



STAFF REPORT

DATE: 8/1/2017

REGULAR MOTION

TO: City Council

FROM: Emily Becker, City Planner

AGENDA ITEM: Shoreland Variance Request to Allow Expansion of an Existing Non-Conforming Structure Which Does Not Meet Minimum Structure Setback from Ordinary High Water Level – 8690 Lake Jane Trail North

REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

The City has received application from Glenwood Homes of 10920 Kingsborough Ct S Cottage Grove, MN 55016 for a variance to allow expansion of a non-conforming structure which does not meet the required minimum structure setback standard from the Ordinary High Water Level (OHWL) within a shoreland district of the City's shoreland ordinance.

ISSUE BEFORE COUNCIL:

The City Council is being asked to consider and approve or deny the above-mentioned variance request.

PROPOSAL DETAILS/ANALYSIS:

Applicant: Glenwood Homes, 10920 Kingsborough Ct, Cottage Grove, MN 55016

Property Owners: Ben and Breanna Pepin, 8690 Lake Jane Trail North, Lake Elmo, MN 55042

Location: 8690 Lake Jane Trail North, PID# 09.029.21.42.0014, Lot 8, Block 1, Lake Jane Manor No. 1, Washington County, Minnesota

Request: Variance from Shoreland Standard – Expansion of a Non-Conforming Structure Not Meeting Minimum Structure Setback from the Ordinary High Water Level

Existing Land Use: Single-Family Detached Residential Dwelling

Surrounding Land Use: Surrounded by other single-family detached residential dwellings and abuts Lake Jane on the northerly side of the property

Existing Zoning: Rural Single Family/Shoreland Overlay District

Comprehensive Plan: Rural Single Family

History: The home was built in 1968, prior to the City's adoption of its shoreland ordinance.

Deadline for Action: Application Complete – 6/26/2017
60 Day Deadline – 8/25/2017
Extension Letter Mailed – N/A
120 Day Deadline – N/A

Applicable Regulations: Article V – Zoning Administration and Enforcement
Article XIX – Shoreland Management Overlay District

Request Details. The applicant is proposing to construct a 640 square foot addition, 196 square foot porch, 188 square foot patio, 626 square foot addition to his garage (including a 129 square foot storage area), and a 12 foot X 10 foot temporary storage structure on the existing concrete pad to the east of the proposed addition. The applicant is not able to expand the home on the front side of the house due to septic setback standards and cannot expand the garage on the west side of the existing garage due to side yard setback standards and so is requesting that the expansions be made to the side and rear of the lot. The current home is currently non-conforming in that it is setback approximately 75 feet from the OHWL, and the required structure setback from the OHWL is 100 feet.

Lot Details. The property meets all setbacks for the Rural Single Family Zoning district but does not meet the minimum lot size requirement of 1.5 acres.

- *Area:* 29,195 square feet (0.67 acres)
- *Front yard setback:* 92.2 feet (40 feet required)
- *Side yard setback (west):* 16.4 feet (10 feet required)
- *Proposed side yard setback (east):* Approximately 28 feet (10 feet required)
- *Proposed structure setback from OHWL:* 75.1 feet (100 feet required)
- *Proposed septic setbacks:* approximately 32 feet from septic equipment and approximately 60 feet from drainfield (10 and 20 feet required, respectively)
- *Existing Impervious Surface:* 23.7% (6921 sf) (maximum 15% allowed)
- *Proposed Impervious Surface Area:* 23.2% (6772 sf) (maximum 15% allowed)
- *Septic Permit Needs.* The proposed addition will include a guest bedroom but will also convert an existing bedroom in to living space and therefore no septic permit or inspection is required.

Impervious Surface. The existing amount of impervious surface on the lot totals 23.7%, which exceeds the maximum amount allowed of 15%. The proposal also includes removing 235 square feet of bituminous surface along with 1553 square feet of concrete (a total of 1788 square feet of impervious surface), reducing the total impervious surface area on the property to 23.2%. It is a recommended condition of approval that the escrow for the building permit include the cost of removal of the impervious surface to ensure that the impervious surface on the lot does not increase as a result of the proposed additions.

Nonconformities within a Shoreland. The City's Shoreland Ordinance states that all additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of the Shoreland Ordinance. Any deviation from these requirements must be authorized by a variance. It should be noted that this provision in the ordinance was not drastically changed in the 2017 amendment to the Shoreland Section of the Zoning Code, as previously an improvement to a riparian substandard structure was allowed to extend laterally by a conditional use permit (as opposed to a variance), provided it was in compliance with all other dimensional standard. There is also a provision that allows setback averaging where structures exist on the adjoining lots on both sides of a proposed building site, but the existing home on the subject lot is closer to the OHWL than those of adjoining properties.

Minnesota Department of Natural Resources (MNDNR) Review. Per State Statute, the City is required to notify the MNDNR of variance requests within a shoreland district. The MNDNR has reviewed and responded to this variance request, and their response is attached to this report. The MNDNR has recommended that if this variance is granted, that the City include the condition that the impervious surface created by the further encroachment of the structure within the required setback from the OHWL be mitigated. The MNDNR has specifically recommended that the condition be that the Applicant direct rain gutter discharges into a rain garden (infiltration basin designed to capture and infiltrate runoff). However, because the Applicant is actually reducing the impervious surface on the lot, especially that within the required structure setback from the OHWL, Staff did not recommend to the

Planning Commission that this condition be added. This condition had been recommended by Staff in previous variance requests due to MNDNR recommendation, but that was because the impervious surface was increased.

PLANNING COMMISSION REVIEW:

The Planning Commission held a public hearing and considered the variance request at its July 24, 2017 meeting. The public notice was mailed to property owners within 350 feet and published in the official City newspaper. No public comments were received prior to the public hearing, though two nearby property owners (Kelly and Susan Schmidt of 8644 Lake Jane Trail N and John Mayek of 8680 Lake Jane Trail N) wrote letters in support of the requested variance.

The Planning Commission had the following comments in regards to the requested variance: There was concern about meeting the required finding that the plight of the landowner was due to circumstances unique to the property not created by the landowner. Some felt that the landowner should have been aware of the shoreland ordinance standards and that the home was non-conforming and therefore could not be expanded. Some felt that the recommendation made by the MNDNR that a mitigation condition (such as directing gutter discharges in to an infiltration basin) be added to the variance approval should be followed, as it could further protect the lake.

The Planning Commission voted to recommend adding the following findings (added to the Unique Circumstances criteria – Finding #3):

- The proposed additions do not increase the degree of non-conformity.
- The amount of impervious surface is not being increased.

The Planning Commission voted to recommend adding the following conditions to the variance approval:

- 3) The Applicant shall either (at the Applicant's option) use pervious pavers on the proposed patio area or construct a rain garden (at a size as recommended by the Valley Branch Watershed District) to contain runoff.

RECOMMENDED FINDINGS:

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 recommended findings from Staff and the Planning Commission 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.

***FINDINGS:** The subject property was platted and the house was built prior to adoption of Shoreland standards by the City and therefore the house does not meet the minimum structure*

setback requirement from the Ordinary High Water Level and is legal non-conforming. The property owner wants to expand the current home and garage, and because of the location of the septic tank and septic mound in the front yard as well as the location of the garage near the side yard, it is not an option to do so in the front of the existing house or on the side of the existing garage.

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

***FINDINGS:** The property owner did not plat the lot or construct the original home, which were both done prior to adoption of the City's shoreland standards.*

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

***FINDINGS:** The proposed additions do not encroach any further than the existing deck in to the setback from the Ordinary High Water Level of Lake Jane, and therefore the degree of non-conformity is not being increased. The proposed addition will not further impair lake views for adjacent or nearby property owners. Additionally, the proposed additions will not increase the amount of impervious surface on the property; rather the Applicant will decrease the total amount of impervious surface on the property by removing existing concrete and bituminous surface.*

- 4) **Adjacent Properties and Traffic.** The proposed variance will not impair an adequate supply of light and air to properties 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.

***FINDINGS.** The proposed additions will not further impair lake views of neighboring properties. They also will not increase congestion of public streets or substantially diminish or impair property values within the neighborhood.*

FISCAL IMPACT:

None.

OPTIONS:

The Council may:

- Adopt Resolution 2017-083 approving the variance request with the recommended conditions of approval.
- Amend recommended conditions of approval and adopt Resolution 2017-083 as amended.
- Not adopt Resolution 2017-083 and deny the variance request.

RECOMMENDATION:

Staff and the Planning Commission recommend the Council adopt Resolution 2017-083, approving the request by Glenwood Homes for a shoreland variance request to allow expansion of a non-conforming structure not meeting the minimum structure setback requirement from the Ordinary High Water Level for the property located at 8690 Lake Jane Trail North, subject to the following conditions of approval:

- 1) The Applicant shall secure any required permits and plan approvals from the City and other applicable jurisdictions.
- 2) The Applicant shall provide an escrow in the amount of an estimated cost of the removal of the existing bituminous and concrete surface as shown on the proposed survey.
- 3) The Applicant shall either (at the Applicant's option) use pervious pavers on the proposed patio area or construct a rain garden (at a size as recommended by the Valley Branch Watershed District) to contain runoff.

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

“Move to adopt Resolution 2017-083, approving a shoreland variance to allow the expansion of a non-conforming structure not meeting the minimum structure setback requirement from the Ordinary High Water Level for the property located at 8690 Lake Jane Trail N, subject to conditions of approval as recommended by Staff and the Planning Commission.”

ATTACHMENTS:

- Application with narrative and survey
- MNDNR comments
- Resolution 2017-083

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 Wireless Communications

Applicant: GLENWOOD HOMES
Address: 10920 KINGSEBOROUGH CT
Phone # 651-261-7931
Email Address: MORGAN@GLENWOODHOMESL.L.C.COM

Fee Owner: BEN & BREANNA PEPIN
Address: 8690 LAKE JANE TRAIL N
Phone # 651-428-4191
Email Address: _____

Property Location (Address): 8690 LAKE JANE TRAIL N
(Complete (long) Legal Description: SEE SURVEY - L&B1 LAKE JANE MANOR No. 1)
PID#: _____

Detailed Reason for Request: WE ARE SEEKING A LAKE SHORE SETBACK AND WADGEFACE RATIO VARIANCE

*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:

CURRENT PROPERTY HAS LOT BORDER ON GARAGE SIDE AND SEPTIC TO FRONT SO ONLY LEAVES REAR AND HOUSE SIDE, WHICH IS WHERE ARE MAKING THE IMPROVEMENTS.

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: [Signature] Date: 6.26.17

Signature of fee owner: [Signature] Date: _____
Ben J Pepin



MORGAN JENKINS
Residential Design LLC

Project Site Variance Description Supplement

June 26, 2017

Subject:

This is brief description of the variance requests for the project located at 8690 Lake Jane Trail North, Lake Elmo.

Description:

The current site is a lakeside site with an existing property and an onsite septic area. The current house does not meet building conditions including setbacks to lake OHWL and hard surface area coverage ratio.

Proposed Home:

The proposed remodeled home will require two variances:

1. The lakeside setback of the existing property is currently 73.1'. This is nonconforming to the city ordinance for septic serviced lakeside lots lakeside setback of 100.0'. We are requesting a variance of 26.9' this would match the existing house; we are not looking to encroach any closer than the existing condition. This is still well beyond the DNR shoreline ordinance of 50'. This variance would be a requirement of any applicant requesting any permit for this property due to the existing house position. Please keep in mind the existing does not meet the setback ordinance. See the survey for actual dimensions.
2. The current property has a hard surface coverage area ratio of 23.7% we are proposing to remove and reduce this to 23.2%. This is a significant improvement to the existing conditions. Please keep in mind the existing property does not meet the ratio currently. See the survey for the actual calculations.

In general, each of the above variance requests meets the criteria of approval under the city variance provisions listed in city code.

In addition, any modification to one request would most likely result in a negative way to another. The footprint of the proposed home has been designed to work within the lakeside setback existing, and reduce the hard surface area, and lastly, been designed from the exterior to be a major improvement to the site and to the city neighborhood landscape.

Design Principles- Narrative

8690 Lake Jane Trail North

Lake Elmo, MN

1. Regionalism: The design reflects on stone material from the region, and shake siding from lakeshore inspired architecture of older area homes.
2. Context: This project is situated on a lot with an onsite septic treatment area in the front of home leaving no area for improvement. The existing home is positioned against the garage side lot line setback with no room for improvement. The rear of the home fronts on Lake Jane and is currently setback approximately 73' to the OHNL, leaving no improvement without encroaching closer to the lake. There is currently room to the house side to the eastern lot line. Due to the existing house position there are only two areas where applicator can make improvements without negatively impacting the lakeside setback or hard surface ratio.
The proposed additions to the house occur in these areas. However, due the removal of existing concrete hard surface areas we are proposing a reduction in hard surface area ratio from 23.7% to 23.2%. Approval of our requests will result in an improvement to the existing conditions.
3. Scale & Massing: I feel we have done a good job of blending the needed space and the proportions; this house does not feel big, but rather "fits" the existing house style and does not overpower the rear lakeside elevation.
4. Composition: Again as mentioned in item 3, I believe the house presents itself very well. Smaller multi-level, moving to modern design elevation, and anchored by quality materials.
5. Hierarchy: The plan uses elements at the front complimented with window placement and detailed trim work.
6. Color: Selection for exterior colors has not been finalized but will reflect an lakeshore inspired base of colors.
7. Detail & Craftsmanship: Glenwood Homes is the general contractor for this project and has a history of producing a high level of quality and service to his clients and is commitment to building only a quality product. Morgan Jenkins Residential Design is the designer of the project and has a history of producing quality designed projects for clients and has more than 25 years of designing homes on lakes all over the Twin Cities and surrounding communities. More information is available if requested.
8. Transformation: This home is being designed and built for the sole use of the current Owners, but has been given attention to qualities that will make it attractive to the community.
9. Simplicity: This home requires careful attention to its multi-level plan and position on the site. The challenge is the available space for improvement. This small home manages to function well as a whole to meet the needs of the owner and is a good fit for the neighborhood. The existing home has many current conditions that affect the remodeling negatively, and this plan will improve the existing conditions. Therefore we respectfully ask for the relaxation of the hard surface ratio to 23.2% and the lakeside setback to the existing 73.1' as per the survey submitted. These needed approvals will make this a house that will be an attractive and beneficial building to the city of Lake Elmo.

CERTIFICATE OF SURVEY

~for~ GLENWOOD HOMES, LLC
~of~ 8690 LAKE JANE TRAIL NORTH

VICINITY MAP

PART OF SEC. 9, TWP. 29, RNG. 21



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
 - DENOTES IRON MONUMENT SET, MARKED RLS# 41578
 - DENOTES AIR CONDITIONING UNIT
 - DENOTES ELECTRICAL BOX
 - x 952.36 DENOTES EXISTING SPOT ELEVATION
 - ⊕ DENOTES GAS METER
 - ⊖ DENOTES GUY WIRE
 - ⊞ DENOTES MAILBOX
 - ⊙ DENOTES POWER POLE
 - ⊚ DENOTES SEPTIC MANHOLE
 - ⊛ DENOTES SIGN
 - ⊜ DENOTES WELL
 - ⊝ DENOTES EXISTING CONTOURS
 - ⊞ DENOTES OVERHEAD WIRES
 - ⊟ DENOTES RETAINING WALL
 - ⊠ DENOTES BITUMINOUS SURFACE
 - ⊡ DENOTES CONCRETE SURFACE
 - ⊢ DENOTES IMPERVIOUS SURFACE REMOVAL
- TREE DETAIL:**
- Denotes Elevation
 - Denotes Tree Quantity
 - Denotes Tree Size in Inches
 - Denotes Tree Type

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 1/13/17.
- Bearings shown are on Washington County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

LEGAL DESCRIPTION

Lot 8, Block 1, LAKE JANE MANOR NO. 1, Washington County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
JASON E. RUD

Date: 6/27/17 License No. 41578

IMPERVIOUS COVERAGE

EXISTING:

Lot area above OHW: 29,195 sq. ft.
Existing house/garage: 2,226 sq. ft.
Existing bituminous drive: 1,874 sq. ft.
Existing concrete: + 2,821 sq. ft.
Total existing impervious area: 6,921 sq. ft.
23.7%

PROPOSED

Lot area above OHW: 29,195 sq. ft.
Existing house/garage: 2,226 sq. ft.
Existing bituminous drive: 1,874 sq. ft.
Existing concrete: + 2,821 sq. ft.
Total existing impervious area: 6,921 sq. ft.
23.7%

Proposed garage: + 626 sq. ft.
Proposed addition: + 629 sq. ft.
Proposed patio: + 188 sq. ft.
Proposed porch: + 196 sq. ft.
Bituminous removals: - 235 sq. ft.
Concrete removals: - 1,553 sq. ft.
Total proposed impervious area: 6,772 sq. ft.
23.2%



BENCHMARK

MNDOT GSID STATION #33636
MNDOT NAME: MICHAEL MN163
ELEVATION: 919.421 (NGVD 29)

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: BPN	JOB NO: 17018BT	DATE: 1/18/17	
CHECK BY: JER	SCANNED <input type="checkbox"/>		
1	2/22/17	ADDED PROPOSED ADDITIONS BPN	
2	6/27/17	REVISED IMPERVIOUS COVERAGE CMB	
3			
NO.	DATE	DESCRIPTION	BY



MORGAN JENKINS

Residential Design, LLC

10920

KINGSBOROUGH COURT

COTTAGE GROVE

MN. 55016

651-261-7931

All ideas, designs, arrangements, plans and specifications indicated or represented by this drawing are owned by, and property of Morgan Jenkins Residential Design, LLC, and others as per approved Design Agreement. No copy or partial copy of these ideas, designs, arrangements, plans or specifications shall be used without written approval for any purpose. Contact with these plans shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions shall have precedence over scaled dimensions. General contractors and subcontractors shall verify and be responsible for all dimension and conditions on the job. This office must be notified of any variations from the dimensions and/or conditions shown by these drawings. Where required, shop drawings must be submitted to this office for approval prior to ordering. Copyright 2004

GLENWOOD



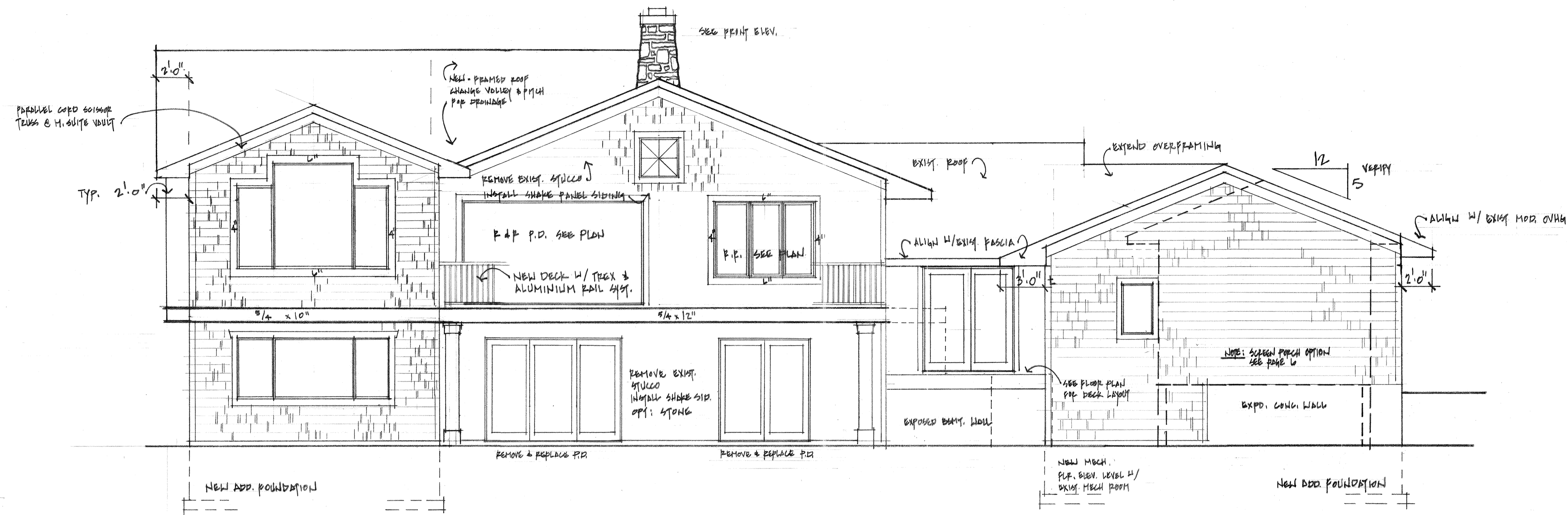
HOMES, LLC

MORGAN JENKINS
651-261-7931

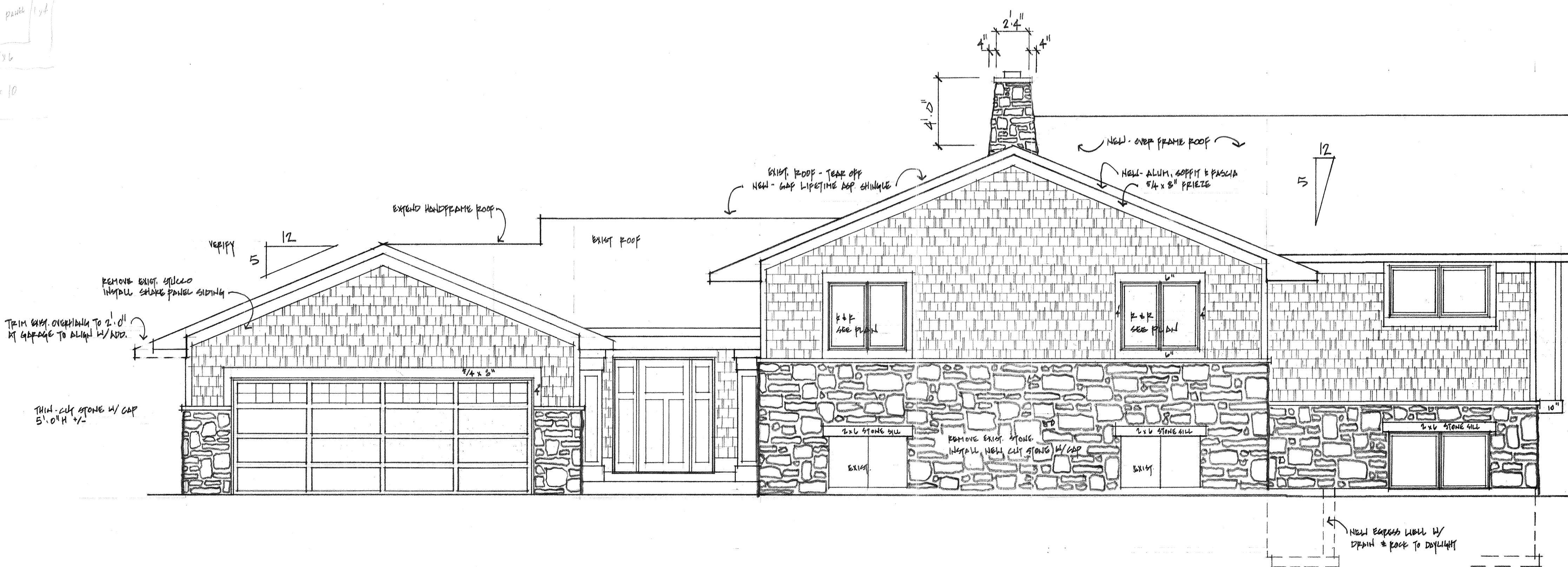
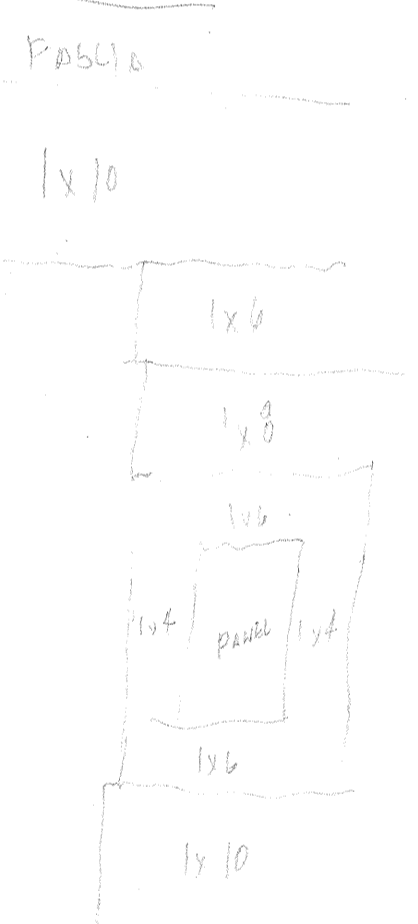
FINE HOMES AND
RENOVATIONS

10920 KINGSBOROUGH CT.
COTTAGE GROVE, MN. 55016

BEN & BREANNA PEPIN
8690 LAKE JANE TRAIL
LAKE ELMO, MN



2 REAR ELEVATION
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

REVISION RECORD

1	6.20.17	
2		
3		
4		
5		
6		

PROJ. NO.

SHEET

1 OF 5

From: [Sorensen, Jenifer \(DNR\)](#)
To: [Emily Becker](#)
Subject: RE: Lake Jane Variance Request 8690 Lake Jane Trail North
Date: Friday, July 07, 2017 10:16:13 AM

Yes, I'd like to include this comment. Since the structure is expanding toward the shoreline, this would seem like a reasonable expectation to have the landowner construct the gutters such that they redirect the runoff to an area of infiltration.

Thanks –

Jen

Jenifer Sorensen

East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754
Email: jenifer.sorensen@state.mn.us

From: Emily Becker [mailto:EBecker@lakeelmo.org]
Sent: Friday, July 07, 2017 9:26 AM
To: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Subject: RE: Lake Jane Variance Request 8690 Lake Jane Trail North

Jen,

As noted in the application, the impervious surface will in fact be decreased, as they will be removing existing asphalt and bituminous surface. Please let me know that you saw this and if you still recommend that they install the rain garden.

Emily Becker
City Planner
City of Lake Elmo
651-747-3912
ebecker@lakeelmo.org



From: Sorensen, Jenifer (DNR) [mailto:jenifer.sorensen@state.mn.us]
Sent: Thursday, July 06, 2017 7:01 PM

To: Emily Becker <EBecker@lakeelmo.org>

Subject: RE: Lake Jane Variance Request 8690 Lake Jane Trail North

Emily –

MNDNR has the following comment for the variance request for 8690 Lake Jane Trail North to expand the existing residential structure:

- If a variance is granted for this project, MNDNR recommends that the City of Lake Elmo include condition on the variance that mitigates for the impervious surface created by the further encroachment of the structure within the OHW setback, such as:
 - Direct rain gutter discharges into a rain garden (infiltration basin designed to capture and infiltrate runoff).

Thank you for the opportunity to comment on this variance request.

Jen

Jenifer Sorensen

East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St Paul, MN 55106

Phone: 651-259-5754

Email: jenifer.sorensen@state.mn.us

From: Emily Becker [<mailto:EBecker@lakeelmo.org>]

Sent: Friday, June 30, 2017 11:02 AM

To: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>

Subject: Lake Jane Variance Request 8690 Lake Jane Trail North

Jen,

Attached is another shoreland variance request and very rough draft staff report. Please note that the impervious surface will not actually increase, it will decrease, as they are proposing to remove existing impervious surface. The public hearing will be held on July 24, so please have any comments in by July 19th at the latest.

Emily Becker

City Planner

City of Lake Elmo

651-747-3912

ebecker@lakeelmo.org





MORGAN JENKINS
Residential Design, LLC
 10920
KINGSBOROUGH COURT
COTTAGE GROVE
MN. 55016
 651-261-7931

All ideas, designs, arrangements, plans and specifications indicated or represented by this drawing are owned by, and property of Morgan Jenkins Residential Design, LLC, and others as per approved Design Agreement. No copy or partial copy of these ideas, designs, arrangements, plans or specifications shall be used without written approval for any purpose. Contact with these plans shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions shall have precedence over scaled dimensions. General contractors and subcontractors shall verify and be responsible for all dimension and conditions on the job. This office must be notified of any variations from the dimensions and/or conditions shown by these drawings. Where required, shop drawings must be submitted to this office for approval prior to ordering.
 Copyright 2004

GLENWOOD

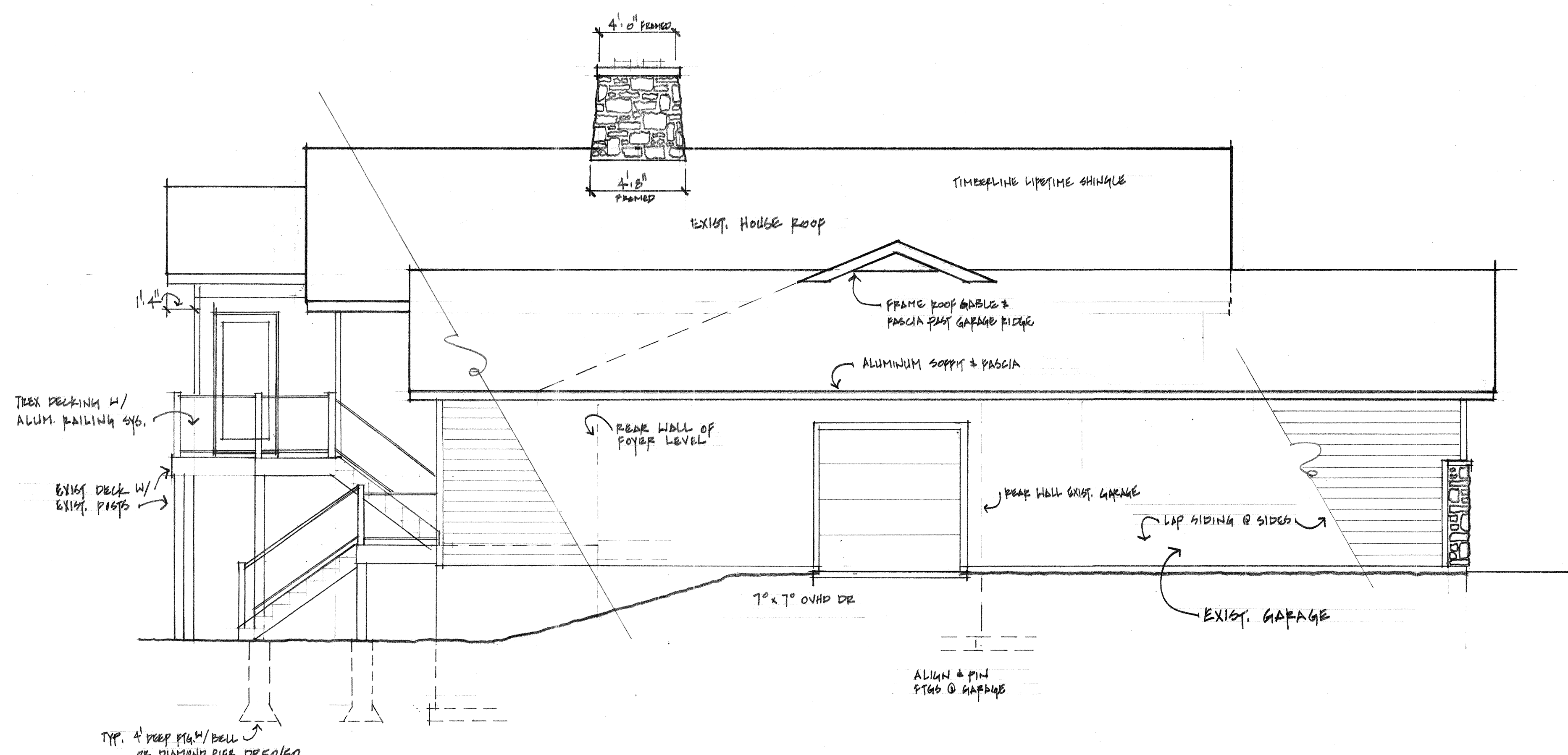
HOMES, LLC

MORGAN JENKINS
 651-261-7931

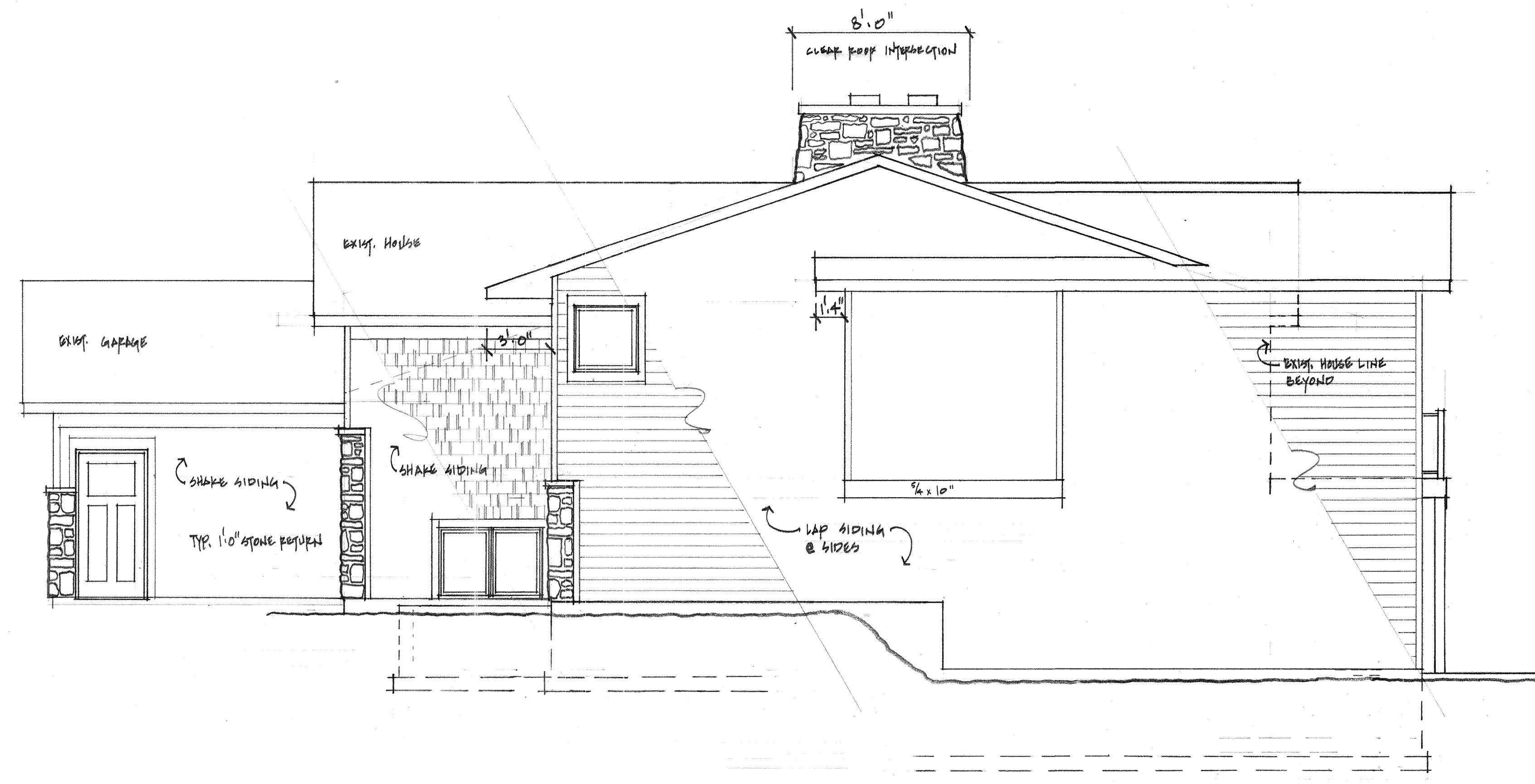
FINE HOMES AND RENOVATIONS

10920 KINGSBOROUGH CT.
 COTTAGE GROVE MN. 55016

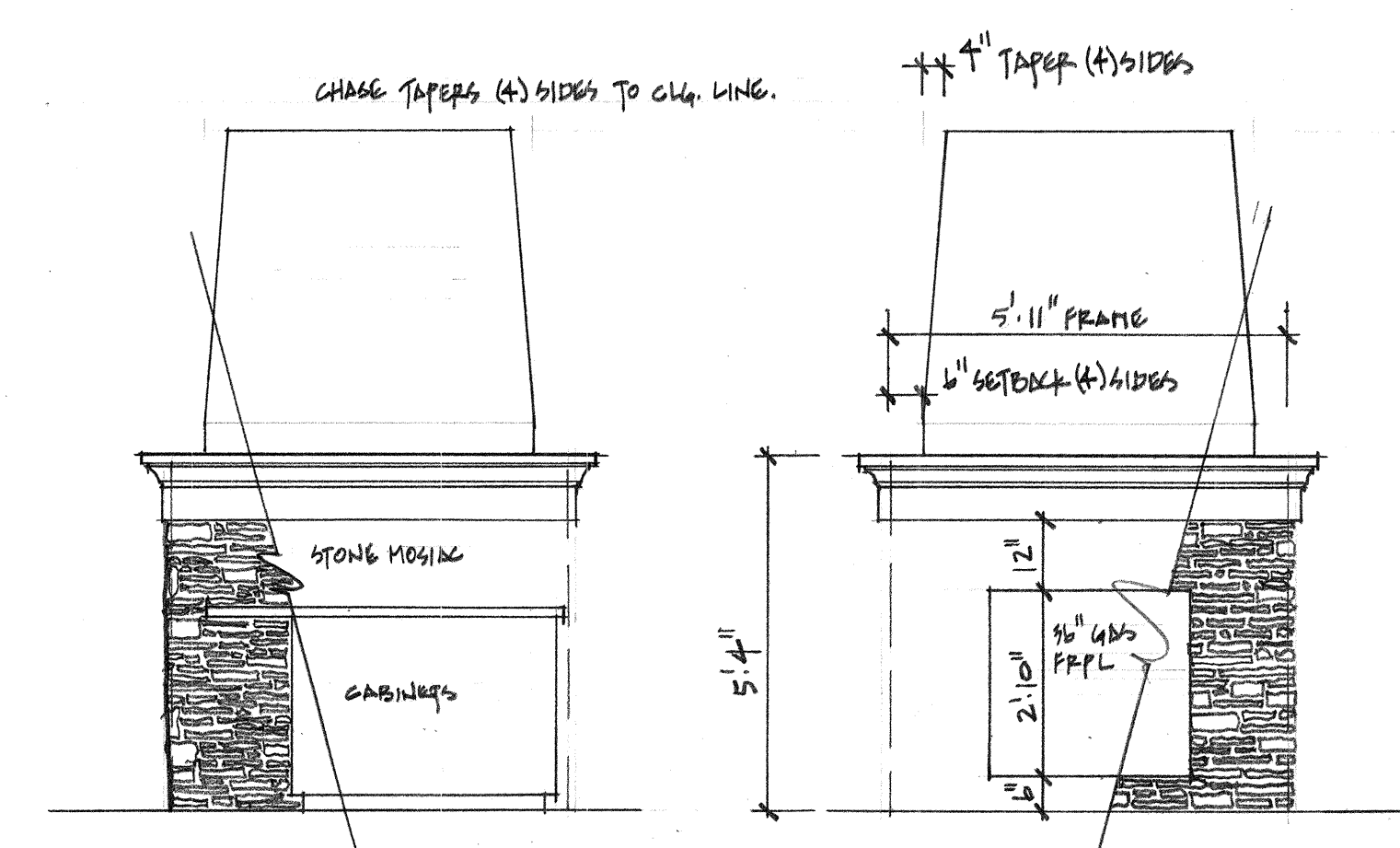
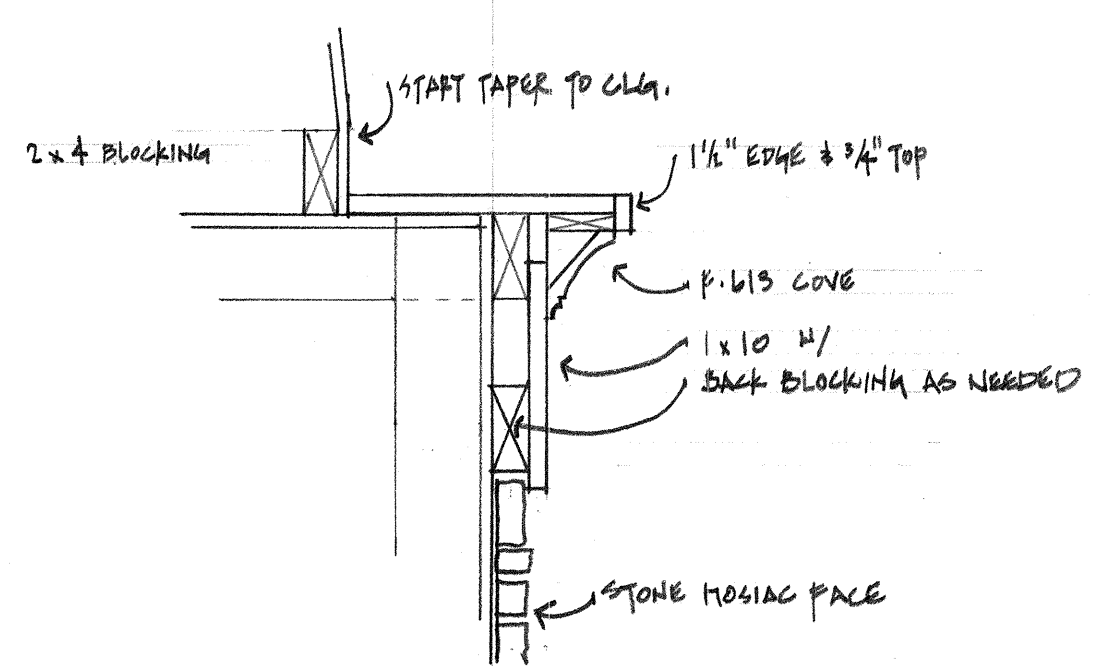
BEN & BREANNA PEPIN
2690 LAKE JANE TRAIL
LAKE ELMO, MN



LEFT ELEVATION
 SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"



FIREPLACE DETAIL
 SCALE: 3/8" = 1'-0"

REVISION RECORD	
1	6.20.17
2	
3	
4	
5	
6	

PROJ. NO.

SHEET **2** OF **5**

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

RESOLUTION 2017-083

*A RESOLUTION APPROVING A VARIANCE TO ALLOW EXPANSION OF A NON-
CONFORMING STRUCTURE NOT MEETING MINIMUM STRUCTURE SETBACK
REQUIREMENTS FROM THE ORDINARY HIGH WATER LEVEL OF THE CITY'S
SHORELAND DISTRICT*

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

WHEREAS, Glenwood Homes, 10920 Kingsborough Ct, Cottage Grove, MN 55016 (“Applicant”), has submitted an application to the City of Lake Elmo (the “City”) for a variance to allow the expansion of a non-conforming structure not meeting the minimum structure setback requirement from the Ordinary High Water Level (OHWL). The proposed additions to the structure do not encroach further in to the existing setback of 73.6 feet from the OHWL and include a 640 square foot addition; 196 square foot porch; 188 square foot patio; 626 square foot addition to his garage (including a 129 square foot storage area); and a 12 foot X 10 foot temporary storage structure on the existing concrete pad to the east of the proposed addition.

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 July 24, 2017; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated July 24, 2017; and

WHEREAS, the City Council considered said matter at its August 1, 2017 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 additions to an existing single-family detached home that does not meet the minimum structure setback requirement from the OHWL.
- 4) That the Variance will be located on property legally described as follows: Lot 8, Block 1, Lake Jane Manor No. 1, Washington County, Minnesota, PID# 09.029.21.42.0014.
- 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: The subject property was platted and the house was built prior to adoption of Shoreland standards by the City and therefore the house does not meet the minimum structure setback requirement from the Ordinary High Water Level and is legal non-conforming. The property owner wants to expand the current home and garage, and because of the location of the septic tank and septic mound in the front yard as well as the location of the garage near the side yard, it is not an option to do so in the front of the existing house or on the side of the existing garage.***
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: The property owner did not plat the lot or construct the original home. Both were done prior to adoption of the City's shoreland standards.***
- 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 proposed additions do not encroach any further than the existing deck in to the setback from the Ordinary High Water Level of Lake Jane, and therefore the degree of non-conformity is not being increased. The proposed addition will not further impair lake views for adjacent or nearby property owners. Additionally, the proposed additions will not increase the amount of impervious surface on the property; rather the Applicant will decrease the total amount of impervious surface on the property by removing existing concrete and bituminous surface.***
- 8) That the proposed variance will not impair an adequate supply of light and air to properties 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 additions will not further impair lake views of neighboring properties. They also will not increase congestion of public streets or substantially diminish or impair property values within the neighborhood.***

CONCLUSIONS AND DECISION

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

- 1) The Applicant shall secure any required permits and plan approvals from the City and other applicable jurisdictions.

- 2) The Applicant shall provide an escrow in the amount of an estimated cost of the removal of the existing bituminous and concrete surface as shown on the proposed survey.
- 3) The Applicant shall either (at the Applicant's option) use pervious pavers on the proposed patio area or construct a rain garden (at a size as recommended by the Valley Branch Watershed District) to contain runoff.

Passed and duly adopted this 1st day of August 2017 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk