



## MAYOR & COUNCIL COMMUNICATION

**DATE: April 1, 2014**  
**REGULAR**  
**ITEM #6**  
**RESOLUTION NO. 2014-022**

**AGENDA ITEM:** Horning Lot Size Variance – Lot 9 of Krause’s Addition

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Nick Johnson, City Planner

### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

**POLICY RECCOMENDER:** The Planning Commission considered an application for a lot size variance at its March 24, 2014 meeting. The Commission is recommending approval with the draft findings and conditions of approval as specified in Resolution 2014-022.

**FISCAL IMPACT:** N/A – if the parcel were considered a buildable lot, the City would have collected an assessment for the subject lot as part of a recent road project. The Planning Commission is recommending that the applicant pay a fee in lieu of this dedication at the time a building permit is issued for the site.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from Suzanne Horning (as Trustee of the Suzanne R.W. Horning Trust) for a variance that would classify Lot 9 of Krause’s Addition to Lake Elmo as a buildable lot. The lot currently does not meet the City’s minimum lot size for a lot of record in a RS – Rural Single Family Residential Zoning District. The applicant has also requested a variance from Section 154.017 of the Zoning Ordinance, which states that any variance granted by the City “shall expire if work

does not commence within 12 months of the date of the granting of the variance. The applicant has asked that the 12-month time limit be waived for this request.

*The suggested motions to adopt the Planning Commission recommendation is as follows:*

***“Move to adopt Resolution No. 2014-22 approving a Variance from the minimum lot size requirements in a RS District and the maximum time for which a variance is valid.”***

**LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:** The attached staff report to the Planning Commission provides an overview of the request and the draft findings that have since been slightly modified by the Planning Commission. The Commission conducted a public hearing concerning the variance at its March 24, 2014 meeting and received the following comments from neighboring property owners:

- Christine Cirilly, representing the applicant, stated that the applicant has been paying property taxes on the property as a building lot since 1985. She noted that the applicant intends to build a home that is consistent with the character of the neighborhood.
- Greg Zeipelt, 4940 Jamaca Avenue North, stated that, prior to purchasing his house immediately to the north of the applicants lot, he had been informed this lot was not buildable. He discussed the existing drainage in the neighborhood, and pointed out that drainage has gotten worse since the 2012 road project.
- Bill and Valerie Brass, 8930 Jane Road North, expressed concern about setting a precedence for allowing building on other substandard lots in the neighborhood. They also expressed concern about drainage in the area, and noted that the eastern portion of their lot collects water that drains from the subject property.
- Jason Brash, 9030 Jane Road North, explained that he recently moved to Lake Elmo and chose it for the open space and large lots. He encouraged the Planning Commission to keep it this way.

The Planning Commission generally discussed the drainage around the site; Staff responded that the City Engineer has been out to look at this area, but ultimately found that the water is draining to a low area in the neighborhood that has been previously designated as a ponding area. The Commission recommended the addition of two conditions of approval and asked that an existing condition be modified to require that any future construction on the site not exacerbate the existing drainage situation in the neighborhood.

The Planning Commission adopted a motion to recommend approval of the variance request with the findings and conditions as noted in the attached Resolution 2014-021. This resolution includes the conditions as revised and recommended by the Planning Commission. The motion passed unanimously.

**BACKGROUND INFORMATION (SWOT):**

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|----------------------|--|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• The Planning Commission found that the applicant met the City's four variance criteria.</li><li>• The variance will allow the applicant to build on a lot that has previously been considered buildable by the City.</li></ul> |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• The City will need to track this variance to ensure the five-year deadline is met.</li></ul>   |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• The variance will allow the current and past tax assessment for the property to match the classification as a buildable lot.</li></ul>   |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• The neighbors in attendance at the public hearing expressed concern over the existing drainage situation on the lot and the loss of open space in the neighborhood.</li></ul>  |

**RECOMMENDATION:** The Planning Commission is recommending that the City Council approve the request from Suzanne Horning (as Trustee of the Suzanne R.W. Horning Trust) for a variance that would classify Lot 9 of Krause's Addition to Lake Elmo as a buildable lot and to allow the variance to remain valid for longer than one year subject to conditions. The suggested motion to adopt the Planning Commission recommendation is as follows:

***“Move to adopt Resolution No. 2014-22 approving a Variance from the minimum lot size requirements in a RS District and the maximum time for which a variance is valid.”***

**ATTACHMENTS:**

1. Resolution No. 2014-022
2. Planning Commission Staff Report – 3/24/14
3. Application and Project Narrative
4. Existing Site Conditions/Survey
5. Location Map
6. Krause's Addition Plat
7. Septic System Report – Tom Trooien