

Memorandum

TO: Planning Commission
FROM: Will Harris , Associate Planner
DATE: July 28, 2026
SUBJECT: 3215 Park Overlook Dr - Variance - Kristen Thoreson and Sarah Cook
ITEM NUMBER: 7.A
SECTION: NEW BUSINESS

REQUESTED MOTION

To deny the variance application submitted by Kristen Thoreson and Sarah Cook regarding the property at 3215 Park Overlook Dr, to construct a driveway extension for the use of recreation and off-street parking. This action is based on the finding that a practical difficulty is not present, as the encroachment into the front setback is caused by the size of the pad the owners wish to construct rather than reducing the size slightly and meeting the minimum setbacks.

Should the planning commission make findings for practical difficulty, staff has included an alternative motion to approve below.

Alternative Motion:

To adopt Resolution 26-63, approving the variance application submitted by Kristen Thoreson and Sarah Cook to reduce the required 20 foot front yard setback to 3 feet and allow a parking pad in the front yard for the construction of a driveway extension at 3215 Park Overlook Dr. This approval would be subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the variance application. Any significant changes to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The owner shall submit a land disturbance permit if it is deemed necessary by the City Engineer.
3. This approval will expire after one year if a residential zoning permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a residential zoning permit may be issued for the proposed project. A residential zoning permit must be obtained before any further construction activity commences.

This approval is based on the following findings of practical difficulty as provided by the planning commission:

1. **Reasonable Manner:**
2. **Unique Circumstances:**
3. **Neighborhood Character:**

INTRODUCTION

The City received a permit request for a driveway pad/sport court addition on May 12, 2026.

Upon review, it was determined by staff that the proposed location of the pad was encroaching into the front yard setback for a driveway, which is 20 feet according to [section 109-92 \(b\) \(2\)](#), and its location was non-compliant with section 109-93 (1) (e) (2). After meeting with the owners and contractors on site to visualize the space and talk through their potential options, staff provided the owners with two options for how to proceed with their request. Their first option would be to reduce the size of the proposed pad and shift the location from the front yard to the side yard of the home to meet the setbacks and maintain compliance with the code. This would be able to be approved administratively. The second option is, if they wished to maintain the size of the pad they were requesting, to apply for a variance to the front setback. The applicants still wish to pursue their initial driveway proposal, which requires the following variance considerations:

1. Variance to Development Code [Section 109-92 \(b\) \(2\)](#), to encroach into the 20-foot required front setback for all parking lots, including driveways.
2. Variance to Development Code [Section 109-93 \(1\) \(e\) \(2\)](#), to construct a parking pad within the front yard

DISCUSSION

Site Characteristics

The property is located in southern Shoreview, approximately one block off Victoria Street N. The property is zoned within the R-1 Detached residential zoning district. The site is 0.338 acres in size and contains a single-family detached residential home and an attached three-car garage of 680 sq ft. The shape of the lot is unique due to the curvature of Park Overlook Dr, which fronts the home on nearly three sides and provides access via an existing concrete driveway.

Project Description

The applicant is requesting to construct a 22' x 23.5' expansion of the existing driveway within the front yard setback area to serve as off-street parking and a sport court area. The alignment seeks to follow the existing driveway's configuration and is on the southern side of the lot. The expansion would be compliant with impervious surface requirements.

Development Code Requirements

In general, the parking and driveway regulations found in Section 109 are intended to balance the need for off-street parking with regulations that address the aesthetic and the provisions of light, air, and open space. These regulations also include Section 109-92 (b) (2) mentioned above, which states:

(b) Setbacks. The minimum setback from a property line for a parking lot, including driveways, shall be as follows:

(2) From any street right-of-way, front property line, and when a landscaped buffer is required per section 109-35 for property planned for residential use: 20 feet, except as otherwise provided.

Secondly, according to [Section 109-93 \(1\) \(e\) \(2\)](#), R1 properties may construct a parking pad, but it must be located on the side of the driveway away from the principal use, except as otherwise permitted, and shall not be located in front of the dwelling. Code also specifies that the size of a parking space is 9' by 18' under Sec. 109-92 (f), and the proposed pad doubles the codified pad size.

(2) Parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage or one open, surfaced space located on the side of the driveway, away from the principal use, except as otherwise permitted. Such hard surface space shall not be located in front of the dwelling and shall conform to the minimum required setbacks specified in [section 109-92\(b\)](#).

The proposed pad location is approximately 3' from the front property line and is located in the front yard. Therefore, a variance approval would be required to permit the location of the pad.

Variance Review Criteria (Chapter 103 Article V - Variances)

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

Applicant Statement

The full applicant statement along with renderings and figures can be found within the attachments. Below is a summary of the applicant's reasons for the variance request.

The proposed work maintains the goals of the development code by remaining low-profile and residential in nature, preserving a cohesive site by maintaining the existing driveway layout, avoiding unsafe or excessive grading by utilizing the only practical flat area, and preserving the existing trees and vegetation that screen the improvement from the roadway.

The proposed work is consistent with the comprehensive plan by providing safe and adequate off-street parking, particularly important in a community where overnight street parking is not permitted, preserves natural features by maintaining existing cedar and elm trees and landscaping that buffer the street, remains compatible with neighborhood, as the improvement is modest and consistent with other residential driveway expansions in the area, and creates an efficient and practical use of land, by extending an already developed area rather than disturbing new portions of the site.

The site does not have another location that combines level grade, direct continuation of the existing driveway, visual screening from the street, and minimal disruption to existing landscaping. The north side of the house is sloped, more exposed to view, and contains established landscaping along the northwest property line and would not meet the goals of having dual functionality. A wraparound layout at the garage would be less functional and would not create the same usable flat surface. The current proposal is therefore the most reasonable and least intrusive location on the lot.

We understand the purpose of the front yard setback, including the need to preserve access for

potential utilities, right-of-way improvements, or other public purposes. We therefore acknowledge that the proposed driveway extension, if approved, may need to be removed or modified in the future to accommodate such needs. We accept this risk and agree that approval of this variance does not entitle us to compensation or exemption from future required removal within the setback area.

Staff Review

The request was reviewed by staff in accordance with the variance criteria. Upon review, Staff determined that practical difficulty is not present because a unique circumstance not created by the property owner does not exist.

1. Reasonable Manner. Expanding an existing driveway as a way to provide more space for off-street parking is a reasonable request in the R1 zoning district provided certain dimensional requirements are met.
2. Unique Circumstances. Staff has determined that a unique circumstance is not present. The proposed size of the parking pad/sport court is the reason why the variance is requested. Performing measurements using a survey on file from 1986, the site has the capacity to handle a 15' x 28' driveway addition along the side of the home that would meet compliance with the front and side yard setbacks, and the site location requirements of Section 109-93. Therefore, staff determined that the request is a matter of preference rather than unique circumstances.
3. Neighborhood Character. Staff has determined that granting the variance would not alter the essential character of the neighborhood due to other sites in the area having parking pads.

Public Comment

Property owners within 150' were notified of the request. At the time of this report, one comment in support of the proposed driveway addition was received by staff.

RECOMMENDATION

Staff recommends the commission deny the variance application submitted by Kristen Thoreson and Sarah Cook regarding the property at 3215 Park Overlook Dr, to construct a driveway extension. This action is based on the finding that a practical difficulty is not present, as the encroachment into the front setback is caused by the size of the pad the owners wish to construct rather than constraints created by the property.

If the commission wishes to grant the variance request, an alternative motion of approval has been included within this report. Should the commission grant the variance, a practical difficulty must be stated in the findings of fact.

ATTACHMENTS

[Location Map](#)

[3215 Park Overlook Dr Variance Application Packet \(Survey, Plans\)](#)

[Resolution 26-63](#)