



PLANNING COMMISSION
DATE: 2/23/15
AGENDA ITEM: 4A – PUBLIC HEARING
CASE # 2015-09

ITEM: Accessory Building Variance – 3033 Inwood Ave N.

SUBMITTED BY: Casey Riley, City Planning Intern
Nick Johnson, City Planner

REVIEWED BY: Kyle Klatt, Community Development Director
Washington County

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing to consider a request from Mike and Ellen Frits, 3033 Inwood Avenue North, for a variance that would allow an accessory building forward of the primary structure and within the 100-foot setback from the front property line required by the Residential Estates (RE) zoning district. Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings listed in the Staff Report.

GENERAL INFORMATION

Applicant: Mike and Ellen Frits, 3033 Inwood Ave. N., Lake Elmo, MN 55042

Property Owners: Mike and Ellen Frits, 3033 Inwood Ave. N., Lake Elmo, MN 55042

Location: Part of Section 16, Township 29 North, Range 21 West in Lake Elmo, at the northeast corner of Stillwater Blvd. (CSAH 6) and Inwood Ave. (CSAH 13).
Address: 3033 Inwood Ave. N., Lake Elmo, MN, 55042. PID Number: 16.029.21.43.0010.

Request: Variance – Accessory Building Forward of the Primary Structure and within the Front Yard Setback.

Existing Land Use: Single Family Detached Residential

Existing Zoning: RE – Residential Estates

Surrounding Land Use: Residential – Residential Estates and Low Density Residential

Surrounding Zoning: RE – Residential Estates and RS – Rural Single Family

Comprehensive Plan: Residential Estates

Proposed Zoning: No Change

History: The subject property was platted as part of the Eagle Point Creek Estates subdivision in 1995.

Deadline for Action: Application Complete – 1/31/15

60 Day Deadline – 4/1/15
 Extension Letter Mailed – No
 120 Day Deadline – 6/1/15

Applicable Regulations: 154.406 – Accessory Structures, Rural Districts
 154.402 – Lot Dimensions and Building Bulk Requirements: Minimum
 Accessory Building Setbacks
 154.109 – Variances (Administration and Enforcement)

REQUEST DETAILS

The City of Lake Elmo has received a request from Mike and Ellen Frits for a variance from the accessory structure location requirements in the RE – Residential Estates zoning district. The proposal involves the construction of a detached garage for the purpose of storage of tools and yard equipment. The applicants are requesting that the accessory structure be allowed forward of the primary structure and within the front yard setback required by Residential Estates (RE) zoning (100 feet).

The applicant has provided a written statement to the City indicating the reason for the placement of the detached garage. The written statement includes a narrative addressing how the proposed variance meets the 4 required findings to grant a variance under the City’s Zoning Code and State Statute.

BACKGROUND

The subject property is a corner lot at the intersection of Inwood Ave. N. (CSAH 13) and Stillwater Blvd. N. (CSAH 6). The attached location map (Attachment #1) highlights the location of the parcel. The parcel is zoned RE and is 2.5 acres in size. The surrounding residential properties are zoned RE to the East and North and are generally larger than 2.5 acres in size. To the West, across Inwood Ave. N., the zoning is Rural Single Family (RS) with the lots less than one acre in size.

In terms of the physical characteristics of the property, the rear yard of the lot is subject to a BP easement located in the eastern half of the property running northwest to southeast. In addition to the BP easement, the applicants have noted that a slope is also present in the northeast corner of the lot. The south side of the property has a septic drain field, which presents another barrier or challenge to locating the accessory building. The attached site plans provide detailed information about the specific elements of the property.

According to the written statements submitted by the applicants, the owners have made significant improvements to the land, including planting over 130 spruce trees, re-seeding over an acre of grass, removing road-frontage brush, and cleaning up and maintaining the ditch. The owners’ vision is to “maintain the natural open space to the East and North of the house, and to one day have a wooded property that is both functional and decorative throughout all 4 seasons.”

PLANNING AND ZONING ISSUES

In reviewing the applicable codes and planning considerations that apply to the subject property, Staff would like the Planning Commission to consider the following as it reviews this request:

- **Residential Estates Zoning.** The RE District allows single family detached dwellings on large lots which provide for an open-space environment that is consistent with the rural character of Lake Elmo. The proposed location of the accessory structure is 35 feet from Stillwater Blvd. N., and is screened by mature spruce and maple trees. Despite the fact that the proposed location of the accessory building does not meet the required setback, the established screening in the location proposed for the structure should help reduce the visibility of the building from the public streets. Therefore, the structure would not compromise the open space character promoted by RE zoning.
- **Surrounding Lots.** The surrounding lots are zoned Residential Estate (RE) and Rural Single Family (RS). The principle structures West of Inwood Ave. N. (zoned RS) are located 35 feet from the front property line. The proposed accessory building at 3033 Inwood Ave. N. would be in keeping with this alignment. In the judgment of staff, the proposed location for the accessory building would not be inconsistent with the surrounding neighborhood.
- **Visibility and Safety on CSAH 6 and CSAH 13.** It should be noted that the proposed variance was reviewed by Washington County Public Works. The review comments can be found in an email in Attachment #3. The review of the County indicates that the appropriate amount of right-of-way is established for the adjacent roadway, and there is no concern over the proposed location of the structure from a visibility standpoint.

REVIEW AND ANALYSIS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant's request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Under this standard, the City would need to find that the placement of the proposed accessory structure in the proposed location is a reasonable use of the property.

***FINDINGS:** 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. Staff determines that this criterion is met.*

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

In order to demonstrate compliance with this standard, the Planning Commission would need to identify those aspects of the applicant's property that would not pertain to other properties within the same zoning classification.

FINDINGS: *The 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 through 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. Staff determines that this criterion is met.*

- 3) **Character of locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

Propose findings for this criterion are as follows:

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. Staff determines that this criterion is met.*

- 4) **Adjacent Properties and Traffic.** 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.

Propose findings for this criterion are as follows:

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. Staff determines that this criterion is met.*

Please note that the applicant has also provided a set of findings as part of the attached narrative and supporting documentation included with the application.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings noted in items 1-4 above.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the request from Mike and Ellen Frits, 3033 Inwood Ave. N., given that the request meets the four criteria for a variance. In addition, Washington County has reviewed the variance request and approves of the accessory structure at the proposed location.

The suggestion motion for taking action on the Staff recommendation is as follows:

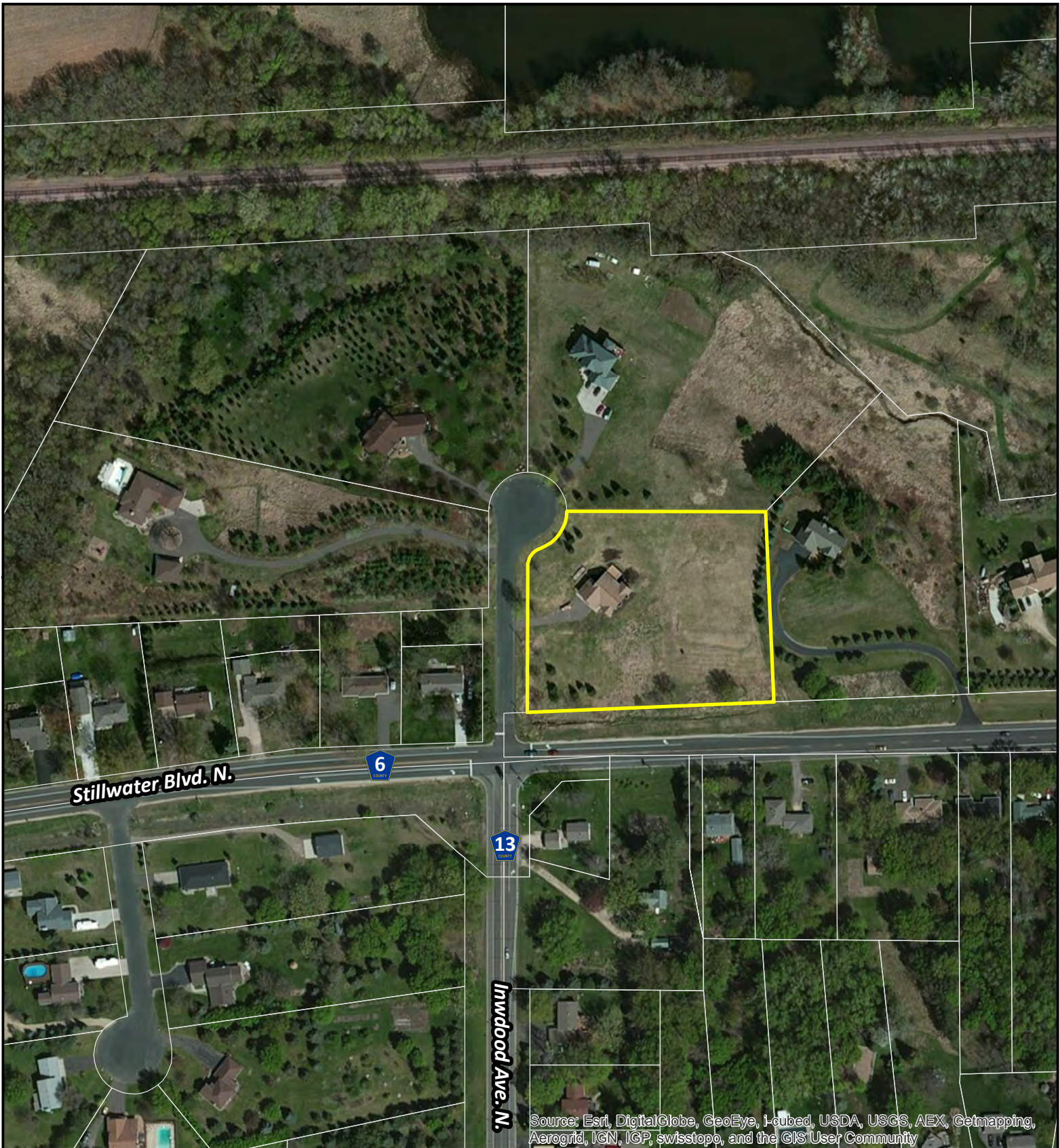
“Move to recommend approval of the variance request at 3033 Inwood Ave. N. to allow the construction of an accessory structure nearer the front lot line than the principal structure and within the 100 foot setback from the front property line based on the findings identified in the Staff Report.”

ATTACHMENTS:

- 1. Location Map
- 2. Application Packet and Project Narrative
- 3. Washington County Review Email

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission Chair & Commission Members



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

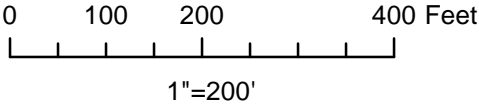
Location Map: 3033 Inwood Ave. N.



Data Source: Washington County, MN
2-18-2015



3033 Inwood Ave. N.



Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: Mike & Ellen Frits
Address: 3033 Inwood Ave N, Lake Elmo, MN 55042
Phone # 651-336-5317
Email Address: mikefrits@gmail.com

Fee Owner: _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): 3033 Inwood Ave N, Lake Elmo, MN 55042
(Eagle Point Creek Estates, Lot 3, Block 1)

Detailed Reason for Request: Requesting approval for accessory building forward of the primary structure
(Section 154.092) and less than 100 feet setback from the front property line.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
This property is a corner lot on a busy intersection, resides on a cul-de-sac, has a BP easement
through the back yard, has a slope in the back yard, and a septic drain field to the side of the house.
To allow for accessibility to the garage with respect to the property limitations, we are requesting a
variance allowing us to place the garage closer than 100 feet to the front property line.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Mike Frits Ellen Frits Date: 01/31/2015

Signature of fee owner: _____ Date: _____

Mike & Ellen Frits
3033 Inwood Ave N
Lake Elmo, MN 55042
651-336-5317
February 05, 2015

City of Lake Elmo
3800 Laverne Ave N
Lake Elmo, MN 55042

City Council Members of Lake Elmo,

We are writing to request a variance to allow an accessory building closer to the front of the property line than our primary structure (3033 Inwood Ave N – 2.5 acre) and less than 100 feet setback from the front property line.

Since purchasing this home in 2012, we have worked to implement significant improvements to the property including cleanup of the yard, re-seeding over an acre of grass, removal of road-frontage brush, cleaning up and maintaining the ditch, planting over 130 spruce trees, and planting a variety of 100 ornamental and hardwood trees. Our vision is to maintain the natural, open space to the East and North of the house and to one day have a wooded property that is both functional and decorative throughout all 4 seasons.

In building an accessory building, we would like it to accomplish the following objectives:

- Be readily accessible from the existing driveway.
- Have garage doors visible from the house for security purposes.
- House miscellaneous yard and seasonal items such as mowers, snow blower, bikes, yard tools, etc.
- Minimize the impact to our long-term vision for the property.

In identifying the preferred location for the accessory building best meeting our objectives, we have accounted for the unique characteristics of this property which include being a corner lot on a busy intersection, residing on a cul-de-sac, having a BP easement through the back yard, having a slope in the back yard, and a septic drain field to the side of the house. Given the limitations, the optimal location for the accessory building is along the South side of the property and to the West of the septic drain field (see attached site plan). Proceeding with the proposed location will require a variance allowing us to place the garage closer than 100 feet to the front property line.

The variance criteria and application to this property are listed below.

1. Practical Difficulties:

(Practical difficulties as defined in 154.109, "...the property owner proposes to use the property in a reasonable manner not permitted by an official control.") This property is a corner lot with a busy intersection on the SW corner. It resides on a cul-de-sac, limiting the practical opportunity for the building on the North side of the house. It has a British Petroleum easement through the back yard, running from the SE corner of the lot diagonally through the back yard to

the center of the North lot line. It has a slope in the back yard to the East of the BP easement. Also, the septic drain field is located between the house and the South property line. We have chosen the garage location of West of the septic drain field and near the South property line to enable access and visibility of the doors while also accommodating the listed limitations of the property and minimizing impact to the vision of a wooded property. This building is planned to house miscellaneous yard and seasonal items such as mowers, snow blower, bikes, yard tools, yard trailer, etc. and is thus believed to be a normal and reasonable use of the property.

2. Unique Circumstances:

All of the difficulties listed in criteria 1 are unique to this property, existed prior to our ownership, and beyond our ability to resolve.

3. Character of Locality:

The proposed location for the building has the least impact to the intended open-space character of the neighborhood. The building will be constructed in a manner consistent with the general appearance of the existing home. There are also mature spruce and maple trees that would help to reduce the building's visibility from the road. As the young spruce line of trees matures, the building would become nearly completely blocked from view from Inwood Ave. As a practical benefit, the building would help to block both visibility and sound from the busy intersection of Stillwater Blvd and Inwood Ave.

4. Adjacent Properties and Traffic:

The proposed location for the building will not impair supply of air and light to surrounding properties. Also, because a driveway is not connecting to the street, it will not influence traffic flow. Properties to the South and West have street setbacks similar to that proposed for the garage; therefore, the garage will not negatively impact the values of those homes. The proposed location for the garage will not be on any shared lot lines, so will not impact the adjoining neighbors and provides for the optimal open-space option

The attached site plan identifies the proposed location and also highlights the BP easement and septic drain field.

Thank you for your support and consideration.

Sincerely,

Mike & Ellen Frits



HILL

BP EASEMENT

BP EASEMENT

10' Setback
Border

Septic Drain Field

A-26'
X 30'

50 FT

100 FT

50 FT

35 FT

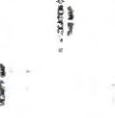
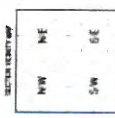
Inwood Ave N





THIS DRAWING IS THE RESULT OF A COMPILED AND REPRODUCTION OF
THE ORIGINAL RECORDS OF THE SURVEY AND IS NOT A SURVEY.
WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY ACCURACY.
MAP LAST UPDATED: January 22, 2011
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE
DATE OF CIRCUITS: April 2008 DATE OF PHOTOGRAPHY: April 2011

OWNER	ADDRESS	PHONE	EMAIL
1	1415 1st St	503-253-1174	1174@outlook.com
2	1415 1st St	503-253-1174	1174@outlook.com
3	1415 1st St	503-253-1174	1174@outlook.com



SECTION CORNER BEARS	SECTION CORNER BEARS	SECTION CORNER BEARS	SECTION CORNER BEARS
1750'	1750'	1750'	1750'
1750'	1750'	1750'	1750'
1750'	1750'	1750'	1750'
1750'	1750'	1750'	1750'



(Orange line)	THE PROPOSED SURVEY
(Black line)	THE PROTECTED WETLAND
(Blue line)	THE PROTECTED WATERCOURSE
(Green line)	MUNICIPAL BOUNDARY
(Purple line)	MAPS BOUNDARY

Washington County
 PUBLIC WORKS DEPARTMENT
 SURVEY AND LAND MANAGEMENT DIVISION
 1440 East 20th Ave, P.O. Box 7
 Silverdale, Oregon 97135
 www.washingtoncounty.us
 www.its.washingtoncounty.us

North and East Side of Property from Back of House



Proposed Garage Location from Driveway



Septic Drain Field from Driveway



Design # 26100



Page 2 of 3
12/15/2014

*** Here are the wall configurations for your design.

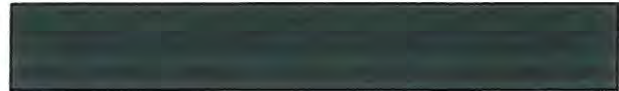
Illustration May Not Depict All Options Selected

26'

26'

Gable Front View

Gable Back View



4'

3'

16' X 8'

4'

3' X 6'-8"

30'

Eave Front View

- (1) - CM-1 6-PANEL STEEL DOOR 36X80 LH PH
- (1) - 16X8 MDP68-W1 EZSET WHITEWINDCODE RATED

Eave Back View

Building Size: 26 feet wide X 30 feet long X 10 feet high

Approximate Peak Height: 14 feet 8 inches (176 inches)

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

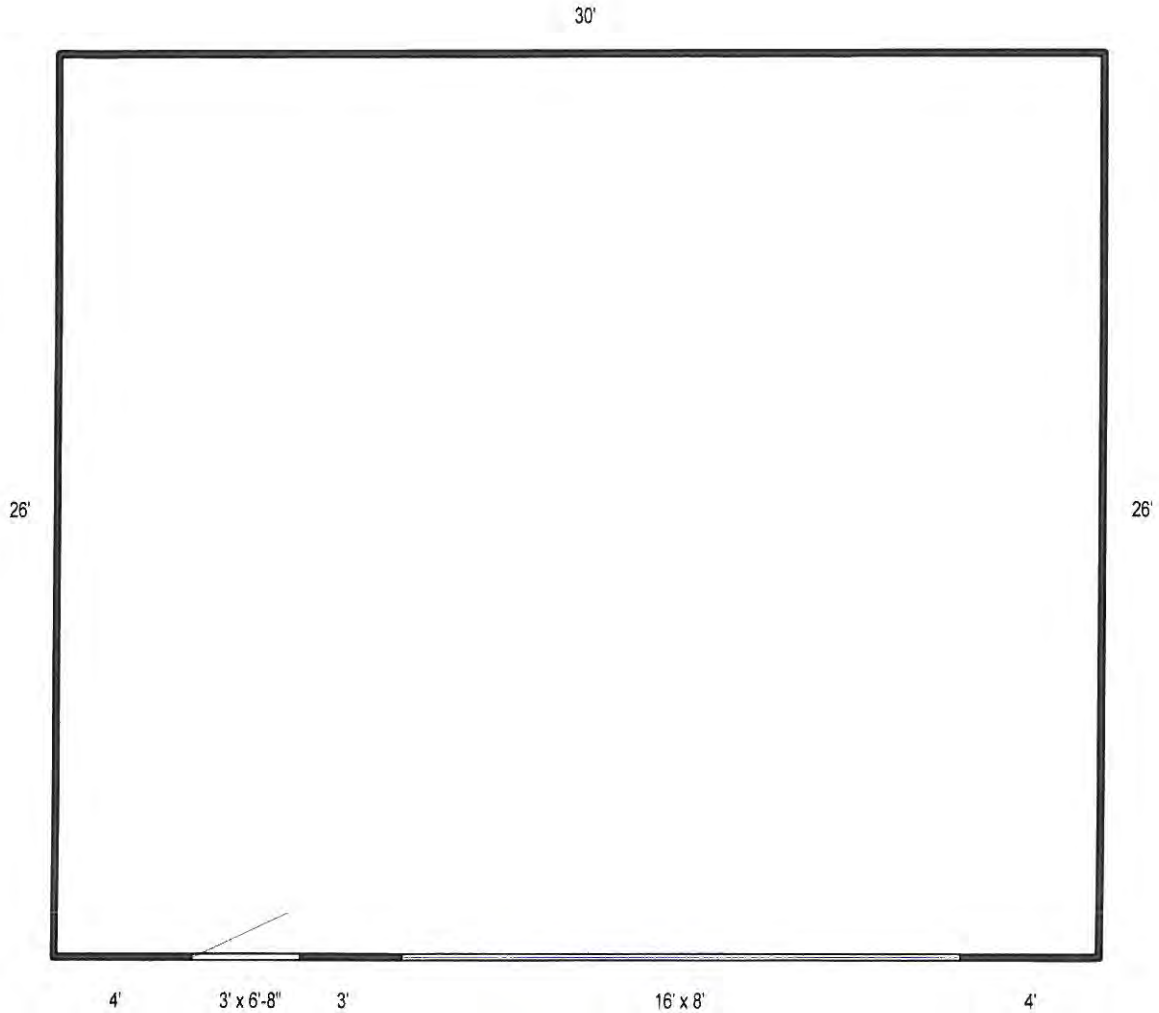
Design # 26100

*** Garage Floor Plan.



Page 3 of 3
12/15/2014

Illustration May Not Depict All Options Selected



Building Size: 26 feet wide X 30 feet long X 10 feet high

Note: Wall construction is 2x4 @ 16" on center



50 FT

100 FT

HILL

BP EASEMENT

BP EASEMENT

10' Setback Border

Septic Drain Field

A-26' X
30'

50 FT

35 FT

Inwood Ave N





Washington County
 PUBLIC WORKS DEPARTMENT
 SURVEY AND LAND MANAGEMENT DIVISION
 14949 62nd Street North, P.O. Box 8
 Stillwater, Minnesota 55082-0008
 (651) 430-6875
 surveyor@co.washington.mn.us
 www.co.washington.mn.us

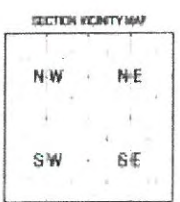
- LEGEND**
- DNR PROTECTED WATERS
 - DNR PROTECTED WETLAND
 - DNR PROTECTED WATERCOURSE
 - MUNICIPAL BOUNDARY
 - PARK BOUNDARY



SCALE: 1 inch = 60 feet

SECTION-TOWNSHIP-RANGE INDEX

2602521	0902521	1002521
1702521	1802521	
2002521	2102521	2202521



PROPERTY IDENTIFICATION NUMBER FORMAT (R#O#C#S#)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER	SURFACE	SURFACE
##	###	##	##	##	####

— LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.

MAP LAST UPDATED: January 27, 2011

NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

DATE OF CONTOURS: April, 2000 DATE OF PHOTOGRAPHY: April-June, 2011

Nick Johnson

From: Joe Gustafson <Joe.Gustafson@co.washington.mn.us>
Sent: Friday, February 13, 2015 4:37 PM
To: Nick Johnson; Ann Pung-Terwedo
Cc: Kyle Klatt; Adam Bell
Subject: RE: Land Use Review - Accessory Building Variance

I don't see any issue from our perspective for the foreseeable future.

Looks like we already have 75 feet of right-of-way from the CSAH 6 centerline, and they are not proposing to put the structure in the right-of-way.

Joe

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]
Sent: Friday, February 13, 2015 4:31 PM
To: Ann Pung-Terwedo; Joe Gustafson
Cc: Kyle Klatt; Adam Bell
Subject: Land Use Review - Accessory Building Variance

I mailed a hard copy to Ann's attention, but I know she is out of town. Attached is the electronic.

Let me know if you have questions.

Take care,

Nick M. Johnson | City Planner

City of Lake Elmo, Minnesota

njohnson@lakeelmo.org <mailto:njohnson@lakeelmo.org>

(w) 651-747-3912 | (f) 651-747-3901

www.lakeelmo.org <http://www.lakeelmo.org>

Nick Johnson

From: Ann Pung-Terwedo <Ann.Pung-Terwedo@co.washington.mn.us>
Sent: Thursday, February 26, 2015 10:08 AM
To: Nick Johnson
Cc: Joe Gustafson
Subject: FW: Land Use Review - Accessory Building Variance

Nick,

I'm back. My only comment is that there should be no direct access to CSAH 6 from the property/ structure.

Although the county would not permit an access it is good to add to conditions of approval for the record.

See you,

Ann

From: Joe Gustafson
Sent: Friday, February 13, 2015 4:37 PM
To: 'Nick Johnson'; Ann Pung-Terwedo
Cc: Kyle Klatt; Adam Bell
Subject: RE: Land Use Review - Accessory Building Variance

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