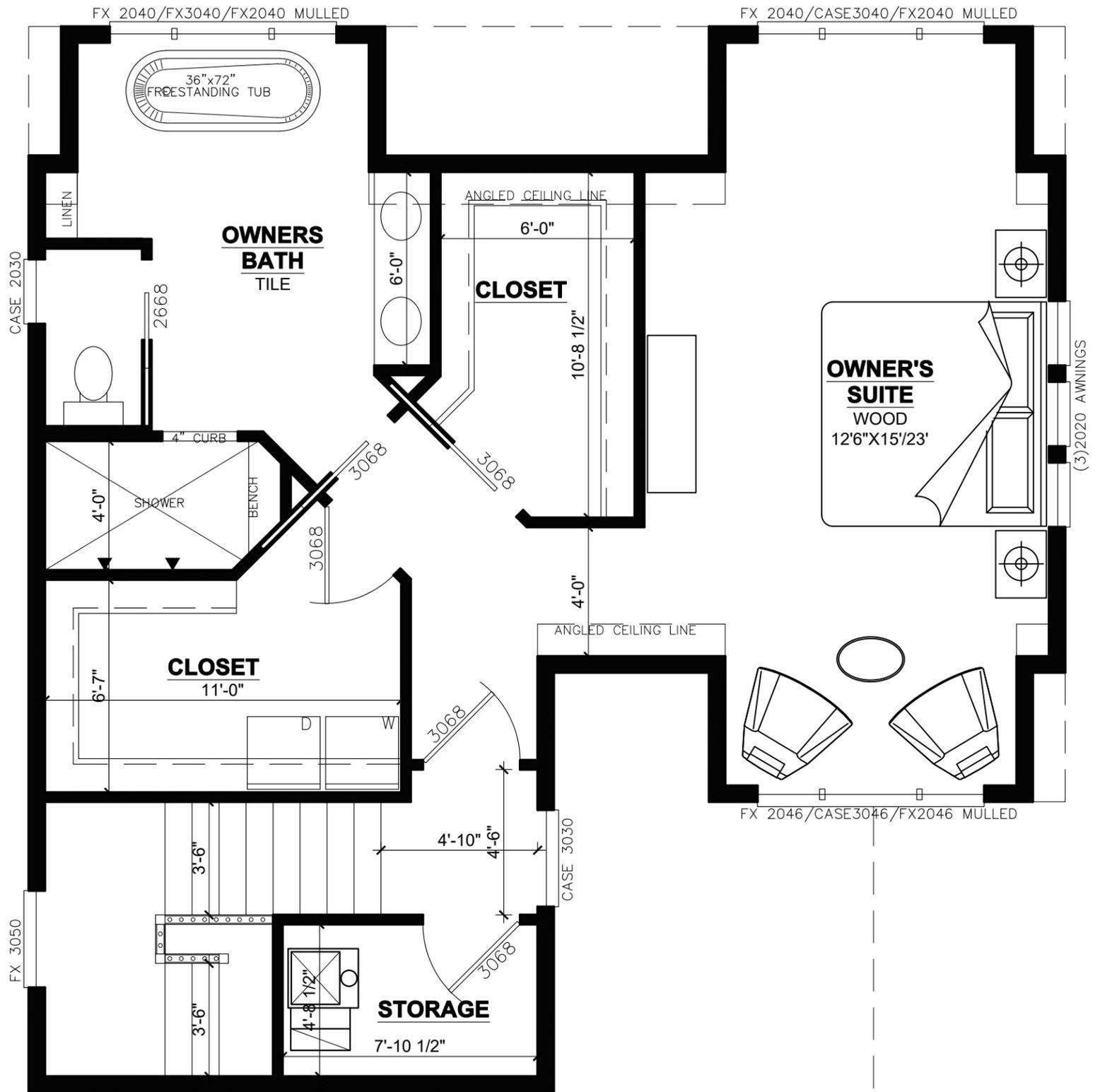


**NOTE:**  
WINDOWS AND DOORS ARE NOTED IN FEET AND INCHES.  
FOR INSTANCE:  
WINDOW: DH3050 EQUALS DOUBLE HUNG 3'0"X5'0"  
FX2020 EQUALS FIXED 2'0"X2'0"  
  
DOOR: 2868 EQUALS 2'8" WIDE BY 6'8" TALL  
2880 EQUALS 2'8" WIDE BY 8'0" TALL

**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

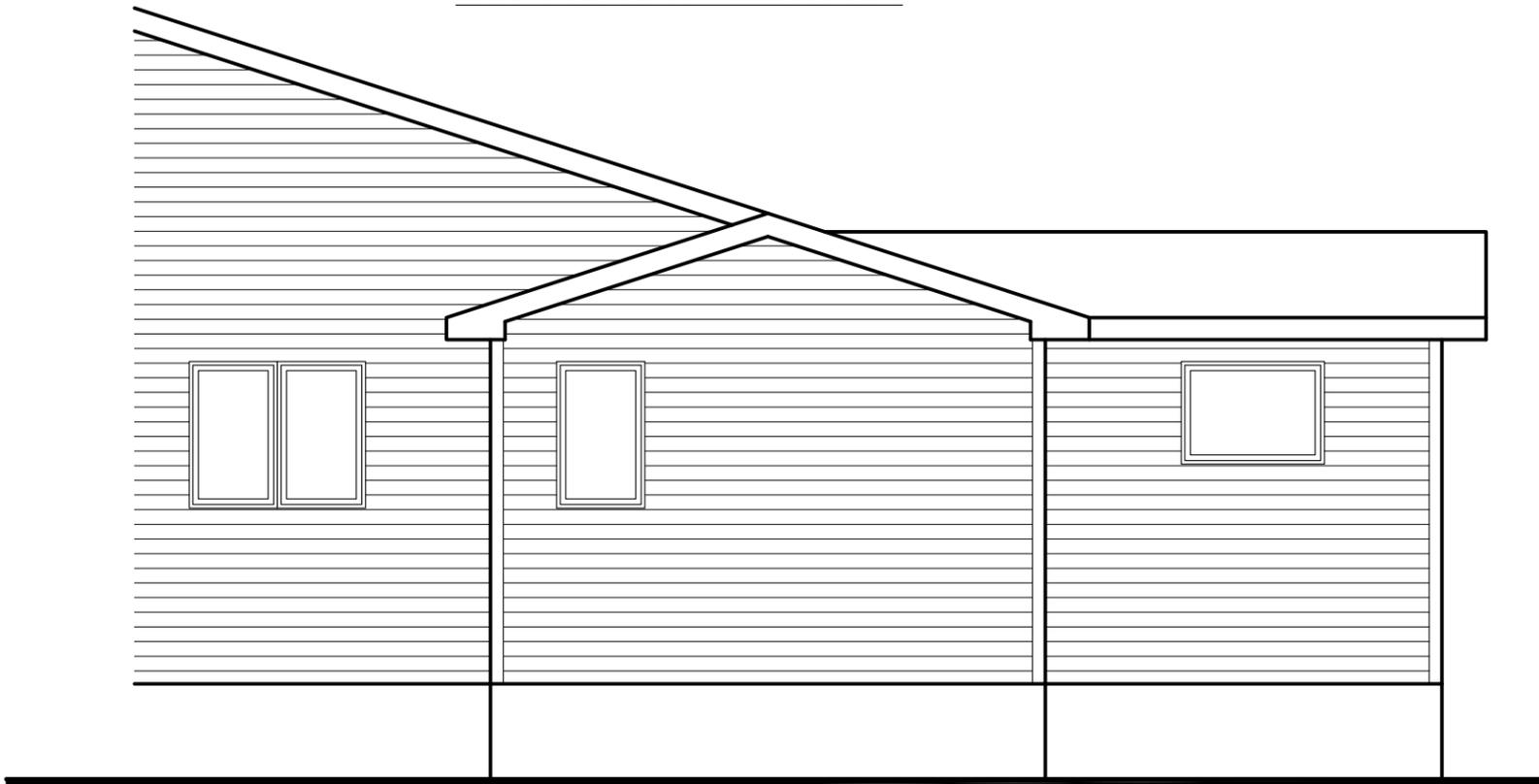
**3** PROPOSED SECOND FLOOR  
SCALE: 1/4" = 1'-0" 842 SQUARE FEET



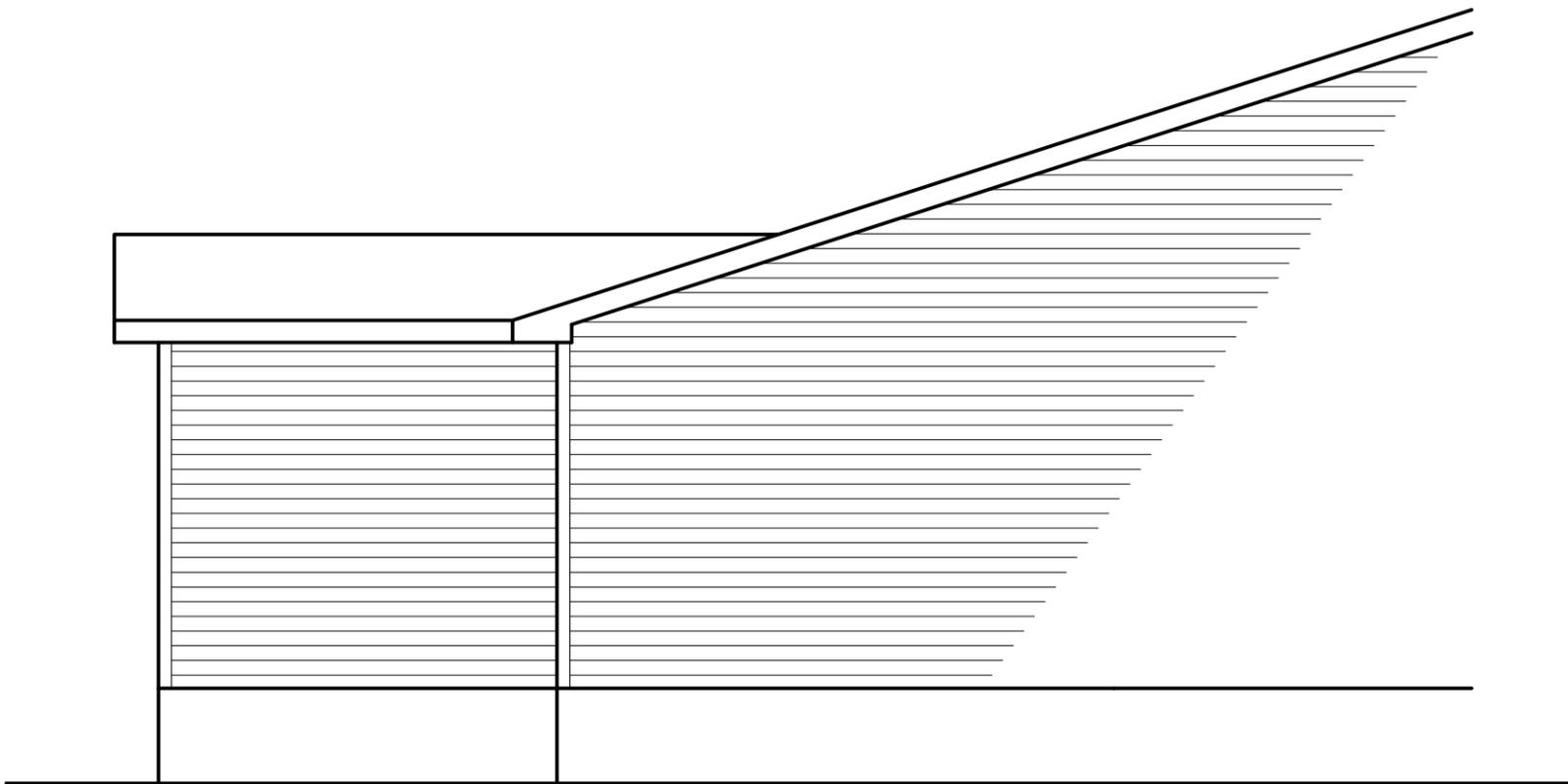
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**EXISTING NORTH ELEVATION**



**EXISTING EAST ELEVATION**



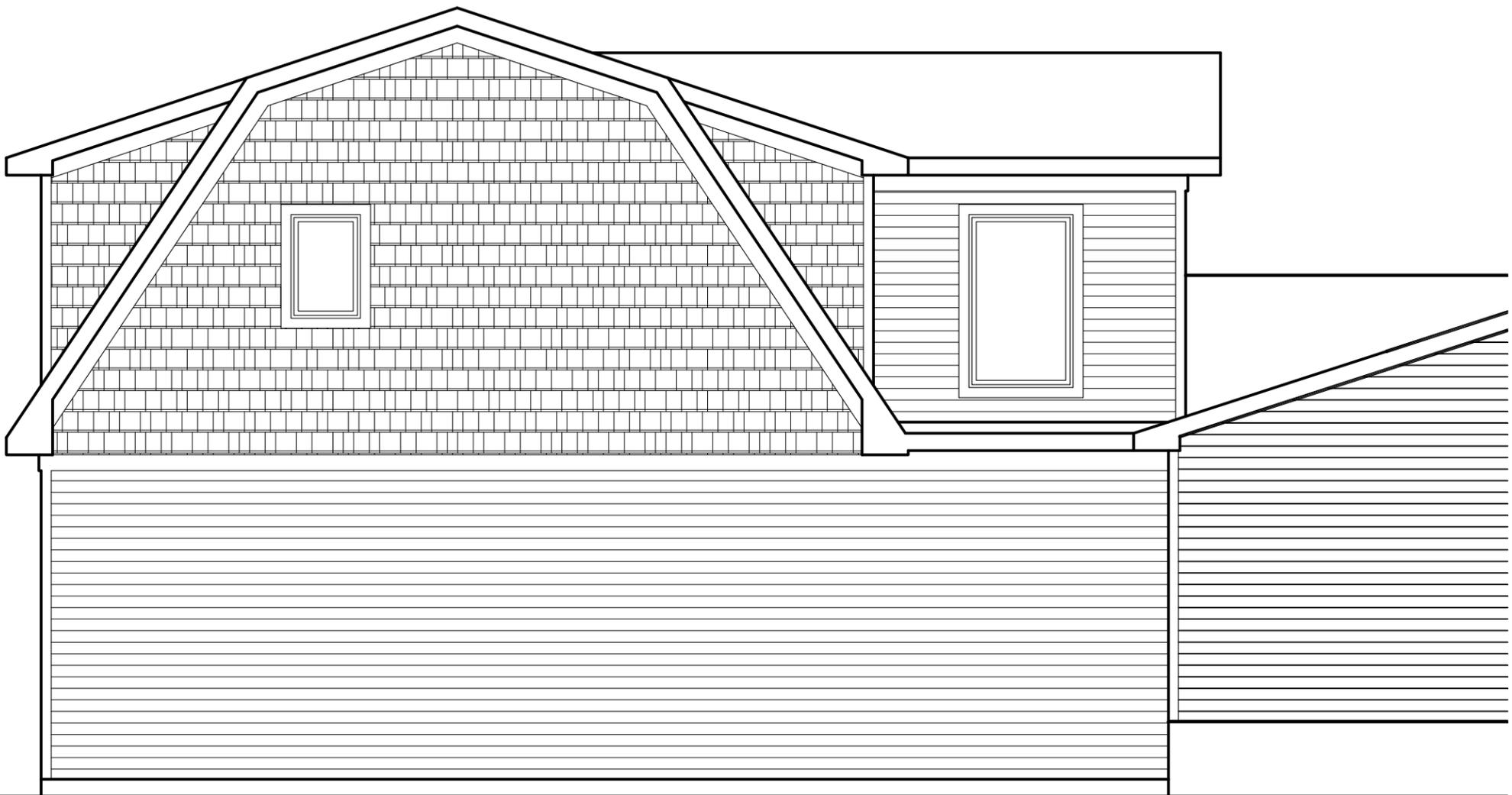
**EXISTING WEST ELEVATION**



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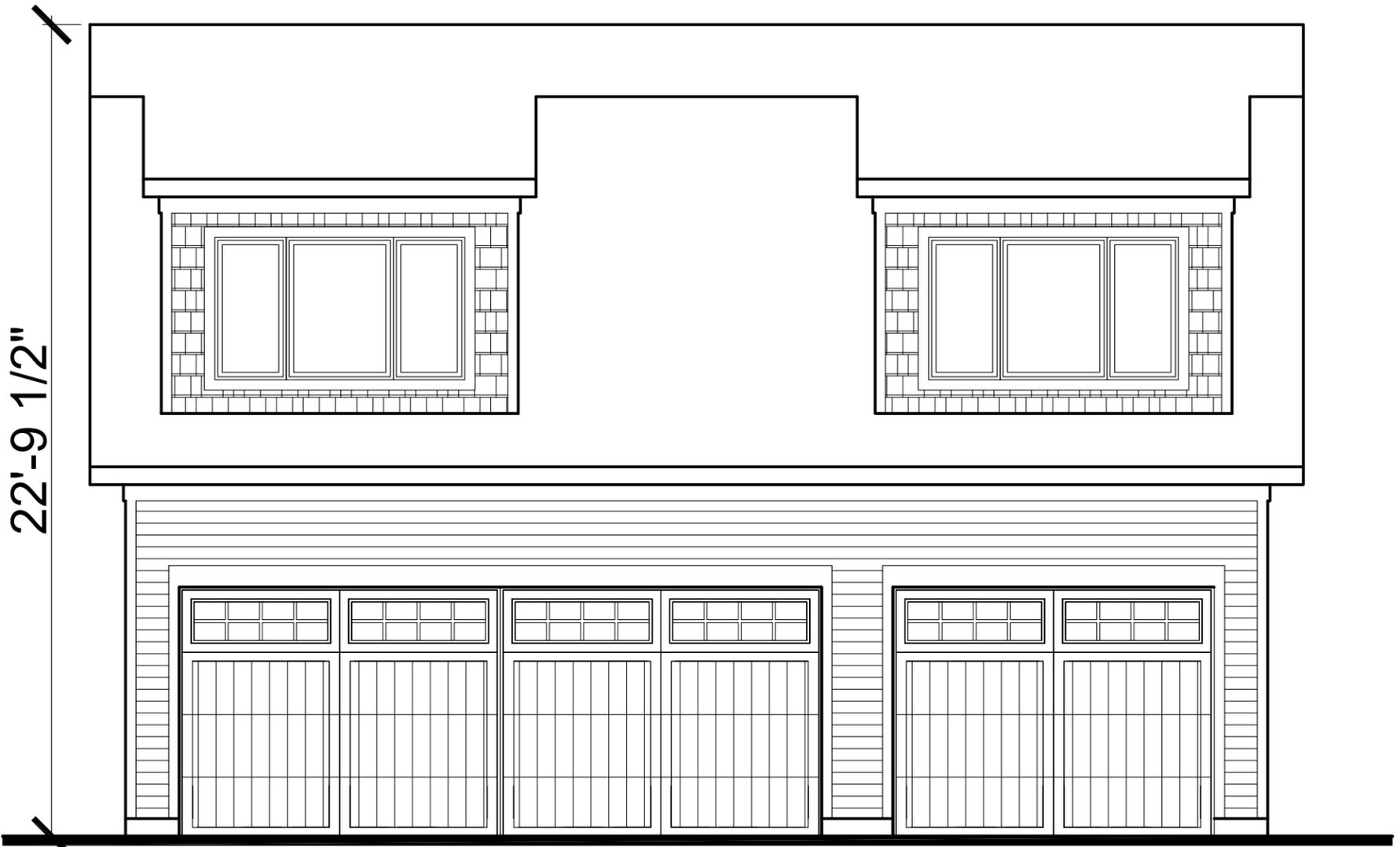
**FRONT ELEVATION**



**PROPOSED WEST ELEVATION**



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**PROPOSED NORTH ELEVATION**



**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.

---

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)

**RESOLUTION NO. 20-17**

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

**A RESOLUTION ADDRESSING VARIANCES FOR A SIDE YARD SETBACK  
LOCATED AT 4317 CHANNEL ROAD  
WITHIN THE CITY OF SPRING PARK**

**WHEREAS**, Patrick and Hannah Berry (the “Applicant”) have applied for a side yard setback variances for the expansion of their home and garage at their property located at 4317 Channel Road (the “Property”) in the City of Spring Park (the “City”); and

**WHEREAS**, The Applicant is seeking a side yard variance to bring the side yard setback of 3.1 feet along their west lot line for the construction of a home addition and attached garage; and

**WHEREAS**, the City ordinance requires that lots in the R-1 district have a setback of 10 feet for side yards; and

**WHEREAS**, the Planning Commission of the City of Spring Park held a public meeting on July 8, 2020 to consider the application materials, the planning report of July 1, 2020, and hear public testimony. Upon closing the public hearing, the Planning Commission recommended the City Council approve the variance for a side yard setback based on the findings and recommendations outlined in the July 1, 2020 planning report ; and

**WHEREAS**, the Spring Park City Council has received the Patrick and Hannah Berry application, the July 1, 2020 planning report, and the Planning Commission recommendation, and agrees with the findings and recommendations of the Planning Commission as outlined in the July 1, 2020 planning report.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of Spring Park, Minnesota hereby approves the requested side yard setback as illustrated in the site plans dated June 2, 2020 and based on the findings outlined in the July 1, 2020 planning reports subject to 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.
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. of the

Spring Park zoning code 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 and down spout system on the building eaves to direct runoff away from the adjacent properties and into one of the storm water management options selected from Sec. 42-279 of the Spring Park zoning code.

**ADOPTED** by the City Council of the City of Spring Park this 20th day of July 2020.

**CITY OF SPRING PARK**

By: \_\_\_\_\_  
Jerome Rockvam, Mayor

ATTEST:

By: \_\_\_\_\_  
Theresa Schyma, City Clerk

RECEIVED JUL 13 2020

2020 MOUND FIRE DEPARTMENT ACTIVITY REPORT  
Emergency Response and Firefighter Hours Detail

MONTH: June

City	Call Type	2020				2019			
		Month	Firefighter	YTD	Month	Firefighter	YTD	YTD	
		Calls	Hours	Calls	Hours	Calls	Hours	Hours	
MOUND	Fire	11	234	48	1361	9	144	42	843
	Rescue	16	350	84	1660	27	398	102	1602
	Duty Officer	0	0	9	10	2	3	7	8
MINNETRISTA	Fire	6	114	24	532	5	68	12	177
	Rescue	7	136	29	554	5	117	26	524
	Duty Officer	0	0	3	3	0	0	3	3
SHOREWOOD	Fire	0	0	2	28	0	0	0	0
	Rescue	1	18	2	29	0	0	0	0
	Duty Officer	0	0	0	0	0	0	0	0
SPRING PARK	Fire	2	30	21	442	2	37	12	217
	Rescue	6	93	36	666	9	131	47	744
	Duty Officer	1	1	1	1	1	1	4	4
MUTUAL AID	Fire	3	70	11	352	2	27	20	733
	Rescue	2	36	3	58	0	0	0	0
	Weather, Special Event, Etc.	0	0	0	0	0	0	0	0
STAND BY									
Total Activity All Cities		22	448	106	2715	18	276	86	1,970
	Fire	32	633	154	2967	41	646	175	2870
	Rescue	1	1	13	14	3	4	14	15
	Duty Officer	0	0	0	0	0	0	0	0
	Stand By	55	1082	273	5696	62	926	275	4855
	TOTAL								

Monthly Activity by Call Category	2020		2019	
	Month	YTD	Month	YTD
COMMERCIAL	3	4		
RESIDENTIAL	39	49		
OTHER (OUTSIDE/ROADWAY/LAKE/OPEN AREA/MISC)	13	9		
SERVICE CALLS (Smoke/CO Detectors)	1	0		
LEGITIMATE FIRE ALARMS	5	2		
FALSE FIRE ALARMS	0	3		

MUTUAL AID AND TRAINING/DRILL SUMMARY	2020		2019	
	Month	YTD	Month	YTD
MUTUAL AID CALLS RECEIVED	0	3	0	1
MUTUAL AID CALLS GIVEN	5	14	2	20
TRAINING/DRILL HOURS	366.5	2022	392.5	2402

14a

RECEIVED JUL 13 2020

Mound Fire Department  
 Incident Reports - Spring Park  
 June, 2020

FIRE NO.	DATE	CITY	ADDRESS	FIRE/ RESCUE	DESCRIPTION	ACTION TAKEN	FF HOURS
231	6/10/2020	Spring Park	4372 West Arm Road	Fire	Haz Cond - Wires Down	Secured Area - Contacted Xcel	15
258	6/20/2020	Spring Park	Sunset Drive & Shoreline Drive	Fire	Fire - Motorcycle	Fire Extinguished upon Arrival	15
<b>Total Fire Calls</b>							<b>30</b>

230	6/9/2020	Spring Park	2450 Island Drive	Rescue	EMS	Transported	13
233	6/11/2020	Spring Park	4695 Shoreline Drive	Rescue	EMS	Unknown Transport	16
236	6/12/2020	Spring Park	4501 Shoreline Blvd, #16	Rescue	EMS	Assist	14
249	6/17/2020	Spring Park	4501 Shoreline Drive, #239	Rescue	EMS	Unknown Transport	25
265	6/25/2020	Spring Park	4523 Shoreline Drive, #309	Rescue	EMS	Unknown Transport	11
270	6/27/2020	Spring Park	4516 West Arm Road	Rescue	EMS	Private Transport	14
<b>Total Rescue Calls</b>							<b>93</b>

257	6/20/2020	Spring Park	4501 Shoreline Drive	Rescue	EMS	Assist	1
<b>Total Duty Officer Calls</b>							<b>1</b>

<b>TOTAL FIRE, RESCUE &amp; DUTY OFFICER CALLS</b>							<b>9</b>
<b>TOTAL FIRE, RESCUE &amp; DUTY OFFICER HOURS</b>							<b>124</b>

Mound Fire Department

RECEIVED JUL 13 2020

City of Spring Park  
January-June, 2020

Fire Alarm / False Alarm Report

Fire No	Date	Address	Alarm Type			Activity or Action Taken	False Alarm	Pre-ventable
			Fire	Smoke	CO			
6	1/13/2020	4599 Shoreline Drive, #205	x			Burnt Food	N	Y
13	1/18/2020	4601 Shoreline Drive	x			Set off by cooking	N	Y
18	1/22/2020	4250 West Arm Road	x			Set off by contractor	Y	Y
26	1/26/2020	4599 Shoreline Drive	x			Child Pulled Pull Station	Y	Y
29	1/28/2019	4250 West Arm Road	x			Set off by contractor	Y	Y
39	2/4/2020	4250 West Arm Road	x			Cancelled enroute	Y	Y
67	2/22/2020	3746 Sunset Dr	x			Water Issue	N	N
68	2/23/2020	3746 Sunset Dr	x			Set off by construction	Y	Y
84	3/3/2020	4559 Shoreline Drive	x			Burnt Food, ventilated	N	Y
133	4/3/2020	4601 Shoreline Drive, #106	x			Ventilated	N	Y
169	4/26/2020	4559 Shoreline Drive	x			Set off by haze - unknown origin	N	N
205	5/27/2020	3818 Sunset Drive	x			Set off by Area Power Outage	N	N
213	5/28/2020	4599 Shoreline Dr, #204	x			Burnt Food	N	Y

2020 YTD TOTALS

FIRE ALARM	13			False Alarms	5	
SMOKE DETECTOR		0		Legitimate Alarms	8	
CO DETECTOR			0	Preventable		10
TOTAL - ALL ALARMS	13					