

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

RESOLUTION NO. 2015-20

*A RESOLUTION APPROVING A VARIANCE TO ALLOW FOR AN ACCESSORY BUILDING
AT 3033 INWOOD AVENUE NORTH THAT DOES NOT MEET THE 100-FOOT FRONT YARD
SETBACK AND IS LOCATED NEARER THE FRONT LOT LINE THAN THE PRINCIPAL
BUILDING*

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

WHEREAS, Mr. Mike Frits and Mrs. Ellen Frits, 3033 Inwood Avenue North, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance to allow for an accessory building that does not meet the required 100-foot front yard setback and is nearer the front lot line than the principal structure; 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 February 23, 2015; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 17, 2015; and

WHEREAS, the City Council considered said matter at its March 17, 2015 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 to allow for the construction of an accessory building that does not meet the 100-foot front yard setback as required for accessory buildings within the Residential Estates (RE) zoning district.
 - b) A variance to allow the proposed accessory building to be located nearer the front lot line than the principal structure.
- 4) That the Variance will be located on property legally described as follows: Lot 3, Block 1 of Eagle Point Creek Estates, Washington County, Minnesota. PID 16.029.21.43.0010.
 - 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 of the accessory structure is a reasonable use of the property. The applicant has demonstrated that the proposed location is the most suitable location on the site. In addition, Staff has determined that the intent of the RE district is still being met and the local character not compromised.***
 - 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: That proposed location is reasonable because of the unique circumstances of the property not created by the landowner, which make locating the structure in other locations on the property difficult and problematic. The property has a British Petroleum easement though the back yard, running from the southeast corner of the lot diagonally through the back yard to the center of the north lot line. The back yard has a slope to the east of the BP easement that prohibits construction. In addition, the property has a septic drain field located between the house and the south property line, creating further difficulties in siting the structure in a location that meets the required setback. Finally, the subject property is a corner lot on two County state aid highways (CSAH 13 and CSAH 6), both of which are high-volume roadways. The applicant has demonstrated that the proposed location is the most suitable location on the site.***
 - 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 has noted that the accessory structure will match the principal home architecturally. In addition, the structure will be screened by mature spruce and maple trees, limiting the impact to the open space character of the district. Regarding the surrounding residential properties, detached accessory structures are common to the neighborhood. The addition of this accessory structure is consistent with the intent of the RE district and would not alter the character of the locality.***
 - 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: The proposed variance will not impair an adequate supply of light and air to the 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. The existing driveway of the property will be utilized and the accessory***

structure will not influence traffic flow. In addition, the proposed location of the accessory structure is not abutting any shared property lines.

CONCLUSIONS AND DECISION

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

- 1) No direct access to Stillwater Boulevard (CSAH 6) to serve or support the use of the proposed structure will be permitted.

Passed and duly adopted this 17th day of March 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk