



**PLANNING COMMISSION AGENDA  
TUESDAY, MAY 28, 2024**

**ABLE PARK BUILDING, 8200 ABLE STREET NE at 7:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
  - [A.](#) Approval of Minutes - April 22, 2024 Meeting
- 5. PUBLIC HEARING**
  - [A.](#) Public Hearing - Variance Application - 8075 Hayes Street NE
  - [B.](#) Public Hearing - Interim Use Permit - 1011 Osborne Road NE
- 6. OTHER**
- 7. ADJOURN**

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND  
DISCUSSION FROM THE FLOOR**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81<sup>st</sup> Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

## **CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS**

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
  - a. Those wishing to comment are asked to limit their comments to 3 minutes
  - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
  - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on April 22, 2024 at the Able Park Building, 8200 Able Street NE at 7:00 PM.

### 1. CALL TO ORDER

Chair Hansen called the meeting to order at 7:00 PM.

### 2. ROLL CALL

#### MEMBERS PRESENT

Chair Hans Hansen  
Commissioner Rick Cobbs  
Commissioner Brad Delfs  
Commissioner Sharon Weighous

#### MEMBERS ABSENT

Commissioner Kelsey Hollihan  
Commissioner Eric Julien

#### STAFF PRESENT

Building Official Jeff Baker, Administrator Daniel Buchholtz, Planner Phil Carlson

#### VISITORS

|                  |                        |                     |
|------------------|------------------------|---------------------|
| Michael Konetski | 738 Sanburnol Drive NE | Spring Lake Park MN |
| Chris Bossany    | 770 Maple Street NE    | Spring Lake Park MN |
| Larry Brunko     | 770 Maple street NE    | spring Lake Park MN |

### 3. PLEDGE OF ALLEGIANCE

### 4. APPROVAL OF MINUTES

#### A. Approval of Minutes – March 25, 2024 Meeting

Motion made by Commissioner Cobbs, seconded by Commissioner Delfs, to approve the minutes from March 25, 2024 Planning Commission meeting.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Chairperson Hansen. Motion carried.

### 5. PUBLIC HEARING

#### A. Public Hearing – Variance Application – 738 Sanburnol Drive NE

Administrator Buchholtz stated that the City received an application for a variance from Michael Konetski, 738 Sanburnol Drive NE. He stated tht Mr. Konetski is requesting a

variance from the side yard setback for a driveway addition to his property. Administrator Buchholtz stated that Mr. Konetski is seeking a variance from the 5-foot side yard setback requirement, as set forth in SLPC 16.40.030 of the Spring Lake Park City Code.

Administrator Buchholtz stated that the 738 Sanburnol Drive NE is guided for low density residential in the 20240 Comprehensive Plan. He said the property is zoned R-1, single Family Residential. Administrator Buchholtz mentioned that SLPC 16.40.030 governs parking and loading spaces. He stated that in any of the residence districts, no parking or loading space shall be located within 15 feet of any property line.

Administrator Buchholtz said that driveways, garages and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in the City Code. He stated that variances in the case of driveways may be allowed down to zero feet setback from the property line.

Administrator Buchholtz said that Mr. Konetski is seeking a 3-foot variance from the side yard setback (2 feet from the eastern property line instead of 5 feet).

Administrator Buchholtz stated staff is recommending approval of the variance. He said that staff's analysis of the application shows that the driveway expansion will not alter the character of the neighborhood as there are other driveways in the vicinity of the property that are located within side yard setback.

Administrator Buchholtz stated that if the Planning Commission wishes to recommend approval of the variance it would with the following conditions:

- The driveway modifications must be constructed pursuant to the standards set forth by the city applicant must secure a zoning permit from the code enforcement department for the expanded driveway.
- Drainage must be handled in such a way not to deposit stormwater or snow on to a neighboring property.

Chairperson Hansen opened the public hearing at 7:04 PM.

Mr. Konetski, 738 Sanburnol Drive NE, stated that he wants to put in a six foot extension from the crease in the driveway apron. He stated that the four feet along the side of the garage is a straight continuous line, except for seven feet from the sidewalk, where there will be a half moon of two-three feet. Mr. Konetski said he is required to have a five-foot setback at a minimum. He stated that he is just looking for a one-foot variance. He is looking for a four-foot setback.

Commissioner Delfs gave a clarification of the dimensions being requested on the drawing submitted by Mr. Konetski.

Building Official Baker explained that the curb cut can only be as wide as the current width of the driveway up to the edge of the public right of way. He stated that Mr. Konetski can then angle out the driveway to the east towards the neighbor's property.

Chairperson Hansen closed the public hearing at 7:16 PM.

Motion made by Commissioner Delfs, seconded by Commissioner Cobbs to recommend approval of the variance for side yard setback for a driveway addition to the property of Michael Konetski, 738 Sanburnol Drive NE, subject to the following conditions:

- The driveway modifications must be constructed pursuant to the standards set forth by the city applicant must secure a zoning permit from the code enforcement department for the expanded driveway.
- Drainage must be handled in such a way not to deposit stormwater or snow on to a neighboring property.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Chairperson Hansen. Motion carried.

B. Public Hearing – Variance Application – Minnsprouts, LLC – 7705/7707 Central Avenue NE

Chairperson Hansen opened the public hearing at 7:17 PM.

City Planner Carlson stated that the variance application is for 7705/7707 Central Avenue NE. He stated that this is a small industrial lot and is currently occupied by a small building. Planner Carlson stated that the applicant wants to build a loading dock.

Planner Carlson said the applicant is requesting an additional 10 feet from the side lot line and 10 feet from the rear lot line. He stated that the standard in the industrial district is 25 feet and 35 feet. Planner Carlson said the applicant is requesting as part of the variance the lot coverage with hardcover, impervious 75 percentage the maximum is about 85 percent. He stated that the request would put the lot coverage at 92 percent.

Planner Carlson stated that the property has some unique characteristics.

1. A small lot and any increase in the building will come closer to a lot line versus if it was a very large lot. The lot is half an acre.
2. Part of the unique circumstances is that the property is next to a leg of the L shaped lot that is to the east and north, the 1313 I was born 10 Pros. So
3. The north side of the property has a 40-foot-wide strip that is vacant land, which is wooded, and it probably will never be built on, therefor making the setback 52 feet instead of 12 feet.

Commissioner Hansen inquired about the slop of the wooded area. Planner Carlson stated that the sloping would need to be verified through the watershed and the county drainage

requirements. He stated the applicant is creating a loading dock that would be low and the building floor would be above that, so there would be some manipulation and drainage involved.

Administrator Buchholtz stated that the applicant may need to do some ponding or an infiltration swale. He stated that there may need to be some form of water treatment and collection. Administrator Buchholtz stated that the outcome will be determined once the applicant makes application with Coon Creek Watershed District.

Planner Carlson stated that he has reviewed the application and is recommending approval of the application, with the following conditions:

- The applicant will meet all watershed district and county drainage requirements before issuance of a building permit.
- Care will be taken in the maneuvering of trucks in the public street. The City reserves the right to review the situation and require additional measures if there are problems with trucks movements at the site.

Chairperson Hansen closed the public hearing at 7:27 PM.

Motion made by Commissioner Cobbs, seconded by Commissioner Delfs to recommend approval of the variance for side and rear setbacks and impervious lot coverage for MinnFoods, LLC at 7705/7707 Central Avenue NE., with the following conditions:

- The applicant will meet all watershed district and county drainage requirements before issuance of a building permit.
- Care will be taken in the maneuvering of trucks in the public street. The City reserves the right to review the situation and require additional measures if there are problems with trucks movements at the site.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Chairperson Hansen. Motion carried.

## 6. OTHER

Administrator Buchholtz gave an update on the City Hall Renovation/Expansion project.

Administrator Buchholtz stated that the City was successful in being awarded a \$289,000 Community Development Block Grant for new Terrace Park playground equipment.

**7. ADJOURN**

Motion made by Commissioner Delfs, seconded by Commissioner Cobbs to adjourn.

Voting Aye: Commissioner Weighous, Commissioner Delfs, Commissioner Cobbs, Chairperson Hansen. Motion carried.

Meeting adjourned at 7:32 PM.

# Memorandum

**To:** Chair Hansen and Members of the Planning Commission

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

**Date:** May 22, 2024

**Subject:** Variance – 8075 Hayes Street NE

**Background**

Tim Workman, 8075 Hayes Street NE, has submitted an application for a variance from the side yard setback for a driveway addition to his property.

The applicant is seeking a variance from the 5 foot side yard setback requirement, as set forth in SLPC 16.40.030 of the Spring Lake Park City Code.

The site is located on the 8000 block of Hayes Street NE. The property is guided for low density residential in the 2040 Comprehensive Plan. The property is zoned R-1, Single Family Residential – allowed uses include single-family homes and duplexes. Property records show that the house on the property was constructed in 1986.

The City’s current yard setback standards for the R-1 zoning district is as follows:



|                                      |         |
|--------------------------------------|---------|
| Dwelling, single family – front yard | 35 feet |
| Dwelling, single family – rear yard  | 40 feet |
| Dwelling, single family – side yard  | 10 feet |
| Accessory uses, rear yard            | 5 feet  |
| Accessory uses, side yard            | 5 feet  |



SLPC 16.40.030 governs parking and loading spaces.

**§ 16.40.030 Yards; Setbacks**

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

In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with SLPC 16.20.120 paragraph B,2 are also exempted from the above yard setback regulations.

The applicant is seeking a 1 foot variance from the side yard setback (4 feet from the northern property line instead of 5 feet).

*Previous applications:* No previous zoning applications

**Variance**

Section §16.60.040 of the City of Spring Lake Park's zoning code outlines the criteria for considering variances:

“The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. “Practical difficulties” as used in connection with granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.”

## Recommendations

Staff recommends approval of the variance. Staff's analysis of the application shows that the proposed driveway expansion will not alter the character of the neighborhood as there are other driveways in the vicinity of this property that are located within the side yard setback.

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

1. Driveway modifications must be constructed pursuant to the standards set forth by the City of Spring Lake Park. Applicant must secure a zoning permit from the Code Enforcement Department for the expanded driveway.
2. Drainage must be handled in such a way not to deposit storm water or snow onto a neighboring property.

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

CITY OF SPRING LAKE PARK  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Spring Lake Park Planning Commission will hold a public hearing on Tuesday, May 28, 2024 at 7:00pm, or soon thereafter, to consider the following:

Property Owner: Tim Workman  
Applicant: Tim Workman  
Location: 8075 Hayes Street NE  
Petition: The applicant is seeking a variance to allow applicant to expand driveway into required 5' setback on the north side of property line.

The public hearing will be held at Able Park Building, 8200 Able Street NE, Spring Lake Park, MN. Agenda materials will be available on the Friday prior to the meeting at [www.slpmn.org/meetings](http://www.slpmn.org/meetings). Interested individuals or organizations are encouraged to submit written comments prior to the hearing. All interested parties will be heard.



Daniel R. Buchholtz  
Administrator, Clerk/Treasurer

Posted: May 17, 2024  
Published: May 17, 2024



**City of Spring Lake Park**  
 1301 81<sup>st</sup> Avenue NE  
 Spring Lake Park, MN 55432  
 763-784-6491 (p) 763-792-7257 (f)  
[info@slpmn.org](mailto:info@slpmn.org)

**For Office Use Only**

|                |         |
|----------------|---------|
| Case Number:   |         |
| Fee Paid:      |         |
| Received by:   |         |
| Date Filed:    |         |
| Date Complete: |         |
| Base Fee:      | Escrow: |

**DEVELOPMENT APPLICATION**

| TYPE OF APPLICATION (Check All That Apply)   |   |  |
|--|---|--|
| <input type="checkbox"/> Appeal  | <input type="checkbox"/> Site Plan/Building Plan Review | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Comprehensive Plan Amendment  | <input type="checkbox"/> Conceptual Plan Review         | <input type="checkbox"/> Lot Combination   |
| <input type="checkbox"/> Ordinance Amendment (Text)  | <input type="checkbox"/> Conditional Use Permit         | <input type="checkbox"/> Preliminary Plat  |
| <input type="checkbox"/> Rezoning  | <input checked="" type="checkbox"/> Variance            | <input type="checkbox"/> Final Plat        |
| <input type="checkbox"/> Planned Unit Development  | <input type="checkbox"/> Street or Easement Vacation    | <input type="checkbox"/> Other _____       |
| PROPERTY INFORMATION   |   |  |
| Street Address: 8015 Hayes St. NE, Spring Lake Park 55432  |   |  |
| Property Identification Number (PIN#): 01-30-24-42-0045 Current Zoning: R-1  |   |  |
| Legal Description (Attach if necessary): Lot 3, Block 2, Spring Lake Estates   |   |  |
| APPLICANT INFORMATION  |   |  |
| Name: Tim Workman  | Business Name: _____                                    |  |
| Address: 8015 Hayes St. NE   | State: MN   | Zip Code: 55432                            |
| City: Spring Lake Park   | Telephone: 651-226-2714                                 | Fax: _____                                 |
| Contact: _____   | E-mail: timwork17@hotmail.com                           |  |
| Title: _____   |   |  |
| OWNER INFORMATION (if different from applicant)  |   |  |
| Name: Same   | Business Name: _____                                    |  |
| Address: _____   | State: _____  | Zip Code: _____                            |
| City: _____  | Telephone: _____  | Fax: _____                                 |
| Contact: _____   | E-mail: _____   |  |
| Title: _____   |   |  |
| DESCRIPTION OF REQUEST (attach additional information if needed)   |   |  |
| Existing Use of Property: single family home with <del>current</del> two car garage accessed by driveway. Driveway is also used for parking cars off the street. |   |  |
| Nature of Proposed Use: same use as current. Looking to widen the driveway and which would add another parking spot.   |   |  |
| Reason(s) to Approve Request: A new concrete driveway would update the property (to avoid street parking), have no negative impact on the neighbors or city.     |   |  |
| PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE   |   |  |
| Project Name: Deck Replacement Variance  | Date of Application: 6/17/2010                          |  |
| Nature of Request: Variance, was approved  |   |  |
| <b>NOTE:</b> Applications only accepted with ALL required support documents.<br>See City Code  |   |  |

**APPLICATION FEES AND EXPENSES:**

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

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

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

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

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

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

E-mail Tim Wor K17@hotmail.com  Fax \_\_\_\_\_  USPS - Certified Mail

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

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

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: [Signature] Date: 4/13/24  
Owner: Same Date: \_\_\_\_\_

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

**City of Spring Lake Park  
Variance Supplemental Application**

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

1. Applicant Information:

Name: Tim Workman Telephone: 651-226-2714  
Address: 8075 Hayes St. Cell Phone: Same  
City/State/Zip: Spring Lake Park, MN 55432 E-mail: Timwork17@hotmail.com

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

Name: Same as above Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

3. Project Location (Address and Legal Description): 8075 Hayes St., Lot 3, Block 2, Spring Lake Estates

4. Present Use of Property: Single Family home

5. Description of Project: Remove existing asphalt driveway and replace and expand with concrete

6. Specify Section of the Ordinance from which variance is sought: Ord. # 12.52.050  
The proposed driveway would be within 4 feet of the north property line. Ordinance requires a 5 foot setback.

7. Explain how you wish to vary from the applicable provisions of this Ordinance: The proposed driveway would be within 4 feet of the north property line. Ordinance requires a 5 foot setback.

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

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

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?  
 Yes  No Why or why not?

All aspects of the proposed driveway are in compliance with the existing ordinance, except the 4 foot setback from the north property line. The new concrete driveway will bring a much needed update and refreshing look to the neighborhood.

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

Yes  No Why or why not?

The ~~plan~~ Comprehensive Plan supports maintaining and rehabing  
homes in Spring Lake Park and thus meets  
that objective.

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

Yes  No Why or why not?.

We will have multiple licensed drivers in our  
household and ~~the~~ proposed driveway will add a  
parking space and minimize having to park on  
the street, potentially creating hazards.

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

Yes  No Why or why not?

The lot is an irregular shaped lot that is partially  
treed and slightly slopes.

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

Yes  No Why or why not?

A new concrete driveway, as ~~I~~ an ~~proposal~~,  
will update the property and complement  
the neighborhood.

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

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

Applicant Signature:

TJV

Date:

4/30/24

Fee Owner's (Property Owner) Signature:

TJV

Date:

4/30/24

# LOT SURVEYS COMPANY, INC.

LAND SURVEYORS

REGISTERED UNDER LAWS OF STATE OF MINNESOTA

7601 - 73rd Avenue North

560-3093

Minneapolis, Minnesota 55428

## Surveyors Certificate

INVOICE NO. 16631

F. B. NO. 304-29

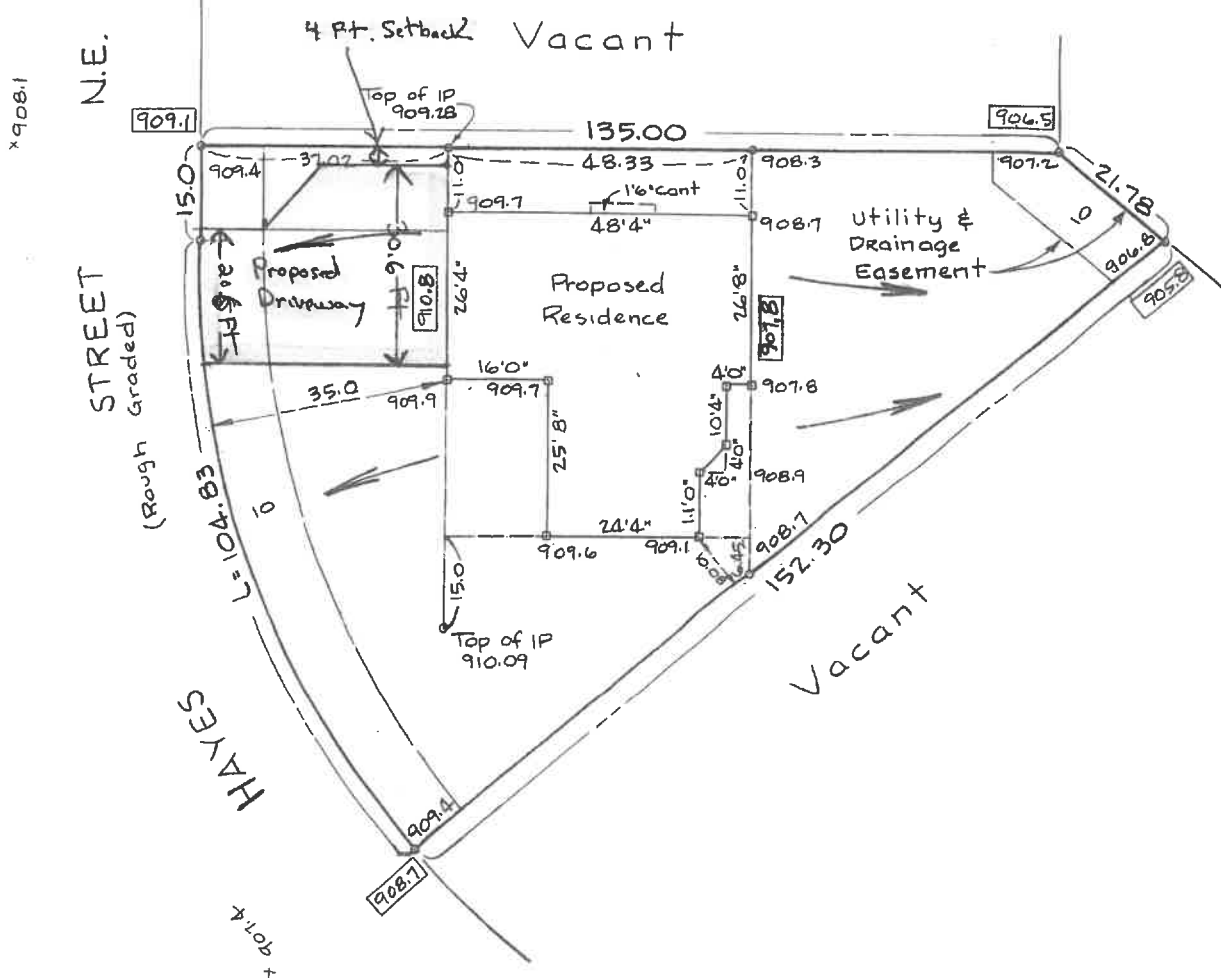
SCALE 1" = 20' 2.0

0 - DENOTES IRON



NEDEGAARD CONSTRUCTION

- ↖ Denotes Surface Drainage
- 000.0 Denotes Existing Elevation
- Denotes Proposed Elevation
- ▣ Denotes Wood Hub Set For Excavation Only



Top of Block

911.5

Garage Floor Elevation

911.0

Lowest Most Floor Elevation

908.0

Lot 3, Block 2, SPRING LAKE ESTATES

The only easements shown are from plate of record or information provided by client.

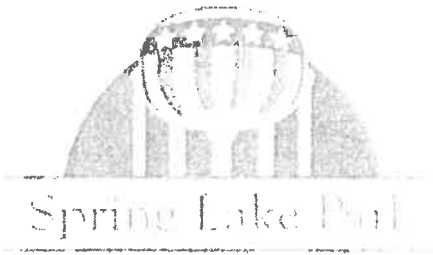
We hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and the location of all buildings and visible encroachments, if any, from or on said land.

Surveyed by us this 3rd day of February 19 86

Signed

*Raymond A. Prusch*  
Raymond A. Prusch, Minn. Reg. No. 6743





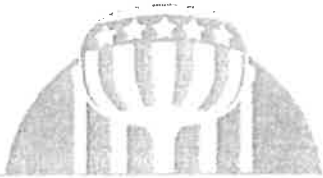
City of Spring Lake Park  
1801 81st Ave NE  
Spring Park, MN 55432  
763.784.6491

Receipt: 0000001732  
Receipt: 04/30/24  
Cashier: WBROWN  
Received Of: **WORKMAN, TIMOTHY S**

8075 HAYES ST NE  
SPRING LAKE PARK MN 55432

The sum of: **\$200.00**

|              |                   |                        |                        |
|--------------|-------------------|------------------------|------------------------|
| <b>BDINV</b> | <b>0000000055</b> |                        | <b>\$200.00</b>        |
|              |                   | Remaining Balance:     | <b>Total: \$200.00</b> |
|              |                   | <b>TENDERED: Check</b> | <b>2603</b>            |
|              |                   |                        | <b>\$200.00</b>        |



Spring Lake Park

City of Spring Lake Park  
1801 81st Ave NE  
Spring Park, MN 55432  
763.784.6491

Receipt: 0000001730  
Receipt: 04/30/24  
Cashier: WBROWN  
Received Of: **WORKMAN, TIMOTHY S**

8075 HAYES ST NE  
SPRING LAKE PARK MN 55432

The sum of: **\$300.00**

BDINV 0000000056

\$300.00

Remaining Balance:

Total: \$300.00

TENDERED: Check 2603

\$300.00

|       |  |       |                             |
|-------|--|-------|-----------------------------|
| To:   | Spring Lake Park Planning Commission   | From: | Phil Carlson, AICP, Stantec |
|       | City of Spring Lake Park   |       |                             |
| File: | 1011 Osborne Road<br>Applicant: Rich Penick, MYAS<br>Owner: Minnesota Youth Athletic Services Inc. | Date: | May 28, 2024                |

**Re: Interim Use Permit, Side Setback and Accessory Structure Area Variances**

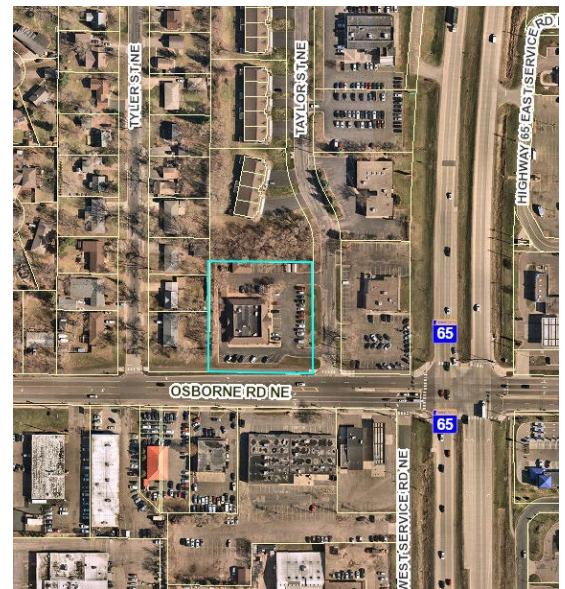
## INTRODUCTION

Minnesota Youth Athletic Services (MYAS) owns and occupies the building at 1011 Osborne Road NE. The site has a garage and two small storage sheds on site but they need more storage and are requesting to build another garage the same size as the existing one.

The Zoning Code limits the size of accessory structures on site. The current request would put the site over that limit as well as being within the required side setback. MYAS is requesting an interim use permit (IUP) that would include variances to allow the new garage.

## SITE & PROPOSED PROJECT

The site, illustrated on the next page, now has an 18' X 40', 720-sq-ft garage in the NW corner of the site and two smaller storage sheds, 8' X 16', or 128 sq ft each in the NE corner. The total square footage of these existing accessory structures is 976 sq ft. MYAS wants to construct a second 18' X 40' 720-sq-ft garage to replace the two smaller storage sheds. The total square footage of accessory buildings would be 1,440 sq ft if the second garage is approved.



## PLANNING & ZONING CONTEXT

### Setbacks

The property is guided and zoned C-2 Neighborhood & Service Center Commercial. The required side setback for a structure is 15 ft, unless adjacent to residential, in which case the setback is 40 ft. The property north of MYAS (side yard) is the Park Heights townhouse project. The existing and proposed garages would be about 5 ft from that north side lot line, but as the illustration on the next page shows, the actual townhouse units are about 95 ft to the north, on the other side of the vacant wooded area on the south side of the townhouse site. The *effective* setback is about 100 ft between the garages and the nearest townhome, but this still technically needs a variance to the side setback.

### Accessory Buildings

The Zoning Code, in section 16.20.070.E.2 stipulates that *“the sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,200 square feet.”* The total area of accessory structures would be 1,440 sq ft, so this feature also needs a variance.

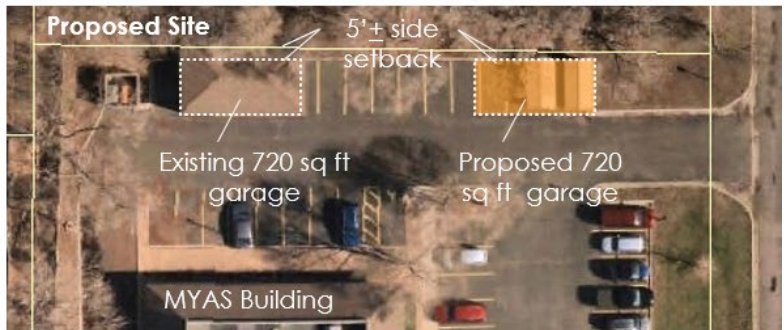
**Re: MYAS – Interim Use Permit, Side Setback and Accessory Structure Area Variances**

The City can allow certain uses on a short-term basis with an Interim Use Permit, as described in 16.58.010:

The purpose and intent of allowing interim uses is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
2. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
3. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

With this application the City could allow the second garage with an IUP, along with conditions within the IUP granting variances to exceed the 1,200-sq-ft limit and to encroach in the side setback.



**Re: MYAS – Interim Use Permit, Side Setback and Accessory Structure Area Variances**

## **VARIANCE CRITERIA**

The criteria for approving variances are in Section 16.60.040.A:

*Purpose.* The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.

In this case, the basic use proposed is reasonable – a garage for storage, similar to the existing garage on site. The area of the accessory structures would exceed the code maximum by 20%. Adding a small amount of storage space to the existing building would be costly and impractical.

The requested garage would encroach into the required side setback. The proposed location of the second garage is reasonable; locating it at the required 40-ft setback would place it in the middle of the site and parking area, which would be inconvenient and unreasonable. The adjacent side yard of the Park Heights townhomes is a 95-ft deep vacant wooded area, making the effective setback about 100 ft between the MYAS garage and the townhomes. The proposed variance would not alter the essential character of the locality since there are already storage sheds in the location proposed for the new garage – the overall appearance of the site from the street and adjacent property would be about the same. Processing this request as an Interim Use Permit would also insure that any new use of the building in the future would remove the additional garage, bringing the site back into compliance and not perpetuating the non-conformity.

## **RECOMMENDATION**

I recommend that the Planning Commission recommend approval of an Interim Use Permit and variances to the area of accessory structures and to the side setback for a new 720-square-foot garage for Minnesota Youth Athletic Services at 1011 Osborne Road as submitted on the application materials, with the following conditions and findings of fact:

### *Conditions of Approval of Interim Use Permit and Variances*

- 1) The new garage accessory structure will be compatible in appearance with the existing garage on site. The existing storage sheds will be removed upon approval of the Interim Use Permit for the new garage.
- 2) The applicant will follow City engineering and building code requirements.
- 3) The Interim Use Permit will lapse and the site must be brought into compliance with the accessory structure area requirements once Minnesota Youth Athletic Services no longer owns or occupies the building.
- 4) The Interim Use Permit is conditioned on approval of a variance to the north side setback for a 5-foot setback instead of the required 40-foot setback and a variance to the limit of 1,200 square feet of accessory structures to allow a total 1,440 square feet of accessory structures with the second garage on site.

### *Finding of Fact for Approval of Interim Use Permit and Variances*

**Re: MYAS – Interim Use Permit, Side Setback and Accessory Structure Area Variances**

- 1) Minnesota Youth Athletic Services Inc. (MYAS) owns and occupies the property at 1010 Osborne Road, which is zoned C-2 Neighborhood and Service Commercial. The adjacent use to the north is a residential use, the Park Heights townhome project.
- 2) The MYAS property has an existing 720-square foot garage and 256 square feet of storage sheds on the site.
- 3) The Spring Lake Park Zoning Code in Section 16.20.070.E.2 stipulates that *“the sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,200 square feet.”*
- 4) MYAS proposes to construct a new 720-square-foot garage on site and remove the storage sheds, bringing the total area of accessory structures on site to 1,400 square feet, requiring a variance to the area standard cited above.
- 5) The Spring Lake Park Zoning Code in Section 16.64.050, Appendix E, requires a side setback of 40 feet between a C-2 zoning district and an adjacent residential use.
- 6) The new garage is proposed to be located approximately 5 feet from the north side lot line, requiring a variance to the required setback cited above.
- 7) The proposed use of a garage for storage is reasonable for this property and zoning district.
- 8) Adding storage space to the existing building would be costly and impractical. Adding an accessory garage structure for the desired space, as proposed, is reasonable and appropriate.
- 9) The south side yard of the Park Heights townhome project is a wooded area approximately 95 feet deep which will likely never be built on, making the effective side setback to the proposed garage on the MYAS site about 100 feet.
- 10) Constructing the new garage on the MYAS site as proposed will not alter the essential character of the locality.
- 11) The Interim Use Permit for the new garage as proposed and conditioned here meets the standards in Section 16.58.010 of the Spring Lake Park Zoning Code.
- 12) The location and size of the proposed garage on the MYAS site meets the criteria for approving variances in Section 16.60.040.A of the Spring Lake Park Zoning Code.

**OPTIONS**

- 1) Recommend approval of the IUP and variances as recommended conditions and findings, or as modified by the Planning Commission.
- 2) Recommend denial of the IUP and variances, with findings for denial.
- 3) Continue the item to a future meeting to gather more information or more discussion.

**60-DAY RULE**

The Interim Use Permit and variance applications were deemed complete on May 6, 2024. The deadline for final action by the City Council per State statute 15.99 is July 6, 2024.



**City of Spring Lake Park**  
 1301 81<sup>st</sup> Avenue NE  
 Spring Lake Park, MN 55432  
 763-784-6491 (p) 763-792-7257 (f)  
[info@slpmn.org](mailto:info@slpmn.org)

| For Office Use Only |         |
|---------------------|---------|
| Case Number:        |         |
| Fee Paid:           |         |
| Received by:        |         |
| Date Filed:         |         |
| Date Complete:      |         |
| Base Fee:           | Escrow: |

## DEVELOPMENT APPLICATION

| TYPE OF APPLICATION (Check All That Apply)  |   |  |
|---|---|--|
| <input type="checkbox"/> Appeal<br><input type="checkbox"/> Comprehensive Plan Amendment<br><input type="checkbox"/> Ordinance Amendment (Text)<br><input type="checkbox"/> Rezoning<br><input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Site Plan/Building Plan Review<br><input type="checkbox"/> Conceptual Plan Review<br><input checked="" type="checkbox"/> Conditional Use Permit<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Street or Easement Vacation | <input type="checkbox"/> Minor Subdivision<br><input type="checkbox"/> Lot Combination<br><input type="checkbox"/> Preliminary Plat<br><input type="checkbox"/> Final Plat<br><input type="checkbox"/> Other _____ |
| <b>PROPERTY INFORMATION</b>   |   |  |
| Street Address: 1011 OSBORNE ROAD, SPRING LAKE PARK, MN 55432   |   |  |
| Property Identification Number (PIN#): TAX PARCEL 01-302433-0071 Current Zoning: L-2  |   |  |
| Legal Description<br>(Attach if necessary):   |   |  |
| <b>APPLICANT INFORMATION</b>  |   |  |
| Name: MN YOUTH ATHLETIC SERVICES  | Business Name:  |  |
| Address: 1011 OSBORNE ROAD  |   |  |
| City: SPRING LAKE PARK  | State: MN   | Zip Code: 55432  |
| Telephone: 763-746-1724   | Fax: 763-781-1922   | E-mail: RICH@MYAS.ORG  |
| Contact: RICHARD FENCK  | Title: ASSOCIATE DIRECTOR   |  |
| <b>OWNER INFORMATION</b> (if different from applicant)  |   |  |
| Name:   |   |  |
| Address:  |   |  |
| City:   | State:  | Zip Code:  |
| Telephone:  | Fax:  | E-mail:  |
| Contact:  |   | Title:   |
| <b>DESCRIPTION OF REQUEST</b> (attach additional information if needed)   |   |  |
| Existing Use of Property: PARKING LOT W/ 2 PORTABLE SMALL SHEDS   |   |  |
| Nature of Proposed Use: STORAGE GARAGE  |   |  |
| Reason(s) to Approve Request: WE ARE RUNNING OUT OF INTERIOR SPACE AND NEED MORE STORAGE OPTIONS ON SITE. WE NEED TO UTILIZE INTERIOR SPACE TO ACCOMMODATE STAFFING GROWTH.   |   |  |
| <b>PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE</b>   |   |  |
| Project Name:   |   | Date of Application:   |
| Nature of Request:  |   |  |
| <b>NOTE:</b> Applications only accepted with ALL required support documents.<br>See City Code   |   |  |

**APPLICATION FEES AND EXPENSES:**

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

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

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

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

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

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

E-mail RICH@MYASOZL     Fax \_\_\_\_\_     USPS – Certified Mail

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

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

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant: [Signature]    Date: 5/6/24

Owner: \_\_\_\_\_    Date: \_\_\_\_\_

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



**City of Spring Lake Park**  
**Conditional Use Permit Worksheet**  
*INTERIM*

A conditional use permit cannot be approved unless the Planning and Zoning Commission and the City Council make certain findings and recommendations. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary. If some items are not applicable for your project, write N/A. Contact the Zoning Administrator with any questions.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community. THE ADDITIONAL STORAGE GARAGE IS A NECESSITY IF WE ARE TO STAY LOCATED AT THIS ADDRESS.

2. That the use will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the use or injurious to property values/improvements within the vicinity of the use. N/A

3. That the proposed use will comply with the regulations specified in Chapter 153 of the Zoning Code. YES

4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. GARAGE WILL NOT HAVE ANY DETRIMENTAL EFFECT ON ANY OTHER PROPERTY.

5. That the use will not lower property values or impact scenic views in the surrounding area. \_\_\_\_\_

WILL NOT LOWER VALUES OR IMPACT VIEWS.

6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. \_\_\_\_\_

NO CHANGES NEEDED TO EXISTING.

7. That the use includes adequate protection for the natural drainage system and natural topography. \_\_\_\_\_

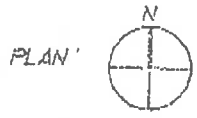
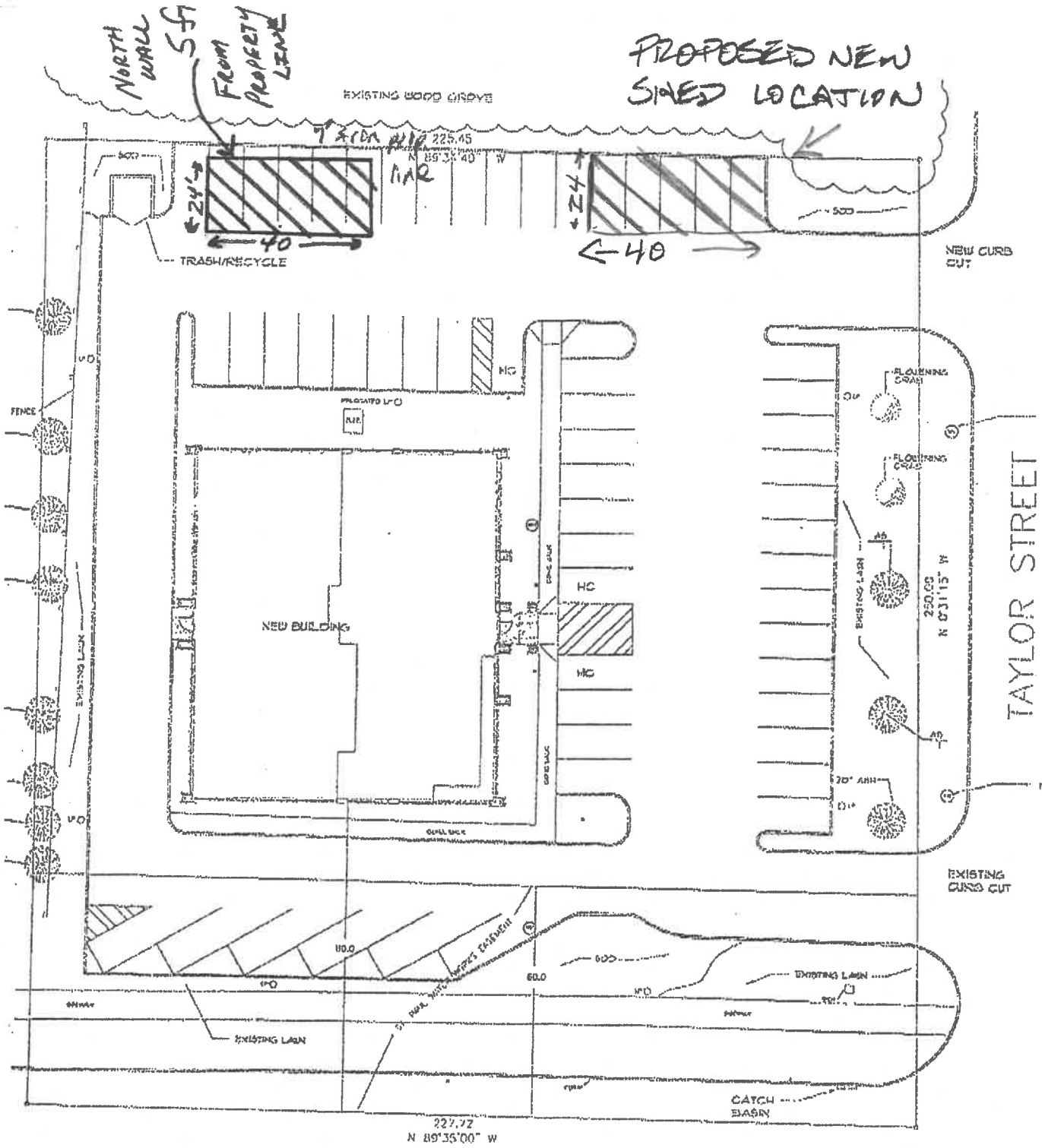
YES

8. That the proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these will constitute a nuisance. \_\_\_\_\_

N/A

9. That the proposed use will not stimulate growth incompatible with prevailing density standards. \_\_\_\_\_

N/A



1011 Osborne Road  
Spring Lake Park, MN 55432

OSBORNE ROAD

- NOTES:**
- 1 - TREES NOTED ARE EXISTING TO 91
  - 2 - TWO NEW MAPLES ARE NOTED ON AND LISTED IN SCHEDULE ON SHM
  - 3 - SEE SHM L-2 FOR ENLARGED LAY PLAN AROUND NEW BUILDING.

1 INCH = 37.5 ft.



Spring Lake Park

City of Spring Lake Park  
1801 81st Ave NE  
Spring Park, MN 55432  
763.784.6491

Receipt: 0000001746  
Receipt: 04/30/24  
Cashier: WBROWN  
Received Of: MINNESOTA YOUTH ATHLETIC SERVICE

1011 OSBORNE RD NE  
SPRING LAKE PARK MN 55432

The sum of: \$500.00

BDINV 0000000057

Remaining Balance:

Total:

\$500.00

\$500.00

TENDERED: Check 55540

\$500.00



Spring Lake Park

City of Spring Lake Park  
1801 81st Ave NE  
Spring Park, MN 55432  
763.784.6491

Receipt: 0000001747  
Receipt: 04/30/24  
Cashier: WBROWN  
Received Of: MINNESOTA YOUTH ATHLETIC SERVICE

1011 OSBORNE RD NE  
MINNEAPOLIS MN 55432-2850

The sum of: \$1,500.00

BDINV 0000000058

Remaining Balance:

Total:

\$1,500.00

\$1,500.00

TENDERED: Check 55540

\$1,500.00

Minnesota Youth Athletic Services  
City of Spring Lake Park

Variance for new garage

4/29/2024

55540

2,000.00

Checking Account NE Variance for new garage

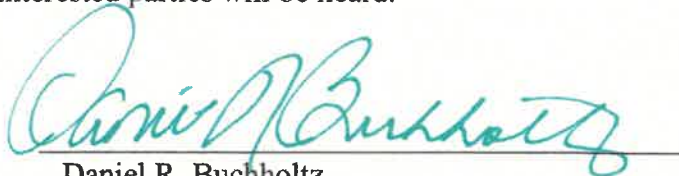
2,000.00

CITY OF SPRING LAKE PARK  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Spring Lake Park Planning Commission will hold a public hearing on Tuesday, May 28, 2024 at 7:00pm, or soon thereafter, to consider the following:

Property Owner: Minnesota Youth Athletic Services  
Applicant: Minnesota Youth Athletic Services  
Location: 1011 Osborne Road NE  
Petition: The applicant is seeking an interim use permit to construct a second storage shed on the northeast side of the existing parking lot, measuring 24 feet x 40 feet which totals 960 feet.

The public hearing will be held at Able Park Building, 8200 Able Street NE, Spring Lake Park, MN. Agenda materials will be available on the Friday prior to the meeting at [www.slpmn.org/meetings](http://www.slpmn.org/meetings). Interested individuals or organizations are encouraged to submit written comments prior to the hearing. All interested parties will be heard.



Daniel R. Buchholtz  
Administrator, Clerk/Treasurer

Posted: May 17, 2024  
Published: May 17, 2024