



PLANNING COMMISSION AGENDA
MONDAY, FEBRUARY 22, 2021
CITY HALL at 7:00 PM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
 - A. Approval of Minutes from January 25, 2021 Meeting
5. **PUBLIC HEARING**
 - A. Public Hearing - Variance Application - Virginia Moucha - 8037 6th Street 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 81st 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.

DRAFT PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on January 25, 2021 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT

Chairperson Hans Hansen
Commissioner Aisha Ali
Commissioner Jeff Bernhagen
Commissioner Rick Cobbs
Commissioner Doug Eischens
Commissioner Eric Julien

STAFF PRESENT

Building Official Baker, City Planner Walburg and Administrator Buchholtz

VISITORS

Peter Lunseth, Coon Rapids
David Wilson, Bethel City of Hope
Isaac Mitchell, Bethel City of Hope
Christina Gray, Bethel City of Hope
Jim Berg, Cotton's Napa Store

3. PLEDGE OF ALLEGIANCE

4. ELECT OFFICERS

A. Chairperson

Motion made by Commissioner Julien, Seconded by Commissioner Cobbs to nominate Hans Hansen as Chairperson.

Voting Yea: Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs,
Commissioner Eischens, Commissioner Julien

Voting Abstaining: Chairperson Hansen

B. Vice Chairperson

Motion made by Commissioner Eischens, Seconded by Commissioner Julien to nominate Jeff Bernhagen as Vice Chairperson.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien

Voting Abstaining: Commissioner Bernhagen

5. APPROVAL OF MINUTES

A. Approval of Minutes - November 23, 2020

Motion made by Commissioner Eischens, Seconded by Commissioner Bernhagen to approve November 23, 2020 meeting minutes.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

6. PUBLIC HEARING

A. Conditional Use Permit - Bethel City of Hope MN, 8485 Plaza Blvd NE

Planner Walburg reviewed the staff memo with the Commission. She reported that the City received an application for a Conditional Use Permit for the lease of a tenant space for the use of a church. She reported that there would be little or no changes to the building and site.

Ms. Walburg reported that the parking lot is shared with other tenants. She reported that there are 95 parking spaces available on the property. She stated that with the proposed plans submitted with the Conditional Use Permit (CUP) approximately 88 spaces would be required for use on a Sunday. She recommended that a condition be placed on the CUP recommendation that parking lease conditions be shared with the City for further review at a later date should parking become an issue.

Ms. Walburg stated that a few parking spaces are available in the back of the building. Commissioner Eischens stated that he does not think there is sufficient additional parking in the back of the building. He stated that the dumpster enclosures are in the back.

Peter Lunseth, owner of property, stated that the front parking lot was recently paved and restriped. He stated that the back lot will be completed this spring and he feels that enough space can be made to accommodate vehicles if needed. He stated that the existing fence could be removed. He stated that not all the surrounding businesses are not open on Sunday and he feels that those businesses would be willing to share their parking.

Building Official Baker stated that four handicap accessible parking spaces are required since the building usage is changing. He stated that only one space currently exists.

Jim Berg, Cotten's Napa Auto Store, stated that he has concern with additional church parking affecting his business. He stated that his store is open on Sunday and he would not like to see the overflow of the church guests using the spaces of the store. He stated that his business has delivery vehicles and employee vehicles which could be an additional 10-12 vehicles in his lot.

Reverend Mitchell, Bethel City of Hope Church, stated that the church currently operates at the Fridley Community Center and has for the past four years. He stated that there have been no problems with parking. He reported that the total number of people that participate at the two church services is 75. He stated that many are families and arrive in one vehicle. He reported that the church has dedicated parking lot attendants who assist members with parking and proper door entrances.

Mr. Wilson, Bethel City of Hope Church, reviewed the statistics of the church members and who attends the services. He stated that there is little to no traffic during the week. He stated that classes are held virtually (and have been prior to the pandemic) and 75 people is the most that have attended the services. He stated that the church wants to be good neighbors with the existing businesses and will comply with any conditions of the CUP.

Chairperson Hansen inquired as to what time the church services are held. Mr. Wilson stated that services are held at 9:45 AM and 11:00 AM.

Chairperson opened the public hearing at 7:25 PM.

Hearing no further discussion from the floor, Chairperson Hansen closed the public hearing at 7:25 PM.

Commissioner Bernhagen inquired as how the CUP would be revisited if the conditions are not in compliance. He inquired if there would be a time limit for the review or if it would be complaint based. He stated he has great concern with the parking spaces in the back as there is no spaces currently with the snow piled in the area. Administrator Buchholtz stated that the CUP would be reviewed if complaints were received or Code Enforcement noticed that conditions were not being followed.

Administrator Buchholtz inquired as to the future vision and how the church will look and operate once the congregation increases. Mr. Wilson stated that it is hard to project how the congregation will grow however the church will work closely with the City and owners for changes and abide by the conditions.

Reverend Mitchell stated that if the congregation grows and the parking spaces are an issue with more members attending the services, an early service could be added in addition to the existing two services. He stated that this space would allow for less staff time on Sunday as there would be no need to set up and tear down each week. He started that for the congregation to grow to 200 people it would take a large amount of time.

Motion made by Commissioner Ali, Seconded by Commissioner Cobbs to recommend approval of Conditional Use Permit for Bethel City of Hope Church with the following conditions: 1.) The owners will share with the City the lease language indicating the use of 85 parking spaces on site for the church on Sundays and 55 spaces other days. If parking becomes a problem, in the City's opinion, on site or on the street, the City reserves the right to revisit the Conditional Use Permit and impose additional conditions or limit the use of space; 2.) The church or property owners will apply for a sign permit if and when the church wishes to install new signage, which will comply with the City's sign regulations; 3.) Any changes proposed to the exterior of the building or site as a result of this church use, other than signage, will be reviewed by City staff to see if such changes require review of the Conditional Use Permit. In such a case, the City reserves the right to refer the Conditional Use Permit to the Planning Commission and City Council and impose additional conditions or limit the use of the space; 4.) The property owner or church shall ensure MN Accessibility Code requirements are met.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Cobbs

Voting Nay: Commissioner Bernhagen, Commissioner Eischens, Commissioner Julien

Chairperson Hansen announced that the motion failed.

The Planning Commission will forward the request to the City Council without a recommendation.

7. OTHER

Administrator Buchholtz reported that construction on Hy-Vee is moving forward with an opening in May 2021. He reported that Hampton Companies will be submitting plans for the assisted living project at 525 Osborne Road in the near future.

Administrator Buchholtz reported that Code Enforcement has been working on complaints received and possible Conditional Use Permits will be brought to the Commission for review and compliance.

8. ADJOURN

Motion made by Commissioner Eischens, Seconded by Commissioner Bernhagen to adjourn the meeting.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

The meeting adjourned at 7:40 PM.

Memorandum

To: Chair Hansen and Members of the Planning Commission
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: February 18, 2021
Subject: Variance – 8037 6th Street NE

Background

Virginia Moucha, 8037 6th Street NE, has submitted an application for a variance from the five-foot rear yard for the placement of a shed in the rear yard.



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

The site is located just off 81st Avenue NE and 6th 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 1966.

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

A shed is an accessory use to a single-family dwelling is part of the single-family dwelling and thus is subject to the 5-foot rear side yard setback. The existing slab is a legal non-conforming use as it is located within the 5-foot rear yard setback. There is no record of a variance on file for the existing structure.

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

Detached accessory buildings. A detached accessory building shall not be located in any required or front or side yard setback.

A detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this title.

(E). Rear yard requirement for accessory buildings.

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

Variance

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

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

Recommendations

Staff recommends that the Planning Commission deny the shed rear yard variance at 8037 6th Street NE with these findings:

1. The shed was installed without a Zoning Permit and/or an approved variance. Spring Lake Park Code Enforcement received a complaint about the shed, Code Enforcement went out to find the shed on the property line.
2. Requiring the shed to comply with the established setback does not cause practical difficulties for this property owner, since there are feasible options for essentially the same project that would not require a variance.
3. The Code establishes setbacks to provide light and air to all properties, to be applied equally across the various properties in this zoning district. The location of the shed could be adjusted without compromising the rear yard setback and therefore the requested variance is not in harmony with the general purposes and intent of the code.
4. The property can be reasonably used without the variance.
5. The property and accessory buildings are similar to many others in the neighborhood and in the city. There are no unique circumstances on this property that make it difficult to be built within the setback.

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



CITY OF SPRING LAKE PARK ZONING PERMIT APPLICATION

1301 Eighty-First Avenue NE
Spring Lake Park, MN 55432
Fax: (763) 792-7257

Applicant MUST sign & date before accepting

1. Job Address: 8037 6th St. NE
Spring Lake Park, Minnesota 55432

2. Owner: Virginia M. Moucha Email: ginimoucha@q.com
Address: 8037 6th St. NE, Spring Lake Park, MN 55432 Phone No.: 763-717-3564

3. Contractor: Virginia Moucha License No. n/a
Address: 8037 6th St. NE, Spring Lake, MN 55432 Email: ginimoucha@q.com
Phone No: 763-717-3564 Cell Phone: 763-318-9570 Fax No: n/a

4. Architect or Engineer: License No:
Address: Phone No.

5. Type of Work: Fence Shed (under 200 square feet)
 Other Structures (under 200 square feet) Driveway

Describe Work to be Done: Replaced existing shed (9.25' x 20') with new shed (10' x 20') on existing slab, which had a bumper on 3 sides of the slab.
Materials, and labor of install is part of estimate + Survey \$1273.00

Estimated Value of Work: \$ 8525.66 Estimated Date of Completion: October 2026

IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED THE ZONING PERMIT SHALL BECOME NULL AND VOID.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS ZONING PERMIT APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

ZONING PERMIT APPLICATION CHECKLIST:

- Two (2) Site Plans or Surveys
- Two (2) Driveway details - type, thickness, and reinforcement
- Two (2) Proposed Elevation Plans (Sheds)
- Two (2) Fence details - type, heights, finish.

FOR OFFICE USE ONLY:

Date received: 2-2-21 Initials: JG

- Zoning
- County Health Dept.
- Fire Dept.
- Soil Report

Virginia M. Moucha 1/20/21
Signature of Contractor or Authorized Agent Date

CK #1810 \$450.00
(Variance \$150) (Escrow \$300)

8037 6th St.

CERTIFICATE OF SURVEY

~for~ VIRGINIA MOUCHA
 ~of~ 8037 6th Street N.E.
 Spring Lake Park, Minnesota 55432
 Lot 15, Block 1, FERNDALE ADDITION, Anoka County,
 Minnesota.

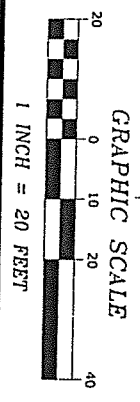
NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/11/20.
 - Bearings shown are on Anoka County datum.
 - Parcel ID Number: 02-30-24-31-0018.
 - Total Lot Area: 10,062.0 sq. ft. or 0.23 acres.
 - Property is Zoned: R-1 (Single Family Residential)
 - Building Setbacks are: 35' - Front Yard
 5' - Side Yard (Accessory Uses)
 5' - Rear Yard (Accessory Uses)
 - Maximum Allowed Lot Coverage (Buildings): 35%
 - Curb shots are taken at the top and back of curb.
- Survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES WOOD FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES BUILDING SETBACK LINE

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 381-4200 Fax (651) 381-4701
 www.egrud.com

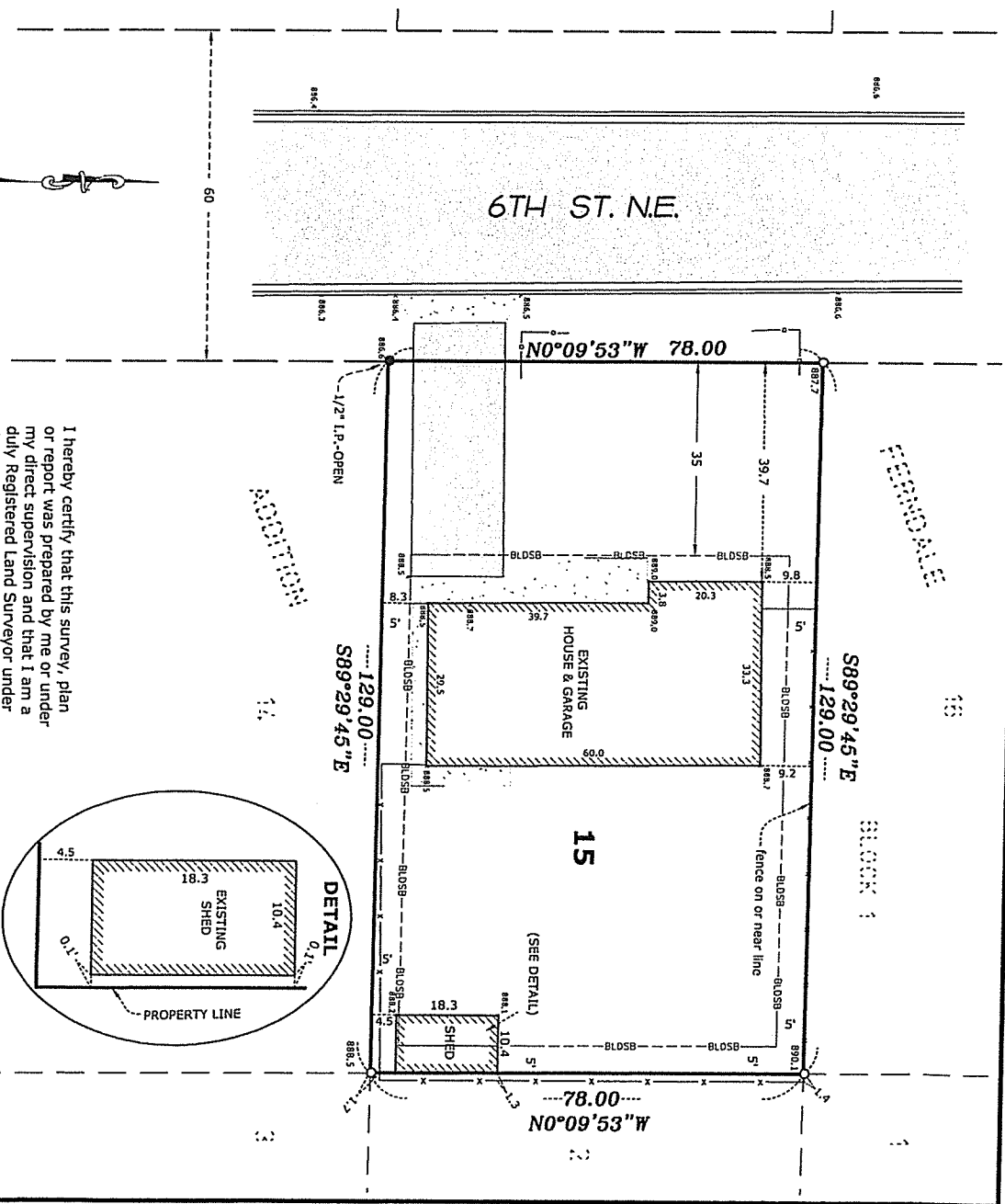


I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
JASON E. RUD
 Date: January 8, 2021 License No. 41578

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

DRAWN BY: CIT JOB NO: 20.1361LS DATE: 1/08/21
 CHECK BY: JER FIELD CREW: RW / SS



20.1361LS

Hi Jeff

Here is the zoning application for

8037 6th St. NE

Spring Lake Park, MN 55432

1. ~~The~~ Prior to shed installed, I had called asking if any permit was needed. I was told at the time, July 2020. No permit was needed.
2. I did not find out I needed the zoning permit until a neighbor complained. The shed is not on that neighbor's property.
3. Shed is located on the existing slab, it was a replacement for the one that was falling apart.

Can you please let me know next steps, such as a variance, etc.

Thank you

Virginia M. Muecke

Phone: 763-717-3564

**City of Spring Lake Park
Variance Application**

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

1. Applicant Information:

Name: Virginia Moucha

Telephone: 763-717-3564

Address: 8037 6th St. NE

Cell Phone: 763-318-9576

City/State/Zip: Spring Lake Park, MN 55432

E-mail: gini.moucha@qcom

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

Name: _____

Telephone: _____

Address: _____

Cell Phone: _____

City/State/Zip: _____

E-mail: _____

3. Project Location (Address and Legal Description): 8037 6th St. NE, Spring Lake Park, MN 55432

4. Present Use of Property: Residential Single Family,

5. Description of Project: Replacement of shed that was structurally falling apart. The new shed is used for storage, as the home has no basement and attic has ~~to~~ asbestos, which was installed prior to taking ownership.

6. Specify Section of the Ordinance from which variance is sought: _____

Zoning - non conforming build? too close to property line

7. Explain how you wish to vary from the applicable provisions of this Ordinance: Placement of shed onto existing cement slab, which provides ~~us~~ better usage of the yard. Was not aware the fence was about 5 feet into ~~me~~ neighbors property. Have been maintaining that section of land for 17 years.

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?

Existing cement slab is on property, but too close to the property line. So placing new shed onto same slab, should keep it in harmony as previous shed did for the last 17 years.

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

Yes No Why or why not?

No changes to location of dwelling, driveway, sidewalk.
Reuse of existing cement slab. Property will remain a single
family dwelling with an upgraded storage shed

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

Yes No Why or why not?

Over all property will remain the same, just reusing
existing slab. Since the dwelling is on a cement slab, there is
no storage for yard tools, things use once a year, etc.

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?

If shed is not placed on existing slab, the shed would need to take
up more of the yard and tree would need to be taken down to
accomodate shed location. Cement slab would remain.

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

Yes No Why or why not?

No changes to the dwelling, driveway, sidewalks. Placed shed
on existing cement slab to use the space that previous shed used.

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:

Virginia M. March

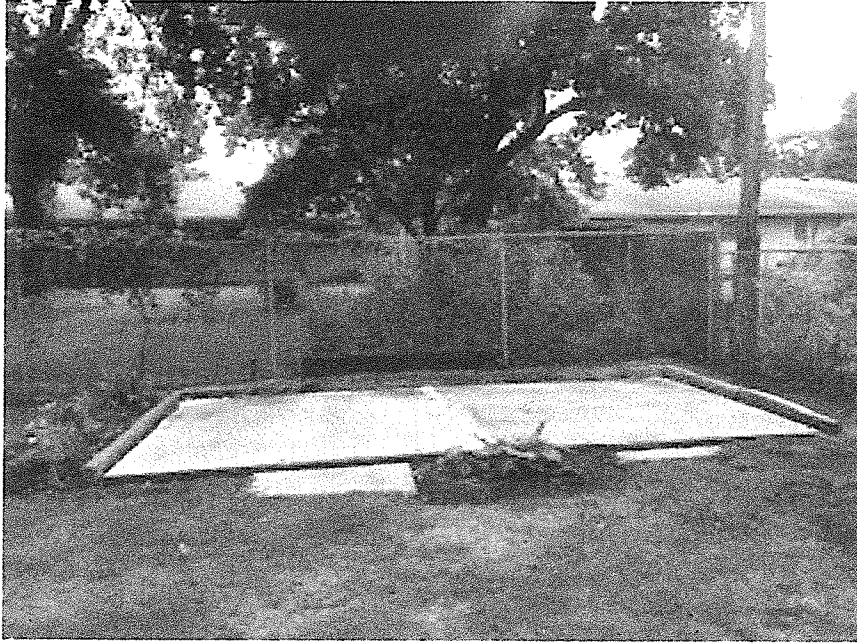
Date:

2/1/2021

Fee Owner's (Property Owner) Signature:

Date:

Existing Slab (old shed had to be torn down as it was starting to fall apart)



~~Link~~
Email sent with Zoning Permit provided property survey
which was performed in November 2020.

CITY OF SPRING LAKE PARK

Cashier asystadmin
At Front Counter

2/9/21 9:00am 131783

From: VIRGINIA MOUCHA
8037 6TH ST NE
SLP
MN, 55432

CR Variance 150.00
VIRGINIA
MOUCHA

CR ESCROW (MISC) 300.00
VIRGINIA
MOUCHA

Receipt total 450.00

CK CK#11816 (JG) 450.00

Change Due 0.00

Thank you!