

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION 2014-022

*A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM LOT SIZE
REQUIREMENT IN A RS DISTRICT AND FROM THE MAXIMUM TIME FOR WHICH A
VARIANCE IS VALID*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Suzanne Horning (as Trustee), 8991 Jane Road North, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district and to waive the one-year deadline for completion of the work proposed under the variance; and

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on March 24, 2014; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated April 1, 2014; and

WHEREAS, the City Council considered said matter at its April 1, 2014 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance includes the following components:

- a) A variance from the minimum lot size requirements in the RS – Rural Single Family Residential zoning district. The subject lot is 0.785 acres in size and the minimum required size to be buildable is 0.9 acres.
 - b) A variance to waive the one-year deadline for completion of the work proposed under the variance.
- 4) That the Variance will be located on property legally described as follows: Lot 9 of Krause’s Addition to the City of Lake Elmo, Washington County, Minnesota. PID 09.029.21.11.0015.
 - 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control. ***Specific findings: That the proposed use is reasonable because the lot was platted as a buildable parcel and all other parcels of similar size have had houses constructed on them since the subdivision was approved. The property is very close to meeting the required 0.9 acre minimum lot size requirement, and construction of a home on this lot will not be any more obstructive than structures built on lots meeting the 0.9 acre requirement. The applicant also purchased the lot at the time it was a buildable parcel. The applicant has demonstrated the ability to install a complaint septic system on the property. A five year deadline for construction of a home on the property is a reasonable period of time for this work to be completed.***
 - 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: That the applicant’s property is unique due to former platting of this property as a buildable lot and continued classification of the property as buildable since the lot was subdivided. The applicant purchased the property with the understanding that a house could someday be built on the property, and City records indicate that the lot was indeed buildable at the time of purchase. Other homes on neighboring smaller lots were constructed prior to the adoption of the City’s zoning regulations.***
 - 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific findings: The applicant’s lot is larger than several of the lots in the surrounding neighborhood and is close to the minimum size needed to be considered buildable. The lot is of sufficient size to allow the installation of a compliant septic system and to allow the placement of a home on the parcel consistent with neighboring structures.***
 - 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. ***Specific findings: No impacts above and beyond those considered normal for any other single-family lot in the surrounding neighborhood would be expected should the variance be granted.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, subject to the following conditions:

- 1) The driveway for the future home of the lot shall access Jane Road North. Driveway access to Jamaca Avenue North shall be prohibited.
- 2) The applicant shall provide a drainage easement for the portion of the lot that collects storm water runoff from the subject property and adjacent parcels prior to the issuance of a building permit for the site. The specific location of the drainage easement shall be approved by the City Engineer.
- 3) The variance shall be valid for a period of five years, but may be renewed upon review and approval by the Board of Adjustment.
- 4) A grading, erosion control, and storm water management plan shall be submitted in conjunction with a building permit for the property. This plan shall not exacerbate any existing drainage issues and must be designed to mitigate any additional runoff from any future construction on the site.
- 5) The applicant shall secure any required permits from the Valley Branch Watershed District prior to commencing any grading or construction activity on the site.
- 6) The applicant shall submit a letter from Washington County that an approved septic system can be located on the site prior to the issuance of a building permit for the site.
- 7) The owner shall pay a fee comparable to the assessments levied against other homes in the neighborhood for the 2012 Jane Road North road project. The City will investigate options for reimbursing other property owners that were assessed for the 2012 project to account for the additional buildable lot.

Passed and duly adopted this 1st day of April 2014 by the City Council of the City of Lake Elmo, Minnesota.

Michael Pearson, Mayor

ATTEST:

Adam Bell, City Clerk