

**CITY OF SAINT ANTHONY VILLAGE
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION 21-080

A RESOLUTION DENYING A REQUEST FOR VARIANCES FROM THE REQUIRED SETBACKS FOR PATIO AND ACCESSORY BUILDING (SHED), DENYING A REQUEST FOR A VARIANCE FROM THE MAXIMUM IMPERVIOUS SURFACE, AND APPROVING A VARIANCE FOR SIDE YARD SETBACK FOR A DRIVEWAY

WHEREAS, the City of St. Anthony Village received a request from Greg and Cynthia Stull for variances from the required setbacks for Driveway, Patio, and Accessory Building, and for Maximum Impervious Surface at 2912 Crestview Drive, legally described as follows:

Lot 5, Block 3, Crestview Terrace (Subject Property); and

WHEREAS, the property is located in the R-1 Single Family Residential district and the applicable setbacks for driveway, patio, and accessory building is 5 feet for the Subject Property; and

WHEREAS, the applicable maximum impervious surface for the property is 40%; and

WHEREAS, Title XV Land Usage, Chapter 152 Zoning Code Section §152.245 provides that City Council must provide evidence that the subject matter of the application is within the scope of the section and that strict enforcement would cause practical difficulties; and

WHEREAS, the Applicant has requested a variance from the each of the standards identified herein; and

WHEREAS, the driveway expansion request includes aspects of the property that meet the standards for variance consideration; and

WHEREAS, the patio setback, shed setback, and impervious surface requests do not meet the standards for variance consideration; and

WHEREAS, the Planning Commission held a public hearing on October 19, 2021 on the application and the applicant and members of the public were provided the opportunity to present information to the Planning Commission; and

WHEREAS, the Planning Commission has considered all of the comments and the staff report, which are incorporated by reference into the resolution; and

WHEREAS, the City Council makes the following findings of fact in support of the resolution for approval of the driveway setback:

1. The applicant's property limits the reasonable use of the prior driveway for parking and accessibility in normal use.

2. Other alternative expansions of the driveway create additional conflicts with zoning ordinance requirements and land use policy.
3. The applicant has shown unique conditions on the property that interfere with putting the property to a reasonable residential use.
4. Circumstances that would lead to variance approval are not the result of the actions of the owner; and

WHEREAS, the City Council makes the following findings of fact in support of the resolution for denial of the patio setback, the accessory shed setback, and the impervious surface coverage:

1. The applicant has not shown that the variance requests are necessary to put the property to reasonable use under the applicant zoning regulations.
2. The patio setback, shed setback, and impervious surface amounts can be met while putting the property to reasonable use by modifying the improvements that were constructed prior to required permitting.
3. There are no unique conditions present on the property that create practical difficulties in putting the property to reasonable use.
4. The applicant could retain the prior shed setbacks by retaining non-conformity rights for the prior sized shed, but not with its expansion.

NOW THEREFORE MAY IT BE RESOVLED, that the City Council of the City of St. Anthony Village accepts the findings and recommendations documented in the staff report and denies the requested variances to the required setbacks for patio and shed, and for impervious surface, as shown on the application dated 9/30/2021.

Passed in regular session of the City Council on the 9th day of November 2021.

CITY OF SAINT ANTHONY VILLAGE

By: _____
Randy Stille, Mayor

ATTEST: _____
City Clerk

Review for Administration: _____
Charlie Yunker, City Manager